

## Statement of Facts

providing evidence showing that a federal judgeship has become a safe haven for wrongdoing due to lack of an effective mechanism of judicial conduct control and calling for the formation of a virtual firm of lawyers and investigative journalists to help prepare pro bono a class action based on a representative case charging that Chief Judge John M. Walker, Jr., and Circuit Judge Dennis Jacobs of the U.S. Court of Appeals for the Second Circuit have engaged in a series of acts of disregard for the law, the rules, and the facts, and of systematic dismissal of judicial misconduct complaints forming a pattern of non-coincidental, intentional, and coordinated wrongdoing that protects peers and other schemers involved in a bankruptcy fraud scheme

### Table of Contents

- I. Evidence gathered in 12 cases over 5 years supporting Statement & representative case.....1
- II. The pattern of wrongful acts in support of a bankruptcy fraud scheme began with the summary dismissal by Judge John C. Ninfo, II, WBNY, of Dr. Cordero’s cross-claims against Trustee Kenneth Gordon in *Pfuntner v. Trustee Gordon et al.* .....2
  - A. C.J. Walker and J. Jacobs have been made aware of the evidence of judges’ bias and disregard for the rule of law but have refused to investigate them, thus failing to safeguard judicial integrity and protect Dr. Cordero from their abuse..... 5
- III. CJ Walker and J. Jacobs are protecting their peers by refusing to *Follow the money!* to find over \$670,000 unaccounted for in just one out of one trustee’s more than 3,900 cases, i.e., *In re DeLano*, for following it could lead to the exposure of a bankruptcy fraud scheme and the schemers.....6
- IV. Call for a virtual firm of lawyers and investigative journalists to help prepare pro bono a class action centered on a representative case against these judges to expose the systematic dismissal of complaints supporting a bankruptcy fraud scheme and reveal how high and to what extent wrongdoing has reached..... 9

\*\*\*\*\*

### I. Evidence gathered in 12 cases over 5 years supporting Statement & representative case

1. The herein discussed query whether a federal judgeship is a safe haven for wrongdoing and the concrete charges of such wrongdoing arise from evidence collected during the past five years from 11 related cases. (ToEC:1) Such evidence indicates that the wrongdoing is motivated by a most insidious corruptor: money, the enormous amount of money at stake in fraudulent bankruptcies. (findings leading to the [Bankruptcy Abuse Prevention and Consumer Prevention Act \(BAPCPA\)](#) of 2005, Pub.L. 109-8, 119 Stat. 23 and [Pst:1395](#))

<sup>1</sup> The letters preceding the page number # identify the cases and their tables of exhibits. (ToEC:1fn. & 5§IV).  
\*The documents referred to by the blue text can be accessed through the bank of links to references. 1 of 10

2. In just one of those cases the judges have refused even to ask for the whereabouts of over \$670,000 (T<sub>o</sub>EC:110) earned or received by the ‘bankrupt’ *banker*, as shown by his own documents...and according to PACER.uscourts.gov (Public Access to Court Electronic Records) the trustee in his case had at the time 3,909 *open cases*! The judges’ refusal to take or skip a necessary step to decide a case is only one use of the means enabling money to have its evil effect, to wit, the most powerful corruptor, power itself, here unsupervised, discipline-free, in practice absolute judicial power exercised by federal judges who have in fact become a class of people above the law.
3. The evidence in those 12 cases shows that judges have systematically exercised judicial power through bias and disregard for the rule of law that is intended to prescribe limits to its use. Risk-free abuse of judicial power in a setting awash with money has led certain judges, their staff, and bankruptcy trustees to support a bankruptcy fraud scheme. While their exercise of it is immune from discipline, it is not harmless. It has had injurious consequences for Dr. Richard Cordero, Esq., depriving him of his legal rights in cases to which he is a party pro se and causing him enormous waste of effort, time, and money as well as inflicting upon him tremendous emotional distress.
4. Repeatedly, Dr. Cordero has submitted to Chief Judge John M. Walker, Jr., and Circuit Judge Dennis Jacobs of the Court of Appeals for the Second Circuit (CA2), who have supervisory duties over the integrity of 2<sup>nd</sup> Circuit courts, substantial evidence of the pattern of support by U.S. judges therein of the bankruptcy fraud scheme and its effect on him. Consistently they have disregarded that evidence, thereby condoning the other judges’ continued support for the scheme and the schemers and allowing their bias and denial of due process to further injure Dr. Cordero.
5. In so doing, Judges Walker and Jacobs have shown their own bias toward their peers and staffs, including their own staff (T<sub>o</sub>EC:19§C), to the detriment of Dr. Cordero and have also denied him due process of law in their dealings with him. In addition, by so protecting those officers they have breached their oath of office to apply the law, let alone do so equally “without respect to persons” (28 U.S.C. §453), which gives rise to a duty that inures to the benefit of every third party, such as Dr. Cordero, who comes before them with the reasonable expectation of having their cases decided impartially in accordance with law. Moreover, they have failed to discharge their duty as chief judge and as members of the Judicial Council of the Second Circuit to safeguard the integrity of the courts and their officers in the Circuit, a duty that also runs to the benefit of every person that resorts to the courts for the proper administration of justice.
6. There is ample and *official* evidence of coordinated and systematic disregard by judges of misconduct by their peers. (T<sub>o</sub>EC:39>973 & Comment) To establish such disregard and its consequences a representative case can center on C.J. Walker and Judge Jacobs because the evidence against them is as abundant as their disregard of judicial misconduct has been blatant.

## **II. The pattern of wrongful acts in support of a bankruptcy fraud scheme began with Judge Ninfo’s summary dismissal of Dr. Cordero’s cross-claims against Trustee Kenneth Gordon in *Pfuntner v. Tr. Gordon et al.***

7. Dr. Cordero is currently a resident of New York City. However, in the early 1990’s he resided in Rochester, NY. Before leaving that city in 1993, he entrusted personal and professional property to a moving and storage company. For almost 10 years he paid storage and insurance fees for the safekeeping of such property.
8. At the beginning of 2002, Dr. Cordero contacted by phone Mr. David Palmer, the owner of

Premier Van Lines, Inc., the moving and storage company in Rochester, NY, that was storing his property. He wanted to resolve a billing issue and find out the current name of the insurance carrier. Mr. Palmer assured him that his property was safe at the Jefferson Henrietta Warehouse. Its manager, Mr. David Dworkin, did likewise and even billed Dr. Cordero for the monthly fees. (A:353-1&2) After Mr. Palmer became unreachable, Mr. Dworkin kept assuring Dr. Cordero that his property was safe and that he would find out the name of its insurer. Only much later did Mr. Dworkin reveal to him that Premier had gone bankrupt and was already in liquidation!

9. As it turned out, more than a year earlier, on March 5, 2001, Mr. Palmer had filed a voluntary petition for Premier's bankruptcy under [11 U.S.C. Chapter 11](#) (*In re Premier Van Lines, Inc.*, no. 01-20692, WBNY, docket at [A:565](#); [nywb.uscourts.gov](#); hereinafter *Premier*). His case had landed before Bankruptcy Judge John C. Ninfo, II, WBNY. Soon thereafter Mr. Palmer failed to comply with the obligations of his bankruptcy and even stopped appearing in its proceedings. Hence, on December 28, 2001, Trustee Kenneth Gordon, Esq., the Standing Trustee for liquidations under [Chapter 7](#), was appointed to liquidate Premier. (A:572/63)
10. Trustee Gordon's performance was so negligent and reckless that he failed to find out that Mr. James Pfuntner owned a warehouse in Avon, Rochester, where Premier had stored its clients' property, such as those of Dr. Cordero. To begin with, just as Mr. Palmer failed to inform Dr. Cordero of his filing for bankruptcy protection for Premier, the Trustee did not inform Dr. Cordero of his liquidation of it; consequently, Dr. Cordero was deprived of his right to file a claim as creditor of Premier. By failing thus to inform Dr. Cordero, the Trustee also deprived him of the opportunity to decide what to do with his property. Moreover, Trustee Gordon could have found out the possibility of such property being in Mr. Pfuntner's warehouse by just examining *Premier's* docket ([A:567/13](#), [17](#), [19](#), [21](#), [23](#); [571/52](#)), not to mention through diligent examination under [11 U.S.C. §704\(4\)](#) of Premier's financial affairs and its business records, to which he had access ([A:109 ftnts-5-8](#); [A:45](#), [46](#), [352](#)).
11. As a result, Trustee Gordon failed to discover the income-producing storage accounts that belonged to the estate or to act timely ([A-575:94](#); cf. [A:46-48](#); [A:575/87](#), [89](#)). So he closed the case as "No distribution" ([A:577/107](#) & entries for 10/24/2003), although he had not only classified it as an "Asset case" ([A:572/70](#), [573/71](#); [575/94](#), [95](#)), but had also applied for authorization to Judge Ninfo and received it to hire an auctioneer, Mr. Roy Teitsworth ([A:576/97](#))...and then what happened? Where is the accountant's report for which \$4,699 was paid? ([A:575/90](#)) Nobody would answer, for these were job-threatening questions ([28 CFR §58.6\(7\)](#)) that no outsider was supposed to ask. ([A:835§B7](#)) Interestingly enough, a query on PACER of Kenneth Gordon as trustee returned that between April 12, 2000, and November 3, 2003, he was the trustee in [3,092](#) cases! How many of them did he handle as he did Premier?
12. Likewise, Mr. David Gene DeLano, Assistant Vice President for M&T Bank handled negligently and recklessly the liquidation of the storage containers that Mr. Palmer had bought with a loan from M&T in which the latter had kept a security interest. He assured Dr. Cordero that he had seen the storage containers holding his property at the Jefferson Henrietta Warehouse; that those containers had been sold to Champion Moving & Storage; and that he should contact and from them on deal with Champion concerning his property in those containers. ([Tr.149/25-150/6](#), [101/17-19](#), [109/3-5](#), [111/9-24](#), [141/8-13](#)) Dr. Cordero did so only to find out that Champion had never received such containers. Thus, he had to search for his property. Eventually he found out that the containers had never been at the Jefferson Henrietta Warehouse! Instead, they had been abandoned by Mr. Palmer at Mr. Pfuntner's warehouse in Avon. ([A:46](#); [Pst:1285¶70](#))

13. Dr. Cordero was referred to Trustee Gordon to find out how to retrieve his property. But the Trustee would not give him any information and even enjoined him not to contact his office anymore ([A:353-25, 26](#)), thus violating his duty under [11 U.S.C. §704\(7\)](#) to a party in interest.
14. Dr. Cordero found out that *Premier* was before Judge Ninfo and applied to him for a review of Trustee Gordon's performance and fitness to serve as Premier's trustee. ([A:353-28, 29](#)) The Judge, however, took no action other than to pass that application on to the Trustee's supervisor, namely, Assistant U.S. Trustee Kathleen Dunivin Schmitt. ([A:29](#)) Her office is in the same small federal building as that of Judge Ninfo's Bankruptcy Court, Trustee Gordon's box, the District Court, the U.S. Attorney's Office, and the FBI Bureau; this allows for daily contacts and the development of a web of personal relationships among their officers. By contrast, Dr. Cordero lives hundreds of miles away in NYC and is, thus, a 'diverse citizen'. Not surprisingly, Trustee Schmitt conducted a 'quick contact' with her supervisee, Trustee Gordon, that was as superficial as it was severely flawed. ([A:53, 104](#)) Nor did Judge Ninfo take action upon Dr. Cordero bringing to his attention ([A:32, 38](#)) that Trustee Gordon had filed with him false statements and statements defamatory of Dr. Cordero to persuade the Judge not to take any action on Dr. Cordero's Application to review his performance ([A:19, 41§II](#)).
15. Meantime, Mr. Pfuntner had commenced an adversary proceeding on September 27, 2002, against the Trustee, Dr. Cordero, M&T Bank, and a hockey club to recover administrative and storage fees ([A:22](#)) from them (*Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY; docket at [A:1551](#)). Dr. Cordero cross-claimed against Trustee Gordon and M&T Bank ([A:70, 83, 88](#)) and also brought in as third-party defendants Messrs. Palmer, Dworkin, and DeLano and Jefferson Henrietta Warehouse. ([Add:534/after entry 13; 891/fn.1](#))
16. Trustee Gordon countered with a motion under [Rule 12\(b\)\(6\)](#) of the Federal Rules of Civil Procedure to dismiss only Dr. Cordero's cross-claims against him. ([A:135, 143](#)) It was argued on December 18, 2002. By then almost three months had gone by since the commencement of *Pfuntner*, but the required [Rule 16](#) and [26](#) meeting of the parties and disclosure had not taken place despite Dr. Cordero having disclosed numerous documents as exhibits to his papers. ([A:11-18, 33-36, 45-49, 63-64, 65, 91-94](#))- much less had there been any discovery. Yet, disregarding the record's lack of factual development, Judge Ninfo summarily dismissed the cross-claims notwithstanding the genuine issues of material fact that Dr. Cordero had raised concerning the Trustee's negligence and recklessness in liquidating Premier ([A:148](#)). Similarly, the Judge disregarded the consideration that after discovery and at trial Mr. Pfuntner's claims against the Trustee could lend support to Dr. Cordero's claims against the Trustee.
17. Judge Ninfo even excused the Trustee's defamatory and false statements as merely "part of the Trustee just trying to resolve these issues", ([A:275/10-12](#)) thus condoning his use of falsehood; astonishingly acknowledging in open court his own acceptance of unethical behavior; and showing gross indifference to its injurious effect on Dr. Cordero.
18. That dismissal constituted the first of a long series of similar acts of disregard for the law, the rules, and the facts in which Judge Ninfo as well as other judicial and clerical officers at both the Bankruptcy and the District Court have participated, all consistently to the benefit of those in the web of personal relationships and to Dr. Cordero's detriment. Such acts were initially aimed at preventing Dr. Cordero's appeal, for if the dismissal were reversed and the cross-claims reinstated, discovery could establish how Judge Ninfo had failed to realize or knowingly tolerated Trustee Gordon's negligent and reckless liquidation of Premier. This fact would be followed by a common sense question: What motive did he have to do so?

19. Answering that question would bring up a very incisive one: Had these two officers engaged in similar conduct in any of the other cases on which they had worked together? They had had the opportunity to do so, for a subsequent PACER query showed that between April 12, 2000, and June 26, 2004, Trustee Gordon had been the trustee in [3,383 cases](#), out of which 3,382 had come before Judge Ninfo! ([A:1406§C](#)) Astonishing!, for how could a single trustee take care of examining the debtors' financial affairs and ascertaining the good faith of their petitions and dealing with the creditors and collecting the assets and liquidating them and holding auctions, and reviewing accountants' reports and making distribution and filing reports and attending hearings, and and and of each of such an overwhelming number of cases? ([D:458§V](#)) This would beg the question why had Trustee Schmitt and her supervisor, U.S. Trustee for Region 2 Deirdre Martini allowed one person to take on so many cases in such a short period of time? And how many millions of dollars worth of assets has Trustee Gordon been in charge of liquidating? How many other questions would it take to pierce the web to reveal the motives linked to their personal relationships?

**A. C.J. Walker and J. Jacobs have been made aware of the evidence of judges' bias and disregard for the rule of law but have refused to investigate them, thus failing to safeguard judicial integrity and protect Dr. Cordero from their abuse**

20. Dr. Cordero made Chief Judge Walker aware of these and similar concerns. Indeed, the Chief Judge was a member of the panel that was drawn –randomly?- to decide his appeal from *Pfuntner* in *Premier Van et al.*, no. 03-5023, CA2. (docket at [A:1285](#)) As such, the Chief was supposed to read Dr. Cordero's brief of July 9, 2003 ([A:1303](#)), which also included appellate arguments concerning the arbitrary, unlawful, and suspicious way in which Judge Ninfo ([A:302, 306](#)) and District Judge David G. Larimer, WDNY, ([A:315, 339, 343, 350](#)) denied Dr. Cordero's application for default judgment against Premier Owner David Palmer ([A:290-95](#)), who had nevertheless been defaulted by Bankruptcy Clerk of Court Paul Warren ([A:303; 304](#)).
21. Moreover, Chief Judge Walker was the officer with whom Dr. Cordero lodged his misconduct complaint against Judge Ninfo of August 8, 2003, ([C:1, 63](#)) under the Judicial Conduct and Disability Act. That statute imposes on the circuit chief judge the duty to "expeditiously review" such complaints. ([28 U.S.C. §352\(a\)](#)) Anyway, the Chief should have investigated a complaint like that which cast doubt on the integrity of a judge and the fairness of justice that he administered.
22. What is more, the Chief Judge was a member of the panel that decided Dr. Cordero's petition of September 12, 2003, for a writ of mandamus, no. 03-3088, CA2, ([A:615](#)) requesting that Judge Ninfo be disqualified for bias and disregard for the rule of law and that *Pfuntner* be transferred outside his web of personal relationships to an impartial court, such as the U.S. District Court in Albany, NDNY. More still, he learned of additional charges through Dr. Cordero's motion of November 3, 2003, to update the evidence of Judge Ninfo's bias. ([A:801](#)) Even more, the Chief had the opportunity to hear about Judge Ninfo's misconduct during Dr. Cordero's oral argument of *Premier Van et al.* on December 11, 2003; and even read the argument's written version that Dr. Cordero handed out to him and the other panel members on the day of argument. ([C:296](#))
23. Nevertheless, CJ Walker did nothing other than deny those requests. ([A:876, 664](#)) Yet, he had the duty to review or "promptly appoint a special committee to investigate" the complaint ([§353\(a\)](#)). Instead, he let *six months* go by without taking any action on it. So on February 2, 2004, Dr. Cordero wrote to him to inquire about the complaint's status ([C:105](#)), pointing out that the duty of promptness was imposed on the Chief not only under the Act, but also under the Circuit's

own rules, that is, Rule 3(a) of the Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers under 28 U.S.C. §351 et seq. (C:75) This time the Chief did something else: He had Dr. Cordero's letter returned to the sender! (C:109)

24. More than a month and a half later Chief Judge Walker had still taken no action on the complaint. By contrast, Judge Ninfo went on to engage in even more flagrantly wrongful conduct in another case to which Dr. Cordero was made a party, namely, the voluntary petition for bankruptcy under 11 U.S.C. Chapter 13 of M&T Bank Assistant Vice President David DeLano of all people! (*In re DeLano*, no. 04-20280, WBNY; C:1431, 1435, 1467; docket at D:496) Consequently, Dr. Cordero filed a judicial misconduct complaint against Chief Judge Walker on March 19, 2004. (C:271) As required by law and Circuit rule, he addressed it to the next judge eligible to become the chief judge, to wit, Circuit Judge Dennis Jacobs.

**III. CJ Walker and J. Jacobs are protecting their peers by refusing to *Follow the money!* to find over \$670,000 unaccounted for in just one out of one trustee's more than 3,900 cases, i.e., *In re DeLano*, for following it could lead to the exposure of a bankruptcy fraud scheme and the schemers**

25. Dr. Cordero brought to Judge Jacobs' attention not only Chief Judge Walker's failure to take action on the complaint against Judge Ninfo, but also how his inaction had condoned Judge Ninfo's misconduct and allowed him to engage even more flagrantly in bias and disregard for the law, the rules, and the facts in the handling of *DeLano*. A judge mindful of his duty, not only under §351, but also as a member of the Judicial Council, to safeguard the integrity of judicial process and the proper administration of justice would have conducted an investigation, for the *DeLano* petition and its handling by Judge Ninfo and other court officers and trustees are so egregious as to reveal the force that joins them and links the cases: a bankruptcy fraud scheme.
26. Indeed, Mr. David and Mrs. Mary Ann Delano are not average debtors. Mr. David DeLano has worked in financing for 7 years and as an officer at two banks for 32 years: 39 years professionally managing money!...and counting, for he is still working for M&T Bank as a manager in credit administration (Tr:15/17-16/15). As such, he qualifies as an expert in how to assess creditworthiness and remain solvent to be able to repay bank loans. Thus, Mr. Delano is a member of a class of people who should know how not to go bankrupt.
27. As for Mrs. DeLano, she was a specialist in business Xerox machines. As such, she is a person trained to think methodically so as to ask pointed questions of customers and guide them through a series of systematic steps to solve their technical problems with Xerox machines.
28. Hence, the DeLanos are professionals with expertise in borrowing, dealing with bankruptcies, and learning and applying technical instructions. They should have been held to a high standard of responsibility...but instead they were allowed to conceal assets because they know too much.
29. This means that because of his 39-year long career in finance and banking, Mr. DeLano has learned how borrowers use or abuse the bankruptcy system, and more importantly, how trustees and court officers handle their petitions so that rightfully or wrongfully they are successful in obtaining bankruptcy relief from their debts. Actually, Mr. DeLano works precisely in the area of bankruptcies at M&T Bank, collecting money from delinquent commercial borrowers and even liquidating company assets (Tr:17.14-19). In fact, he was the M&T officer that liquidated the storage containers in which M&T kept an interest to secure its loan to Mr. Palmer. So he knows how the latter was treated by Judge Ninfo in *Premier*, which gave rise to *Pfuntner*.

30. In preparation for their golden retirement, the DeLanos filed their joint voluntary bankruptcy petition and, of course, it came before Judge Ninfo. Based on what and whom Mr. DeLano knew, they could expect their petition to glide smoothly toward being granted (D:266¶¶37-39) The fact that among their 21 creditors in Schedule F they themselves named Dr. Cordero (C:1448) must have carried no significance at all other than that thereby they would be able to discharge his claim against Mr. DeLano arising in *Pfuntner*. After all, Dr. Cordero was their only non-institutional creditor, lives hundreds of miles away in NYC, and was unsecured to boot.
31. But a most unforeseen event occurred: Dr. Cordero went through the trouble of examining their petition, and more surprisingly yet, he even realized how incongruous the declarations were that the DeLanos had made in its Schedules (C:1437-1454) and Statement of Financial Affairs (C:1455-1461). Most unexpectedly, not only did he put in writing his realization, but he also traveled all the way to Rochester to attend the meeting of their creditors on March 8, 2004 (D:23), the only one to do so! (D:68, 69) While there he filed with Judge Ninfo's clerks his objection to the confirmation (C:291) of their debt repayment plan (C:1467) and even invoked 11 U.S.C. §1302(b) and §704(4) and (7) to request Chapter 13 Trustee George Reiber to investigate their financial affairs and produce documents to show the in- and outflow of their money.
32. Money the DeLanos do have, as Trustee Reiber, Judge Ninfo, Assistant Trustee Schmitt, and Region 2 Trustee Martini knew or could have readily known had they only cast a glance at their implausible petition. (C:1411) Hence, the alarms went off, for these officers were aware that Mr. DeLano could not be allowed to go down on a charge of bankruptcy fraud since he knows about their intentional and coordinated disregard for the law, the rules, and the facts in handling bankruptcy petitions, that is, of their support for the bankruptcy fraud scheme. Therefore, if Mr. DeLano's petition were checked and as a result, he were charged with bankruptcy fraud and he and his wife ended up facing up to 20 years imprisonment and ruinous fines under 18 U.S.C. §§151-158, and 1519 and 3571, he would consider it in his interest to enter into a plea bargain to incriminate top schemers in exchange for leniency. Consequently, the schemers closed ranks to protect Mr. DeLano from being investigated or having to produce incriminating documents.
33. Yet, even a person untrained in bankruptcy could realize the incongruity and implausibility of the DeLanos' declarations in their bankruptcy petition. For instance:
  - a. The DeLanos earned \$291,470 in just the 2001-2003 fiscal years preceding their petition of January 27, 2004 (C:1419; 1499);
  - b. but they declared having only \$535 in hand and accounts (C:1439); yet, they and their attorney, Christopher Werner, Esq., knew that they could afford to pay \$16,654 in legal fees (C:1060) for over a year's maneuvering to avoid producing the documents requested by Dr. Cordero, which would incriminate them for concealment of assets; their tough stance was rewarded by Judge Ninfo, who without any written request allowed even higher legal fees, \$18,005! (C:1057) But then Att. Werner is not just any attorney: according to PACER, as of February 28, 2005, he had appeared before Judge Ninfo in 525 cases out of 575! (TOEC:91¶3) Trustee Reiber rewarded Att. Werner too by requesting another \$9,948 for him on December 7, 2005, and lowering the recovery rate from 22¢ to less than 13¢ on the \$ (Pst:1175). Outrageous arrogance of power endowed with immunity!
  - c. The DeLanos amassed a whopping debt of \$98,092 (C:1449), although the average credit card debt of Americans is \$6,000; and spread it over 18 credit cards so that no issuer would have a stake high enough to make litigation cost-effective (C:1401).

