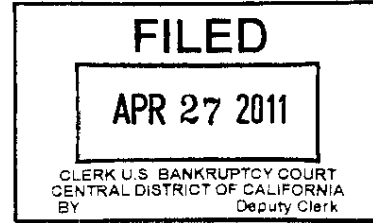


1 Don Logan
2 P.O. Box 1564
3 Costa Mesa, California 92626
4 Tel (949) 872 6806



5 Interested Party, Don Logan *in propria persona*

6 UNITED STATES BANKRUPTCY COURT
7 CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION

<p>8 In re 9 COBALIS CORP., Debtor-in-Possession.</p>	<p>Case No. 8:07:12347-TA Chapter 11</p>
<p>10 COBALIS CORP., a Nevada corporation, 11 12 Plaintiff, 13 vs. 14 15 YA GLOBAL INVESTMENTS, L.P., a Delaware limited partnership, formerly known as 16 CORNELL CAPITAL PARTNERS, LP; and 17 YORKVILLE ADVISORS, LLC, a Delaware limited liability company, 18 19 Defendants.</p>	<p>Adversary No. 08:09-AP-01705-TA <i>APPLICATION &</i> MOTION BY DON RAMEY LOGAN FOR AN ORDER TO SHOW CAUSE FOR CONTEMPT OF COURT BY THE COMMISSION OF PERJURY CIVIL & CRIMINAL CONTEMPT UNDER 18 U.S.C. 1621, 18 U.S.C. 1622 & 18 U.S.C. 1623 & Section 1746 of title 28 Date: Time: Court Room:</p>

W

23 This motion for a Order to Show Cause is herein requested as supported by the attached
24 declaration of Don R Logan based upon the following facts:

25
26 **The "Order to Show Cause" issued January 18th 2011 was issued by the court**
27 **based on a continuing series of "Fabricated Facts" and using these fabricated facts**
28 **attorney Charles McDowell did in fact seek to substantiate a Motion for Contempt**

1 of Court issued by this court pursuant to the declaration of Charles Lucky
2 McDowell in support of this order that contained fabricated and knowingly false
statements.

3 Attorney Charles Lucky McDowell has fabricated facts that were offered to the
4 court in an effort to impede the judicial process. Furthermore the California bar
5 ethical validations are of further concern, as Attorney Charles Lucky McDowell has
6 clearly violated a number of facets of that doctrine in fabricated lies in the
7 document titled "Order to Show Cause" in violation of CIVIL & CRIMINAL
8 CONTEMPT UNDER 18 U.S.C. 1621, 18 U.S.C. 1622 & 18 U.S.C. 1623 & Section
1746 of title 28v nd as these 2 attorneys are in this state under a motion Pro Hac
Vice, the ethical violations are clearly within the jurisdictions of the California Bars
ethical standards.

9 Perjury is considered a serious offense as it can be used to usurp the power of the
10 courts, that would resulting in miscarriage of justice. In the United States, the
11 general perjury statute under Federal law defines perjury as a felony and provides
12 for a prison sentence of up to five years and we feel that the attorney listed in this
13 motion here, whom are in representing the "Defendants" Yorkville Advisors aka
14 YAGI has unconditionally and without question, committed criminal perjury and
should be held in contempt of court for each cause of perjury proffered in this case
to the court and bound over for criminal trial at once.

15 Furthermore the conduct of this slick attorney clearly is designed to be obstructive
16 and impede the fundamental goal of resolving a dispute, through this crafty delay
17 in the effort to deny justice. Furthermore this slick attorney has offered, "as facts"
18 information without any factual basis, this clearly shows improper motives as Mr.
McDowell seeks to create a "record" that has not occurred.

19 The sole object of Mr. McDowell is to create a burden upon a non related party,
20 Mr. McDowell has lied over and over again ion open court and in court filed
21 documents in a clear effort to avoid the disclosure of relevant forged and altered
22 documents in a manner that is designed create confusion and get them additional
time and in fact the courts aid to hide the existence of documents that are
incriminating and provide proof of the crimes that have taken place.

