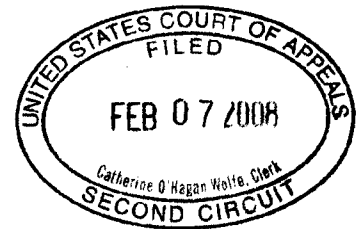


United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 7th day of February, two thousand eight.

Present:

Hon. Sonia Sotomayor,
Hon. Debra Ann Livingston,
Circuit Judges,
Hon. Gregory W. Carman,*
Judge, U.S. Court of International Trade.



Dr. Richard Cordero,

Creditor-Appellant,

v.

06-4780-bk

David DeLano, Mary Ann DeLano,

Debtors-Appellees.

George M. Reiber, as Bankruptcy Trustee, moves to dismiss the appeal as moot. Although Appellant's argument that the Trustee's motion is deficient may be correct, any such deficiencies are minor and, in any event, the appeal is subject to dismissal under this Court's *sua sponte* authority. Upon due consideration, it is hereby ORDERED that the appeal is DISMISSED as equitably moot. *See In re Metromedia Fiber Network, Inc.*, 416 F.3d 136, 144 (2d Cir. 2005); *In re Chateaugay Corp.*, 988 F.2d 322, 326 (2d Cir. 1993).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: 

*The Honorable Gregory W. Carman, of the United States Court of International Trade, sitting by designation.

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, NY 10007; telephone: (212)857-8500

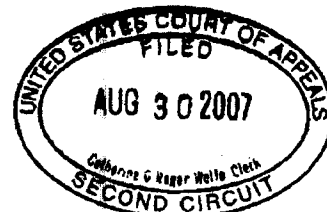
MOTION INFORMATION STATEMENT

Docket Number(s): 06-4780-bk

In Re: Dr. Richard Cordero v.

Motion: for oral argument on the motion of July 18 suggesting en banc consideration of the three denials of the motions for document production to be held before argument is heard on the case in chief

- a) The motion of July 18 suggesting en banc consideration was referred on July 31 to the panel assigned to hear this appeal and set for oral argument on September 25. It was removed from the calendar on August 2 and referred to the motions judge, who referred it back to the panel on August 9. However, no oral argument has been set for that motion or the case in chief.
- b) The en banc motion requests an order of production because *every single document* that Dr. Cordero requested was denied by the bankruptcy court, the district court, and three times by this Court last January 24, February 1, and March 5. Hence, for the Court to proceed under these circumstances is:
 - 1) to intentionally validate the lower courts' and its own violation of Dr. Cordero's right to discovery;
 - 2) to force Dr. Cordero to argue in his briefs and at oral argument on the basis of information known to the Court to be incomplete because the Debtor, the trustees, and the judges withheld from him information to which he, like any other litigant and creditor similarly situated, was entitled; and
 - 3) to intentionally deprive itself of information that will reveal a bankruptcy fraud scheme with the support or toleration of judges, trustees, and other officers, which works a cover up in the interest of self-preservation and constitutes a failure to perform the Court's supervisory duty to safeguard the integrity of judicial process and to afford Dr. Cordero due process of law.
- i) Documents requested can explain, inter alia, how ~~Exh.1~~ the Debtors bought their home in 1975 after taking a \$26,000 mortgage; ~~Exh.2~~ two months before filing for bankruptcy in 2004, listed it as their sole real property and had it appraised at \$98,500, of which \$77,084 was their outstanding mortgage and only \$21,416 their equity after making mortgage payments for 30 years and receiving \$382,187 in a string of eight mortgages! (D:341-354)...yet only 2½ months after ~~Exh.3~~ being discharged on February 7, 2007, ~~Exh.4~~ they sold it on April 23, 2007, for \$135,000, a 37% increase in value in a down real estate market. Pretty savvy, after all, Debtor DeLano was a 39-year veteran banker when he filed, continued working in the bankruptcy department of M&T Bank, and was aided by the trustees and judges to evade accounting for \$673,657 (SApp:1654).
- c) Therefore, Dr. Cordero respectfully requests the Court:
 - 1) to issue his proposed document production order since Debtors consented to it by not opposing the en banc motion requesting it;
 - 2) in the alternative, to set the en banc motion for oral argument before hearing argument on the case in chief so that the Court may decide whether to order production of documents and allow rebriefing to take into account the documents produced; and
 - 3) to provide him with all other relief that is just and proper, including the relief requested in his principal and reply briefs.