- d. Despite all that borrowing, they declared household goods worth only \$2,910 (C:1439) ...that's all they pretend to have accumulated throughout their combined worklives, including Mr. DeLano's 39 years as a bank officer, although they earned over a 100 times that amount, \$291,470, in only the three fiscal years of 2001-03 (C:1499)...Unbelievable!;
- e. They also strung together mortgages since 1975, through which they received \$382,187 (Add:1058) to buy their home; yet in 2005, 30 years later, they lived in the same home but owed \$77,084 and had equity of merely \$21,415 (C:1438). *Mindboggling!* (Add:1058¶54)
34. Although the DeLanos have received over \$670,000, as shown by even the few documents that they reluctantly produced at Dr. Cordero's instigation (TOEC:110), the officers that have a statutory duty to investigate evidence of bankruptcy fraud or report it for investigation not only disregarded such duty (TOEC:111), but also refused to require them to produce (Add:1022) documents as obviously pertinent to any bankruptcy petition as the statements of their bank and debit card accounts...for such documents would show the flow of the DeLanos' receipts and payments and thereby reveal the fraud that they had committed and that the officers had covered up. Judge Jacobs too disregarded the Statement that Dr. Cordero sent him analyzing these incongruous declarations (C:1297§§15-17) and had it returned to the sender (C:1317).
35. What has motivated these officers to spare the DeLanos from having to produce incriminating documents? (D:458§V) All have been informed of the incident on March 8, 2004, that to a reasonable person, and all the more so if charged with the duty to prevent bankruptcy fraud, would have shown that the DeLanos had committed fraud and were receiving protection from exposure: Trustee Reiber unlawfully allowed his attorney, James W. Weidman, Esq., to conduct the meeting of creditors (28 CFR §58.6(10);§341) where the latter unjustifiably asked Dr. Cordero whether and, if so, how much he knew about the DeLanos' having committed fraud, and when he would not reveal what he knew, Att. Weidman, with the Trustee's approval, rather than let him examine them under oath, as §343 requires, while officially being tape recorded, put an end to the meeting after Dr. Cordero had asked only two questions! (D:79§§I-III; Add:889§II)
36. Judge Jacobs too was informed of this incident (C:272). Yet he did not conduct any investigation or ask for any documents, such as the tape of that meeting of creditors or, after the effort to impede the holding of the adjourned meeting failed, the transcript of such meeting, which contains incriminating statements by Attorney Werner of his having destroyed documents of the DeLanos. (C:1299¶¶21-33) Nor did he respect his duty of promptness in handling a misconduct complaint. The one of March 19, 2004, against his colleague, Chief Judge Walker, was in its seventh month when on September 24 Judge Jacobs "dismissed [it] as moot [because] the Complainant's judicial misconduct [against Judge Ninfo] was dismissed by order entered June 9, 2004". (C:392) Yet it took Judge Jacobs another 2½ months to dismiss it!? And still he got wrong the date of that earlier dismissal that he himself had written, and that was entered, on June 8 (C:144, 148), a mistake revealing the lack of care with which he wrote an otherwise perfunctory decision (cf. C:711).
37. As CJ Walker had done, Judge Jacobs condoned with his inaction Judge Ninfo's misconduct, thus encouraging him to engage in more brazen bias and disregard for the rule of law: Dr. Cordero submitted a statement on June 9, 2004, to J. Ninfo showing on the basis of even the few and incomplete documents that the DeLanos had produced (TOEC:62¶¶5-11, D:165-189; C:1415) that they had fraudulently concealed assets, and requesting that they be referred to the FBI and that Trustee Reiber be removed (D:193). J. Ninfo reacted by joining the DeLanos in a process abusive maneuver that used a) a motion to disallow Dr. Cordero's claim (D:218; cf. D:249; TOED:210§II);



b) an order directing Dr. Cordero to take discovery of that claim in *Pfuntner* (D:272; cf. D:440) only for *every single document* that he requested (D:287, 310, 317) to be denied by both the DeLanos (D:313, 325) and J. Ninfo (D:327; cf. ToEA:153§7) and c) a sham evidentiary hearing on March 1, 2005 (Pst:1255§E; cf. C:193§§1-3) that ended as predetermined in disallowing Dr. Cordero's claim and stripping him of standing to participate further in *DeLano* (D:20§IV, ToEC:109).

38. Dr. Cordero made Chief Judge Walker and Judge Jacobs aware of these developments by appealing to the Judicial Council and writing to Judge Jacobs (C:995, 1000, 1025). This time they acted promptly: They reappointed Judge Ninfo to a new 14-year term as bankruptcy judge! (ToEC:§H)
39. Meanwhile, Dr. Cordero appealed Judge Ninfo's disallowance of his claim to the District Court, WDNY, Judge Larimer presiding. This Judge showed again, as he had in *Pfuntner* (ToEC>C:1107-8 >Comment), that he supports the bankruptcy fraud scheme. He refused to order the DeLanos to produce *even a single document* that could shed light on the 39-year veteran banker's incongruous and implausible declarations. (ToEC:111; Add:951, 1022, ToEAdd:231§VI) He even attempted to prevent Dr. Cordero from obtaining the transcript of the sham evidentiary hearing (C:1001, 1083; cf. ToEA:135§3), for what happened there incriminates Judge Ninfo as Mr. DeLano's biased Chief Advocate. Such advocacy derives from the fact that Mr. DeLano's attorney in *Pfuntner* is Michael Beyma, Esq., of Underberg & Kessler (A:1552; Pst:1289§f), the law firm of which Judge Ninfo was a partner when he was appointed to the bench (Add:636); so he felt Mr. DeLano to be his client, whereby he forfeited his position as an impartial arbiter who should have no interest in the controversy before him. The transcript also shows that Mr. DeLano's testimony corroborates Dr. Cordero's claim against him. (Pst:1281§d; ToEC:55>Comment>2<sup>nd</sup> ¶)

#### **IV. Call for a virtual firm of lawyers and investigative journalists to help prepare pro bono a class action centered on a representative case against these judges to expose the systematic dismissal of complaints supporting a bankruptcy fraud scheme and reveal how high and to what extent wrongdoing has reached**

40. Congress adopted the Bankruptcy Abuse Prevention Act to "restor[e] personal responsibility and integrity in the bankruptcy system [and] respond to...the absence of effective oversight to eliminate abuse in the system." [HR Rep. 109-31, p.2](#) For its part, the Administrative Office of the U.S. Courts (AO) has produced the 1997-2005 Reports of Complaints Filed and Action Taken under the Judicial Conduct Act (C:973), which together with its previous annual Reports shows that the judges' systematic dismissal for over a decade of [§351](#) judicial misconduct complaints could not have occurred but for their unlawful coordination to insulate themselves from such complaints. (ToEC>C:973>Comment) The relation between those official findings is what the [12 cases](#) referred to here show, to wit, the abuse has developed into a bankruptcy fraud scheme and judges have mishandled §351 complaints to, among other things, protect it and the schemers.
41. Now there is a need to expose the bankruptcy fraud scheme and the systematic dismissal of judicial misconduct complaints so as to lay bare the motive or benefit driving federal judges to tolerate or engage in such intentional and coordinated wrongdoing. A **first step** to that end is this presentation of the evidence gathered over the past five years in 12 cases and contained in the commented records of exhibits (ToEC:1 et seq.) and the exhibits. The **second step** is the formation, called for herein, of a virtual firm of lawyers and investigative journalists digitally meeting at Judicial-Discipline-Reform.org to pro bono research difficult legal issues and organize the investigation *Follow the money!* from filed bankruptcy petitions, many available through

PACER, to wherever it ended up in preparation for the **third step**: a class action centered on the representative case against C.J. Walker and J. Jacobs, brought on behalf of those similarly injured by the scheme and the systematic dismissal of their complaints, and charging denial of due process and violation of, among others, the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. §1961; C:1291) by judges who may remain in office only “during good Behaviour” (Const. Art. III sec.1; 28 U.S.C §44(b)), but who enjoy no blanket immunity from being subject to “Equal Justice Under Law” (C:1823); their governing bodies (T<sub>o</sub>E<sub>C</sub>:107) and staffs (T<sub>o</sub>E<sub>C</sub>:19§C, 28§E & 46§I); private and U.S. bankruptcy trustees (T<sub>o</sub>E<sub>C</sub>:111); other officers (cf. T<sub>o</sub>E<sub>C</sub>:§K; C:1552, 1568) in the web of personal relationships (C:1546, 1565, 1566); bankruptcy lawyers and their law firms (cf. D:258); and bankruptcy petitioners (¶33 above; T<sub>o</sub>E<sub>A</sub>:135§4).

42. The class action will confront the most powerful judges. Indeed, for decades since before the Judicial Conduct Act of 1980, the Supreme Court has known of the lack of an effective judicial impeachment mechanism (T<sub>o</sub>E<sub>C</sub>:60>Comment, C:1384) and of the break down of the Act’s self-discipline mechanism (T<sub>o</sub>E<sub>C</sub>:24>Comment, C:573). To know it, Late Chief Justice Rehnquist, who was also the presiding member of the Judicial Conference (28 U.S.C §331¶1), the body of last resort under the Act (id. §354(b)), need not read the AO’s Annual Reports on the Act (id. §604(h)(2)) or the Conference’s reports (C:1771). He knew that in 24 years since the Act the Conference had issued under it only 15 orders! (C:1611) Yet he wait until May 2004 to charge Justice Stephen Breyer with chairing a committee to study it. (C:574-577) The Breyer Committee held no hearings (cf. T<sub>o</sub>E<sub>C</sub>:66§L) and took over 27 months only to issue a **report** that clears his lower peers of the systematic dismissal of complaints apparent from the official reports.
43. All the Justices are also circuit justices of the circuits to which they have been allotted (28 U.S.C. §42, 45(b); C:149) so they may attend (C:980y-83; cf. 980z-10) their councils’ meetings where misconduct complaints are discussed (C:980y-84, z-76) and can learn the nature and number of orders related thereto, which must be reported to the Administrative Office (id. §332(c-d, g); C:980y-87, z-79). Hence, they know that such complaints are systematically dismissed. Actually, the Justices must be presumed to have realized from the cases that they deal with daily at the Supreme Court that ‘power corrupts and in the absence of any control over its exercise, power becomes absolute and corrupts absolutely’. Did they think that while wielding such power the 2,133 federal judges would remain immune to the type of “Culture of Corruption” that has engulfed the 535 members of Congress?, even bankruptcy judges, whose decisions affect the hand-changing of \$billions? (D:458§V, Add:621§1) Since the Justices cannot have ignored ongoing misconduct of judges abusing their uncontrolled power, why have they tolerated it?
44. Once in a lifetime the opportunity presents itself for a person to take extraordinary action for the common good. When it is long-term, fraught with grave risks, but capable of improving society with reforms that give practical meaning to the notions of integrity in government and fairness in its treatment of its people, the action becomes a noble mission. For he or she who rises to the challenge, there is public honor, gratitude, and remembrance. This is one such opportunity and a momentous one too, for it must reach all the way to the top of the Third Branch of Government to identify the motives of those in charge of the system of administration of justice for having allowed institutionalized wrongdoing by judges. Are you up to the mission to engage in highly skillful and professionally responsible legal research and analysis or investigative journalism of social and financial networks in order to answer the critical question arising from the evidence thus far collected: **Is a federal judgeship a safe heaven for wrongdoing and, if so, how high and to what extent has intentional and coordinated wrongdoing reached?**

## Tables of Exhibits\*

that provide the evidence gathered in 12 cases over 5 years showing that a federal judgeship has become a safe haven for wrongdoing and justifying an investigation to determine how high and to what extent wrongdoing has reached; and that warrant the call for forming a virtual firm of lawyers and investigative journalists centered on Judicial Discipline Reform.org to help prepare pro bono a class action based on the representative case charging that Chief Judge John M. Walker, Jr., of the Court of Appeals for the Second Circuit (CA2) and CA2 Judge Dennis Jacobs have engaged in a series of acts of disregard of evidence and of systematic dismissal of judicial misconduct complaints forming a pattern of non-coincidental, intentional, and coordinated wrongdoing that supports a bankruptcy fraud scheme and protects the schemers

by  
**Dr. Richard Cordero, Esq.**

### I. Cases providing evidence for the investigation & the representative case

	Case name	Filing date	Closing date or status	Docket no.	Court	File:pg.# * of brief docket	
1.	<i>In re Premier Van Lines</i> (Ch. 7 bkr.)	3/5/1	10/24/3	01-20692	WBNY	cf. A:72§1	A:565
2.	<i>Pfuntner v. Trustee Gordon et al.</i> (AdvP)	9/27/2	pending	02-2230	WBNY	A:70	A:1551
3.	<i>Cordero v. Trustee Gordon</i>	1/15/3	3/27/3	03cv6021L	WDNY	A:158	A:458
4.	<i>Cordero v. Palmer</i>	2/4/3	3/27/3	03mbk6001L	WDNY	A:314	A:462, but see ToEA:156>A:462b
5.	<i>In re Premier Van et al.</i>	5/2/3	1/26/5dism'd	03-5023	CA2	C:169	C:422
6.	<i>In re Richard Cordero</i> (mandamus)	9/12/3	denied 10/8/3	03-3088	CA2	A:615	A:665g
7.	<i>Misconduct complaint v. Bkr. J. Ninfo, WBNY</i>	9/2/3	6/8/4 dism'd	03-8547	CA2	C:1, 63; E:1	ToEC§§A,D
8.	<i>Misconduct complaint v. Chief J. Walker, CA2</i>	3/30/4	9/24/4dism'd	04-8510	CA2	C:271	ToEC:§§B,F
9.	<i>Cordero v. Trustee Gordon et al.</i>	1/27/5	cert. denied	04-8371	SCt	A:1601	A:2229
10.	<i>In re David &amp; Mary Ann DeLano</i> (Ch. 13 bkr.)	1/27/4	on appeal	04-20280	WBNY	cf.C:1295§§A-B	D:496
11.	<i>Cordero v. DeLano</i>	4/22/5	on appeal	05cv6190L	WDNY	Pst:1231	Pst:1181
12.	<i>Dr. Richard Cordero v. David &amp; Mary DeLano</i>	10/16/6	pending	06-4780	CA2	CA2:1700	CA2_dkt

\*This is page 1 of the Tables both of entries describing the exhibits supporting the Statement of Facts & of comments thereon.

## II. Summary of Contents

### ToEC:# pages

Call for formation of class action and virtual firm of lawyers and  
 investigative journalists.....ToEC:1

### ToEA:# pages

*Pfuntner v. Tr. Gordon et al., WBNY> Cordero v. Gordon & Palmer, WDNY>*  
*>Premier Van et al., CA2>Cordero v. Trustee Gordon et al., SCt..... ToEA:121*

### ToED:>ToEAdd:>ToEPst:# pages

*In re David & Mary Ann DeLano, WBNY>Cordero v. DeLano, WDNY..... ToED:201*  
ToEAdd:221  
ToEPst:251

## III. Contents of ToEC:# pages

IV. The C:# pages are related to the A, D, Add, and Pst files because the same pattern of judicial wrongdoing runs through the cases that each covers, which justifies JDR’s call for a class action and a virtual firm of lawyers and investigative journalists to help pro bono to prepare it ..... ToEC:5

---

\* The letters identify sets of PDF files containing exhibits of the cases cited above; and the numbers indicate the first page of the respective exhibits. The letters mean the following:

**A**= Appendix of exhibits of cases 1-9; **C**=this call; **Tr**=transcript of 3/1/5 hearing  
**D**=Designated items in the record of cases 10-11; **Add**=Addendum to D; and **Pst**=PostAddendum.

The PDF files can be opened with Acrobat Reader v. 7, which can be downloaded from [Adobe.com](http://adobe.com). They are found in the Attachments pane of this file ([Statement facts & Table Exh](#)). Clicking on the Bookmarks tab of a file will open a pane that may contain the file’s table of content. Some files, such as [Text of Authorities Cited](#), may also be contained in suitably identified folders in this website.

The text of a referenced exhibit can be found by opening the PDF file within whose number range the reference’s page number falls. Such text can also be accessed through the block of hyperlinks to exhibits by pressing Ctrl and double clicking on the corresponding lettered hyperlink whose number is the same as that of the reference or is the next lower; e.g. if the reference is to C:275 click on [C:271](#).

JDR’s call: [C:1/E:1](#); [C:271](#); [C:441](#); [C:551](#); [C:711](#); [C:821](#); [C:981](#); [C:1081](#); [C:1285](#); [C:1331](#)  
*Pfuntner>WBNY>WDNY>CA2>SCt: [A:1](#); [A:261](#); [A:353](#); [A:734](#); [A:1061](#); [A:1301](#); [A:1601](#); [A:1675](#); [A:1765](#); [E:1](#)*  
*DeLano: [D:1](#); [D:103](#); [D:203](#); [D:301](#); [D:425](#); [Add:509](#); [Add:711](#); [Add:911](#); [Pst:1171](#); **Tr**=transcript of 3/1/5 hearing*

V. Headings of the descriptive titles of the exhibits and comments .....ToEC:7

A. Judicial misconduct complaint against Bankruptcy Judge John C. Ninfo, II, WBNY ..... ToEC:7

    1. From *Pfuntner* before Judge Ninfo on appeal to CA2.....ToEC:12

B. Judicial misconduct complaint against Chief Judge John M. Walker, Jr., CA2 .....ToEC:13

C. Misconduct by clerks leads to call for an investigation by motion to CA2 and by request to its Clerk of Court.....ToEC:19

D. Appeal to the Judicial Council, 2<sup>nd</sup> Cir., from the dismissal of the misconduct complaint against Judge Ninfo, WBNY .....ToEC:23

E. Request to the Administrative Office of the U.S. Courts for an investigation of misconduct by clerks.....ToEC:28

F. Appeal to the Judicial Council from the dismissal of the misconduct complaint against C.J. Walker.....ToEC:29

G. Appeal to the Judicial Conference of the U.S. from the denials by the Judicial Council of the petitions for review of the dismissals of the complaints against Judge Ninfo & C.J. Walker.....ToEC:32

H. Comments in response to the invitation by CA2 for public comments on the reappointment of Judge Ninfo to a new term as bankruptcy judge .....ToEC:42

I. Request for referral to the Judicial Conference of a Court Reporter for investigation of her refusal to certify that her transcript would be complete, accurate, and free of tampering influence .....ToEC:46

J. Request to the Judicial Council, 2<sup>nd</sup> Cir., for the abrogation of district local rules inconsistent with FRCivP and protective of a bankruptcy fraud scheme.....ToEC:55

K. Referral to the U.S. Attorney’s Offices and the FBI’s Bureaus in New York City, Buffalo, and Rochester, NY, for an investigation of a judicial misconduct and bankruptcy fraud scheme .....ToEC:57

    1. Offices in New York City ..... ToEC:57

    2. Offices in Rochester and Buffalo.....ToEC:64

L. Submissions to the Judicial Conduct and Disability Act Study Committee chaired by Justice Stephen Breyer of

evidence of a pattern of systematic dismissal of complaints about judicial wrongdoing in support of a bankruptcy fraud scheme further protected by preventing complaints from reaching the Judicial Conference.....ToEC:70

VI. Table of Authorities Cited (AuC:#) whose text is in downloadable PDF files.....ToEC:71

VII. Tables pointing to the roles played by persons and entities involved in the 11 underlying cases.....ToEC:76

A. Contact information with references to exhibits for background to investigatees.....ToEC:76

1. Contact information organized alphabetically .....ToEC:76

2. Official Directory of the Bankruptcy Court in Rochester and Buffalo, NY .....ToEC:89

3. Contact information with detailed index to exhibits, organized by categories listed in the order in which the *Follow the money!* investigation may proceed .....ToEC:271

B. Searches on PACER for two trustees and one bankruptcy attorney and its return of docket information about, and hyperlinks to, their more than 7,800 cases before Judge Ninfo .....ToEC:91

C. List of tables interspersed among the exhibits of all Tables of Exhibits .....ToEC:101

D. List of reproduced tables.....ToEC:105

\*\*\*\*\*

IV. The C:# pages are related to the A, D, Add, and Pst files because the same pattern of judicial wrongdoing runs through the cases that each covers, which justifies JDR's call for a class action and a virtual firm of lawyers and investigative journalists to help pro bono to prepare it

1. The separate volume of exhibits that accompanied the misconduct complaint against Judge John C. Ninfo, II, WBNY, (C:1, 63) had its pages numbered A-#. The "A" stood for the Appendix to the opening brief of Appellant Dr. Richard Cordero in *In re Premier Van et al.*, no. 03-5023, CA2 (C:172). That Appendix had been titled, and consisted of the, "Items in the Record" (cf. FRBkrP 8006) of the cases appealed from, to wit, *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY, and its appeals to the District Court, i.e. *Cordero v. Trustee Gordon*, no. 03cv6021L, and *Cordero v. Palmer*, no. 03-6001L, WBNY.
2. That brief in *Premier* (C:172 & A:1301) and its Appendix (A-1-430) were filed in CA2 bearing the date of July 9, 2003. By the following August 11 when Dr. Cordero filed his judicial misconduct complaint under 28 U.S.C. §351 against Judge Ninfo (C:1, 63), other documents, such as letters, motions, and dockets, had been filed in both *Pfuntner* (e.g. A:490, 497, 462) and *Premier* (e.g. A:468, 469, 507). He had numbered their pages consecutively from the last number in the Appendix and added them to it chronologically upon their being filed while on its Table of Items he entered their titles thematically under appropriate headings.
3. Those documents showed continued wrongdoing by Judge Ninfo and other court officers as well as what appeared to be coordination with CA2 clerks not to docket Dr. Cordero's appeal properly so as to cause its dismissal. Hence, just as the July 9 Appendix, the volume of exhibits (A-1-507) accompanying the complaint was titled "Items in the Record" (cf. C:61) and its pages bore the numbering format A-#. All those documents are in the PDF files A:1-260, A:261-352; & A:353-733.
4. The documents created after the August 11 complaint against Judge Ninfo were similarly added to the Appendix. By the time when Dr. Cordero filed his judicial misconduct complaint of March 19, 2004, against CA2 Chief Judge John M. Walker, Jr., (C:271) additional motions and orders had been produced in *Pfuntner* and *Premier*. They too showed or discussed evidence that CA2 judges supported, whether by indifference or intent, judicial wrongdoing, for even judges are subject to the principle that 'a person is deemed to intend the natural consequences of his or her acts'. Consequently, some of those documents were filed with the complaint against the Chief Judge in a volume titled Evidentiary Documents, subsequently renamed Exhibits (ToEC:315, 324); the format used to number its pages was A:#. The same format was used for other documents created as Dr. Cordero pursued his dismissed appeal by petitioning for panel rehearing and hearing en banc (ToEA:42§5), and subsequently his petition to the Supreme Court for a writ of certiorari. (ToEA:51§D)