23 This motion herein is accomplished by the attached declarations of Don Ramey
24 Logan.

25 Respectfully submitted: Date: April 27, 2011

26 

27 Don R Logan, *in propria persona*

1 Don Logan
2 P.O. Box 1564
3 Costa Mesa, California 92626
4 Tel (949) 872 6806

5 Interested Party, Don Logan *in propria persona*

6 **UNITED STATES BANKRUPTCY COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION**

8 In re 9 COBALIS CORP., 10 Debtor-in-Possession.	Case No. 8:07:12347-TA Chapter 11
11 COBALIS CORP., a Nevada corporation, 12 Plaintiff, 13 vs. 14 YA GLOBAL INVESTMENTS, L.P., a Delaware 15 limited partnership, formerly known as 16 CORNELL CAPITAL PARTNERS, LP; and 17 YORKVILLE ADVISORS, LLC, a Delaware 18 limited liability company, 19 Defendants.	Adversary No. 08:09-AP-01705-TA DECELERATION BY DON LOGAN IN SUPPORT OF REQUEST FOR AN ORDER TO SHOW CAUSE WHY ATTORNEY CHARLES LUCKEY MCDOWELL SHOULD NOT BE FOUND IN CIVIL & CRIMINAL CONTEMPT UNDER 18 U.S.C. 1621, 18 U.S.C. 1622 & 18 U.S.C. 1623 & Section 1746 of title 28

20
21
22 **TO THE HONORABLE THEODOR C. ALBERT, UNITED STATES**
23 **BANKRUPTCY JUDGE, COUNSEL FOR DEFENDANTS AND PARTIES IN**
24 **INTREST.**

25 **Don Ramey Logan, hereby PETITION FOR AN ORDER TO SHOW CAUSE WHY**
26 **ATTORNEY Charles Lucky McDowell, SHOULD NOT BE FOUND IN CIVIL &**
27 **CRIMINAL CONTEMPT OF COURT FOR PERJURY UNDER 18 U.S.C. 1621, 18**
28 **U.S.C. 1622 & 18 U.S.C. 1623 & Section 1746 of title 28**

1 **There are three general federal perjury laws. One, 18 U.S.C. 1621, outlaws presenting**
2 **material false statements under oath in federal official proceedings. A second, 18 U.S.C.**
3 **1623, bars presenting material false statements under oath before or ancillary to federal**
4 **court or grand jury proceedings. A third, 18 U.S.C. 1622 (subornation of perjury),**
5 **prohibits inducing or procuring another to commit perjury in violation of either Section**
6 **1621 or Section 1623.**

7 **Statements of interpretation of fact are not perjury because people often make inaccurate**
8 **statements unwittingly and not deliberately. Individuals may have honest but mistaken**
9 **beliefs about certain facts, or their recollection may be inaccurate. Like most other crimes**
10 **in the common law system, to be convicted of perjury one must have had the intention**
11 **(mens rea) to commit the act, and to have actually committed the act (actus reus).**

12 **Subornation of perjury, attempting to induce another person to perjure themselves, is**
13 **itself a crime. Offering false information in any declaration, certificate, verification, or**
14 **statement under penalty of perjury as permitted under section 1746 of title 28, United**
15 **States Code, willfully subscribes as true any material matter which he does not believe to**
16 **be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be**
17 **fined under this title or imprisoned not more than five years, or both. This section is**
18 **applicable whether the statement or subscription is made within or without the United**
19 **States.**

20 **1622 Subornation of perjury is a serious offence. It may be applied to an attorney who**
21 **presents testimony (or an affidavit) the attorney knows is materially false to a judge or**
22 **jury as if it were factual. Generally, the knowledge that the testimony is materially false**
23 **must rise above mere suspicion to what a reasonable attorney would have believed in the**
24 **circumstances. For example, the attorney cannot be willfully blind to the fact that their**
25 **witness is giving false testimony. An attorney who actively encourages a witness to give**
26 **false testimony as we see here in this case via the offering of a series of fabrications from**
27 **Charles McDowell (a.k.a. Luckey) is clearly guilty of suborning perjury.**

