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POST, KIRBY, NOONAN & SWEAT

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

JASON A. PARK, on behalf of himself and all others similarly situated,	)	Case No.: GIC 768364
	)	
Plaintiff,	)	DECLARATION OF
	)	ROBERT CHINERY, JR.
vs.	)	
	)	(Submitted with Cytodyne's Opposition to
CYTODYNE TECHNOLOGIES, INC., a	)	Plaintiff Jason A. Park's Motion for
New Jersey corporation; and DOES 1 through	)	Sanctions)
100, inclusive.	)	
	)	Trial Date: March 5, 2003
Defendants.	)	Time: 9:00 a.m.
	)	Before the Honorable Ronald L. Styn
	)	Department 56

Court's Ex. 1334  
Case # GIC 768 364  
Rec'd \_\_\_\_\_  
Dept 56 Clk \_\_\_\_\_

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I, Robert Chinery, Jr., declare as follows:

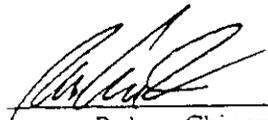
1. I am the president and chief executive officer of Cytodyne Technologies, Inc. ("Cytodyne"). The statements in this declaration are true of my own personal knowledge.

2. It is my standard custom and practice to delete e-mail messages that I receive shortly after receiving them or responding to them. Additionally, it is my standard custom and practice to not save a copy of e-mail messages that I send.

3. I have searched my personal and work computers for e-mail messages that relate to the Eastern Michigan University study, and no such messages are saved or stored on either computer.

4. Cytodyne has responded in good faith to plaintiff's discovery requests in this lawsuit and produced all documents in Cytodyne's possession, custody, or control that Cytodyne was required to produce.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 6, 2003, in San Diego, California.



Robert Chinery, Jr.