5. However, other documents that were not filed in such proceedings, were not added to the Appendix. Among them are most of those connected with the pursuit of the misconduct complaints and the appeals to entities other than CA2, such as the Judicial Council of the Second Circuit, the Judicial Conference of the U.S., the Administrative Office of the U.S. Courts; the Department of Justice and the FBI; and the Judiciary Committees of both chambers of Congress. (ToEC:§§D-K) They form the bulk of the documents listed on this Table whose pages bear the numbering format C:#.
6. Likewise, other documents were generated after David and Mary Ann DeLano filed their voluntary bankruptcy petition *In re DeLano*, no. 04-20280, WBNY, on January 27, 2004. (D:23-60) Therein they named Dr. Cordero among their creditors (D:40), because of his claim against Mr. DeLano in *Pfuntner*, in which Dr. Cordero was 3rd party plaintiff and Mr. DeLano 3rd party defendant. After that claim was disallowed by Judge Ninfo at the sham evidentiary hearing (Pst:1255§1) in Bankruptcy Court on March 1, 2005, Dr. Cordero appealed to the District Court in *Cordero v. DeLano*, no. 05cv6190L, WDNY. For that appeal, he designated supporting items in the record of *In re DeLano* (cf. FRBkrP 8006) and numbered their pages D:#. But then District Judge David Larimer and the Bankruptcy Court Reporter engaged in a common effort to deprive Dr. Cordero of the incriminating transcript of that evidentiary hearing. When they failed and the Reporter had to send the transcript to Dr. Cordero eight month later (ToEC:§I), he used it to write his appellate brief of December 21, 2005 (Pst:1231).
7. In the intervening eight months many documents had been produced and filed. Dr. Cordero collected and filed them with his brief as an Addendum to the initial volume of designated items; he identified its pages as Add:# with their page numbers continuing the last number in the first, D:# volume. Similarly, after the DeLanos filed their answer to that brief, Dr. Cordero filed his reply of February 8, 2006 (Pst:1381), which was accompanied by a Post-Addendum, with pages identified as Pst:# and their numbers continuing from the last in the Addendum.
8. All those documents share a key element, namely, they contain or discuss evidence of disregard for the law, the rules, and the facts so consistently detrimental to Dr. Cordero alone as to exclude coincidental mistakes due to mere incompetence on the part of judges and their staffs. Incompetent people would have erred roughly half of time in favor of, and the other half against, the same person. Instead, the consistent impact on the same target as well as the sheer number and increasing blatancy of the wrongful acts reveal a pattern of non-coincidental, intentional, and coordinated wrongdoing in support of a bankruptcy fraud scheme. For its part, the systematic dismissal of judicial misconduct complaints has protected the schemers.
9. That pattern of wrongdoing provides a solid basis for Judicial Discipline Reform's call for a virtual firm of lawyers and investigative journalists to help pro bono prepare a class action to expose it together with the motive or benefit for which judges have engaged in it. In so doing, the members of that firm should be guided by the underlying question: **Has a federal judgeship become a safe haven for wrongdoing and, if so, how high and to what extent has wrongdoing reached?**



V. Descriptive titles of the exhibits and comments

**A. Judicial misconduct complaint against  
Bankruptcy Judge John C. Ninfo, II, WBNY**

1. Dr. Richard Cordero’s letter of August 11, 2003, to Roseann B. MacKechnie, Clerk of Court of the Court of Appeals for the Second Circuit, setting forth a judicial misconduct **complaint** under 28 U.S.C. §372(c)(1) [Judicial Conduct and Disability Act of 1980, now at U.S.C. §351 et seq.; see it in the Text of Authorities Cited] **against** Bankruptcy Judge John C. Ninfo, II, WBNY, and other court officers at the U.S. Bankruptcy Court and the U.S. District Court for the Western District of New York.....C:1
  - Attachments:
    - a) the **Official CA2 Complaint Form** for filing complaints against judicial officers under 28 U.S.C. §372(c)(1) .....C:3
    - b) Dr. Cordero’s **Statement of Facts of August 11, 2003**, submitted [as an exhibit, hence the page numbering format E:#] in support of the complaint under §372(c)(1) against Judge **Ninfo and other** court officers set forth in his August 11 letter to Clerk MacKechnie (C:1) ..... E:1
      - i) Table of Contents ..... E:4
    - c) Judge **Ninfo’s order of July 15, 2003, requiring**, among other things, that Dr. **Cordero**, who lives in New York City, **participate** in a **series** of “discrete” “discreet” **hearings** in Rochester, NY, in *Pfuntner v. Trustee Gordon et al.*, docket no. 02-2230, WBNY ..... E:55
2. **Title page** of the separate exhibits volume titled “**Items in the Record...**” .....C:61
  - a) “Items in the Record...”
 

[**Comment:** This separate volume of exhibits consisted of pages A-1-430 of the items in the record in the District Court, WBNY, which pursuant to FRAP 6(b)(2)(B)(i) was redesignated for the appeal *In re Premier Van et al.*, docket no. 03-5023, CA2; those pages, bound separately, accompanied Dr. Cordero’s opening brief of July 9, 2003, in CA2 (C:169). The volume also included pages A-431-507 containing exhibits added between July and August 2003. As revised, those exhibits are now found mostly with the same page numbers in pages A:1-507 of the PDF files in the [A 1-2229 folder](#). (see also ToEC:5§IV above)]
3. CA2 Clerk **MacKechnie’s** letter by Deputy Clerk Patricia Chin-Allen of **August 25, 2003**, acknowledging Dr. Cordero’s judicial conduct **complaint** of August 11, 2003, but **returning** it due to **improper form**

concerning the **use of the old 28 U.S.C. §372(c) complaint form** and a statement of facts **exceeding the 5-page** limitation; and providing a copy of the **new 28 U.S.C. §351 complaint form** .....C:62

[**Comment:** A comparison shows that there is no difference between the old and the new complaint forms, except that the latter refers to §351 as the legal basis for the complaint.]

4. **Dr. Cordero’s Statement of Facts of August 27, 2003**, after the original August 11 Statement was shortened to **5 pages** and its legal basis was switched from §372(c) to **§351** of 28 U.S.C.; submitted to the CA2 Clerk in support of his August 11 **complaint** against **J. Ninfo** and other court officers .....C:63

Attachments:

a) **Official CA2 Complaint Form** for filing complaints against judicial officers under 28 U.S.C. **§351** .....C:68

b) **Dr. Cordero’s original 54-page Statement of Facts** of, 2003, submitted as an exhibit in support of his complaint against Judge Ninfo and other court officers set forth in his 2-page August 11 letter to Clerk MacKechnie (C:1) ..... E:1 above

c) **Dr. Cordero’s letter of August 11, 2003, to CA2 Clerk MacKechnie** lodging a judicial misconduct **complaint** against Judge **Ninfo** and others..... C:1 above

d) **Judge Ninfo’s order of July 15, 2003, requiring**, among other things, that **Dr. Cordero**, who lives in NYC, **participate** in a series of **“discrete” “discreet” hearings** in Rochester, NY..... E:55 above

5. Clerk **MacKechnie’s** letter by Deputy **Allen** of **September 2, 2003**, **acknowledging** receipt of Dr. Cordero’s judicial conduct **complaint**, but returning the separate volume of exhibits and stating that she **awaits** submission of **conformed exhibits** that do not include material not referenced in the Statement of Facts .....C:71

[**Comment:** On whose instructions and for what practical purpose was a court clerk asked to waste her time checking whether each of the exhibits in a 507-page volume of exhibits was referenced in the Statement of Facts?!]

6. **Title page of the separate volume of exhibits**, after **renaming** its statutory basis for judicial misconduct complaints from §372(c)(1) to **§351** of Title 28 U.S.C., and complying with Deputy Allen’s requirement of removing from the volume the exhibits not referenced in the Statement of Facts.....C:72

7. Clerk **MacKechnie’s** letter by Deputy **Allen**, dated **September 2, 2003**,

but received by Dr. Cordero on September 10, **acknowledging** receipt of a **complaint** under §351, dated August 27, 2003, and received on August 28, 2003, and giving notice of docketing it under no. **03-8547** .....C:73

8. **Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers under 28 U.S.C. et seq.**.....C:75

a) **Complaint form** stating its legal basis as §351 **and** accompanying the Rules of the Judicial Council of the **Second Circuit Governing Complaints Against Judicial Officers** .....C:101

9. Dr. **Cordero’s letter of February 2, 2004, to the Hon. John M. Walker, Jr., Chief Judge of the Court of Appeals for the Second Circuit, inquiring about the status of the complaint against Judge Ninfo and updating its supporting evidence** .....C:105

Exhibits

a) CA2 Clerk **Allen’s acknowledgment** of September 2, 2003, of filing Dr. Cordero’s §351 complaint against J. Ninfo (as in C:73).....C:107

b) **CA2 order of November 13, 2003, granting Dr. Cordero’s motion of November 3, 2003, for leave to introduce** in the record of his appeal *In re Premier Van et al.*, no. 03-5023, CA2, an **updating supplement on the issue of Judge Ninfo’s bias** [A:801] .....C:108

[**Comment:** This order was attached to show that CA2 had established the precedent for the updatability of evidence concerning Judge Ninfo’s bias.]

10. Clerk **MacKechnie’s** letter by Deputy **Allen** of **February 4, 2004**, acknowledging receipt of Dr. Cordero’s five copies of his **February 2** inquiring and updating **letter** to Chief Judge Walker, and stating “I am returning your documents to you. A decision has not been made in the above-reference matter. You will be notified by letter when a decision has been made” .....C:109

[**Comment:** Yet, it stands to reason that an update 6 months after the original complaint of August 11, 2003, was most pertinent precisely because a decision had not yet been made and the updating information could be useful in making it.]

11. Sample of Dr. **Cordero’s** letters of **February 11 and 13, 2004**, to Justice Ginsburg as Circuit Justice for the 2<sup>nd</sup> Circuit; to Judge Dennis Jacobs as the Circuit Judge eligible to become the next chief judge of the circuit; and to other members of the **Judicial Council, 2nd Cir., requesting** on the strength of the over 85 attached exhibits that they **bring his complaint** against Judge Ninfo and the other court officers **to the attention** of the **Council** and have it review C.J. Walker’s and CA2 clerks’ handling of the complaint so that the Council may launch an investigation of the judges and officers complained-against.....C:110

- a) **List of names, addresses, and telephone numbers of the Justice and judges members of the Judicial Council to whom Dr. Cordero sent his letters** .....C:112

[**Comment:** See also this information displayed in tabular format for mail merge at C:774.]

Attachment and Exhibit

- b) Table of Exhibits.....C:113

- I.5. CA2 summary order of January 26, 2004, by CA2 Chief Judge Walker, CA2 Judge James L. Oakes, and CA2 Judge Robert A. Katzmann, dismissing Dr. Cordero’s appeal In re Premier Van et al., no. 03-5023, CA2, for lack of jurisdiction because the orders appealed from were interlocutory, non-final orders**.....C:119

[**Comment:** This order is included here to show that CA2 **did not even mention** the issue of judicial wrongdoing that Dr. Cordero had timely and repeatedly raised in his opening brief (C:172) and motions (C:108 & D:426; C:296; C:381; D:440). In those documents, Dr. Cordero had stated that the acts of disregard for the law, the rules, and the facts by Bankruptcy Judge Ninfo and others were so numerous, so protective of the local parties and injurious to Dr. Cordero alone, the only non-local and pro se party, as to form a **pattern** of non-coincidental, intentional, and **coordinated wrongdoing in support of bankruptcy fraud**.

Yet, CA2 disregarded the evidence of such wrongdoing and simply dismissed the appeal on jurisdictional grounds. By so doing, the Court treated the appeal as if it were merely an action game where observance of formal rules took precedence over the substance of the process, that is, a determination of rights and duties by impartial judges acting in accordance with law. Thereby CA2 also failed to discharge its duty to safeguard the integrity of judicial process.

Moreover, the Court’s dismissal of the case on formal grounds not only ignored the substance of the appeal, but it also showed indifference to the practical consequence of its action, namely, it sent Dr. Cordero back to biased Bankruptcy Judge Ninfo and District Judge David G. Larimer to be worn down in litigation before them. Indeed, these judges had so repeatedly disregarded the rule of law and the facts that it was foreseeable that they would keep abusing Dr. Cordero’s rights all the way until their issuing of a final order or judgment, that is, if Dr. Cordero, a pro se party, had not been forced by exhaustion to settle or surrender his claims.

For what extrajudicial motive, aside from the legal merits of the case, the CA2 judges proceeded with such disregard for **“the effective and expeditious administration of the business of the courts”** is one of the key questions that must be answered in light of the compelling and abundant evidence of a bankruptcy fraud scheme.

For a summary of early evidence, up to August 2003, of such wrongdoing by Judge Ninfo and other court officers, see the detailed Table of Contents (E:4) of the Statement of Facts supporting Dr. Cordero's complaint against them of August 11, 2003.

On how the allegation that the district court orders are non-final and thus, unappealable is wrong as a matter of law and in practice, see C:124§§II-IV, and A:1652§3]

12. Dr. **Cordero's petition of March 10, 2004, to CA2 for panel rehearing and hearing en banc** of the dismissal of his appeal *In re Premier Van et al.*, no. 03-5023, CA2 .....C:122
  - a) Table of Entries from the Appendix (A-1-507).....C:138
  
13. Letter of Chief Judge Robert N. **Chatigny**, U.S. District Court for the District of **Connecticut**, of **March 1, 2004, to Dr. Cordero** stating that "The Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers...appear to make no provision for requests for expedited handling of complaints" ..... C:139
 

[**Comment:** Yet, the copy sent to C.J. Chatigny of the letter to CA2 C.J. Walker (C:105) showed precisely how 28 U.S.C. §351 and the Judicial Council Rules require 'prompt and expeditious action'. Did he even read that letter?]
  
14. Letter of Chief Judge Michael B. **Mukasey**, SDNY, of **March 2, 2004, to Dr. Cordero** stating that "The letter appears to state that you have filed a complaint of judicial misconduct and that you are not satisfied with the result" .....C:140
 

[**Comment:** However, the letter to C.J. Mukasey stated precisely that CA2 C. J. Walker had failed to provide any response for six months since the filing of the complaint against Judge Ninfo. Can these judges read with understanding or is there any other motive for their patently mistaken responses?]
  
15. Sample of Dr. **Cordero's letters of March 22, 2004, to Circuit Judge Jose A. Cabranes and other members of the Judicial Council** who had not replied to his letters of February 11 and 13, **requesting a reply** from each.....C:141
  
16. Clerk **MacKechnie's letter of March 29, 2004, advising Dr. Cordero** that his **letters to Circuit Judges Calabresi and Straub were forwarded** to her office and that "Judicial Conduct Complaint 03-8547 [against Judge Ninfo and others] is under consideration"..... C:142
 

[**Comment:** "Under consideration" since August 28, 2003 (C:73), seven months!, yet 28 U.S.C. §351 et seq. require 'prompt and expeditious action' (cf. C:105). So during all that time and for months thereafter C.J. Walker and the other judges of CA2 and the Judicial Council tolerated the misconduct of a judge, who kept affecting the integrity of judicial process and inflicting enormous material injury and tremendous

emotional distress on a particular, identifiable individual, Dr. Cordero.

Was the determinative consideration for their attitude precisely that the person complained-against was a judge, that is, one of their own? Did they not want to set a disciplinary precedent that one day could be turned around and applied against them, whether justifiably or in retaliation for having investigated, let alone disciplined, one of their brethren? Or were they not able to condemn conduct that they had themselves engaged in at an earlier time in their judgeships or were still engaging in? Their toleration of the conduct of Judge Ninfo as well as the other court officers complained-about in spite of the ever more blatant evidence of a bankruptcy fraud scheme and protection for the schemers shows that there is something very wrong going on.]

- 17. Letter of Karen Greve **Milton, Circuit Executive, of March 30, 2004, to Dr. Cordero** responding to his March 22 letters to members of the Judicial Council (C:141) and advising him that his judicial conduct **complaint** against Judge Ninfo is a “matter pending before the Court” ..... C:143

[**Comment:** But under 28 U.S.C. §351 it is the chief judge of the circuit who decides how to handle the complaint, not the court of appeals. Do the mistakes of these court officers (C:139, 140) reveal the quality of their work generally or their non-coincidental, intentional, and coordinated way of handling judicial misconduct complaints particularly?]

- 18. Clerk **MacKechnie’s** letter by Clerk **Allen of June 8, 2004, to Dr. Cordero** stating that his judicial conduct complaint, no. 03-8547, against Judge Ninfo was dismissed and indicating that the **deadline** for filing a **petition for review** by the Judicial Council is **July 9, 2004** .....C:144

- a) Order of Circuit Judge Dennis **Jacobs, as Acting Chief Judge, of June 8, 2004, dismissing** Dr. Cordero’s judicial misconduct **complaint** against Judge **Ninfo, no. 03-8547, filed on August 28, 2003 [C:1, 63]** .....C:145

- 19. **Allotment** of the Justices of the Supreme Court among the circuits .....C:149

**1. From *Pfuntner* before Judge Ninfo on appeal to CA2**

- 20. **Title page** of Dr. **Cordero’s** opening **brief** of **July 9, 2003, in *In re Premier Van et al., 03-5023, CA2*** .....C:169

- 21. Dr. **Cordero’s** opening **brief** of **July 9, 2003, in his appeal to CA2 *In re Premier Van et al., no. 03-5023, CA2*** .....C:171

[**Comment:** That brief also raised the issue and described the factual pattern of judicial wrongdoing, summarized at C:173§C and discussed from a legal standpoint at C:238§D.]

- a) Table of **Contents** .....C:172

b) Table of the **Special Appendix** (in the same volume as the brief).....C:181

    1) Special Appendix items (SPA-:#) ..... **A**:1379

c) Appendix (in a volume separate from the brief) ..... **A**:1-430

d) Statement of Issues Presented for Review .....C:186

e) Statement of the Case ..... C:188

f) Statement of Facts .....C:190

g) Summary of the Argument..... C:205

h) The Argument.....C:209

i) Relief Sought.....C:244

**B. Judicial misconduct complaint against Chief Judge John M. Walker, Jr., CA2**

22. Dr. **Cordero’s** 5-page **Statement of Facts** of **March 19, 2004**, setting forth a **complaint** under 28 U.S.C. §351 **against C.J. Walker**, addressed, under Rule 18(e) [C:98] of the Rules of the Judicial Council of the Second Circuit Governing Complaints against Judicial Officers, to the circuit judge eligible to become the next chief judge of the circuit .....C:271

Attachments:

a) the **Official CA2 Complaint Form** for filing complaints against judicial officers under 28 U.S.C. **§372(c)**.....C:276

b) Table of **Documents**.....C:279

Exhibits:

c) 25 pages of **documents** (listed in the Table of Documents, C:279§I) dated after the original judicial misconduct complaint of August 11, 2003, against Judge Ninfo and accompanying the Statement of Facts; among them are the following ones **not already listed** above:

**7) Notice** of the Bankruptcy Court, WBNY, of February 3, 2004, of Chapter 13 Bankruptcy Case, **Meeting of Creditors** and **Deadlines** .....C:289

[This notice concerns the voluntary bankruptcy petition, docket no. 04-20280, filed on January 27, 2004, by David and Mary Ann DeLano, who named Dr. Cordero among their creditors (C:598).]

**8) Dr. Cordero’s Objections** of **March 4, 2004, to Confirmation** of the Plan of Debt Repayment submitted by Debtors David and Mary Ann **DeLano** .....C:291

9) Dr. **Cordero's** Outline of his **Oral Argument** on December 11, 2003, paper copies of which were delivered to the members of the CA2 panel on the day of argument.....C:296

TABLE: **Main Papers** in In re Premier Van et al., docket no. 03-5023, CA2, with the numbers of the pages where they appear in the Appendix [cf. A:#] to Dr. Cordero's opening brief [C:171].....C:301

d) Title page of the separate exhibits volume titled "Evidentiary Documents..." .....C:302

**i) "Evidentiary Documents..."**

[**Comment:** This separate **volume** of exhibits included pages A-1-507, which had accompanied Dr. Cordero's complaint of August 11, 2003, against Judge Ninfo and other court officers (see the comments at ToEC>C:61 under a) above). As revised, those exhibits are now found mostly with the same page numbers in pages A:1-507. In addition, the "Evidentiary" volume included the following pertinent exhibits created in and since August 2003:

83. Dr. **Cordero's** motion of **August 8, 2003**, for **Judge Ninfo to transfer Pfuntner v. Trustee Gordon et al.**, no. 02-2230, WBNY, to the U.S. District Court in Albany, NDNY, **and recuse himself due to bias**..... **A:674**

84. Dr. **Cordero's** motion of **November 3, 2003**, in **CA2** for leave to file an **updating** supplement of evidence of **bias** in Judge **Ninfo's** denial of Dr. Cordero's request for a trial by jury .....**A:801**

85. Dr. **Cordero's** motion of **December 28, 2003**, in CA2 for leave to brief the **issue** raised at oral argument by the **CA2 panel** hearing *In re Premier Van et al*, no. 03-5023, of CA2's **jurisdiction** to decide that case.....**A:844**

23. Dr. **Cordero's** motion of **March 22, 2004**, in CA2 for CA2 C.J. **Walker to recuse** himself from *In re Premier Van et al.*, no. 03-5023, CA2, and from considering the pending petition for panel rehearing and hearing en banc.....C:303

a) Table of Contents .....C:305

24. CA2 Clerk **MacKechnie's** letter by Deputy **Allen** of **March 24, 2004**, acknowledging receipt of the complaint against C.J. Walker **and imposing** compliance with certain **formal requirements** for filing it.....C:315

25. Dr. **Cordero's** letter of **March 24, 2004**, to Circuit Judge Dennis **Jacobs**, as the circuit judge eligible to become the next chief judge of the Circuit, **asking** in connection with the **obstacles** placed **to filing** his misconduct



**complaint** of March 19, 2004, **against C.J. Walker** whether:

- i) Clerk Allen violated **FRAP Rule 25(4)**, which provides that “The clerk **must not refuse** to accept for filing **any paper** presented for that purpose solely because it is not presented in proper form as required by these rules or by **any local rule or practice**” ; and
- ii) Clerk Allen **handled the complaint** as she normally does any other or as part of a pattern of coordinated acts aimed at **preventing** Dr. Cordero from **filing** his judicial misconduct complaint.....C:316

Exhibit

- a) **Title page** of the separate **volume** titled “Evidentiary **Documents**” **supporting** Dr. Cordero’s **complaint** of March 19, 2004, against Chief Judge Walker ..... C:302 above

- 26. Dr. **Cordero’s** letter of **March 25**, 2004, to CA2 Judge Robert D. **Sack** **requesting** that as member of the **Judicial Council** of the Second Circuit he cause the Council to **investigate**:
  - i) why his judicial misconduct **complaint** charging disregard of the law and rules by Judge Ninfo and others has been **dealt with by C.J. Walker disregarding** the law at 28 U.S.C. §351 and the rules, such as those of the Council governing misconduct complaints [C:75], both of which require that such complaints be handled ‘promptly and expeditiously’; and
  - ii) why the **Court** of Appeals **failed** even to **discuss** the question of **misconduct when dismissing** his appeal in *In re Premier Van et al.*, no. 03-5023 [see the entry and comment at C:119] .....C:319
- 27. Clerk **MacKechnie’s** letter of **March 29**, 2004, advising Dr. Cordero that his **letter to Judge Sack** was **forwarded to her** office and that the matter is under consideration..... C:320
- 28. Dr. **Cordero’s resubmission** of March 29, 2004, to comply with formal requirements imposed by Clerks MacKechnie and Allen, of the **March 19** Statement of Facts of the **complaint** against CA2 Chief Judge **Walker** ..... C:271 above  
 Accompanied by:
- 29. **unattached: Official CA2 Complaint Form** for filing complaints against judicial officers under 28 U.S.C. **§351** .....C:321
- 30. **attached: 25 pages of documents** (listed in the Table of Documents, C:279§I) which were **created after** the original judicial misconduct

complaint of **August 11, 2003** (§22.c above).