28 **In January, 2011, Charles L McDowell devised a scheme that was based upon his**
29 **proffering of false information to the court in a effort to obtain jurisdiction over a non**
30 **party to a case he has seemingly lost control over. Mr McDowell fabricated a series of**
31 **FACTS for the court A true and correct copy of the Order To Show Cause is herein**
32 **attached as EXHIBIT 1.**

18 U.S.C. 1623. False declarations before grand jury or court.

33 **In most cases, the courts abbreviate their description of the elements and state that to**
34 **prove perjury under Section 1623 the government must establish that the defendant "(1)**
35 **knowingly made a (2) false (3) material declaration (4) under oath (5) in a proceeding**
36 **before or ancillary to any court or grand jury of the United States." The courts generally**

1 favor the encapsulation from *United States v. Dunnigan* to describe the elements of Section
2 1621: "A witness testifying under oath or affirmation violates this section if she gives false
3 testimony concerning a material matter with the willful intent to provide false testimony,
4 rather than as a result of confusion, mistake, or faulty memory." Section 1622 outlaws
5 procuring or inducing another to commit perjury:

6 "Whoever procures another to commit any perjury is guilty of subornation of perjury,
7 and shall be fined under this title or imprisoned for not more than five years, or both", 18
8 U.S.C. 1622.

9 The false statement statute, 18 U.S.C. 1001, is closely akin to the perjury statutes. It
10 outlaws false statements in any matter within the jurisdiction of a federal agency or
11 department, a kind of perjury with oath prohibition.

12 Federal perjury laws are found principally in chapter 79 of title 18 of the United States
13 Code.² The chapter consists of three sections: Section 1623 under which perjury involving
14 judicial proceedings is most often prosecuted today; the historic perjury provision, Section
15 1621, now used primarily for cases where Section 1623 is unavailable and in sentencing
16 enhancement cases; and Section 1622 that outlaws subornation of perjury. Section 1001 of
17 title 18 – a statute much like the perjury laws but without the requirement that the
18 offender have taken an oath – outlaws material false statements in any matter within the
19 jurisdiction of any federal agency or department, and to a limited extent within the
20 jurisdiction of any federal court or Congressional entity.

21 Prohibitions against misconduct very much like perjury are scattered throughout the
22 United States Code. The most widely prosecuted is probably 18 U.S.C. 1001, discussed
23 *infra*, that outlaws material false statements made with respect to a matter within the
24 jurisdiction of a department or agency of the United States.

25 *18 U.S.C. 1961(1), 1956(c)(7). 18 U.S.C. 2, 3, 4, 371. E.g., United States v. Atalig, 502 F.3d*
26 *1063, 1065 (9th Cir. 2007)(conspiracy to violate 18 U.S.C. 1001); cf., United States v. Dunne,*
27 *324 F.3d 1158, 1162-163 (10th Cir. 2003).*

28 Subsection 1623 permits a conviction in the case of two mutually inconsistent declarations
without requiring proof that one of them is false, 18 U.S.C. 1623(c); it recognizes a limited
recantation defense, 18 U.S.C. 1623(d); it dispenses with the so-called two-witness rule, 18
U.S.C. 1623(e); and it employs a "knowing" mens real standard rather than the more
demanding "willfully" standard used in subsection 1621. Federal perjury laws are found
principally in chapter 79 of title 18 of the United States Code.² The chapter consists of
three sections: Section 1623 under which perjury involving judicial proceedings is most
often prosecuted today; the historic perjury provision, Section 1621, now used primarily
for cases where Section 1623 is unavailable and in sentencing enhancement cases; and
Section 1622 that outlaws subornation of perjury. Section 1001 of title 18 – a statute much
like the perjury laws but without the requirement that the offender have taken an oath –
outlaws material false statements in any matter within the jurisdiction of any federal
agency or department, and to a limited extent within the jurisdiction of any federal court
or Congressional entity.

