

BuyersStrike!

It Was Dark Over Westphalia

Update: Who's Suing Cytodyn Now and What has Dr. Scott Kelly Been Doing About It? (CYDY)

Readers may recall that back at the end of April 2020, we discussed a number of lawsuits filed by former insiders against everyone's favorite reverse-merger pink sheet Coronacraper, **Cytodyn (CYDY)**, and its clown krew of kreme de la kreme managers including **The NaDDir*** and **Dr. Scott Kelly**. Missed it? Catch up [here \(https://buyersstrike.wordpress.com/2020/04/29/whos-suing-cytodyn-now-cydy/\)](https://buyersstrike.wordpress.com/2020/04/29/whos-suing-cytodyn-now-cydy/).

You will find no mention in yesterday's bizarre **Cytodyn** press release touting the utterly **INSignificant** "safety" results from the Phase 2 trial of wonder drug **leronlimab** in mild-to-moderate Covid patients, of any developments in the Delaware case **Alpha Venture Capital Partners LP v. Nader Z. Pourhassan (2020-0307-PAF)**. Nor will you find any mention of legal developments in **The NaDDir's** bizarre rant on a paid stock pumping **video (https://www.youtube.com/watch?time_continue=1&v=13I7ri0yRZs)** put out on Youtube yesterday. Nor will you find any 8k filings from the company about developments in that case.

But there have been developments in the case, bad developments. Developments that **Cytodyn** likely does not want their retail shareholder base to learn about before the vote on authorizing **100mm more shares** today, the 22nd of July.

Back in early May, the company formed a Special Litigation Committee of the Board to conduct an internal investigation of the allegations in the lawsuit. Has **The NaDDir** mentioned this on any of his many stock touting webcasts and conference calls?

On July 21st the court released a letter, dated July 20th, detailing recent unusual actions by **Chairman** and **CMO Dr. Scott Kelly**.

According to the letter:

Mr. Kelly directly contacted Tony Caracciolo, the representative of Plaintiff Caracciolo Family Trust, to discuss this case. Without my knowledge, Mr. Kelly and Mr. Caracciolo had two conversations by telephone on July 17, 2020, and July 18, 2020. Despite Mr. Kelly's text message to Mr. Caracciolo stating that Mr. Kelly "received permission from the attorneys" to reach out to Mr. Caracciolo directly, Plaintiffs' counsel did not receive any notice of Mr. Kelly's intent to do so.

And what did **Kelly** want to discuss?

Kelly attempted to threaten and intimidate Mr. Caracciolo and the other Plaintiffs into dropping their derivative claims. Specifically, Mr. Kelly claimed that this lawsuit is an impediment to the Company's attempt to up-list to NASDAQ, essentially arguing that an asset of the Company (this derivative action) is preventing CytoDyn from being up-listed to NASDAQ. He further stated that if the lawsuit is not "dropped," and the Company is unable to up-list, the Company will publicly "blame" Plaintiffs and "will sue" Plaintiffs for bringing this lawsuit. In other words, in a misguided attempt to circumvent counsel, the SLC, and this Court, Mr. Kelly threatened Mr. Caracciolo with a public smear campaign and a potential lawsuit unless Plaintiffs dropped their derivative claims.

For anyone who needs the obvious pointed out to them (aka anyone long this piece of reverse-merger trash) here is the important part:

"Specifically, Mr. Kelly claimed that **this lawsuit is an impediment to the Company's attempt to up-list to NASDAQ**, essentially arguing that an asset of the Company (this derivative action) is preventing CytoDyn from being up-listed to NASDAQ."

Yet **The NaDDir*** and **Kelly** have repeatedly reassured investors on recent webcasts and calls that **CYDY** qualified for a **NASDAQ** listing, and it was just a matter of paperwork. Clearly, they don't. Is anyone here at **BuyersStrike! HQ** surprised? Hardly.

Want to read a copy of the letter? You can find it on the docket, [here \(https://www.bloomberglaw.com/public/desktop/document/AlphaVentureCapitalPartnersLPvNaderZPourhassanDocketNo20200307De/1?1595412931\)](https://www.bloomberglaw.com/public/desktop/document/AlphaVentureCapitalPartnersLPvNaderZPourhassanDocketNo20200307De/1?1595412931). No access? OK, just this once, here you go, the **July 20 Letter (https://buyersstrike.files.wordpress.com/2020/07/cydy-delawarecasejuly20.pdf)**.

*Spelled thusly for a **double dose** of that sweet sweet **stock pimping**.

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