31. The separate **volume of exhibits after** substituting “**Exhibits**” for “**Evidentiary Documents**” on its title page and removing **the exhibits** that were **not referred to** in the Statement of Facts, which changes were made to the original volume (§22.d.i) above) to overcome the CA2 clerks’ filing obstacle (C:315; cf. C:316).
  - i) **Title page** of the separate **volume** titled “**Exhibits**” .....C:324
32. Clerk **MacKechnie’s** letter of **March 29, 2004, to Dr. Cordero**, accompanying the **removed Table of Contents and pages 1-25** from each of the five copies of the resubmitted Statement of Facts because they were duplicates of pages in the separate volume titled “**Exhibits**” .....C:325
 

[**Comment:** What reason would the Clerk of Court herself have to waste her time determining whether a filing has duplicates or a table of contents? What harm is done by including them? None!, unless it is that the filing is a judicial misconduct complaint against the Chief Judge so that any pretext must be used to raise obstacle after obstacle intended to wear down the complainant and dissuade him from filing his complaint; and failing that, every means is used to eliminate from the complaint as much material as possible.]
33. Clerk **MacKechnie’s** letter by Deputy **Allen** of **March 30, 2004**, acknowledging receipt of a complaint and giving notice of filing it on March 29 and **docketing** it under no. **04-8510** .....C:326
34. Dr. **Cordero’s** motion of **April 18, 2004**, in CA2 for **leave to update the motion for Chief Judge Walker to recuse himself** from *In re Premier Van et al.*, no. 03-5023, CA2, with recent evidence of a **tolerated pattern of disregard** for **law and rules** further calling into question the Chief Judge’s objectivity and impartiality to judge similar conduct on appeal .....C:337
  - a) Table of Contents .....C:338
  - b) Table of Exhibits.....C:358
35. CA2’s **order of May 4, 2004**, by C.J. **Walker**, CA2 Judge James L. **Oakes**, and CA2 Judge Richard C. **Wesley**, denying Dr. Cordero’s motion of March 22, 2004, for “recusal of Chief Judge Walker from petition for rehearing and petition for rehearing en banc” in *In re Premier Van et al.*, no. 03-5023 .....C:359
36. CA2’s **amended order**, by C.J. **Walker**, J. **Oakes**, and J. **Katzmann**, of **May 10, 2004**, signed by Motions Staff Attorney Arthur Heller, **denying** Dr. Cordero’s motion for **recusal** of C.J. **Walker** .....C:360
37. Dr. **Cordero’s** **motion of May 31, 2004**, in CA2 for CA2 C.J. **Walker** either to **state his arguments for denying** the motions [of March 22, C:303; and of April 18, C:337] that he **disqualify** himself from considering the

pending petition for panel rehearing and hearing en banc and from having anything else to do with *In re Premier Van et al.*, no. 03-5023, or disqualify himself and failing that for CA2 to **disqualify the Chief Judge** therefrom .....C:361

a) Table of Contents .....C:363

b) Table of Exhibits.....C:379

9. Excerpt from Dr. Cordero’s **Request** of May 31, 2004, that the **FBI** open an **investigation** into the link between the **pattern** of non-coincidental, **intentional, and coordinated disregard** for the **law**, rules, and facts in the U.S. **Bankruptcy and District Courts** for the Western District of New York and the **money** generated by the concentration in the hands of individual trustees of **thousands** of open **cases**, including cases patently undeserving of relief under the Bankruptcy Code [see T0EC:>C:641 and comment thereunder for access to those cases] .....C:381

38. CA2’s **order** of **August 2**, 2004, **denying** Dr. Cordero’s **motion** of May 31, 2004, (C:361) for Chief Judge **Walker** to recuse himself or be disqualified by the Court from *In re Premier Van et al.* .....C:389

39. Clerk **MacKechnie’s letter** by Deputy Clerk **Allen** of **September 28**, 2004, **to** Dr. **Cordero** notifying him of the **dismissal** of his **complaint**, no. 04-8510, against Chief Judge **Walker** and indicating that the **deadline** for filing a **petition for review** is **October 29**, 2004 .....C:390

Attachment

a) Order of Acting Chief Judge Dennis **Jacobs** of **September 24**, 2004, **dismissing** as moot Dr. Cordero’s judicial conduct **complaint**, no. 04-8510, against Chief Judge **Walker**, [C:271] **filed** on **March 29**, 2004, because his complaint against Judge Ninfo had been “dismissed by order entered on June 9, 2004” .....C:391

[**Comment:** Actually, the complaint against Judge Ninfo was dismissed on June 8, not 9, by Judge Jacobs himself (C:145, 148) and was entered also on June 8 by the Court (C:144). This mistake further reveals with how little care this otherwise perfunctory dismissal was dashed out. (cf. C:711)]

40. CA2’s **statement** of **October 13**, 2004, that Chief Judge **Walker** **recused himself** from further consideration of *In re Premier Van et al.*, no. 03-5023, CA2, contained at the bottom of the Court’s **denial** of Dr. Cordero’s motion to quash [C:719] the order of August 30, 2004, of Bankruptcy Judge Ninfo [C:744] .....C:393

[**Comment:** Dr. Cordero made his three motions of March 22, April 18, and May 31, 2004 (C:303, 337, 361) for C.J. Walker to recuse himself from

considering his petition for rehearing (C:122) after the dismissal (C:119) of his appeal *In re Premier Van et al.*, no. 03-5023 [C:171]. The Chief Judge denied them without a word of explanation on May 10 and August 2 (C:359-360, 389). During all those months and thereafter other motions were denied by the panel of which the Chief remained a member just as the §351 judicial misconduct complaint against him by Dr. Cordero was dismissed on September 24 (C:391). Then unexpectedly on **October 13**, C.J. **Walker** had the Court state in an asterisk note at the foot of an order denying (C:393) something else that he had **recused himself from *In re Premier***. He gave no explanation whatsoever therefor. Too little too late as well as doubtful.

Indeed, just a few days later, on **October 26**, the Court denied Dr. Cordero’s petition for **rehearing** in *In re Premier* (C:394). It stated that the **denial** was ordered “upon consideration by the panel [C:119] that decided the appeal”. That panel, of course, included C.J. Walker. The order did not state that the denial was ordered ‘by the remaining members of the panel’. Nor did it state the names of the deciding judges; it was simply signed by Arthur Heller, Esq., a motion staff attorney. Dr. Cordero’s motion for naming the judges who denied his rehearing motion (C:403) was not even filed and was returned.]

- 41. **CA2’s order of October 26, 2004, stating that “upon consideration by the panel [C:119] that decided the appeal”, Dr. Cordero’s petition for panel rehearing and hearing en banc in *In re Premier Van et al.* was denied.....C:394**

[**Comment:** No reason for that denial was provided either. Cf. Dr. Cordero’s brief petitioning to the U.S. Supreme Court for a writ of certiorari to CA2 (A:1601) and its summarizing Table of Headings (A:1633), which point to CA2’s indifference to judicial wrongdoing and its failure to discharge its responsibility to safeguard the integrity of judicial process.]

- 42. **Dr. Cordero’s motion of November 2, 2004, for CA2 to stay the mandate after denying his petition for panel rehearing and hearing en banc in *In re Premier Van et al.*, 03-5023 .....C:395**

- 43. **Dr. Cordero’s motion of November 3, 2004, for CA2 to state the names of the panel members that denied his motion for panel rehearing (returned unfiled) .....C:403**

- 44. **Dr. Cordero’s motion of November 8, 2004, for CA2 to report *In re Premier Van et al.*, no. 03-5023, to the U.S. Attorney General under 18 U.S.C. §3057(a) [C:405] for investigation of the evidence of a bankruptcy fraud scheme.....C:404**

- a) **Table of Contents .....C:405**

[**Comment:** The motion to report *In re Premier* to the U.S. Attorney General was returned unfiled. However, the duty that Congress imposed under §3057(a) (C:405) on judges to report bankruptcy fraud is

independent from whether anybody has any case in any court.

Likewise, under 28 U.S.C. §351(b) “on the basis of information available to the chief judge of a circuit” such chief judge can “identify a complaint for purposes of this chapter” on judicial misconduct in order to proceed under it “and thereby dispense with the filing of a written complaint”. Despite the refusal to file that November 8 motion, Chief Judge Walker received information about the support given by Judge Ninfo and others to a bankruptcy fraud scheme and could have proceeded based thereon either to launch an investigation under §351 or to report the information to the Attorney General under §3057(a) (C:405).

The fact is that the Chief Judge first received such information when Dr. Cordero filed his opening brief of July 9, 2003, (C:171) in *In re Premier*, of whose panel the Chief was a member. He received even more corroborating and updating information in the several motions that Dr. Cordero subsequently filed (C:108 & D:426; C:296, 381; D:441), as well as in the complaint against Judge Ninfo of August 11, 2003 (C:1 & 63; E:1), in the letter to him of February 2, 2004 (C:105) and in the motions that followed. Why did Chief Judge Walker fail to take any action to perform his duty to safeguard the integrity of the judicial system in the circuit of which he is supposed to be the foremost steward?]

45. CA2’s **order of November 8, 2004, denying Dr. Cordero’s motion to stay the mandate**, before Judge Oakes and Judge Katzmann.....C:420

46. CA2’s **order of November 8, 2004, issuing the mandate**.....C:421

47. Docket of *In re Premier Van et al.*, no. 03-5023, CA2, as of May 15, 2006 .....C:422

**C. Misconduct by clerks leads to call for an investigation by motion to CA2 and by request to its Clerk of Court**

48. Dr. Cordero’s **motion of February 9, 2004, for an extension of time to file a petition for rehearing and for a stay of the mandate due to the CA2 clerk’s untimely notification** to him that his **appeal *In re Premier Van et al.*, no. 03-5023, had been dismissed**; and CA2’s **order of February 23, 2004, granting it**.....C:441

49. Dr. Cordero’s **motion of April 11, 2004, for declaratory judgment that CA2 officers intentionally violated law and rules as part of a pattern of coordinated wrongdoing** to complainant’s detriment and for CA2 to launch an investigation.....C:442

    a) Table of Contents.....C:443

    a) Table of Exhibits .....C:464

50. Dr. Cordero’s **letter of April 11, 2004, to the parties served with his**

motion for declaratory judgment.....C:465

51. Dr. **Cordero’s** letter of **April 12, 2004, to Circuit Executive Milton** transmitting confidentially to her a package of information and asking that she take action concerning his motion for declaratory judgment and to that end “I also request that you restrict the circulation of this letter to people that are not in a position to retaliate against me” [cf.C:537 below] .....C:466

    Exhibits

        a) Dr. **Cordero’s** motion of **April 11, 2004, for declaratory judgment** ..... C:442 above

        b) Dr. **Cordero’s Memorandum of March 30, 2004, to the parties on** the facts, implications, and requests concerning the DeLanos’ Chapter 13 bankruptcy petition, docket no. 04-20280, WBNY .....C:469

            i) Table of Contents .....C:469

52. Clerk of Court **MacKechnie’s** letter of **April 13, 2004, to Dr. Cordero returning** to him his April 11 **motion** and advising him that it was **not filed** because misconduct complaints do **not allow motion practice** and the Chief Judge cannot launch an investigation since he was named in the complaint.....C:491

[**Comment:** However, Clerk MacKechnie cited no legal provision for her allegation. Nor could she have cited any because 28 U.S.C. §351 et seq. do not prohibit motion practice at all, a subject on which those sections are silent, as are also the Council’s Rules Governing §351 complaints (C:75).

Likewise, Rule 18(e) of those Rules (C:98) provide that when the chief judge is the subject of a complaint “responsibilities of the chief judge under these rules will be assigned to the circuit judge eligible to become the next chief judge of the circuit” .

This shows how Clerk MacKechnie abused her power by acting in self-interest to prevent Dr. Cordero’s April 11 motion (C:442), which complained against her and clerks under her authority, from reaching the CA2 judges formally. In so doing, she deprived him of access to the Court for judicial determination of a controversy, for the protection of his legal rights, and for the safeguard of his interests. (Cf. C: 509, 513 and 777).]

53. Dr. **Cordero’s request of April 18, 2004, to Clerk MacKechnie to review** her **decisions** concerning Dr. Cordero’s complaint against the clerks’ pattern of mishandling his judicial misconduct complaints.....C:492

    a) Table of Contents.....C:493

54. Dr. **Cordero’s** letter of **April 19, 2004, to Circuit Executive Milton** accompanying a copy of his April 18 request to Clerk MacKechnie for review .....C:508

55. Letter of Fernando **Galindo**, Acting Clerk of Court, of **April 27, 2004**, to Dr. **Cordero** returning **unfiled** his April 18 **request** to Clerk MacKechnie to review her decisions because “The **Rules** governing the judicial conduct procedure (28 U.S.C. §351) does (sic) **not allow motion practice**” ..... C:509

[**Comment:** Neither Clerk Galindo cited in support of that allegation any provision of §351 et seq. or the Council’s Rules Governing §351 complaints (C:75); cf. the entries and comments at C:491, 513 and 777]

56. Dr. **Cordero’s** letter of **April 28, 2004**, to Clerk **MacKechnie** and to the attention of Deputy **Allen** **objecting** to their decision to **return unfiled** his April 18 **request** for review and the **conflict of interest** in not allowing the panel of the Court in session to pass judgment on a legal question involving a **complaint against the clerks**.....C:510

57. Dr. **Cordero’s** letter of **April 29, 2004**, to Circuit Executive **Milton** concerning her **lack of response** to his April 12 and 19 letters (C:466, 508) despite her request to him in her March 30 letter (C:143) that he “direct any future question to me”, **and** that he did so **confidentially** in his April 12 **letter to her** (C:466), **nevertheless** Clerk **MacKechnie** was able to **make reference to it** in her April 13 letter to him (C:491) .....C:511

Exhibit

- a) Dr. Cordero’s letter of April 28, 2004, to Clerks MacKechnie and Allen ..... C:510 above

58. Circuit Executive **Milton’s** letter of **May 14, 2004**, to Dr. **Cordero** stating that Clerk MacKechnie “acted in a manner that is consistent with the rules governing judicial conduct matters, 28 U.S.C. §351 [which] do not allow motion practice” and that the Circuit Executive does not have jurisdiction to refer a matter to the FBI .....C:513

[**Comment:** One would reasonably expect that the Circuit Executive of a judicial circuit would reflexively cite the specific provision of a legal instrument in support of her contention, and all the more so if the instrument was created by the circuit itself, as is the case with the “**rules governing judicial conduct matters**” (cf. 75), which Executive Milton simply mentioned generally.

Executive Milton could not have cited any provision in particular because as a matter of fact those Rules (**C:75**) do not even mention motion practice, let alone prohibit it. Since she can be imputed with knowledge of Rules that she herself referred Dr. Cordero to, did she simply pretend that they prohibit motion practice in order to dispose of Dr. Cordero’s complaint and get rid of him? Was this what also Clerk of Court MacKechnie (C:491), Acting Clerk of Court Galindo (C:509) and Clerk Allen (C:777) did?

The likelihood that Executive Milton may have made up such pretense is

increased by the disingenuous statement that she did not have jurisdiction to refer the matter to the FBI. The fact is that nobody needs “jurisdiction” or authority to bring a matter to the FBI, just as nobody needs it to report to the police a crime or a belief that a criminal offense may have been committed.

On the contrary, the broad language of 18 U.S.C. §3057(a) (C:405) imposes a duty to make a report to the U.S. Attorney on any judge that may have just a reasonable belief, not even evidence, that a bankruptcy law has been violated. (cf. C:404) Since Executive Milton is appointed by and works for judges, she could invoke such provision, that is, if she needed to invoke any, to make such report to the U.S. Attorney or the FBI.]

- 59. Dr. **Cordero’s** motion of **May 15, 2004**, for **declaratory judgment** that the **legal grounds** for **updating** an appeal’s opening and reply **briefs** and expanding upon their issues also **apply** to similar papers **under 28 U.S.C. Chapter 16** .....C:514
  - a) Table of Contents.....C:518
- 60. Dr. **Cordero’s** **letter** of **June 19, 2004**, to CA2 Chief Judge **Walker**, stating that the CA2 judicial **misconduct orders** and materials have **not** been made publicly **available, as required** under **Rule 17(a) and (b)** of the Judicial Council’s Rules Governing Complaints Against Judicial Officers, and **requesting** that those orders and materials **be made available** to him for his research and writing use before the deadline of July 9, 2004 (C:144) for submitting his petition for review of the dismissal (C:145) of his complaint against Judge Ninfo (C:63) .....C:530
  - a) **Rule 17(a) and (b)** of the Rules of the Judicial Council of the Second Circuit Governing Complaints against Judicial Officers.....C:531
- 61. Dr. **Cordero’s** **letter** of **June 30, 2004**, to Chief Judge **Walker**, stating that the Court’s **archiving** of all judicial **misconduct rules** *in the National Archives in Missouri!* except those for the last three years constitutes a **violation** of **Rule 17** (C:531; also at C:96) of the Judicial Council’s Rules Governing Misconduct Complaints.....C:533
  - a) OfficeDepot catalog page on binders and number of pages they can hold.....C:536

[Those binders could have been used to hold the orders and keep them at the CA2 courthouse so as to ensure their availability to the public, as required by law and rule, rather than send them to the National Archives in Missouri.]

- 62. Dr. **Cordero’s** letter of **July 1, 2004**, to Fernando **Galindo**, CA2 Chief Deputy of the Clerk of Court, **concerning** the warning to him by **Clerk Harris**, Head of the In-take Room, that **if he nodded** a third time **in the**



**reading room** while reading misconduct orders, **she would call the marshals** on him [cf.C:466 above] .....C:537

63. CA2’s **order of August 2, 2004, denying** Dr. Cordero’s May 15 **motion** [C:514] for **declaratory judgment** that the **legal grounds** for **updating** opening and reply appeal **briefs** and expanding upon their issues also **apply** to similar papers **under 28 U.S.C. Chapter 16** .....C:540

**D. Appeal to the Judicial Council, 2<sup>nd</sup> Cir., from the dismissal of the misconduct complaint against Judge Ninfo, WBNY**

64. Dr. Cordero’s **petition of July 8, 2004, to the Judicial Council** of the Second Circuit, addressed to Clerk of Court MacKechnie, **for review** of the **dismissal** of his judicial misconduct **complaint** of August 11, 2003, against Judge **Ninfo** and other court officers, docket no. 03-8547, CA2 .....C:551

    a) Table of Contents.....C:551

    b) Table of Exhibits .....C:561

    8. **Table of CA2 Judicial Misconduct Orders: orders made available** to Petitioner Dr. Cordero on July 1, 2004, by CA2 to be read in its Reading Room **two weeks after** he **requested** them **to prepare** his **petition** to the Judicial Council for review of the dismissal of his complaint, no. 03-8547, CA2, against Judge Ninfo, WBNY, but no docket-sheet record was available, though required under Rule 17(a) [C:96]; and dissenting opinions and separate statements by Judicial Council members, if written, were not available (listed in the order in which they were found in the CA2 2003 binder) .....C:564

    9. Table of All 15 **Memoranda and Orders** of the **Judicial Conference** of the U.S. Committee to Review Circuit Council Conduct and Disability Orders (text at C:1611) sent in May and July 2004 to Dr. Cordero from the General Counsel’s Office of the Administrative Office of the U.S. Courts [cf. C:681] and **showing** how **few** complaints under 28 U.S.C. §351 et seq. are allowed to **reach the Judicial Conference** as petitions for review of judicial council action [as of July 2004; cf. C:973 et seq.] .....C:566

    10. Title page of the **Report of September 23, 2003, of the Proceedings of the Judicial Conference** of the United States, presented by Chief Justice William H. Rehnquist.....C:567

        (a) **Report** of September 23, 2003, of the Proceedings of the

**Judicial Conference**, and Reports of March and September 2003 and March 2004, of the Judicial Conference’s **Committee to Review** Circuit Council Conduct and Disability **Orders**, all stating that there are **no pending petitions** for review of judicial council action on misconduct orders .....C:568

11. **Supreme Court** of the United States **2003 Year-end Report** on the Federal Judiciary: from 7,924 **filings** in the 2001 Term to **8,255 in the 2002 Term**; [www.supremecourtus.gov](http://www.supremecourtus.gov) .....C:573

[**Comment:** In a society as litigious as ours, as further shown above by the number of filings in the Supreme Court alone, can it reasonably be assumed for a second that it is a natural occurrence that *for years in a row* there is not a single petition for review to the Judicial Conference from any of the 13 circuits in connection with judicial misconduct complaints under 28 U.S.C. §351 et seq.? (C:1711)

It would be patently untenable to pretend that not even one of all the §351 complainants to the chief judges was dissatisfied with a chief judge’s final order concerning his complaint so as to petition one of the judicial councils for review thereof under §352(c). It is just as untenable to allege that not a single petitioner to any of the councils was “**aggrieved**” under §357(a) by a council’s action so as to petition the Judicial Conference for review thereof. It is equally untenable to even suggest that of all the complaints filed during the course of years there is not one meritorious enough for any of the councils to refer under §354(b) to the Conference.

Consequently, it necessarily follows that the occurrence of “**no pending petitions for review of judicial council action on misconduct orders**” is the result of the non-coincidental, intentional, and coordinated determination of the judges of the 13 councils, with the conniving approval of those who are also members of the Conference, both to prevent complaints, not to mention their own action on them, from being reviewed and to put an end to them at the earliest stage possible.

The Supreme Court is responsible for ensuring respect for the rule of law through its application not only by, but also to, judges. Hence, it too is to blame for having allowed the entrenchment of the attitude of flagrant disregard for the Judicial Conduct and Disability Act of 1980 by judges, chief judges, and their councils and Conference, and for having tolerated its deleterious effect on the integrity of judicial process. (Cf. A:1662§D; T0EC:>C:973 and Comment thereunder)]

12. News release of the **Supreme Court** of **June 10, 2004**, on the Organizational Meeting of the **Judicial Conduct** and Disability Act Study **Committee chaired by Justice Stephen Breyer** upon appointment by Chief Justice William Rehnquist;

[http://www.supremecourtus.gov/publicinfo/press/pr\\_04-13-04.html](http://www.supremecourtus.gov/publicinfo/press/pr_04-13-04.html).....C:574

13. **Statement** of Mr. James Sensenbrenner, Chairman of the **Committee on the Judiciary** of the House of Representatives, of **May 26, 2004**, regarding the new **Commission on Judicial Misconduct**; <http://judiciary.house.gov> .....C:576

17. The **DeLano Bankruptcy Petition**, A **test case** that illustrates how a bankruptcy petition riddled with red flags as to its good faith is **accepted without review** by the trustee **and readied for confirmation** by the **bankruptcy court** .....C:578

18. **Notice** of the U.S. Bankruptcy Court, WBNY, of February 3, 2004, of **Meeting of Creditors** and Deadlines after the joint filing on **January 27, 2004**, by David and Mary Ann **DeLano** of a voluntary bankruptcy petition, docket no. 04-20280, under Chapter 13 of U.S.C. Title 11.....C:581

    (a) Certificate of Mailing containing **names and addresses** of the DeLanos’ creditors and other parties .....C:583

[**Comment:** The list includes Dr. Cordero, who was named by the DeLanos as one of their creditors (C:598); see also other addresses at C:619, 1051, and ToEC:§VII.]

19. **Petition** by David **DeLano** and Mary Ann DeLano, dated **January 26, 2004**, for **voluntary bankruptcy** under 11 U.S.C. Chapter 13, with Schedules A-J .....C:585

    (a) Statement of Financial Affairs.....C:605

20. Chapter 13 **Plan for Debt Repayment** of David and Mary Ann DeLano, dated January 26, 2004.....C:617

21. **Useful addresses** for investigating the judicial misconduct and bankruptcy fraud scheme revealed by the *DeLano* case (see also other addresses at C:583) .....C:619

65. Acting Clerk of Court Fernando **Galindo’s** letter of **July 9, 2004**, **returning** to Dr. **Cordero** his 10-page **petition** for review of **July 8** because “It has been the long-standing practice of this court to...establish the definition of *brief* as applied to the *statement of grounds for petition* to five pages” (emphasis in the original).....C:621

[**Comment:** However, such practice was nowhere stated to give notice to potential petitioners so that they would not waste their time, effort, and money writing more than 5 pages. How odd: a federal court of appeals that either does not understand or disregards the fundamental notion of notice as a prerequisite for achieving fairness in judicial process.]