1
2
3 **Perjury in a Judicial Context (18 U.S.C. 1623)**

4 Congress enacted Section 1623 to avoid some of the common technicalities embodied in the
5 more comprehensive perjury provisions found in subsection 1621 and thus “to facilitate
6 perjury prosecutions and thereby enhance the reliability of

7 *Dunn v. United States, 442 U.S. 100, 107 (1979), citing, S.REP.NO. 91-617, at 58-9 (1969).*

8 “Wherever, under any law of the United States or under any rule, regulation, order, or
9 requirement made pursuant to law, any matter is required or permitted to be supported,
10 evidenced, established, or proved by the sworn declaration, verification, certificate,
11 statement, oath, or affidavit, in writing of the person making the same (other than a
12 deposition, or an oath of office, or an oath required to be taken before a specified official
13 other than a notary public), such matter may, with like force and effect, be supported,
14 evidenced, established, or proved by the unsworn declaration, certificate, verification, or
15 statement, in writing of such person which is subscribed by him.

16 **18 U.S.C. 1623(a) testimonies before federal courts LIKE THIS ONE.**

17 **Parsed into elements, Section 1623 declares that: I. Whoever II. a. under oath or b. in any
18 i. declaration, ii. certificate, iii. verification, or iv. statement under penalty of perjury as
19 permitted under Section 1746 of title 28, United States Code III. in any proceeding before
20 or ancillary to a. any court or b. grand jury of the United States IV. knowingly V. a. makes
21 any false material declaration or b. makes or uses any other information, including any i.
22 book, ii. paper, iii. document, iv. record, v. recording, or vi. other material, knowing the
23 same to contain any false material declaration, shall be fined under this title or imprisoned
24 not more than five years, or both.**

25 **United States v. Safa, 484 F.3d 818, 821 (6th Cir. 2007)** (“To convict an individual of a
26 violation of 18 U.S.C. 1623, the government must prove beyond a reasonable doubt that
27 the defendant: (1) knowingly made, (2) a materially false declaration (3) under oath (4) in
28 a proceeding before or ancillary to any court of the United States”); **United States v.**
Pagan-Santini, 451 F.3d 258, 266 (1st Cir. 2006) (“A statement under oath constitutes
perjury if it is false, known to be so and material to the proceeding”); **United States v.**
Clifton, 406 F.3d 1173, 1177 (10th Cir. 2005) (“The government must prove the following
elements beyond a reasonable doubt under §1623: (1) the defendant made a declaration
under oath before a grand jury; (2) such declaration was false; (3) the defendant knew the
declaration was false and (4) the false declaration was material to the grand jury’s
inquiry”); **United States v. Hirsch, 360 F.3d 860, 864-65 (8th Cir. 2004)**(the government
had to prove the following four elements beyond a reasonable doubt: (1) Hirsch gave the
testimony under oath in his criminal trial; (2) such testimony was false in whole or in part;

1 (3) at the time he so testified, he knew his testimony was false; and (4) the false testimony
was material.

2 Charles L McDowell has in fact (1) knowingly made, (2) a materially false declaration (3)
3 under oath (4) in a proceeding before or ancillary to any court of the United States”);
4 United States v. Pagan-Santini, 451 F.3d 258, 266 (1st Cir. 2006)(“A statement under oath
5 constitutes perjury if it is false, known to be so and material to the proceeding”); United
6 States v. Clifton, 406 F.3d 1173, 1177 (10th Cir. 2005) as was demonstrated by his offering
7 of e mails, in the hearing April 5th 2011 in place of a genuine COURT ORDER. He is a
8 highly trained a certified attorney, that has been allowed to act as a attorney in the State of
9 California via a motion for Pro Hac Vice. Mr. McDowell knew well in advance of his
10 issuing the court order for contempt of court, that HE HAD NO COURT ORDER, and
11 once confronted in open court with his material fabrication he offered 2 self serving e
12 mails designed to give the illusion that he once requested a court order, demonstrating that
13 MR MCDOWELL WAS WELL AWARE OF HIS CHARADE ON THE COURT.