MOVING PARTY: Dr. Richard Cordero, Creditor-Appellant
59 Crescent Street, Brooklyn, NY 11208-1515
tel. (718) 827-9521; CorderoRic@yahoo.com
MOVING ATTORNEY: Pro se

OPPOSING PARTY: David and Mary Ann DeLano
OPPOSING ATTORNEY: Devin L. Palmer, Esq.;
Boylan, Brown, Code, Vigdor & Wilson, LLP, 2400 Chase Sq.,
Rochester, NY 14604; tel. (585)232-5300; fax (585)232-3528

Court/Judge/Agency appealed from: U.S. District Court, WDNY, U.S. District Judge David G. Larimer

Has consent of opposing counsel:

A. been sought? No B. been obtained? _____

Is oral argument requested? Yes Is its date set? No
Requested return date for this motion: October 2, 2007

Signature of Moving Attorney:

Dr. Richard Cordero

Has service been effected? Yes

Proof of service is attached hereto.

Date: August 29, 2007

ORDER: It is hereby ordered that the motion is **GRANTED** **DENIED**.

Denied as moot in light of order dated 2/7/08.

For the Court: Catherine O'Hagan Wolfe, Clerk of Court

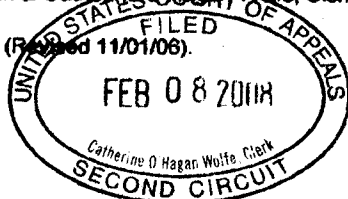
FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

Date:

CA:2081

Form T-1080 (Revised 11/01/06)



By: *Judy Pisanont*
Judy Pisanont, Motions Staff Attorney

FEB 8 2008

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, NY 10007; telephone: (212)857-8500

MOTION INFORMATION STATEMENT

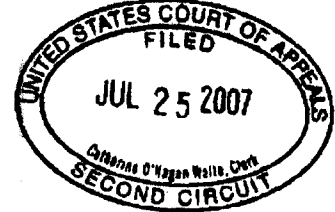
Docket Number(s): 06-4780-bk

In Re: Dr. Richard Cordero v.

Motion: suggesting en banc consideration of the 3 denials of the motions for document production; and if denied, for the Court to disqualify itself due to conflict of interests and refer the case to Att. Gen. under 18 U.S.C. §3057(a)

Relief sought: That the Court:

- order the production to the Court and the parties of all documents necessary to determine all the facts in *DeLano* and *Pfuntner* (Add:863§V; CA:1918 ¶37-39); and to begin with, issue the proposed order of production accompanying Dr. Cordero's principal and reply briefs and this motion;
- after production of all necessary documents, allow the parties time to file supplemental briefs;
- if production of documents is denied:
 - declare null and void as tainted by partiality and official wrongdoing all the decisions in *DeLano* and *Pfuntner*, including the cases in their procedural history under this Court's jurisdiction (CA:1977/Table of Cases, below)
 - refer both cases under 18 U.S.C. §3057(a) to U.S. AG Alberto Gonzales for investigation by U.S. attorneys and FBI agents who have had no relation with colleagues assigned to their respective offices in Rochester or Buffalo, NY, and that are unrelated to any of the persons that might come under investigation;
 - disqualify itself from both cases.
- In the alternative, far from remanding this case and Dr. Cordero to the wrongdoing courts below for more of their abuse of due process and him, cause the issue under 28 U.S.C. §294(d) of a certificate of necessity for the designation and assignment from the roster of senior judges of a retired judge from a circuit other than the Second Circuit (cf. 28 U.S.C. §152(b)), who is known for his or her integrity and independence and is unrelated to any of the members of this Court or to the officers and parties in either *Pfuntner* or *DeLano*, to conduct a trial by jury of both cases in the U.S. District Court in Albany, NY.
- Provide Dr. Cordero with all other relief that is just and proper, including the relief requested in his principal and reply briefs.



MOVING PARTY: Dr. Richard Cordero

Creditor-Appellant

59 Crescent Street, Brooklyn, NY 11208-1515

tel. (718) 827-9521; CorderoRic@yahoo.com

MOVING ATTORNEY: Pro se

OPPOSING PARTY: David and Mary Ann DeLano

OPPOSING ATTORNEY: Devin L. Palmer, Esq.

Boylan, Brown, Code, Vigdor & Wilson, LLP

2400 Chase Square, Rochester, NY 14604

tel. (585)232-5300; fax (585)232-3528

Court/Judge/Agency appealed from: U.S. District Court, WDNY, U.S. District Judge David G. Larimer

Has consent of opposing counsel:

A. been sought? No B. been obtained? _____

Is oral argument requested? Yes Is its date set? No

Requested return date for this motion: August 13, 2007

Signature of Moving Attorney:

Dr. Richard Cordero

Has service been effected? Yes

Proof of service is attached hereto.