- 66. Dr. **Cordero's** letter of **July 13, 2004, to Acting Clerk Galindo accompanying his revised petition** for review and protesting CA2's failure to give notice of the practice of limiting petitions for review to five pages; and demonstrating the **inconsistency** of requiring that petitions **not** be submitted with any **other documents** .....C:622
- 67. Dr. **Cordero's petition to the Judicial Council, 2<sup>nd</sup> Cir.**, of July 8, 2004, addressed to Acting Clerk of Court Galindo, as reformatted and resubmitted **on July 13, 2004**, containing the statement of grounds for review under Rules 5 and 8(e)(2) of this Circuit's Rules Governing Judicial Misconduct Complaint [C:82 & 86], of the dismissal of his **complaint** against Judge **Ninfo**.....C:623
  - a) **Title page** of the **separate volume** of **exhibits** after the exhibits attached to the July 8 petition were refused for filing .....C:628
  - b) **Table of Exhibits** of the separate volume of exhibits.....C:629
- 22. Chief Judge **Walker violated his obligations** under 28 U.S.C. §351 and the Judicial Council implementing rules [C:75] **with respect** to the **complaint against** Judge John C. **Ninfo, II**, in several substantive aspects so as to raise the reasonable **inference** that the complaint's **dismissal** was also decided in **violation** thereof.....C:632
- 23. A Chapter 7 **Trustee** with **3,383 cases!** How the Trustee showed that with such workload he could not and did not pay attention to the facts and merits of each case; yet, Judge **Ninfo** and the U.S. Trustee **protected him** from a complaint about his performance and fitness to serve **and even dismissed claims** of negligence against the Trustee **without** allowing any **discovery** .....C:641

[**Comment:** The cases of Chapter 7 Trustee Kenneth Gordon can be seen, as reported on the stated dates by PACER (Public Access to Court Electronic Records) in section „C. Searches on PACER...“ (ToEC:91¶12), Through the hyperlinks there, the PACER reports are available in PDF and WORD files. Furthermore, those with access to PACER can access the docket itself of each case through the active hyperlinks in the WORD files.

For a current list of such cases, log in to PACER directly through, <http://pacer.psc.uscourts.gov/>, click on „Query“, and enter the values „Gordon, Kenneth“. This will return a list of hyperlinks with permutations of the name Kenneth W. Gordon through which the cases can be accessed where he appears as party (pty), trustee (tr), or attorney (aty).

The number of cases thus found will make it possible to establish the rate at which Trustee Gordon adds new cases every day. This was a suspiciously overwhelming rate when such comparative exercise was last performed on the number of cases that he had on November 3, 2003,

and June 26, 2004. (C:1406¶¶16-18)]

All of the above also holds, mutatis mutandis, for the cases of Chapter 13 George M. Reiber.]

- 68. CA2 Clerk **MacKechnie**'s cover **letter** by Deputy **Allen** of **July 16**, 2004, to Dr. Cordero **acknowledging** receipt of his **petition** to the **Judicial Council**, wrongly referring to it as of February 13, rather than July 13, 2004, for **review** of the dismissal of his complaint, docket no. 03-8547, CA2, **against** Judge **Ninfo**; and **returning** the also unaccepted separate **volume** of exhibits.....C:651
- 69. Sample of Dr. **Cordero**'s letters of **July 30**, 2004, to Circuit Judge Rosemary S. **Pooler** and the other **members** of the **Judicial Council** to let them know that neither the **volume** of exhibits nor the **table of exhibits** accompanying his petition for review was accepted by CA2 for filing but instead both were **returned unfiled** and sending a copy of the table as well as of the 5-page petition to each of them.....C:652
  - a) List of member of the Judicial Council, 2nd Cir., to whom Dr. Cordero sent the letters of July 30, 2004.....C:653
- 70. Dr. **Cordero**'s letter of **July 31**, 2004, to CA2 Clerk **MacKechnie** accompanying a **resubmitted** separate bound **volume of exhibits** for the petition for review and requesting that she file it so that the members of the Judicial Council may request and obtain from her any or all exhibits.....C:654
  - a) **Title page** of the separate volume of exhibits resubmitted by Dr. **Cordero** on **July 31**, 2004, to Clerk **MacKechnie** for her to **make available to** any **member** of the **Judicial Council** requesting any or all of them on the basis of the table of exhibits accompanying his letter of July 30 to each of them.....C:655
- 71. Clerk **MacKechnie**'s letter of **August 3**, 2004, accompanying the **return unfiled** of Dr. **Cordero**'s resubmitted **volume of exhibits** and the copies of July 30, 2004, of the **table** of exhibits and the 5-page **petition** to Judge Dennis **Jacobs**.....C:656
- 72. Clerk **MacKechnie**'s letter by Deputy **Allen** of **August 13**, 2004, accompanying the **return** of Dr. Cordero's copies of July 30, 2004, of the **table** of exhibits and the 5-page **petition** to Chief Judge **Walker** .....C:657
- 73. Clerk **MacKechnie**'s letter by Deputy **Allen** of **August 18**, 2004, accompanying the return of Dr. **Cordero**'s copies of July 30, 2004, of the **table** of exhibits and the 5-page **petition** to Judge J. **Straub** (cf. C:652).....C:658
- 74. Sample of Dr. **Cordero**'s letters of **August 27**, 2004, to Chief Judge Edward R. Korman, EDNY, and other members of the **Judicial Council** providing them an update (cf. C:652) of his July 8 and 13 petition for review (C:623) .....C:659

- a) **Dr. Cordero’s statement regarding his petition** to the Judicial Council for review [C:623]of the dismissal [C:144] of the complaint against Judge Ninfo [C:63] and **updating** it with evidence as of August 27, 2004, pointing to lots of **money** generated by fraudulent bankruptcy petitions as the force **driving** the complained-about bias and **pattern** of non-coincidental, intentional, and coordinated acts of **disregard** for the **law**, the rules, and the facts **by Judge Ninfo and others** in WBNY and WDNY.....C:660
- b) **Entries updating** to August 27, 2004, the **docket** of *In re David and Mary Ann DeLano*, no. 04-20280, WBNY .....C:666
- 75. Clerk **MacKechnie’s letter** by Deputy **Allen** of **August 31**, 2004, on behalf of CA2 Judge Dennis Jacobs and Judge Jose Cabranes, both of whom “forwarded your unopened letter to this office for response”, and of C.J. Walker, as well as of **September 3**, 2004, on behalf of CA2 Judge Guido Calabresi, **returning to Dr. Cordero** his August 27 **letters** without any action taken.....C:667
- 76. Clerk **MacKechnie’s letter** by Deputy **Allen** of **October 6**, 2004, notifying Dr. Cordero of the **Judicial Council’s order** of September 30, 2004, **denying his petition** for review of the dismissal of his complaint, docket no. 03-8547, **against Judge Ninfo** .....C:671
  - a) **Judicial Council’s order** by Circuit Executive Milton of **September 30**, 2004, **denying** Dr. Cordero’s **petition** for review.....C:672

[**Comment:** This order gives no explanation for the denial other than indicating “for the reasons stated in the order dated June 8, 2004” (C:145) that dismissed Dr. Cordero’s **complaint**, docket no. 03-8547, against Judge **Ninfo** (C:63; cf. C:781); and wrongly stating that complaint’s filing date as August 8, 2003, instead of August 28, 2003 (C:73)]

**E. Request to the Administrative Office of the U.S. Courts for an investigation of misconduct by clerks**

- 77. Note of Jeffrey N. **Barr**, Esq., Assistant General Counsel at the General Counsel’s Office of the Administrative Office of the U.S. Courts, of **May 13**, 2004, to Dr. **Cordero** accompanying the **15 orders** of the **Judicial Conference** since the adoption of the Judicial Conduct and Disability Act of **1980** [C:1611, but some orders were missing pages] .....C:681
- 78. Dr. **Cordero’s fax** of **June 23**, 2004, to Asst. Gen. Counsel **Barr** at the **Administrative Office** of the U.S. Courts, **requesting** the **Judicial Conference** orders **missing** from the numbered series and the **pages** missing from **orders** that were sent to him (C:1611); and asking for copies

of Conduct and Disability orders of the judicial councils, particularly of the Second Circuit, and statistics.....C:682

79. Dr. **Cordero’s** fax of **July 2, 2004**, sent again to Att. **Barr requesting** the same materials as in the June 23 fax ..... C:682 above

80. Dr. **Cordero’s** fax of **July 15, 2004**, sent a third time to Att. **Barr requesting** the same materials as in the June 23 fax ..... C:682 above

81. Att. **Barr’s** letter of **July 22, 2004**, to Dr. **Cordero** sending him **complete copies** of certain public **orders** of the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders .....C:683

82. Dr. **Cordero’s** **cover letter** of **July 29, 2004**, to **Jeffrey Barr** accompanying his **complaint** to the Administrative Office of the U.S. Courts **against** court **administrative** and **clerical officers mishandling** judicial misconduct **complaints and orders**.....C:684

83. Dr. **Cordero’s** **complaint** of **July 28, 2004**, to the **Administrative Office** of the U.S. Courts against **CA2** court administrative and **clerical officers** and their **mishandling** of judicial misconduct **complaints** and orders to the detriment of the public at large as well as of Dr. Richard Cordero [never replied to] .....C:685

    a) Table of Contents.....C:685

    b) Table of Exhibits .....C:698

**F. Appeal to the Judicial Council from the dismissal of the misconduct complaint against C.J. Walker**

84. Dr. **Cordero’s** **petition** of **October 4, 2004**, to the **Judicial Council**, 2<sup>nd</sup> Cir., addressed to Clerk MacKechnie, for **review** of Acting Chief Judge Dennis Jacobs’ **order** of September 24, 2004, **dismissing** (C:391) his judicial misconduct complaint, docket no. 04-8510, **against** Chief Judge **Walker** (C:271) .....C:711

85. Clerk **MacKechnie’s** cover **letter** by Deputy **Allen** of **October 7, 2004**, to Dr. Cordero **acknowledging** receipt of his October 4 **petition** to the **Judicial Council** for **review** of the dismissal of his complaint **against C.J. Walker**.....C:716

86. **Sample** of Dr. **Cordero’s** letters of **October 14, 2004**, to Chief Judge Richard J. **Arcara**, EDNY, and other members of the **Judicial Council** **submitting exhibits** in support of the petition for review of the dismissal of the complaint against C. J. Walker **and requesting an investigation**.....C:717

    a) **Table of Exhibits** for consideration by the members of the Judicial

Council in the context of the October 4 petition for review of the dismissal of the complaint against C. J. Walker .....C:718

4. Dr. **Cordero’s motion of September 9, 2004, in CA2, to quash the order of Judge Ninfo of August 30, 2004, to sever a claim from the case on appeal *In re Premier Van et al.*, no. 03-5023, CA2, in order to try it in the bankruptcy case *In re DeLano*, no. 04-20280, WBNY, thus making a mockery of the appellate process** .....C:719

    (a) Table of Contents .....C:722

    (b) Table of Exhibits .....C:739

        1. Judge **Ninfo’s letter of November 19, 2003, to CA2 Clerk MacKechnie submitting copies of his four decisions of October 16 and 23, 2003, in *Pfuntner v. Trustee Gordon et al.*, no. 04-20280, WBNY, after having received from an unstated source a copy of Dr. Cordero’s CA2 Motion Information Sheet of October 31, 2003, that accompanied his motion in CA2 for leave to file in *In re Premier Van et al.*, no. 03-5023, CA2, an updating supplement of evidence of bias in Judge Ninfo’s denial of Dr. Cordero’s request for a trial by jury** .....C:743

        5. Judge **Ninfo’s order of August 30, 2004, for Dr. Cordero to take discovery of Debtor Mr. DeLano by severing Dr. Cordero’s claim against the Debtor from the CA2 case *In re Premier Van et al.*, no. 03-5023, for the purpose of trying it in Bankruptcy Court in *In re DeLano*, no. 04-20280** .....C:744

        6. Dr. **Cordero’s motion of August 14, 2004, in *DeLano*, WBNY, for docketing and issue of the proposed order, transfer, referral, examination, and other relief**.....C:752

            i) Table of Contents .....C:752

            ii) Dr. Cordero’s **proposed order of August 14, 2004, to be issued by Judge Ninfo in *In re DeLano*, no. 04-20280, WBNY, for docketing and production of documents, investigation, etc.**.....C:770

            iii) **Phone bill showing faxes sent by Dr. Cordero to J Ninfo’s fax no. (585)613-4299, thus belying the court’s assertion that Dr. Cordero’s documents had not been docketed because they**



- had **not** been received .....C:772
10. **Table of dates of key documents** as of October 14, 2004, concerning Dr. Cordero’s judicial misconduct **complaints** in the Court of Appeals, docket nos. 03-8547 and 04-8510, CA2, and the **petitions** to the Judicial Council for review of the dismissals of those complaints [see updated version at T<sub>o</sub>E:C:107] .....C:773
87. **Useful information** about the Judicial Council of the Second Circuit:
- a) Table of names, addresses, and telephone numbers of the **members** of the **Judicial Council**, displayed in tabular format for mail merge (see also this information displayed as block addresses at C:112 and cf. T<sub>o</sub>E:C:79§VII) .....C:774
- b) **Official information** about the **Judicial Council** of the Second Circuit found in March 2006 at <http://www.ca2.uscourts.gov/> .....C:775
88. Clerk **MacKechnie’s letter** by Deputy **Allen** of **October 20**, 2004, **returning** to Dr. Cordero the **exhibits** submitted on October 14 (C:717) to Chief Judge Walker and Judges Jacobs and Straub and stating that “You cannot supplement the file in the judicial complaint procedure” .....C:777
- [**Comment:** Clerk Allen cited no rule prohibiting the supplementation of judicial complaints, for there is no such prohibition either in the CA2 Rules (C:75) or in the statute at 28 U.S.C. §351 et seq. (cf. the entries and comments at T<sub>o</sub>E:C>C:491, >C:509, and >C:513)]
89. Clerk **MacKechnie’s letter** by Deputy **Allen** of **November 10**, 2004, notifying Dr. Cordero of the **Judicial Council’s order** of November 10, 2004, **denying** his petition for **review** of the dismissal of his complaint, docket no. 04-8510, **against** Chief Judge **Walker** .....C:780
- a) **Judicial Council’s order** by Circuit Executive Milton of **November 10**, 2004, **denying** Dr. Cordero’s review **petition**.....C:781
- [**Comment:** This order gives no explanation for the denial other than indicating “for the reasons stated in the order dated September 24, 2004” (C:391) that dismissed Dr. Cordero’s **complaint**, docket no. 04-8510, against Chief Judge **Walker** (C:271) When judges can deny a petition, particularly one concerning a complaint against one of their own, let alone their chief judge, without giving any explanation whatsoever, what incentive do they have, not to mention what assurance do they give the petitioner and the public at large, that they even read the petition that they denied?]
90. Sample of Dr. **Cordero’s letters** of **November 29**, 2004, to CA2 Judge Robert A. **Katzmann** and other members of the Second Circuit **Judicial Council** and **Court of Appeals** explaining the factual basis and legal

reasons for them to **report evidence of** judicial wrongdoing linked to a bankruptcy fraud scheme.....C:782

a) **List of judges** to whom Dr. Cordero sent his **November 29** letter with attachments .....C:783

Attachments:

b) Sample of Dr. Cordero’s personalized **request of November 29, 2004, to Judge Katzmann and each of the other judges** to make a **report** under 28 U.S.C. §3057(a) [C:405] **to the Acting U.S. Attorney General** that an **investigation** should be had in connection with offenses against U.S. bankruptcy laws.....C:785

    i) Table of Contents .....C:785

    ii) Table of Exhibits.....C:802

91. Circuit Executive **Milton’s** letter of **December 13, 2004, to Dr. Cordero returning** on behalf of CA2 Judge Jose **Cabranes** his October 14 (C:717) and November 29 **letters** (C:782) and request (C:785), and stating that “you have exhausted your remedies and therefore, you have no further recourse to pursue those matters before the Judicial Council...I advise you to direct your inquiries to other agencies if you feel that they may be of assistance to you.” .....C:811

92. Letter of Chief Judge Edward R. **Korman**, EDNY, of **January 27, 2005**, replying **to Dr. Cordero’s** November 29 letter (C:782) that “The subject matter of your complaint relates to proceedings in the Western District of New York and as to which I have no personal knowledge” and **suggesting** that he file a **complaint** with the U.S. **Attorney’s Office, WDNY** ..... C:812

**G. Appeal to the Judicial Conference of the U.S. from the denials by the Judicial Council of the petitions for review of the dismissals of the complaints against Judge Ninfo and C.J. Walker**

93. **Title page** of Dr. Cordero’s **petition of November 18, 2004, to the Judicial Conference** for review of the denials by the Judicial Council, 2<sup>nd</sup> Cir., (C:672, 781) of his petitions for review (C:551, 711) concerning the dismissals (C:145, 391) of his complaints no. 03-8547 and 04-8510, CA2 (C:63, 271).....C:821

    i) List of **members** of the **Judicial Conference** to whom Dr. Cordero sent a copy of his November 18 petition for review .....C:822

    a) Dr. **Cordero’s** **petition of November 18, 2004, to the Judicial Conference** for **review of the denials by the Judicial Council, 2<sup>nd</sup> Cir.**, of his petitions for review of the dismissals by the CA2 Acting

Chief Judge Dennis Jacobs of his complaints against Judge Ninfo, WBNY, and Chief Judge Walker, CA2.....C:823

    i) Table of Contents .....C:824

    ii) **Table of key documents and dates in the procedural history** of Dr. Cordero’s judicial misconduct complaints (updated at T0E:C107) .....C:844

    iii) Table of Exhibits.....C:845

94. Sample of Dr. **Cordero’s letters of November 20 and 27, 2004, to Chief Justice William Rehnquist** and each of 25 other **members** of the **Judicial Conference, accompanying** his review **petition** and requesting that each move the Conference to consider the petition formally and make a report under 18 U.S.C. §3057(a) [C:405] to the Acting U.S. Attorney General of the evidence of an offense against the bankruptcy laws .....C:851

    a) Table of **contact information** about the members of the **Judicial Conference** to whom Dr. Cordero addressed his letters of November 20 and 27, 2004, and information on how to update it to the current membership and to find the **Internet links to all federal courts**.....C:852

95. Dr. **Cordero’s letter of November 26, 2004, to U.S. Supreme Court Justice Ginsburg as Circuit Justice** for the Second Circuit, accompanying his November 18 **petition** to the **Judicial Conference** for review (C821), and requesting that she a) intimate to the Conference to consider it; b) suggest to Justice Stephen Breyer to study this case in the Judicial Conduct and Disability Act Study Committee; and c) make a report under 18 U.S.C. §3057(a) [C:405] to the Acting U.S. Attorney General of the submitted evidence of bankruptcy fraud .....C:855

96. Reply of Bradford A. **Baldus, Senior Legal Advisor** to Marcia M. Waldron, Clerk of the U.S. **Court of Appeals for the Third Circuit, of December 3, 2004, returning** Dr. Cordero’s November 18 and 20 petition (C:821) and letter (C:851) to Chief Judge Anthony J. Scirica, and stating that **‘only submissions** accepted for filing **by the Administrative Office** may be **considered by** the **Judicial Conference** and, otherwise, a **member** of it has **no authority to** informally **intervene** in regard to the matters addressed in Dr. Cordero’s submission’ .....C:856

[**Comment:** Who can possibly believe that a person, and all the more so if in a position of authority, cannot -let alone would not take the initiative even for personal reasons to- approach a colleague, whether formally or informally, to ask or suggest that he or she take a certain action, especially one that flows from a legal duty imposed on both of them? (cf. T0E:C>C:1119 and >C:1124)

When a senior legal advisor and a clerk of court allow themselves to make a statement so patently at odd with reality, do they reveal thereby a problem with their professional competence or rather a manifestation of the exercise by their superior, that is, the chief judge in particular and federal judges in general, of judicial power unfettered by any self-discipline or outside supervision and control?]

97. Form letter of William K. **Suter, Clerk of the Supreme Court** of the United States, by M. **Blalock**, of **December 6, 2004, returning** to Dr. Cordero his November 18 and 26 petition (C:821) and **letter (C:851) to Justice Ginsburg, and stating** that ‘the Court’s jurisdiction extends only to cases and controversies and that the **Court does not give advice** or assistance or answer legal questions on the basis of correspondence’ .....C:857

98. Reply of Mr. Leo M. **Gordon, Clerk of the U.S. Court** of International Trade, of **December 9, 2004, returning** to Dr. Cordero his November 18 and 27 petition (C:821) and letter (C:851) to **Chief Judge Jane A. Restani**, and stating that although a member of the Judicial Conference, Judge Restani “is not authorized to take any action on her own on such matter unless it is referred to her directly by the Conference” .....C:858

[**Comment:** Neither the Conference nor anybody else has to authorize a judge to discharge his or her duty under 28 U.S.C. §3057(a) (C:405) to report to a U.S. attorney a belief, not even evidence, that a violation of a bankruptcy law has been committed. What was the motive of these judges for giving precedence to their relation to other members of their powerful class, namely, that of federal judges inside and outside the Conference, over their duty imposed on them by the law of Congress and the oath they took to apply it?]

99. Letter from Robert P. **Deyling, Esq.**, Assistant General Counsel at the General Counsel’s Office of the Administrative Office of the U.S. Courts, of **December 9, 2004, stating** that **no jurisdiction lies for further review by the Judicial Conference** of the orders of the Judicial Council dismissing Dr. Cordero’s petition for review of the dismissals of his complaints.....C:859

[**Comment:** Mr. Deyling does not reveal any awareness that Dr. Cordero’s petition contains a detailed jurisdictional argument (C:825§II). That argument was for the Conference to evaluate and determine its implication for the petition, not for Mr. Deyling in his capacity as clerk of Conference. (C:865)]

100. Fax of December 13, 2004, from John K. **Rabiej, Chief of the Rules Committee Support Office** at the Administrative Office of the U.S. Courts providing a complete set of requested rules.....C:861

a) **Rules of the Judicial Conference of the United States for the Processing of Petitions for Review** of Circuit Council Orders under the Judicial

Conduct and Disability Act [of 1980] .....C:862

[**Comment:** These rules are current even though they still refer to 28 U.S.C. §372(c), the old legal basis for misconduct proceedings, rather than the current basis at 28 U.S.C. §351. The latter forms part of 28 U.S.C. Chapter 16, enacted by Pub. L. 107-273, Div. C, Title I, Subtitle C, §11044, Nov. 2, 2002, 116 Stat. 1856, which amended §372.