- 14 • The fact here is simple, Mr McDowell offered to the court that he had a court
15 order, that material FACT was the basis for the entry of a order of the court.
- 16 • Mr. McDowell knew well in advance of the request and issuance of the court order
17 for Contempt of Court that he was in fact making a materially FALSE statement
18 before a federal court proceeding.
- 19 • The simple fact that this data was entered upon the docket and is now reflected to
20 any public search of this case is material to the facts contained herein this
21 declaration.

22 “The government must prove the following elements beyond a reasonable doubt under
23 §1623: (1) the defendant made a declaration under oath before a court of grand jury;
24 (2) such declaration was false;
25 (3) the defendant knew the declaration was false and
26 (4) the false declaration was material to the courts inquiry”;

27 The court can have no question that LOGAN has made his case for a judgment upon Mc
28 McDowell

United States v. Hirsch, 360 F.3d 860, 864-65 (8th Cir. 2004)the government had to prove
the following four elements beyond a reasonable doubt: (1) Hirsch gave the testimony
under oath in his criminal trial; (2) such testimony was false in whole or in part; (3) at the
time he so testified, he knew his testimony was false; and (4) the false testimony was
material.

Attorney Charles Lucky McDowell fabricated lies and committed criminal perjury herein
alleged in this motion on or about January 11, 2011, (“Motion”). The Motion seeks to Issue

1 a order for Contempt of Court. As is described in this document herein these 2 attorneys
2 have fabricated facts that were offered to the court in an effort to impede the judicial
3 process. Mr. McDowell HAS NO ORDER, Mr McDowell has offered the court a E Mail, in
4 the place of a court order. An e mail is NOT A COURT ORDER his motion titled Motion
5 for Contempt of Court was designed to harass and intimidate Logan and cause the court to
6 falsely issue a order upon moving party in this motion that would effectively deny his
7 constitutional rights.

8 Mr. McDowell clearly has LIED TO THE COURT and insisted that he had a ORDER
9 FROM THE COURT THAT SEALED ALL RECORDS, when as shown in the attached
10 letter from the actual recipient of the letter, THIS CLAIM IS A OUT RIGHT
11 FABRICATION, AND AN EFFORT TO INTRODUCE FACTS INTO THE CASE THAT
12 SIMPLY ARE NOT TRUE. This Attorney should know better then to offer lies to the
13 court and that is what has taken place herein this case. Mr. McDowell was successful in his
14 efforts to harass and intimidate Logan, as Logan was admitted into HOAG hospital only
15 hours after the hearing with an ailment that has been attributed to being caused by this
16 stress. Logan was in the hospital for 3 days with IV needles in his arm suffering from
17 violent internal problems that were the direct result of stress caused by Mr. McDowell's
18 charade for the court.

19 The court must be clearly aware of the fact that Mr. McDowell has in fact tricked the
20 court into issuing an order that restricts Logan's rights under the US Constitution, and
21 impedes his ability to defend a case on the other side of the country. In short the court has
22 in fact awarded Mr. McDowell for his trickery and deceit by the imposition of orders upon
23 a person whom this court has no authority to issue orders upon. During the hearing on
24 April 5th 2011, Mr McDowell acknowledges that he tricked LOGAN into the courts,
25 quoting Mr. McDowell from the hearing, "Aaa haaa, we have no court order" combined
26 with the attached Exhibit 2 and Exhibit 3 copies of e mails presented in court to
27 substantiate Mr. McDowells lack of a real court order, is in fact an admission of the fact
28 that Mr. McDowell LIED TO THE COURT ON MATERIAL FACTS IN AN EFFORT
TO MANIPULATE THE JUDICIAL SYSTEM, a quest that he did in fact achieve via the
courts issuance of the court order regarding the use of discovery items directed ONLY at
LOGAN.