Date: July 18, 2007

IT IS HEREBY ORDERED THAT the motion is **ORDER GRANTED**

DENIED.

Denied as moot in light of order dated 2/7/08

FOR THE COURT:

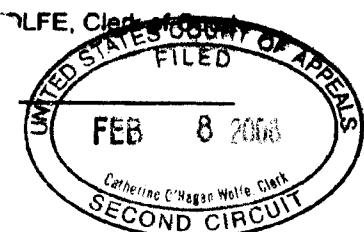
Catherine O'Hagan Wolfe, Clerk of Court

By: Judy

Judy Pisanont, Motions Staff Attorney

Date: FEB 8 2008

Form T-1080 (Revised 11/01/06).



UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

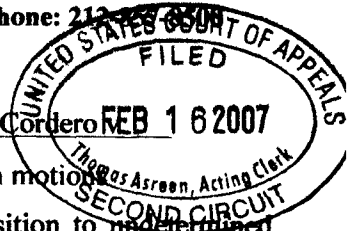
Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, NY 10007 Telephone: 212-424-6500

ORIGINAL

MOTION INFORMATION STATEMENT

Docket Number(s): 06-4780-bk

In Re: Dr. Richard Cordero **FEB 16 2007**



Motion for: reconsideration and grant of the disregard opposition and document production motion

- 1) On December 6, 2006, Appellant-Creditor filed a motion for Appellee-Debtors' opposition to ~~undetermined~~ "issues or documents" to be disregarded. Instead of deciding it, the Court sent it to the panel, thereby depriving Creditor of the knowledge of what, not only the Court, the also Debtors themselves deem to be the "issues or documents" to be considered on this appeal and on which Creditor should write his brief.
- 2) On December 19, 2006, Creditor filed a motion for production of documents necessary for the Court to determine this case and afford due process of law. That motion was denied. Yet those documents can show that the Debtors have concealed assets in the known amount of a least \$673,657, that they practiced fraud on the court and the Creditor, and had it covered up by the courts below denying him every single document that he requested and conducting sham proceedings.
 - a) There is new evidence unwittingly provided by the Debtors that contrary to their declaration that they had only \$535 in cash and on account when they filed their petition, they actually had money to pay their attorneys' fees, not only those last known in the amount of \$27,953, but also to "continue" paying them their fees.
- 3) Appellant respectfully requests that this Court grant the relief requested in the attached motion; including this:
 - a) grant the motion to disregard Debtors' opposition or state what undetermined "issues or documents" it guessed the Debtors were referring to and how and why it took it upon itself to engage in guesswork;
 - b) order Debtors to produce within 30 days: **I**) the statements of all their individual & joint bank, credit, debit, and investment accounts and 1040 IRS filings since 1/1/96 to date; **II**) complete documents relating to all real property anywhere in which they have any interest in their names or in third parties', and to all their mortgages and loans, including those relating to their home bought in 1975;
 - c) suspend the order requiring Creditor's brief by March 5 and reissue its decision on the rest of this motion.

MOVING PARTY: Dr. Richard Cordero
Creditor-Appellant
59 Crescent Street, Brooklyn, NY 11208-1515
tel. (718) 827-9521; corderoric@yahoo.com
MOVING ATTORNEY: Pro se

OPPOSING PARTY: David and Mary Ann DeLano
OPPOSING ATTORNEY: Devin L. Palmer, Esq.
Boylan, Brown, Code, Vigdor & Wilson, LLP
2400 Chase Square, Rochester, NY 14604
tel. (585)232-5300; fax (585)232-3528

Court-Judge/Agency appealed from: U.S. District Court, WDNY, U.S. District Judge David G. Larimer

Has consent of opposing counsel:

A. been sought? No B. been obtained?

Has request for relief been made below?

Is oral argument requested? Yes

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? No

Signature of Moving Attorney:

Dr. Richard Cordero

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has this relief been previously sought in this Court?

Requested return date and explanation of emergency:

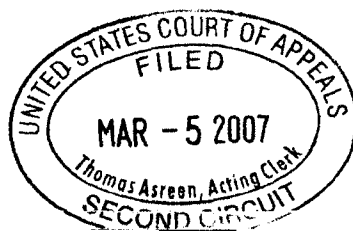
Appellant-Creditor moved for relief on December 6 & 19. The Court took action on them on February 1.