The failure to update those rules even after two years by December 2004, shows how little the Judicial Conference has used them. Indeed, at that time it had only issued 15 orders in the 24 years since the adoption of the Judicial Conduct and Disability Act of 1980 (C:1611, 682). Only a person motivated by a powerful incentive could pretend to believe or try to make others believe that in 24 years there were only 15 complaints from all the complainants in the whole of the United States deserving of a decision by the Judicial Conference. What could that incentive be? (cf. C:837§B; A:1662§D)

101. **Sample of Dr. Cordero’s letters of December 18, 2004, to Chief Judge Haldane Robert Mayer, Federal Circuit, and other members of the Judicial Conference objecting to the December 9 letter of Mr. Deyling (C:859) and stating that as the equivalent of a clerk of court at the Administrative Office on behalf of the Judicial Conference, Mr. Deyling lacks authority to pass judgment on a jurisdictional issue, let alone block a petition for review from reaching the Conference; and requesting that they withdraw or cause the withdrawal of his letter and cause the Administrative Office to forward the petition to the Conference for its review .....C:865**

- a) **List of members of the Judicial Conference to whom Dr. Cordero sent his December 18 letter of objection .....C:872**

102. **Clerk Gordon’s reply of December 23, 2004, returning to Dr. Cordero his November 18 review petition (C:821)and December 18 letter (C:865) to Chief Judge Restani, and stating that Judge Restani has no authority to take action on her own [cf. C:858], and that Dr. Cordero has not met the conditions to permit review of his matter by the Judicial Conference .....C:875**

[**Comment:** The fact that in over a quarter century since the adoption of the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §351) only 15 complaints (C:682, 1611) have ,met those conditions’ shows that federal judges inside and outside the Judicial Conference have intentionally made up those conditions so as to systematically prevent complainants from having their complaints and their treatment by councils and chief judges reviewed by the Conference. (cf. C:840§IV; ToEC:>C:973 and Comment; <http://www.uscourts.gov/judbus2005/tables/s22.pdf>)]

103. **Letter of Mark J. Langer, Clerk of the U.S. Court of Appeals for the District of Columbia Circuit, of December 27, 2004, returning to Dr. Cordero his November 18 review petition (C:821) and December 18 letter (C:865) to**

**Chief Judge Douglas H. Ginsburg**, and stating that the latter “does **not have the authority to grant the relief** sought” [cf. C:858 above] .....C:876

104. **Sample of Dr. Cordero’s letters of January 8, 2005**, to Judge Ralph K. **Winter, Jr.**, and other judicial and administrative officers to request that a) Mr. **Deyling’s letter** of December 9, 2004 (C:859) **be declared ultra vires and withdrawn**; b) the **petition** for review of November 18 (C:821) **be forwarded to the Judicial Conference and its handling** at the Administrative Office of the U.S. Courts **investigated**; and c) a **report** of the evidence of a judicial misconduct and bankruptcy fraud scheme **made to the Acting U.S. Attorney General** under 18 U.S.C. §3057(a) [C:405] .....C:877

I. Attachments:

a) Table of the Accompanying Document and Exhibits .....C:880

1. Statement of Facts of December 18, 2004, and **Request of January 8, 2005**, for an **investigation** into both the Administrative Office of the U.S. Courts’ **rules-noncomplying handling** of the **petition** for review under 28 U.S.C. §351 et seq., submitted to the Judicial Conference on November 18, 2004 (C:821) **and the Office’s treatment of** Petitioner Dr. Richard **Cordero**.....C:881

2. **Key Documents and Dates** in the procedural history as of January 8, 2005, of the judicial misconduct complaints filed with CA2 Chief Judge John M. Walker, Jr., and the Judicial Council of the Second Circuit, dockets no. 03-8547 and no. 04-8510, submitted in support of the petition for review to the Judicial Conference of the United States [updated to May 22, 2006 at TOEC:1007] .....C:886

II. List of addressees and their addresses ..... C:887

a) Chief Judge Carolyn Dineen **King**, Court of Appeals for the 5<sup>th</sup> Circuit and **Chair** of the **Executive Committee** of the Judicial Conference;

b) Circuit Judge Ralph K. **Winter, Jr.**, Court of Appeals for the Second Circuit and **Chair** of the **Committee to Review** Circuit Council Conduct and Disability Orders; and

c) William R. **Burchill, Jr.**, Associate Director and **General Counsel** of the Administrative Office of the U.S. Courts.

105. Letter of **District Judge** Lawrence P. **Zatkoff**, U.S. District Court for the Eastern District of Michigan, of **January 12, 2005**, to Dr. **Cordero** stating that he received Dr. Cordero’s documents of November 20, 2004 (C:851) which include the review petition to the Judicial Conference, but that the

Judge is unable to present them to the Conference as requested because **his term on the Conference expired** on 2004 .....C:889

[**Comment:** However, his duty under 28 U.S.C. §3057(a) (C:405) did not expire and he, like all his colleagues, could and should have reported the evidence of a bankruptcy fraud scheme to the U.S. Attorney General.]

106. Sample of Dr. **Cordero’s** letters of **February 7, 2005**, with supporting files stating that he has received **no response** to his letter of January 8 (C:877) and **requesting** that **action** be taken on that letter and its request; sent to:

- a) Circuit Judge Ralph K. **Winter**;
- b) General Counsel William R. **Burchill** .....C:890

- c) Chief Judge Carolyn Dineen **King**, to whom Dr. **Cordero** complained that he was told by the Office of the Executive Committee of the Judicial Conference, (202) 502-2400, that his January 8 letter to her (C:877) would have been forwarded to the Office of the General Counsel, William Burchill, Esq.; so he **questioned** the **reasonableness of forwarding** a letter of **complaint** about Mr. Burchill’s Office **to the complained-about person** in charge of that Office.....C:891

107. Judge **Winter’s** letter of **February 15, 2005**, to Dr. **Cordero** stating that the **Judicial Conference** does **not** have **jurisdiction** for further review of his complaints.....C:893

[**Comment:** Judge Winter refused to allow the whole Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders, which he chairs, to consider Dr. Cordero’s jurisdictional arguments (C: 825§II, 865, 881). Thereby he took it upon himself to decide for the whole Committee, thus excluding even the possibility that other Committee members might have a different view of the matter or even be persuaded by Dr. Cordero’s arguments to refer the petition to the Conference. His refusal was all the more unjustifiable because in the entire history of the Judicial Conduct and Disability Act of 1980 the Conference has not made a single pronouncement on the scope of its jurisdiction, as shown by the meager 15 orders that it had issued during all that time (C:681-683, 1611). Therefore, the Conference had never considered the arguments presented by Dr. Cordero in favor of exercising jurisdiction over his review petition of November 18, 2004 (C:823).]

108. Chief Judge **King’s** letter of **February 18, 2005**, by Clerk Charles R. Fulbruge, III, and signed by Deputy Clerk Nancy H. Gray replying to Dr. **Cordero’s** letters of November 20 and December 18, 2004, (C:821, 865) and February 7, 2005 (C:890), and stating conclusorily that the **Judicial Conference** does **not** have **jurisdiction** once a judicial **council** has denied a petition for review because such **denial** is under 28 U.S.C. §352(c) “**final**

**and conclusive** and shall not be judicially reviewable on appeal or otherwise”.....C:896

[**Comment:** Just as Mr. Deyling failed to do (C:859), Chief Judge King’s responder failed to reveal even a mere awareness that Dr. Cordero’s petition contains a detailed jurisdictional argument (C:825§II). Hence, in neither case was there a discussion of his points of law and practical considerations militating in favor of the Judicial Conference passing judgment itself on the scope of its own jurisdiction as a step preceding the exercise of such jurisdiction by reviewing the petition.]

109. Dr. **Cordero’s** letter of **March 7, 2005, to Chief Justice Rehnquist** requesting that he **cause** the **Judicial Conference** to **pass judgment on** the threshold issue of **jurisdiction** to review his petition for the reasons argued in the petition itself (C:823) as well as in the accompanying:.....C:897

i) Table of Contents .....C:898

a) **ADDENDUM** of March 7, 2005, **to the Petition’s** section II “The Judicial Conference Has Jurisdiction Over This Appeal Because The Complainant Was “Aggrieved” under 28 U.S.C. §357(a) By The Judicial Council”, to request that the Conference consider the threshold argument for taking jurisdiction over the Petition of November 18, 2004 (C:823) .....C:899

b) Dr. **Cordero’s motion** of **February 17, 2005, to request that Judge John C. Ninfo, II, WBNY, recuse himself** under 28 U.S.C. §455(a) due to lack of impartiality.....C:905

i) Table of Contents .....C:906

ii) Table of References .....C:933

110. Dr. **Cordero’s letter** of **March 24, 2005, to Judge Winter** requesting that he formally submit to the other members of the Committee as well as to the Judicial Conference the following attachment:.....C:935

a) Dr. **Cordero’s Reply** of **March 25, 2005, to the Chairman** of the Committee for the Review of Circuit Council Conduct and Disability Orders on the statutory requirement under 28 U.S.C. §331 for the **whole Committee to review** all petitions for review to the Judicial Conference and on the need for the **Conference to decide** the issue of **jurisdiction** .....C:936

i) Table of Contents .....C:937

ii) Table of Exhibits.....C:950

7. Dr. Cordero’s Statement of March 12, 2005: Judge **Ninfo’s bias** and **disregard for legality** can be heard from his own mouth through the **transcript** of the evidentiary **hearing** of the DeLano Debtors’ motion to disallow Dr. Cordero’s



claim against Mr. DeLano, held on **March 1, 2005**; and can be read about in a caveat on ascertaining its authenticity that illustrates the **Judge’s tolerance of wrongdoing** .....C:951

[See that transcript in the Tr file in the D Add Pst Tr folder.]

(a) Table of Contents .....C:951

111. **Sample** of Dr. **Cordero’s** letters of **March 26, 2005**, to Judge Pasco M. **Bowman** and the other **members** of the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders, requesting that they **cause** the **Committee** as a whole to consider Dr. Cordero’s arguments for having the petition for review forwarded to the Judicial Conference and deferring to it the determination of the threshold issue of the scope of the Conference’s own jurisdiction.....C:967

a) **List of Committee Members** to whom Dr. Cordero sent his March 24 (C:935) and 26 letter with his March 25 Reply to the Chairman (C:936).....C:968

b) **Table of Exhibits** of the March 26 letter to Committee members.....C:969

112. Dr. **Cordero’s** letter of **March 28, 2005**, to Chief Justice **Rehnquist** requesting that he have the **Conference** request the Review Committee to submit to it Dr. Cordero’s petition so that the Conference may **decide** the issue of **its own jurisdiction** under the Judicial Conduct and Disability Act and eventually decide the petition .....C:971

113. Reply for Judge Dolores K. Sloviter, Member of the Review Committee, by Bradford A. **Baldus**, Senior **Legal Advisor** to Marcia M. Waldron, Clerk of the U.S. **Court of Appeals** for the **Third Circuit**, of **April 26, 2005**, **returning** Dr. Cordero’s March 26 (C:967) letter and supporting documents (cf. C:969) **and** stating that “Any submissions to the Judicial Conference of the United States, or a committee thereof, must be made to the appropriate individual in the **Administrative Office** of the U.S. Courts.”..... C:972

[**Comment:** However, the Administrative Office will withhold such submissions and not forward them to the intended body or officer (T0EC:>C:859, 891) and will not take any action on even a petition addressed to it ((T0EC:>C:685)]. Do judges and their clerks know the uselessness of such advice but nevertheless give it in order to get rid of a complainant by giving him the round around? (cf. C:812)

114. **1997-2005 Reports of Complaints** Filed and Action Taken Under Authority of 28 U.S.C. §§351-364 and 372(c) During the 12-Month Period Ending September 30, [of the year reported on], in Judicial Business of the United States Courts, **Annual Reports of the Director**, by Leonidas Ralph Meham, Director of the **Administrative Office** of the U.S. Courts, <http://www.uscourts.gov/judbususc/judbus.html> .....C:973

115. **Supreme Court’s 2005 Year-end Report** on the Federal Judiciary..... C:980.k

<http://www.supremecourtus.gov/publicinfo/year-end/2005year-endreport.pdf>

116. Judicial Facts and Figures, published by the Administrative Office of the U.S. Courts ..... C:980.t

<http://www.uscourts.gov/judicialfactsfigures/contents.html>

- a) Table 1. Total Judicial Officers. Courts of Appeals, District Courts, Bankruptcy Courts..... C:980.w
- b) Table 2.1. U.S. Courts of Appeals (Excludes Federal Circuit). Appeals Filed, Terminated, and Pending, Summary of 1990-2005 .....C:980.x

[**Comment:** The statistics of workload of the courts contained in the **Supreme Court’s 2005** Year-end Report on the Federal Judiciary (C:980k) show that there were **7,496 case filings** in the 2004 Term. Only 9 justices managed to hear oral argument in 87 cases and to dispose of 85 in 74 signed opinions. (C:980.q; for the 2000-2004 workload statistics see A:1965)

The Report goes on to state that „**Filings in the regional courts of appeals rose 9 percent to an all-time high of 68,473**, marking the 10th consecutive record-breaking year and the 11th successive year of growth.“ (C:980r) That steady growth started **from 40,893 cases filed in 1990**, as shown in „Table 2.1. Appeals Filed, Terminated, and Pending (Excludes Federal Circuit) Summary of 1990-2005“, (C:980.x) contained in „Judicial Facts and Figures“ published by the Administrative Office of the U.S. Courts (C:980.t). That Table also shows that **38,961 cases were terminated in 1990** while **61,975** were **in 2005**.

The Administrative Office has also published the reports of judicial misconduct **complaints filed** in the period beginning on October 1, 1996 and ending on September 30, 2005. (C:973-980.j) It covers not only the regional courts of appeals, including the Federal Circuit, but also two national courts, that is, the Court of Claims and the Court of International Trade, for a total of 15 courts. It shows that for the administrative year ending on September 30, **1997, 679** complaints were filed. (C:980.i) However, in the year ending on September **2005, only 642** complaints were filed. (C:973) So today there are fewer complaint filed with 15 courts against judges than nine years ago and there is less than one complaint out of every 100 cases that „**disappointed litigants**“ appeal to just 12 courts. That is *unbelievable!*

So a society that has shown to become dramatically more litigious toward everybody, excluding judges, has become less contentious toward 2,133 circuit, district, and bankruptcy judges. Oh, judges!, ever so civil, patient, and understanding of one’s point of view. (C:980.w) How ridiculous!, particularly since that same society is ever more prone to road rage, school shootings, and violence against judges, as shown „**by the horrific murders of a U.S. District Court judge’s husband and mother by a disappointed litigant**, and the terrible incident in Atlant in which a judge,

court reporter, and deputy were killed in the Fulton County courthouse“, as stated by the Supreme Court in the same 2005 Year-End Report (C:980.l)

What is more, the judicial councils took no action on any of those complaints but one kind: dismissal. So they **dismissed 212 complaints in** the administrative year **1997** (C:980.j) only to increase their dismissals to **267** out of a smaller total of complaints **in 2005** (C:974).

This is not just preposterous; this is a pattern where the last nine years are representative of the last 25 since the enactment of the Judicial Conduct and Disability Act of 1980 (C:576, 1384). It is the pattern of intentional and coordinated disregard by chief judges of the courts of appeals and the judges of the judicial councils of an Act of Congress inimical to their interests as a class of people, the abrogation in practice of the only legislation disciplining the only people above the law: federal judges. It has led to only 15 Conference orders since 1980 (C:682, 1611)

Why would officers sworn to apply the law „without respect to persons“ ([28 U.S.C. §453](#)) disregard their oath when it comes to applying the law in a disciplinary setting to their own peers, which redounds to the detriment of all the complainants to whom they thereby denied the relief that they were seeking and entitled to?

In light of the evidence and taking account of the dynamics of webs of personal relationships, two reasonable answers to that question present themselves. One derives from the determination of judges to exempt themselves from the principle, to which everybody else is subject, that if the judges reviewing the complaints have themselves engaged in the type of conduct complained about, then if they were to declare it unbecoming of a judge and deserving of discipline, they would be incriminating and exposing themselves to being the target of the same discipline.

The other answer is that judges disregard complaints against their peers in order to avoid their retaliation. So if today they were to pay any attention to a complaint, not to mention set up a special committee or call in a standing committee under [28 U.S.C. §§353\(a\)](#) and [356\(b\)](#), respectively, to examine the complained-about judge, then if tomorrow they were the subject of a complaint, the formerly investigated judge or his friends, allies, and accomplices would take the opportunity to retaliate by investigating them and perhaps even going so far as disciplining them.

Such conduct involves judging ,with' regard to persons, contrary to their oath of office. It illustrates the axiomatic principle that due to inescapable grave conflict of interests, one cannot sit in judgment of oneself or of those in one's web of personal relationships. Judges do and the result is that they act in self-interest, taking the easy, unprincipled way out in dereliction of duty and to the detriment of complainants and the integrity of judicial process.

,Big deal! Why would we judges ever indispose ourselves with our

peers with whom we will spend the rest of our professional lives as Article III life-term appointees or renewal 14-year term bankruptcy judges? Why create for ourselves an avoidable hostile work environment and the repellant reputation of an unreliable class traitor just because one Joe or Jane thought in their very impeachable judgment that a judge had misbehaved or even broken the law? Who cares! Let them deal with it for the short time they will be upset! They will get over it, trust us!, since we judges are the last resort of those complainants.’

Such is the mentality arising from the dynamics of a web of personal relationships whose members are endowed with unappellable judicial power. It rests on a judicial system of self-discipline inherently flawed: Federal judges have no incentive to do what is right but inimical to themselves because they do not have to fear any adverse consequences of doing what is wrong. Consequently, they have taken out of service the machinery of judicial discipline that they are supposed to run. However, that does not mean that they are idle. Far from it, the evidence shows, as further discussed in the next sections, that they operate or tolerate the operation of a bankruptcy fraud scheme.]

- 117. 2003 Annual Report of the Court of Appeals, 2<sup>nd</sup> Circuit..... C:980y-1
- 118. United States Courts, Second Circuit Report 2004 ..... C:908z-1

**H. Comments in response to the invitation by CA2 for public comments on the reappointment of Judge Ninfo to a new term as bankruptcy judge**

- 119. Notice of CA2 **inviting** members of the **bar** and the **public** to submit by March 30, 2005 comments regarding the **reappointment** of Bankruptcy Judges Michael J. Kaplan and John C. **Ninfo**, II, to a new term of office,; posted at the time on CA2’s website <http://www.ca2.uscourts.gov/> .....C:981
- 120. Dr. **Cordero’s** letter of **March 17, 2005, to Second Circuit Executive Karen Greve Milton** in response to the CA2’s invitation to **comment** on the **reappointment** of Judge **Ninfo**.....C:982
  - a) Table of Exhibits .....C:983
    - i) Table of all of Judge Ninfo’s orders in *Pfuntner* and *DeLano* [updated to December 9, 2005] ..... C:984§II
- 24. Dr. **Cordero’s** motion of **October 23, 2003, for Judge Ninfo** to provide a definite statement of which of his oral version of October 16, 2003, or his written version entered in the record on October 17 is the official version of his “Order Denying Recusal and Removal Motions and Objection of Richard Cordero to Proceeding with any Hearings and a Trial on October 16, 2003”).....C:989

25. Judge **Ninfo’s order of October 28, 2003, denying** in all respects Dr. Cordero’s motion for a **definite statement** .....C:991

b) **List of hearings presided over by Judge Ninfo** in *Pfuntner v. Trustee Gordon et al*, docket no. 02-2230, and *In re David and Mary Ann DeLano*, docket no. 04-20280, WBNY, as of March 14, 2005 [updated to December 9, 2005] (cf. C:1278) .....C:993

121. **Sample of Dr. Cordero’s letters of March 18, 2005, to CA2 Judge James L. Oakes** and other judges of the Second Circuit Court of Appeals and Judicial Circuit **commenting against the reappointment** by the CA2 of Bankruptcy Judge **Ninfo** .....C:995

a) Table of Exhibits .....C:996

b) List of **judges to whom** Dr. Cordero sent his March 18 letters .....C:997

122. Dr. **Cordero’s supplement of August 3, 2005, to his March 17 comments against the reappointment** of Judge **Ninfo**, dealing with the refusal of the Judge’s Bankruptcy Court Reporter, Mary Dianetti, to certify that her transcript of her own stenographic recording of the evidentiary hearing on March 1, 2005, would be accurate, complete, and untampered-with; and pointing to the incriminating content of the transcript that would reveal how at that hearing Judge Ninfo disallowed Dr. Cordero’s claim in *DeLano* by becoming the on-the-bench advocate for ‘Bankrupt’ Mr. DeLano and by misusing the hearing as part of an artifice to eliminate Dr. Cordero from the case before he could prove the bankruptcy fraud scheme:

a) Dr. **Cordero’s cover letter of August 4, 2005, to Circuit Executive Milton** requesting that she submit the supplement and its exhibits to the CA2 and the Judicial Council so that they 1) consider in the reappointment process the evidence showing that the series of acts of Judge Ninfo and others in his court of disregard for the law, the rules, and the facts form a pattern of non-coincidental, intentional, and coordinated wrongdoing that supports a bankruptcy fraud scheme and 2) report it under 18 U.S.C. 3057(a) [C:405] to U.S. Attorney General Alberto Gonzales .....C:998

b) List of **judges to whom** Dr. Cordero **sent** the August 3 supplement.....C:999

c) **Sample of Dr. Cordero’s letters of August 4 and 5, 2005, to CA2 Judge Barrington D. Parker** and other **judges** of the Second Circuit Court of Appeals and Judicial Council accompanying the supplement.....C:1000

d) **Supplement of August 3, 2005, to the March 17 comments against the reappointment** of Judge **Ninfo** .....C:1001

i) Table of Contents .....C:1002

ii) Table of Exhibits.....C:1021

123. Circuit Executive **Milton’s** letter of **August 5, 2005**, to Dr. Cordero **returning** his supplementing comments because “the Judges of the Court of Appeals considered all submissions which were filed timely within the public **comment period**. However, that period **expired** on March 30, 2005” .....C:1024

[**Comment:** That statement shows that CA2 and the Judicial Council consider of greater importance to maintain a deadline than to safeguard the integrity of the courts. To discharge their duty to pursue the latter objective, they could have treated comments submitted for a stated purpose as rather “information available to the chief judge of the circuit”, 28 U.S.C. §351(b), to be evaluated on its own merits in order to protect public trust in both the courts and their judges, or as that subsection puts it, to proceed “in the interests of the effective and expeditious administration of the business of the courts”. If appropriate, instead of refusing such information, they could have used it as the basis to “identify a complaint for the purposes of this chapter and thereby dispense with filing of a written complaint”, id.]

124. Dr. **Cordero’s 2<sup>nd</sup> supplement** of September 5, 2005, to his March 17 comments **against** the **reappointment** of Bankruptcy Judge **Ninfo**, bearing on the evidence that as part of a bankruptcy fraud scheme the Judge approved the debt repayment plan of ‘Bankrupt’ **Bank Officer DeLano, who has 39 years of experience in banking and bankruptcies**, despite documentary evidence that Trustee George Reiber had not conducted any investigation of Mr. DeLano and his wife and therefor, could not have cleared them of suspicion of bankruptcy fraud, which nevertheless the Trustee stated pro forma that he had:

a) **Sample** of Dr. **Cordero’s** letters of **September 6, 2005**, to CA2 Judge Reena **Raggi** and other 2<sup>nd</sup> Cir. **judges** stating that circumstantial and documentary evidence points to the participation of **Judge Ninfo** in a bankruptcy fraud scheme and warrants that he **not be reappointed**; and requesting the judges to cause him to be investigated therefor by reporting under 18 U.S.C. 3057(a) [C:405] **to U.S. Attorney General** Alberto Gonzales the evidence provided.....C:1025

b) List of **judges to whom** Dr. Cordero sent his 2<sup>nd</sup> supplement of September 5, 2005.....C:1026

c) 2<sup>nd</sup> **Supplement** of **September 5, 2005**, to comments against the reappointment of Judge Ninfo .....C:1027

i) Table of Contents .....C:1028

ii) Table of Exhibits.....C:1047

- 25. **Useful addresses** for the investigation of *In re DeLano*, no. 04-20280, WBNY, and *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY (see also T0EC:107).....C:1051
- 26. Chapter 13 Trustee George **Reiber’s** undated “Findings of Fact and Summary of 341 Hearing” together with: .....C:1052
  - (a) Undated and unsigned sheet titled “I/We filed Chapter 13 for one or more of the following reasons:”.....C:1054
- 27. Judge **Ninfo’s order of August 8, 2005**, instructing **M&T Bank** to **deduct \$293.08 biweekly from** his employee, Debtor David **DeLano**, and **pay** it to Trustee **Reiber**.....C:1055
- 28. Judge **Ninfo’s order of August 9, 2005, confirming** the DeLanos’ Chapter 13 debt repayment **plan** upon considering their testimony and Trustee Reiber’s Report at the confirmation hearing on July 25, 2005 [D:508d entry 134], and allowing without any trace of a written request even higher attorney’s fees in the amount of \$18,005.....C:1056
- 29. Application of **July 7, 2005**, by Christopher K. Werner, Esq., **attorney for the DeLanos**, for **\$16,654 in legal fees** for services rendered in DeLano.....C:1059
  - (a) Att. **Werner’s itemized invoice of June 23, 2005**, for legal services rendered in *DeLano*.....C:1060

[**Comment:** The invoice shows that the fees were incurred almost exclusively to avoid production of documents requested by Dr. Cordero, beginning with the entry on April 8, 2004 “**Call with client; Correspondence re Cordero objection**” and ending with that on June 23, 2005 “**(Estimated) Cordero appeal**”. The documents named in Dr. Cordero’s requests (D:63, 87\$VI, 112, 124, 147, 159, 161, 199\$VI, etc., 287, etc.) could prove that the DeLanos had committed bankruptcy fraud, particularly concealment of assets. Hence the DeLanos’ determination to make every effort and pay any price to avoid producing those documents...but even the few that they had to produce proved their fraud (C:1435, 1469-1479, 1491-1501; Table of the DeLanos’ mortgages at C:105; Add:887\$I).