Charles McDowell (a.k.a. Luckey McDowell) has lied to the court and commits a serious
offense that warrants further criminal proceeding as well as notification of the California
Bar of his judicial misconduct to further admonish Mr. McDowell for his judicial deceit
and mis conduct.

CONCLUSION

1 **Attorney's must be held as officers of the court to the oath and obligations to the court to**
2 **abide by the laws that each is sworn to uphold. Mr. McDowell is a J.D., from the Duke**
3 **University School of Law, 2001 and as such should know better then to simply lie and**
4 **fabricate stories in court to accomplish his clients objectives and must be held accountable**
5 **for his actions.**

6 **For the reasons set forth herein as well as in my declaration,, Don Logan respectfully**
7 **requests that the court grant the issuance of a contempt of court order and further award**
8 **Mr. Logan the prescribed amount of 500 dollars for each cause as outlined above and**
9 **further request sanction upon attorney Charles Luckey McDowell, additionally with**
10 **criminal proceeding for violations of 18 U.S.C. 1623 and find Charles Luckey McDowell in**
11 **contempt under 18 U.S.C. 1621, 18 U.S.C. 1622 & 18 U.S.C. 1623. & shall be fined under**
12 **this title and/or imprisoned not more than five years, or both as the court deems fit.**
13 **LOGAN herein request the court forward the attached: AO 91 Criminal Complaint, to**
14 **the U.S. Attorneys office for further criminal prosecution, as is required under Federal**
15 **statutes outlined in the above brief.**

16 **This type of Judicial misconduct MUST BE HALTED within the legal system if the public**
17 **is expected to have any faith in our justice system what so ever, as such LOGAN herein**
18 **requests that the court using its authority to send a signal that this behavior can not be**
19 **tolerated in the court system and LOGAN requests that the court bind this matter over for**
20 **criminal prosecution.**

21 **Respectfully submitted: Date: April 27, 2011**

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23 **Victim, Don Logan *in propria persona***

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PROOF OF SERVICE OF DOCUMENTS

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is PO Box 1564 Costa Mesa CA 92627. A true and correct copy of the foregoing document(s) described as:

OBJECTION TO ORDER HEARD ON APRIL 4, 2011

will be served or was served (a) on the Judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the document. As of January 7, 2011, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

Keith C. Owens
Foley & Lardner LLP
555 South Flower Street, 35th Floor
Los Angeles, CA 90071-2411
kowens@foley.com

United States Trustee (SA)
411 W Fourth St., Suite 9041
Santa Ana, CA 92701-4593
ustpregion16.sa.ecf@usdoj.gov

Robert P Goe
Goe & Forsythe, LLP
18101 Von Karman, Ste 510
Irvine, CA 92612
kmurphy@goeforlaw.com

II. SERVED BY U.S. MAIL AND/OR OVERNIGHT MAIL:

On April 8, 2011, I served the following persons and/or entities by U.S. Mail at the last known addresses in this bankruptcy case or adversary proceeding. I also served the following persons and/or entities by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the Judge here constitutes a declaration that personal delivery on the Judge will be completed no later than 24 hours after documentation is filed.

Via U.S. Mail
Debtor Cobalis Corporation
Attn: Chaslav Radovich, President
2030 Main Street, Suite 1300

Irvine, CA 92614

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL:

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on April 11, , 2011, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

Via Personal Delivery to Chambers

The Honorable Theodor C. Albert
U.S. Bankruptcy Court – Santa Ana
411 West Fourth Street,
Santa Ana, CA 92701

Via mail

C. Luckey McDowell
Baker Botts LLP
2001 Ross Avenue
Dallas, TX 75201-2980
Email: luckey.mcdowell@bakerbotts.com

Via mail

Richard B. Harper
Kristin E. Flood
Baker Botts LLP
30 Rockefeller Plaza, 44th Floor
New York, NY 10112
Email: richard.harper@bakerbotts.com