The Court's decisions of these motions will affect decisively what the Creditor is supposed to write his brief on. Creditor requests that the Court immediately suspend the scheduling order, give him actual notice thereof; & reissue it after deciding this motion and documents have been produced

ORDER

Before: Hon. Peter W. Hall, *Circuit Judge*

IT IS HEREBY ORDERED that the motion by pro se appellant to reconsider Order (filed 1/24/07) denying motion for production of documents is DENIED.



FOR THE COURT:
THOMAS ASREEN, Acting Clerk
by

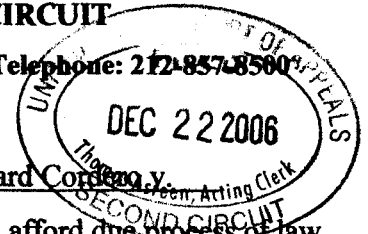
Arthur M. Heller
Arthur M. Heller
Motions Staff Attorney

Date

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT



Docket Number(s): 06-4780-bk

In Re: Dr. Richard Cordero, Jr.

Motion for: production of documents necessary for the Court to determine this case and afford due process of law

- 1) A key issue presented below and in this appeal is **a)** whether Bankrupt David DeLano, a 39-year veteran of the banking industry and employed in the bankruptcy department of a major bank when filing in 2004 a joint bankruptcy petition with his wife, where they declared to have only \$535 in cash and on account, engaged in bankruptcy fraud by concealing the \$291,470 that their 1040 IRS forms show they earned in just 2001-03, and the \$382,187 that they received through a string of mortgages on their only declared real property in which they claimed equity of only \$21,416 and a mortgage of \$77,084 after paying the initial \$26,000 mortgage for 30 years!;
- b)** whether they resorted to the artifice of a motion to disallow Creditor-Appellant's claim so as to eliminate him from the case before he could obtain the documents proving their fraud; and **c)** whether their motion was granted through the participation of the Bankruptcy and the District Courts in a bankruptcy fraud scheme whereby they denied Creditor-Appellant *every single document* that he requested, including those as obviously pertinent to ascertaining the good faith of any bankruptcy petition as bank, debit and credit card statements, and thereby insured that the whereabouts of their known income and receipts of \$673,657 are still unknown.
- 2) This Court needs those documents so as to assess the merits of the appeal and the integrity of the courts below and to correct those courts' denial in self-interest of due process of law to Creditor-Appellant.
- 3) Therefore, Appellant respectfully requests that this Court order that **a)** Bankrupt-Appellees produce within 30 days:
 - i)** the statements of all their individual & joint bank, credit, debit, and investment accounts and 1040 IRS filings since 1/1/96 to date; **ii)** complete documents relating to all real property anywhere in which they have any interest in their names or in third parties', and to all their mortgages and loans, including those relating to their home bought in 1975; and that **b)** the scheduling order be suspended and reissued after production of all documents.

MOVING PARTY: Dr. Richard Cordero
Creditor-Appellant
59 Crescent Street, Brooklyn, NY 11208-1515
tel. (718) 827-9521; corderoric@yahoo.com

OPPOSING PARTY: David and Mary Ann DeLano
OPPOSING ATTORNEY: Devin L. Palmer, Esq.
Boylan, Brown, Code, Vigdor & Wilson, LLP
2400 Chase Square, Rochester, NY 14604
tel. (585)232-5300; fax (585)232-3528

MOVING ATTORNEY: Pro se

Court/Judge/Agency appealed from: U.S. District Court, WDNY, U.S. District Judge David G. Larimer

Has consent of opposing counsel:

A. been sought? No B. been obtained? _____

Has request for relief been made below?

Is oral argument requested? Yes

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? No

**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS
AND INJUNCTIONS PENDING APPEAL:**

Has this relief been previously sought in this Court?

Requested return date and explanation of emergency:

Signature of Moving Attorney:

Dr. Richard Cordero

Date: December 19, 2006

Has service been effected? Yes

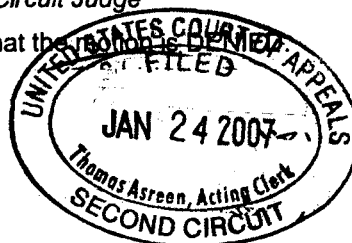
ORDER

Before: Hon. Peter W. Hall, Circuit Judge

IT IS HEREBY ORDERED that the

JAN 24 2007

Date



FOR THE COURT:
THOMAS W. ASREEN, Acting Clerk
by

Arthur M. Heller
Arthur M. Heller
Motions Staff Attorney

The DeLanos' income of \$291,470 ,
mortgage receipts of \$382,187,
plus credit card borrowing of \$98,092
**unaccounted for due to the judges' refusal
to require production of documents supporting their declaration in Schedule B
(D:31)* that at the time of filing their bankruptcy petition they only had in
hand and on account \$535!**