Interestingly enough, the DeLanos declared in Schedule B (C:1439) that they only had \$535 in cash and on account. Yet, their attorney knew that he could keep working for them and piling up fees because they would be good for **\$16,654**, and Judge Ninfo went even further in his order of August 9, 2005 to allow \$18,005 (Add:941), to which Trustee Reiber added \$9,948 six months later (C:1065). Did these people wonder where the DeLanos would come up with \$28,000 or did they know all along that the DeLanos were not bankrupt at all but on the contrary, were concealing quite a stash of money?]

125. Trustee **Reiber's** list of **December 7, 2005**, of **allowed** claims, which includes an allowance of **\$9,948 for Att. Werner's fees** and forgive 87.39% of DeLanos' debt [as opposed to the 78% stated in the DeLanos' debt repayment plan of January 26, 2004 (D:59)].....C:1064

[**Comment:** What reasonable person, let alone what 'bankrupt' debtor, would be willing and able to pay \$28,000 in legal fees just not to produce financial documents, such as the statements of bank accounts held by Banker DeLano with his employer, M&T Bank? By contrast, he and Mrs. DeLano would pay any legal fee if they knew that producing those and similar financial documents carried the risk of revealing that they had engaged in concealment of assets, which could lead to their facing bankruptcy fraud charges carrying a penalty of up to 20 years in prison and devastating fines under, among others, 18 U.S.C. §§152-157, 1519, and 3057. (see "Text of Authorities Cited")]

126. Circuit Executive **Milton's** letter of **September 16, 2005**, to Dr. Cordero concerning his September 6 communication and stating that the period for **commenting** on the **reappointment** of Judge **Ninfo** to a new term of office **expired** on March 30, 2005, and that "we will no longer accept your comments regarding this matter; we will no longer keep them on file; we will simply discard them" [see comments after C:1024] .....C:1066

**I. Request for referral to the Judicial Conference of a Court Reporter for investigation of her refusal to certify that her transcript would be complete, accurate, and free of tampering influence**

127. Statement of Mary **Dianetti**, Bankruptcy Court Reporter, WBNY, of **March 1, 2005**, of the number of **stenographic paper folds and packs** that she used to record the **evidentiary hearing** of the DeLanos' motion to **disallow** Dr. **Cordero's claim** against Mr. DeLano held that day before Judge Ninfo .....C:1081

128. Sample of Dr. **Cordero's** letters of **August 1, 2005**, to CA9 Chief Judge Mary M. Schroeder, Member of the Judicial Conference of the U.S., and to **other Conference members** informing them of his petition of July 28, 2005, to the Conference, filed with the Administrative Office of the U.S. Courts, and requesting that they **cause** the Conference to place the petition on the **agenda** of its **September meeting** and make a **report** under 28 U.S.C. §3057(a) [C:405] to the U.S. **Attorney General** Alberto Gonzales of the evidence that it contains of a bankruptcy fraud scheme.....C:1082

129. Dr. **Cordero's** **petition** of **July 28, 2005**, to the **Judicial Conference** of the United States, filed with the Administrative Office of the U.S. Courts, for an **investigation** under 28 U.S.C. §753(c) of a court **reporter's refusal** to certify the reliability of her transcript **and** for **designation** under 28



U.S.C. §753(b) of another **individual** to produce it (cf. ToEA:135§3) .....C:1083

d) Table of Exhibits .....C:1103

8. **Bankruptcy Court’s notice of April 11, 2005, to Dr. Cordero** to request that pursuant to FRBkrP 8006 he **perfect the record of his appeal in DeLano** to the District Court by submitting by April 21 his designation of items, i.e. documents, in that record and his statement of issues on appeal.....C:1106

15. **Bankruptcy Court’s letter of January 14, 2003, to Dr. Cordero** setting **January 27** as the **due date** for filing his **designation of items** in his appeal from Judge Ninfo’s dismissal of his cross-claims against Trustee Gordon in *Pfuntner v. Trustee Gordon et al.* .....C:1107

16. District Judge **Larimer’s scheduling order of January 16, 2003**, in *Cordero v. Trustee Gordon*, no. 03cv6021L, WDNY, **setting a deadline 20 days hence** for Dr. Cordero to file his **appellate brief**.....C:1108

[**Comment:** The period for Dr. Cordero to file his designation of items in *Pfuntner*, presided over by Judge Ninfo, had barely begun to run. So under FRBkrP 8007 the record was incomplete and should not have been transmitted from Bankruptcy Court to Judge Larimer in District Court. Thus, in violation of applicable Rule, both the Bankruptcy Court transmitted the record and District Judge Larimer issued that 2003 scheduling order.

In so doing, they tried to force Dr. Cordero to file his appellate brief before the filing of the transcript of the hearing on December 18, 2002, where Judge Ninfo had summarily dismissed (A:151) Dr. Cordero’s cross-claims against Trustee Gordon (A:83, 88). That transcript, to be made by Reporter Dianetti also, had not even been started. By so coordinating their actions, they tried to exclude it from the record and make it unavailable for Dr. Cordero to take it into consideration when writing his appellate brief and eventually appealing to CA2. As a matter of fact, that transcript (A:263), for which Dr. Cordero first contacted Rep. Dianetti on January 8, 2003, was not mailed to him until March 26, 2003! (A:262) Cf:

- a) Judge Larimer’s order of January 22, 2003, requiring Dr. Cordero to respond to Trustee Gordon’s dismissal motion by February 14, 2003 .....C:1274
- b) Judge Larimer’s order of January 24, 2003 vacating his order scheduling Dr. Cordero’s appellate brief so as to rule on the dismissal motion.....C:1276

This is precedent for their equally coordinated action in 2005: The Bankruptcy Court received on April 21, 2005, Dr. Cordero’s Designation of Items in *DeLano* (Add:686, 690), which is connected to *Pfuntner v. Tr. Gordon et al.*, where Dr. Cordero brought in Mr. DeLano as a third party defendant, who due to that claim against him named Dr. Cordero among his creditors (C:598). Such Designation could not constitute a complete record since the time had just begun for the DeLanos to submit their additional items (FRBkrP 8006), which they did not file until May

(Add:711). Yet, the Bankruptcy Court transmitted it on the same day of its receipt to District Judge Larimer (Add:687), who sits upstairs in the same small federal building, which so facilitates the development of a web of personal relationships and coordination. The next day, April 22, he issued a similar scheduling order requiring Dr. Cordero to submit his appellate brief in *Cordero v. DeLano*, no. 05cv6190, WDNY, within 20 days (Add:692).

By so doing, they intended to force Dr. Cordero to write and file his appellate brief before he could obtain from Reporter Dianetti the transcript of the evidentiary hearing on March 1, 2005. That is an incriminating transcript, for it shows how on that occasion and all but sure that it would not be made available to Dr. Cordero timely, if at all, Judge Ninfo conducted himself as Mr. DeLano's chief advocate to reach the predetermined result of disallowing Dr. Cordero's claim on Mr. DeLano, thereby eliminating him from *DeLano* before he could obtain documents to prove the DeLanos' concealment of assets and a bankruptcy fraud scheme supported by Judge Ninfo and others. (Pst:1266§E) That transcript (Rep. Dianetti's PDF file and the file scanned from her hardcopy) was not filed by the Reporter until November 4, 2005 (Add:1071) seven months after it was first requested! (Add:681; T0EC:55>1271>Comment 2<sup>nd</sup>¶) This establishes a pattern of intentional, coordinated unlawful action among judges, their staffs, and bankrupts.

21. List of **Hearings and Decisions** presided over or written by Judge **Ninfo**, in *Pfuntner and DeLano*, as of July 27, 2005 [updated to May 10, 2006 (D:496; Add:531; Pst:1181)].....C:1110

a) **List of members of the Judicial Conference** to whom Dr. Cordero sent his August 1 letter (C:1082) with a copy of the July 28 petition (C:1083) for the investigation and replacement of Reporter Dianetti.....C:1115

130. Dr. **Cordero's** letter of **August 6, 2005, to CA5 Chief Judge Carolyn Dineen King**, Chairperson of the **Executive Committee** of the Judicial Conference, informing her of his phone conversation with **Robert P. Deyling**, Esq., Assistant General Counsel at the Administrative Office, who refused to forward to the Conference the July 28 petition (C:1083) concerning Court Reporter Dianetti; and requesting that she, as chair of the Executive Committee, retrieve the five copies of the petition from Att. Deyling and submit the petition to the Conference.....C:1117

a) Copy of Dr. **Cordero's** letter of August 1, 2005, to **Executive Committee** Chair King at her CA5 address informing her of his petition for the Conference to investigate and replace a court reporter .....C:1118

131. Letter of **August 8, 2005, for Chief Judge Douglas H. Ginsburg, U.S. Court of Appeals for the District of Columbia Circuit**, by Clerk of Court **Mark J. Langer** to Dr. Cordero stating that "The agenda of the Judicial Conference of the United States is developed through the actions of the Executive Committee of the Conference upon recommendations submitted by

other Judicial Conference Committees, not through the action of individual Chief Judges. Therefore, Chief Judge Ginsburg cannot assist you further in this matter” [cf. ToEC:>C:856 and comments thereunder, and ToEC:>C:1124] .....C:1119

- 132. **Unsigned letter** from the **Administrative Office** of the U.S. Courts of August 8, 2005, with only “Office of the General Counsel” typed at the bottom of it, to Dr. Cordero stating that “The Administrative Office cannot intervene in, or comment upon, a court’s disposition of any proceeding and cannot address the court on behalf of a private party...we would ask you to please cease sending further correspondence to this agency about this matter...we are returning your documents.” .....C:1120

[**Comment:** As a matter of fact, Dr. Cordero did not request any assistance from the Administrative Office or the General Counsel’s Office except that implied in his mailing the petition to the Judicial Conference to the address of the Administrative Office in its capacity as “clerk of the Conference” with the expectation that the Office would simply note the date of its receipt, thereby effecting its filing, and forward it to the members of the Conference.

The Office of the General Counsel should have known better than to send an unsigned letter. If the sender(s) of that August 8 letter did not want to take responsibility for its contents by signing it so that they anonymously hid behind the impersonal name of an entity, why should the receiver, Dr. Cordero, take heed of it?]

- 133. Form letter of William K. **Suter, Clerk of the U.S. Supreme Court, by M. Blalock, of August 11, 2005, returning** to Dr. Cordero his **letter** of August 1 to Chief Justice Rehnquist (cf. C:1082) and the July 28 petition to the Judicial Conference (C:1083), and stating that “Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases or controversies properly brought before it from lower courts...The Court does not give advice or assistance or answer legal questions on the basis of correspondence” .....C:1121

- 134. Dr. **Cordero’s** letter of **August 30, 2005, to Chief Justice Rehnquist**, as the Judicial Conference’s presiding member, protesting that anybody who had bothered to read his August 1 letter (C:1082) or the July 28 petition to the Conference (C:1083) would have realized that neither had anything to do with the Constitution or a case appealed to the Supreme Court, but rather they dealt with the Conference’s duty to deal under 28 U.S.C. §753 with complaints against court reporters and every judge’s duty to report under §3057(a) [C:405] evidence of bankruptcy fraud; and requesting “that you handle the Supplement [C:1127] and the Petition so that the Conference acts upon them to ensure judicial integrity” .....C:1122

- 135. Dr. **Cordero’s** letter of **August 30, 2005, to CA5 Chief Judge Carolyn Dineen King, Chairperson of the Executive Committee** of the Judicial Conference, noting that from the **judges’ responses** to his petitions to the

Conference (C:823, 865; 899, 971, 1083) a **pattern** has emerged showing that judges avoid investigating one another and to that end will resort to **indifference to official corruption, cursory reading, and disingenuous answering**. .....C:1123

136. Dr. **Cordero’s** letter of **August 31, 2005, to Chief Judge Ginsburg** of the District of **Columbia Circuit**, protesting that the response for the Chief Judge of August 11 “tries to make one believe that a circuit chief judge cannot forward to a colleague who is the chairperson of a Conference committee a petition within its jurisdiction with a note “for any appropriate action” even though the evidence shows that the reporter’s refusal is part of a bankruptcy fraud scheme pointing to official corruption” (cf. T<sub>o</sub>E<sub>C</sub>:>C:856 and >C:1119); and providing a supplement to the petition.....C:1124

137. **Sample** of Dr. **Cordero’s** letters of **August 30 and 31, 2005, to Chief Judge Paul R. Michael**, U.S. Court Appeals for the **Federal Circuit**, and to other members of the **Judicial Conference** requesting each to handle the accompanying supplement to the July 28 petition (C:1083) so that the Conference may act upon both to ensure judicial integrity; and asking each to refer those documents under 18 U.S.C. §3057(a) [C:405] to Att. Gen. Alberto Gonzales for investigation of a bankruptcy fraud scheme .....C:1125

a) **Supplement** of August 30, 2005, to the July 28 petition (C:1083) **providing additional evidence** of how the reporter’s refusal to certify her transcript’s reliability forms part of a **bankruptcy fraud scheme**:  
 1) The debt repayment plan of a debtor, Mr. DeLano, who has spent 32 years in banking [and 7 years in financing] and is currently in charge of bankruptcies of his bank’s clients, was confirmed by Judge Ninfo upon the allegation of the Standing Chapter 13 Trustee George Reiber of having conducted an investigation that found no bankruptcy fraud on the part of the joint DeLano debtors. Yet, the very “Report” thereon produced by the Trustee and relied on by the Judge [C:1052-1054] as well as the Trustee’s conduct since the commencement of the case in January 2004, contain the evidence showing that he **never** undertook any such **fraud investigation** and, on the contrary, avoided it. [cf. D:79§I&II, 92§C, 193]

2) However, the Trustee knows that he is so secure in his position that he never bothered to oppose any of the motions for his removal that were raised before both Judge Ninfo and District Judge David Larimer, WDNY, who must keep protecting him out of self-preservation (D:198§V, 243¶34d; Add:881, 974¶60.4), 1062¶66b; Pst:1306¶123d) Reporter Dianetti too must support the scheme by avoiding production to Dr. Cordero of the transcript and its incriminating contents (T<sub>o</sub>E<sub>C</sub>:46>C:1083 and Comment). .....C:1127

i) Table of Contents .....C:1129

ii) Table of Exhibits.....C:1147

b) Alphabetical **table of members** of the Judicial Conference to whom Dr. Cordero sent the Supplement of August 30, 2005 .....C:1151

138. Letter of **October 6, 2005**, for Executive Committee Chair C. J. **King** by Clerk Charles R. Fulbruge, III, and signed by Deputy Clerk Nancy H. Gray **to Dr. Cordero** stating that “the Judicial **Conference** of the United States does **not have jurisdiction** to review a **complaint against** a court **reporter**” because that is the responsibility of the court-designated supervisor of reporters; and **referring Dr. Cordero to Reporter Contracting Officer Melissa Friedday** .....C:1152

[**Comment:** What an extraordinary excuse for inaction! Indeed, Congress imposed upon the Judicial Conference the responsibility for court reporters by providing at 28 U.S.C. §753 that “The qualifications of such reporters shall be determined by standards formulated by the Judicial Conference. Each reporter shall take an oath faithfully to perform the duties of his office.”

The excuse above implies that the Conference delegated the exercise of such responsibility to courts and court-designated supervisors of reporters...and that by so doing, it removed all of them beyond the scope of its jurisdiction! But that flies in the face of the well established principle, rooted in common sense, that he who is charged with a duty and delegates its discharge to another, retains the authority to ask the delegatee for an accounting of her discharge of it and also remains responsible for the fulfillment of the duty to the one who imposed it in the first place. Delegation of a duty is not a means to escape responsibility for it. Otherwise, a situation arises where nobody is responsible for anything to anybody...which is what happened, as shown next.]

139. Dr. **Cordero’s letter of October 18, 2005**, to Court Reporter **Contracting Officer** Melissa Friedday, stating in the first sentence that he had been **referred to her by the Chair of the Executive Committee of the Judicial Conference**; and **requesting** that she **replace Reporter Dianetti** in preparing the transcript, investigate her refusal to certify its reliability, and refer the matter to U.S. Attorney General Alberto Gonzales .....C:1153

Exhibits

a) Dr. **Cordero’s request of April 18, 2005**, to Bankruptcy Court **Reporter Mary Dianetti** to **estimate the cost of the transcript and state the count of stenographic folds and packs** that make up the recording of the evidentiary hearing on March 1, 2005, of the DeLanos’ motion to disallow Dr. Cordero’s claim.....C:1155

b) Rep. **Dianetti’s reply of May 3, 2005**, to Dr. **Cordero failing to state the folds and packs count** because “The information you requested regarding how many packs of paper and the number of folds was given to you after the hearing was completed.” .....C:1156

- c) Dr. Cordero’s letter of **May 10, 2005, to Rep. Dianetti requesting again** that she “**state how many packs** of stenographic paper and how many **folds** in each pack **constitute** the whole of your **recording**” .....C:1157
  - d) Rep. **Dianetti’s** letter of **May 19, 2005, to Dr. Cordero failing again to state the count** of folds because “you were provided with the number of packs of stenographic paper and number of folds used for the hearing following the conclusion of that hearing on March 1, 2005, therefore, I trust you already have that information” .....C:1158
  - e) Dr. **Cordero’s** letter of **May 26, 2005, to Rep. Dianetti requesting** that she **state** the number of folds and packs “that comprise the whole recording of the evidentiary hearing and that will be **translated into the transcript**” .....C:1160
  - f) Rep. **Dianetti’s** letter of **June 13, 2005, to Dr. Cordero** restating the numbers already given at the hearing and emphasizing that “am just giving you those exact numbers at this time”, thereby making a suspicious difference between those numbers and number of folds and packs that will be used to prepare the transcript; yet she must have known and used the latter to estimate the transcript cost.....C:1161
  - g) Dr. **Cordero’s** request of **June 25, 2005, to Rep. Dianetti** to agree to certify that the transcript will be accurate, complete, and free from tampering influence .....C:1163
  - h) Rep. **Dianetti’s** letter of **July 1, 2005, to Dr. Cordero** stating the transcript cost and format, and that “The **balance of your letter** of June 25, 2005 is **rejected**” .....C:1165
140. **Letter of Bankruptcy Clerk Paul R. Warren of October 20, 2005, to Judge Larimer informing** him of Dr. **Cordero’s letter** to Contracting Officer Melissa Frieday and qualifying it as “an effort to both avoid your Order and to intimidate the Bankruptcy Court’s clerical staff” .....C:1166
- [**Comment:** Officer Frieday never communicated in any way with Dr. Cordero, but simply sent his letter to Clerk Warren, who failed to disclose to Judge Larimer that the Chairperson of the Executive Committee of the Judicial Conference, CA5 Chief Judge Carolyn Dineen King, had referred Dr. Cordero to Officer Frieday as the „court officer designated to supervise court reporters at the U.S. Bankruptcy Court for WDNY“. (C:1152) Did Clerk Warren try to mislead Judge Larimer?]
- 141. Dr. **Cordero’s** letter of **October 24, 2005, to Rep. Dianetti, requesting** under protest that she produce the **transcript** of the evidentiary hearing on March 1, 2005; **sending** her a **check** for the payment requested; and **proposing** arrangements for her to **disclose** everything she knows about the bankruptcy fraud **scheme to government officers in Washington, D.C.** .....C:1167
  - 142. Dr. **Cordero’s** cover **letter of October 25, 2005, to the Bankruptcy Court accompanying** his **notice** of the same date to the District Court of having

**complied** with the order of Judge Larimer that directed him to request the **transcript and** stating that such notice was **his response to** Clerk of Court **Warren's** letter to Judge Larimer of October 20, 2005.....C:1169

143. Dr. **Cordero's notice of October 25, 2005**, to the District Court of having **complied** with Judge Larimer's October 14 order directing him to request the transcript from Reporter Dianetti and that his compliance was under compulsion of the order and with reservation of his rights to challenge it and demonstrate how it made a mockery of due process.....C:1170

    a) Table of Content .....C:1170

144. Dr. **Cordero's letter of October 26, 2005**, to the **new Chair of the Executive Committee** of the Judicial Conference, Chief Judge Thomas F. Hogan, U.S. District Court for the District of Columbia, **appealing** through him to **the Conference** under 28 U.S.C. §§753 and 331 **from the handling of** the complaint against Reporter Dianetti by **Reporter Contracting Officer** Melissa Frieday, WDNY, who **merely forwarded** Dr. Cordero's October 18 **letter to her to Bankruptcy Clerk Warren**, who in turn forwarded it to District **Judge Larimer**, who once again lazily, without discussing any of the objections of Dr. Cordero [cf. A:211, 350, Add:831, 839, 1019], had **ordered** (Add:991) the latter to **obtain the transcript from Reporter** Dianetti while denying his request to refer the Reporter to the Conference for investigation of her refusal to certify the transcript's accuracy, completeness, and untampered-with condition, whereby Judge Larimer supported a cover up and a bankruptcy fraud scheme.....C:1177

    Exhibits

    a) Dr. **Cordero's letter of August 1, 2005**, to Chief Judge **Hogan** requesting that he cause the July 28 **petition to investigate Reporter** Dianetti to **be placed** on the September **agenda of the Judicial Conference**.....C:1178

    b) Dr. **Cordero's letter of August 31, 2005**, to Chief Judge **Hogan** **requesting** that he cause the **Judicial Conference** to **act** on Dr. Cordero's **supplement of August 30 to the July 28 petition**.....C:1179

    c) Summary of Contents of the Appeal.....C:1180

    d) Table of Exhibits of the Appeal.....C:1181

    47. Dr. **Cordero's motion of July 18, 2005**, in District Court in the context of his appeal *Cordero v. DeLano*, no. 05cv6190L, WDNY, assigned to Judge Larimer, to **refer Bankruptcy Court Reporter** Mary **Dianetti to the Judicial Conference** for investigation of her **refusal to certify the reliability of her transcript** (C:1155-1165) of her own recording of the evidentiary hearing before Judge Ninfo on March 1, 2005, of the DeLano Debtors' motion to disallow Dr. Cordero's claim in *In re DeLano*, no. 04-20280, WBNY.....C:1183

i) Table of Contents .....C:1184

ii) Dr. **Cordero’s proposed order** submitted to Judge **Larimer** with his July 18 motion to **refer** Reporter **Dianetti to the Judicial Conference** .....C:1204

48. Dr. **Cordero’s** notice of motion and **motion of August 23, 2005**, in WDNY to **compel** the production of **documents** and take **other actions** necessary for the exercise both of the Court's supervision over the Bankruptcy Court and of his right of appeal, and for the proper determination of the appeal *Cordero v. DeLano*, no. 05cv6190, returnable on September 12.....C:1207

i) Table of Contents .....C:1208

ii) Dr. **Cordero’s proposed order** submitted to WDNY Judge **Larimer** with his August 23 motion to compel production of transcripts and other documents necessary for prosecuting and determining *Cordero v. DeLano* .....C:1233

49. Judge **Larimer’s** decision and **order of September 13, 2005**, stating that Dr. Cordero’s motion “to refer a bankruptcy court reporter to the Judicial Conference for an “investigation” is denied in all respects” because “The prolix submissions might lead one to believe that this is a significant problem. It is not. It is a tempest in a teapot” and with nothing less conclusory, let alone a legal argument, ordering that “The matter must be resolved as follows”, where he **required** Dr. **Cordero** to **request** in writing Reporter Dianetti to prepare the **transcript**, stated that he “has no right to “condition” his request in any manner”, **and** ordered him to **prepay** her fee of \$650 .....C:1241

50. Dr. **Cordero’s** motion of **September 20, 2005**, for **reconsideration** of Judge Larimer’s decision and order **concerning Reporter** Mary Dianetti and the **transcript** necessary for the appeal.....C:1243

i) Table of Contents .....C:1244

52 Judge **Larimer’s** decision and **order of October 14, 2005**, stating lazily that “The motion for reconsideration is in all respects denied”, with not a single argument indicating that the Judge had even read it [cf. A:211, 350] or noticed that it was returnable on November 18, and then **directing** Dr. Cordero to **request** the **transcript within 14 days** and pay the \$650 fee lest he be found to have failed to perfect his appeal and it be dismissed.....C:1269

53. Judge **Larimer’s** order of **October 17, 2005**, “**den[ying]** in their entirety” Dr. **Cordero’s three** pending **motions** [Add:851, 881, 951] by lazily repeating the **peremptory and conclusory fiats**, unsupported by any discussion of Dr. Cordero’s legal argu-



ments, that “there is no basis in law to support such relief”, “these motions are wholly without merit” and “it completely lacks merit” .....C:1271

[**Comment:** No reply was received to any of Dr. Cordero’s letters to C.J. Hogan (C:1177-1179) or to the appeal to the Judicial Conference (C:1180). Their failure to respond makes a mockery of the right “to petition the Government for a redress of grievances” guaranteed by the First Amendment. It shows the intentional and coordinated determination of the Conference and its members not to investigate any of their own, that is, judges (cf. C:973, TøEC:40>C:980x>Comment) or employees (C:685; C:442, TøEC:20>C:491>Comment). Since the latter do their bidding, they know too much to be subjected to an investigation that could cause them to provide incriminating testimony.