Via Email

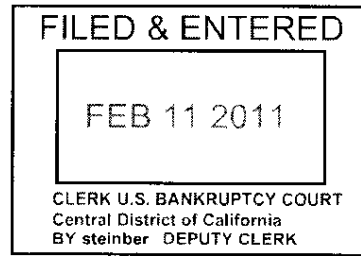
David Filler / John Kelso
Levey, Filler, Rodriguez, Kelso & DeBianchi
1688 Meridian Ave., Ste. 902
Miami Beach, FL 33139
Email: dfiller@leveyfiller.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

04/11/11
Date

Don Logan
Type Name

/s/ Don Logan
Signature



Keith C. Owens (CA State Bar No. 184841)

FOLEY & LARDNER LLP
555 South Flower Street, Suite 3500
Los Angeles, California 90071-2411
Telephone: 213.972.4500
Facsimile: 213.486.0065
Email: *kowens@foley.com*

C. Luckey McDowell (TX State Bar No. 24034565)

BAKER BOTTS L.L.P.
2001 Ross Avenue
Dallas, Texas 75201-2980
Telephone: 214.953.6500
Facsimile: 214.661.6503
Email: *luckey.mcdowell@bakerbotts.com*

Counsel for YA Global Investments, L.P.

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION**

In re:

**COBALIS CORPORATION,
Debtor.**

Cobalis Corporation

v.

**Cornell Capital Partners LP,
Yorkville Advisors LLC, and
YA Global Investments, L.P.**

Case No 8:07-bk-12347-TA

Chapter 11

Adversary No. 8:09-ap-01705-TA

ORDER TO SHOW CAUSE

Date: January 18, 2011

Time: 11:00 a.m. PST

Ctrm: 5B

OSC Hearing: April 5, 2011
Time: 2:00 p.m. PST
Courtroom: 5B

Having considered the arguments and evidence presented at the hearing held on
January 18, 2011 (the "Hearing") related to statements made on the website www.yagiscam.com
(the "Website"), the Court hereby:

[Faint, illegible text, possibly a signature or stamp]

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: Foley & Lardner, LLP, 555 S. Flower Street, Suite 3500, Los Angeles, CA 90071-2300.

A true and correct copy of the foregoing document described **ORDER TO SHOW CAUSE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and LBR(s), the foregoing document will be served by the court via NEF and hyperlink to the document. On _____ I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

NOTE: - Proposed orders are not docketed. Therefore, do not list any addresses in Category I.

II. SERVED BY UNITED STATES MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served): On January 21, 2011 I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Via U.S. Mail
Don Logan
20191 Cape Coral Ln. 107
Huntington Beach, CA 92646-8515

Via U.S. Mail
Gregory Grantham
Law Office of Gregory Grantham
610 Newport Center Dr, Ste 600
Newport Beach, CA 92660

Via U.S. Mail
Office of the United States Trustee
411 West Fourth Street
Santa Ana, CA 92701

Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on January 21, 2011 I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

By hand delivery:

- The Honorable Theodor C. Albert, USBC, 411 West Fourth Street, Santa Ana, CA 92701

By email transmission:

- Robert P Goe rgoe@goeforlaw.com; kmurphy@goeforlaw.com
- Warren N. Nemiroff wnemiroff@yahoo.com
- John Saba jsbklaw@gmail.com
- Gregory Grantham granthamgreg@gmail.com
- Don Logan 4thecoldtruth@gmail.com

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Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

1/21/11
Date

Susan C. Vasquez
Type Name

/s/ Susan C. Vasquez
Signature

NOTE TO USERS OF THIS FORM:

- 1) Attach this form to the last page of a proposed order or judgment. Do not file as a separate document.
- 2) The title of the judgment or order and all service information must be filled in by the party lodging the order.
- 3) **Category I.** below: The United States trustee and case trustee (if any) will always be in this category.
- 4) **Category II.** below: List ONLY addresses for debtor (and attorney), movant (or attorney) and person/entity (or attorney) who filed an opposition to the requested relief. **DO NOT** list an address if person/entity is listed in category I.