Mortgages referred to in the incomplete documents produced by the DeLanos to Trustee Reiber (D:342-354)		Exhibit page #	Amounts of the mortgages
1) took out a mortgage for \$26,000 in 1975;		D:342	\$26,000
2) another for \$7,467 in 1977;		D:343	7,467
3) still another for \$59,000 in 1988;		D: 346	59,000
4) owed \$59,000 to M&T in 1988 and		D:176	59,000
5) an overdraft from ONONDAGA Bank for \$59,000;		D:176	59,000
6) another mortgage for \$29,800 in 1990,		D:348	29,800
7) even another one for \$46,920 in 1993, and		D:349	46,920
8) yet another for \$95,000 in 1999 involving HUD		D:350-354	95,000
Subtotal			\$382,187
The DeLanos' earnings in just the three years preceding their voluntary bankruptcy petition of January 27, 2004			
2001	1040 IRS form (D:186)	\$91,229	\$91,229
2002	1040 IRS form (D:187)	\$91,859	
	Statement of Financial Affairs (D:47)		91,655
2003	1040 IRS form (D:188)	+97,648	
	Statement of Financial Affairs (D:47)		+108,586
to this must be added the receipts contained in the \$98,092 owed on 18 credit cards (D:38-41)		\$280,736*	\$291,470
TOTAL			\$673,657

* D identifies the pages of the Designated Items of the Record on Appeal, constituting a bound volume submitted to the parties and the District Court, WDNY, on April 18, 2005, in *Cordero v. DeLano*, 05-6190, WDNY; and redesignated on October 21, 2006, as part of the record on appeal to the Court of Appeals for the Second Circuit in *In re Dr. Richard Cordero v. David and Mary Ann DeLano*, 06-4780-bk, CA2.

* Why do these numbers not match?

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, NY 10007; telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 06-4780-bk

In Re: Dr. Richard Cordero v.

Motion for two pending motions to be decided before brief-filing deadline and for new scheduling order

The decision on two pending motion will affect profoundly the content of Appellant Dr. Cordero's opening brief as well as the procedural course that this appeal will take. These motions are:

- 1) for Appellees' opposition to Appellant's Statement of issues and Designation of items to be disregarded; dated, and filed on, December 6 and 7, 2006, respectively; and
- 2) production of documents necessary for the Court to determine this case and afford due process of law; dated, and entered on, December 19 and 22, 2006, respectively.

Therefore, Appellant respectfully requests that this Court:

- a) suspend the December 18 scheduling order requiring that Appellant file his brief by January 31;
- b) decide these two pending motions at its earliest convenience and cause its decisions to be notified to the parties right away; and
- c) provide in its decision of whichever motion it decides first that an order scheduling the brief to be filed within 30 days of such order will be reissued only after it decides the other motion and i) if the production motion is granted, after it has been established that all requested documents were produced; but ii) if either motion is denied, after the later of (i) the occurrence of i) or (ii) 10 days after the last of either motion has been denied, but if within such 10 days a motion for review is filed, then after such motion has been decided

MOVING PARTY: Dr. Richard Cordero
Creditor-Appellant
59 Crescent Street, Brooklyn, NY 11208-1515
tel. (718) 827-9521; CorderoRic@yahoo.com
MOVING ATTORNEY: Pro se

OPPOSSING PARTY: David and Mary Ann DeLano
OPPOSING ATTORNEY: Devin L. Palmer, Esq.
Boylan, Brown, Code, Vigdor & Wilson, LLP
2400 Chase Square, Rochester, NY 14604
tel. (585)232-5300; fax (585)232-3528

Court-Judge/Agency appealed from: U.S. District Court, WDNY, U.S. District Judge David G. Larimer

Has **consent** of opposing counsel:

A. been sought? No B. been obtained? _____

Has request for relief been made **below**? No

Is **oral argument** requested? Yes

(requests for oral argument will not necessarily be granted)

Has **argument** date of appeal been **set**? No

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS

AND INJUNCTIONS PENDING APPEAL: N/A

Has this relief been previously sought in this Court?

Requested return date and explanation of emergency:

Signature of Moving Attorney:

Dr. Richard Cordero

Date: January 18, 2007

Has service been effected? Yes
[Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

FOR THE COURT:

THOMAS ASREEN, Acting Clerk of Court

Date: _____

By: _____

Form T-1080 (Revised 11/01/06).

Dr. Cordero's 1/18/7 motion re two pending motions & scheduling order; *In Re Dr. R. Cordero v.* 06-4780-CA2 1