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) **ORDER TO SHOW CAUSE** was entered on the date indicated as Entered on the first page of this judgment or order and will be served in the manner indicated below:

I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF) Pursuant to controlling General Order(s) and LBR(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of 1/25/11, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

- Robert P Goe kmurphy@goeforlaw.com,
rgoe@goeforlaw.com;mforsythe@goeforlaw.com
- Luckey McDowell luckey.mcdowell@bakerbotts.com
- Keith C Owens kowens@foley.com
- John Saba jsbklaw@gmail.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

Service information continued on attached page

II. SERVED BY THE COURT VIA UNITED STATES MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

Warren N Nemiroff
9595 Wilshire Blvd #900
Beverly Hills, CA 90212

Gregory Grantham
Law Offices of Gregory Grantham
610 Newport Center Drive, Suite 600
Newport Beach, CA 92660

Service information continued on attached page

III. TO BE SERVED BY THE LODGING PARTY: No later than the deadline specified in paragraph 3.b.(3) of this order, the party lodging the order must serve a complete copy bearing an Entered stamp on the persons/entities identified in paragraph 3.b.(3) using the service method(s) required by paragraph 3.b.(3).

Service information continued on attached page

Copy of document that you requested from Lewis Levey is below

From: **WSGNY@aol.com** (wsgny@aol.com)
Sent: Wed 4/27/11 10:13 AM
To: logan_don@hotmail.com

Re: Representations made to Court by McDowell re: your conditional use of dep...
From: LeveyPA@aol.com
To: wsgny@aol.com
Date: Fri, Apr 1, 2011 1:01 am
Rey,

First, I do not recall ever making such an agreement in this case or any case ever. Second, I do not recall anyone asking for such an agreement in this case or any case ever. Third, if there is no agreement on the record about this, then no agreement was reached. It is standard for all agreements reached at a deposition to be placed on the record.

I miss you. Lewis

In a message dated 3/31/2011 4:47:49 P.M. Eastern Daylight Time, wsgny@aol.com writes:

Lewis,

Luckey McDowell claims that you agreed that the deposition you took of David Gonzalez was predicated on an "attorney's eyes" only basis.

I was present for the first half hour or so and do not recall any discussion about this subject. Nor does the transcript show any.

Chas gave a transcript to a journalist and it is now available on the web. McDowell is seeking to have the journalist held in contempt. There is a hearing on Tuesday, April 5th, in which I will participate by telephone.

I would like to represent to the Court that based on my personal knowledge, the deposition of Gonzalez was not subject to any special conditions.

Your thoughts, as always, are most appreciated.

Rey

EXHIBIT 2

-----Original Message-----

From: Don Logan <logan_don@hotmail.com>
To: Ray Olsen <wsgny@aol.com>
Sent: Wed, Apr 27, 2011 10:30 am
Subject: RE: Perjury charges upon Mc Dowell

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Central District of California

United States of America)
v.)
Charles Luckey McDowell) Case No.
a.k.a.)
Luckey McDowell)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 11, & April 5, 2011 in the county of Orange in the Central District of California, the defendant(s) violated:

Code Section
18 U.S.C. 1621
18 U.S.C. 1622
18 U.S.C. 1623(a).

Offense Description
Perjury. having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify Presenting material false statements under oath before or ancillary to federal court. Subornation of perjury, attempting to induce another person to perjure themselves. "(1) knowingly made a (2) false (3) material declaration (4) under oath (5) in a proceeding before or ancillary to any court or grand jury of the United States."

This criminal complaint is based on these facts:

See attached affidavit is support of Perjury decleration of D Ramey Logan. Attached exhibits: Transcripts hearings: Judge Albert, Santa Ana California Feb, 11 2011 3pm; April 5, 2011 3pm

Continued on the attached sheet.

D Ramey Logan
Complainant's signature
D Ramey Logan in propria persona
Printed name and title

Sworn to before me and signed in my presence.

Date: 04/06/2011

Judge's signature

City and state: Santa Ana, California

Printed name and title