This is illustrated by their handling of the complaint against Reporter Dianetti. It turned out that her recording of the DeLano hearing on March 1, 2005, was patently inaccurate (TøEAdd:233>Add:1073>Comment). Moreover, when she prepared and finally, *seven months later*, sent the transcript both on paper and on a CD, it was incomplete: the former had 190 and the latter 169 consecutively numbered pages! (TøEAdd:235>Tr>Comment) Who tampered with it, removing pages and pretending it was complete? No wonder the Reporter refused Dr. Cordero’s request to certify its reliability (C:1163, 1165) and Judge Larimer refused to refer her to the Judicial Conference for investigation (C:1183, 1241 ] Is this any way for federal judges to show that the objective guiding their conduct is to safeguard the integrity of the courts in order to administer justice rather than to protect the vested interests of their class?

145. List of Judge **Larimer’s** orders in *Cordero v. Tr. Gordon, - v. Palmer*, and - *v. DeLano* showing a **pattern** of **disregard** for the law, gross **mistakes** of facts, and **laziness** that denies due process of law (cf. C:993).....C:1278

**J. Request to the Judicial Council, 2<sup>nd</sup> Cir., for the abrogation of district local rules inconsistent with FR CivP and protective of a bankruptcy fraud scheme**

146. Sample of Dr. **Cordero’s** letters of **January 8, 2006, to** Circuit Judge Dennis Jacobs and **Judicial Council** members requesting that they:
- i) bring the attached **Statement** and CD before the Council so that under 28 U.S.C. §§332(d)(4) and 2071 it may abrogate WDNY Local **Rules 5.1(h) and 83.5**;
  - ii) **investigate** the District and Bankruptcy Courts, WDNY, for supporting a bankruptcy fraud scheme and the schemers; and
  - iii) **report** the case to **U.S. Attorney General** Alberto Gonzales under 28 U.S.C. **§3057(a)** [C:405].....C:1285
- a) List of **members** of the Judicial Council, 2nd Cir., to whom Dr. Cordero **sent** the letter of January 8, 2006, and the Statement .....C:1286

Attachments

b) **Rule 5.1(h)** of the Local Rules of Civil Procedure of the U.S. District Court, WDNY, on **filing** cases **under** the Racketeer Influenced and Corrupt Organizations Act (“**RICO**”), 18 U.S.C. §1961 et seq. ....C:1287

c) **Rule 83.5**, id., on the **prohibition** on bringing “any camera, transmitter, receiver, portable telephone or recording device into the Court or its environs” [Local Rules also available at <http://www.nywd.uscourts.gov/>].....C:1290

d) Dr. **Cordero’s Statement** of **January 7, 2006**, to the **Judicial Council**, 2<sup>nd</sup> Cir., on how Rule 5.1(h) of the Local Rules of Civil Procedure of the U.S. District Court, WDNY, requires such detailed facts to plead a RICO claim that it contravenes FRCivP 8 and 83 and should be abrogated; and how **Rules 5.1(h) and 83.5** constitute a **preemptive attack** on RICO claims that could expose the District and Bankruptcy Courts’ support for a bankruptcy fraud scheme and the schemers .....C:1291

    i) Table of Contents.....C:1291

Table 1: The **DeLanos’ mortgages** and their unaccounted-for proceeds of \$382,187 .....C:1312

Table 2: Officers that have disregarded their **statutory duty to investigate** the DeLano Debtors .....C:1313

Table 3: Contempt for the law and litigants’ rights shown in the **dismal quality** of the **work** produced by **Judges Larimer and Ninfo** and accepted by them from **lawyers and clerks** .....C:1313

    ii) Table of Exhibits.....C:1315

        a) **Local Rule 32(a)1** on **briefs in digital format** of CA2’s Local Rules of Civil Procedure..... Pst:1171

        b) **Local Rule 25** on submitting an **unbound copy** of the brief if no PDF copy is submitted, id..... Pst:1173

        c) **Docket** for *Cordero v. DeLano*, no. 05cv6190L, WDNY, as of May 10, 2006 ..... Pst:1181

        d) United States District Court for the Western District of New York **Administrative Procedures Guide**..... Pst:1189

        e) Notice of February 6, 2004, about the **obligation** in WDNY to **file using** the Electronic Case Filing (ECF) system or a disk..... Pst:1209

        f) Notice of July 5, 2005, about WDNY judicial **officers who want** filings on **paper** despite the Case Management (CM)/ECF system..... Pst:1211

        g) Letter of District Court **Deputy Clerk** John H. Folwell

returning Dr. Cordero's PDF files on a disk accompanying his paper copies of the exhibits in those files..... Pst:1213

h) Judge Larimer's order of January 4, 2006, refusing to post on PACER Dr. Cordero's exhibits, namely, the Designated items in the record on appeal, the Addendum thereto, and the transcript of the evidentiary hearing in Bankruptcy Court in DeLano on March 1, 2005, thereby making them unavailable publicly on the World Wide Web, i.e., the Internet (cf. ToEA:153§7; C:1283¶16)..... Pst:1214

147. Form letter of CA2 Clerk MacKechnie by Deputy Clerk Allen of January 11, 2006, to Dr. Cordero returning his January 8 letter to Judge Jacobs and his Statement to the Judicial Council because "our records indicate that you have no matter pending before this Court".....C:1317

[Comment: It is the Judicial Council that has the authority to abrogate a local rule under 28 U.S.C. §§332(d)(4) and 2071. The Court, let alone a case in it, has nothing to do with the review and abrogation of those rules.

There has been no reply from either the Judicial Council or any of its other members to whom Dr. Cordero sent the January 8 letter and the January 7 statement (C:1285, 1291). What motive do the Judicial Council and the judges who are members of it and who took an oath to apply the law have not to discharge their statutory duty? Is their inaction part of the pattern of judges protecting each other? The answer to these and other questions can be searched for as part of the efforts to answer the broader query that they and the rest of the evidence raise, namely, whether a federal judgeship has become a safe haven for wrongdoing and, if so how high and to what extent has wrongdoing reached. But how could they have been allowed to engage in wrongdoing? The next section provides the beginning of an answer.]

**K. Referral to the U.S. Attorney's Offices and the FBI's Bureaus in New York City, Buffalo, and Rochester, NY, for an investigation of a judicial misconduct and bankruptcy fraud scheme**

**1. Offices in New York City**

148. Dr. Cordero's letter of May 2, 2004, to Mr. Pasquale J. Damuro, Assistant Director in Charge of the NY FBI Office, submitting evidence of a series of acts of disregard for the law, the rules, and the facts so numerous and consistent as to form a pattern of non-coincidental, intentional, and coordinated wrongdoing by judicial officers and bankruptcy trustees pointing to judicial misconduct and bankruptcy fraud; and requesting an

investigation and a meeting.....C:1331

a) **Table of Exhibits** .....C:1332

9. A **trustee with 3,909 open cases** cannot possibly have the time or the inclination to check the factual accuracy or internal consistency of the content of each bankruptcy petition to ascertain its good faith [cf. C:1406¶¶16-18; see ToEC:>C:641 and comment thereunder for access to those cases] .....C:1335

10. A case that illustrates how a **bankruptcy petition** riddled with red flags as to its good faith is **accepted without review** by the trustee and readied for approval by the Bankruptcy Court, WBNY.....C:1337

11. Another **trustee with 3, 092 cases** was upon a performance-and-fitness-to-serve complaint referred by the court to the Assistant U.S. Trustee for a “thorough inquiry”, which was limited to talking to the Trustee and a party and to uncritically writing down their comments in an opinion, which the U.S. Trustee for Region 2 would not investigate [see ToEC:>C:641 and comment thereunder for access to those cases] .....C:1340

149. Dr. **Cordero’s** letters of **May 6, 2004**, to David N. **Kelley**, U.S. Attorney for the **Southern District** of NY, and Ms. Roslynn **Mauskopf**, U.S. Attorney for the **Eastern District** of NY, submitting evidence of a series of acts of disregard for the law, the rules, and the facts so numerous and consistent as to form a pattern of non-coincidental, intentional, and coordinated wrongdoing by judicial officers and bankruptcy trustees pointing to judicial misconduct and bankruptcy fraud; and requesting an investigation and a meeting.....C:1345

a) Table of Exhibits ..... C:1332 above

150. Letter of U.S. Attorney **Mauskopf** by Assistant U.S. Attorney F. Franklin **Amanat** of **May 12, 2004**, to Dr. **Cordero** stating that “because United States Attorney’s Offices have no involvement in complaints alleging judicial misconduct and no authority to take any action with regard to such complaints, we are unable to discuss your allegations with you or to take any other action in regards to them” .....C:1347

[**Comment:** Since judges do not investigate their own and the U.S. attorneys do not investigate them, who investigates judicial misconduct to prevent judges from becoming a class of people, or rather, of wrongdoers above the law?]

151. Dr. **Cordero’s** letter of **May 24, 2004**, to FBI Assistant Director **Damuro** providing materials that reveal a **coordinated effort** by the U.S. and private bankruptcy **trustees** to **avoid sending** Dr. Cordero **documents** that could allow him to investigate the DeLano Debtors’ bankruptcy

petition in *In re DeLano*, no. 04-20280, WBNY, and expose a bankruptcy fraud scheme; and requesting again that the FBI open an investigation .....C:1348

a) Table of Exhibits .....C:1349

152. Dr. **Cordero's** letter of **June 11, 2004**, to each of the members of the **Judiciary Committees** of the House of Representatives (37) and the Senate (19), including their respective Chairmen, Rep. F. James **Sensenbrenner, Jr.**, and Sen. Orrin G. **Hatch**, providing **evidence** of a **judicial misconduct** and **bankruptcy fraud scheme** and requesting that they open an investigation.....C:1352

[**Comment:** Not a single one replied to Dr. Cordero. So who oversees the conduct of judges and exercises discipline for their misconduct? In the absence of any control over them, the judicial power that individuals – certainly not nominated for judgeships because of their incorruptibility-acquire upon being sworn in as judges becomes absolute power. Such power is the necessary and sufficient condition to produce absolute corruption. (ToEC:>C:973 and >C:1381 and Comment thereunder)]

a) **Table of the 56 members** of the **Judiciary Committees** of the U.S. HR and the Senate individually addressed by Dr. Cordero in his June 11 letter.....C:1354

b) **Table of Exhibits** .....C:1357

8. Trustees with **thousands of open cases** and one case that opens a **window into** the operation of the **bankruptcy fraud scheme** [see updated version as of June 26, 2004 (C:1401); see ToEC:>C:641 and comment thereunder for access to those cases] .....C:1361

13. **Table of all 15 Memoranda and Orders** of the Judicial Conference of the United States Committee to Review Circuit Council Conduct and Disability Orders (text at C:1611) since the adoption of the Judicial Conduct and Disability Act of 1980, sent to Dr. Cordero from the General Counsel's Office of the Administrative Office of the U.S. Courts and showing how few complaints under 28 U.S.C. §351 et seq. are allowed to reach the Judicial Conference as petitions for review of judicial council action.....C:1373

14. **Statements** of the **Judicial Conference's** Committee to Review Circuit Council Conduct and Disability Orders and a **Report** of the Proceedings of the **Judicial Conference** of the United States, both stating that there are **no pending petitions** for review of judicial council action

a) Report of **March 2004** to the Judicial Conference by its Committee to Review Circuit Council Conduct and

Disability Orders: **no pending petitions for review** .....C:1374

b) Title page of the **Report** of September 23, 2003, of the **Proceedings** of the **Judicial Conference** of the United States .....C:1375

c) Statement in the Judicial Conference Report of **September 23, 2003**, by its Committee to Review Circuit Council Conduct and Disability Orders: **no pending petitions for review**.....C:1376

d) Report of **September 2003** to the Judicial Conference by its Committee to Review Circuit Council Conduct & Disability Orders: **no pending petitions for review** .....C:1377

e) Report of **March 2003** to the Judicial Conference by its Committee to Review Circuit Council Conduct & Disability Orders: **no pending petitions for review** .....C:1378

15. **Contact information useful to investigate** the evidence of a judicial misconduct and bankruptcy **fraud** scheme [see also TOEC:§VII below].....C:1380

153. List of the 13 impeached federal judges in all the 217 years of judicial history of the United States, beginning in 1789; by the Federal Judicial Center .....C:1381

154. Federal Judicial Center: <http://www.fjc.gov/history/home.nsf>

155. Remarks of the Chief Justice at the Federal Judges Association Board of Directors Meeting, May 5, 2003; at [http://www.supremecourtus.gov/publicinfo/speeches/sp\\_05-05-03.html](http://www.supremecourtus.gov/publicinfo/speeches/sp_05-05-03.html).....C:1384

[**Comment:** Chief Justice John Roberts is the seventeenth chief justice of the Supreme Court since John Jay became the first chief justice in 1789 upon his nomination by President George Washington. In the same 217 years comprising the whole judicial history of the United States under the Constitution, only thirteen federal judges have been impeached in Congress. This means that a federal judge has a higher statistical chance of becoming the next chief justice than of being impeached.

In addition, there is the pattern of the chief judges of the courts of appeals and the judges of the circuit councils systematically dismissing (C:973) judicial misconduct complaints. In practice this means that judges protecting their own have rendered useless that mechanism of judicial self-discipline; official statistics of the Administrative Office of U.S. Courts proves it (C:973-980x. and TOEC:>C:973>Comment thereunder).

As a result, federal judges are not subject to any effective system of supervision and discipline. Without any such control, their exercise of judicial power becomes absolute. Thereby the condition for the application of the aphorism ensues: Power corrupts and absolute power

corrupts absolutely. (cf. A:1664¶70) This gives rise to the condition of possibility for a federal judgeship to become a safe haven for wrongdoing and for federal judges to become a class of wrongdoers immune to the principle inscribed on the frieze below the pediment of the Supreme Court building, „Equal Justice Under Law“. Federal judges are, as a matter of historic fact and established practice, people above the law. (cf.A:1662§D)

156. Dr. **Cordero’s** letters of **June 29, 2004, to U.S. Attorney Kelley, SDNY, and to FBI Assistant Director Damuro** providing **another update** with recent evidence of a bankruptcy fraud scheme and requesting a meeting to discuss it; **and** simultaneously making a request **to other officers** in their respective offices that they bring the evidence sent to each of them to the attention of those top officers and **cause them to respond** to Dr. Cordero:

I. Letters:

- a) David Kelley, U.S. Attorney for the Southern District of NY.....C:1391
  - 1) Janet **Sandt**, Legal Assistant.....C:1392
  - 2) David **Jones**, Chief of the Bankruptcy Unit in Civil Matters.....C:1393
  - 3) Karen Patton **Seymour**, Chief of the Criminal Division .....C:1394
  - 4) Donna **Drori**, Assistant U.S. Attorney .....C:1395
- b) Pasquale J. Damuro, Assistant Director in Charge, FBI NY .....C:1396
  - 1) Robert Silveri, FBI Acting Supervisory Special Agent, Squad C-4 .....C:1397

II. Table of Exhibits .....C:1398

- 1. **Trustees with thousands of open cases** and one case that opens a window into the operation of the bankruptcy fraud scheme (updated as of June 26, 2004) [see TOEC:>C:641 and comment thereunder for access to those cases].....C:1401
  - A. A scheme that works by taking money from many credit card issuers but not so much from anyone as to make it cost-effective for any issuer to spend time, effort, and money pursuing a pennies-on-the dollar recovery in risky bankruptcy proceedings .....C:1401
  - B. A Chapter 13 trustee with 3,909 *open* cases cannot possibly have the time or the inclination to check the factual accuracy or internal consistency of the content of each bankruptcy petition to ascertain its good faith [cf. C:1406¶¶16-18; see TOEC:>C:641 and comment thereunder

for access to those cases].....C:1403

C. Another trustee with 3,383 cases was upon a performance-and-fitness-to-serve complaint referred by the court to the Assistant U.S. Trustee for a “thorough inquiry”, which was limited to talking to him and a party and to uncritically writing down their comments in an opinion, which the Trustee for Region 2 would not investigate [see ToEC:>C:641 and comment thereunder for access to those cases] .....C:1406

D. A case that illustrates how a bankruptcy petition riddled with red flags as to its good faith is accepted without review by the trustee and readied for confirmation by the bankruptcy court.....C:1411

5. **Dr. Richard Cordero’s Table Comparing Claims** on David and Mary Ann DeLano in:.....C:1415

    1) The DeLanos’ voluntary bankruptcy petition:

        i) WBNY Bankruptcy Court Notice of February 3, 2004, of meeting of creditors .....C:1431

        ii) Bankruptcy **petition**, no. 04-20280, WBNY, of January 27, 2004, with Schedules A-J.....C:1435

            (a) Statement of Financial Affairs.....C:1455

            (b) Verification of Creditor Matrix .....C:1463

        iii) Debt repayment plan of January 26, 2004 .....C:1467

    2) **Equifax** credit reports

    3) Claims register

    4) Credit card statements of account

6. **Equifax** report of April 26, 2004, confirmation # 4117002205, on Mr. **David** DeLano, who produced it **incompletely** on **June 14, 2004, to Trustee Reiber: it begins** on page **3 of 14** and **continues** with pages **5, 7, 9, 11, 13** ..... C:1469

7. **Equifax** report of May 8, 2004, confirmation # 4129001647, on **Mary Ann** DeLano, who produced it **incompletely** on **June 14, 2004, to Trustee Reiber: it begins** on page **3 of 12** and continues consecutively **until** page **7 of 12** .....C:1475

8. WBNY Bankruptcy Court’s **register** as of June 23, 2004, of creditors’ **claims** on the DeLanos ..... C:1481

9. WBNY Bankruptcy Court’s **creditors matrix** for the DeLanos’



case as of June 23, 2004..... C:1488

10. Eight incomplete **statements of account** as of between July and October **2003**, concerning credit card accounts of the DeLanos, produced belatedly by their attorney, Christopher Werner, Esq., on June 14, 2004, to Trustee Reiber (cf. D:63, 94¶80b, 120).....C:1491

11. **IRS 1040 forms** for the DeLanos’ tax returns for 2001, 2002, and 2003..... C:1499

23. **Useful addresses for investigating** the judicial wrongdoing and bankruptcy fraud scheme (see also TOEC:§VII).....C:1509

157. Legal Assistant **Sandt’s** letter of **July 13**, 2004, indicating that the U.S. **Attorney’s Office, SDNY**, does **not** have **jurisdiction** over a matter concerning the Bankruptcy Court and the District Court in the **Western District** of New York.....C:1511

[**Comment:** However, the U.S. Attorney failed to take into account the two links in SDNY to that matter, namely, the CA2 and the U.S. Trustee for Region 2, which should have been enough to give it jurisdiction to investigate it.]

158. Letter of Att. **Seymour** at the U.S. Attorney’s Office in NYC of **August 5**, 2004, **transmitting** to **Bradley E. Tyler**, Esq., Attorney in Charge of the U.S. Attorney’s Office in Rochester, NY, the documentary evidence submitted by Dr. Cordero to U.S. Att. Kelley.....C:1512

159. Dr. **Cordero’s** letter of **August 14**, 2004, to U.S. Att. **Tyler requesting** his opening of an **investigation**; informing him of the hearings on August 23 and 25, 2004, in *In re DeLano*, no. 04-20280, in the Bankruptcy Court in Rochester, NY, **and** asking that he **attend** them so that he can **witness** Judge **Ninfo’s bias** and his **conduct** of the proceedings **in the absence** of Dr. **Cordero**, who would **appear by phone** .....C:1513

    a) Table of Exhibits .....C:1514

160. Dr. **Cordero’s** fax of August 16, 2004, without cover letter **to** Robert M. **Silveri**, FBI Acting Supervisory Special Agent, Squad C-4, at the FBI Bureau in NYC, of his **motion** of **August 14**, 2004, for docketing and issue of proposed order, transfer, referral, examination, and other relief ..... C:752 above

161. Dr. **Cordero’s** letter of **August 17**, 2004, faxed **to** FBI Special Agent **Silveri** informing him of the two upcoming **hearings in DeLano** on August 23 and 25, 2004, in the Bankruptcy Court **in Rochester** and urging him to cause agents to **attend** them from the FBI offices in Buffalo and Rochester to whom Agent Silveri referred the material that Dr. Cordero had submitted to the FBI in NYC, so that they can witness Judge Ninfo’s bias .....C:1515

162. Dr. **Cordero's** faxed letter of **August 23, 2004, to** FBI Special Agent **Silveri explaining** how the attorney for the **Debtors** in the *DeLano* case is trying to **disallow his claim to eliminate him** from the case, the only party insisting on the production of financial documents that can show concealment of assets; and requesting that he pass on to his FBI colleagues in Rochester and Buffalo Dr. Cordero's reply to the motion to disallow .....C:1516

a) Dr. **Cordero's reply of August 17, 2004, to the DeLanos' objection** to his claim and their motion to disallow it.....C:1517

i) Table of Contents .....C:1517

163. Dr. **Cordero's hand delivery on August 23, 2004, to** the Office of FBI Special Agent **Silveri** of a **copy of his August 20 motion for sanctions on** and compensation from Christopher **Werner, Esq.**, attorney for the DeLanos, and his law firm for **violation of FRBkrP Rule 9011(b)** .....C:1529

a) Table of Contents.....C:1530

[**Comment:** This motion was intended to focus the FBI's investigation on the motive for the wrongful conduct described therein and its tolerance by Judge Ninfo.]

**2. Offices in Rochester and Buffalo**

164. Letter of Richard **Resnik, Esq.**, Assistant U.S. Attorney, of **August 24, 2004, to** Dr. **Cordero** stating that the **U.S. Attorney's Office** in Rochester **will not investigate** Dr. Cordero's "allegations of bankruptcy fraud and judicial misconduct" and **returning** to him all the **files**.....C:1545

165. Dr. **Cordero's** letter of **August 31, 2004, to** **Bradley E. Tyler, Esq.**, Attorney in Charge of the U.S. Attorney's Office in Rochester, NY, **sending back** to him in Rochester the **files** that his Assistant U.S. Attorney Resnik had returned to Dr. Cordero; and stating that if his personal **relation to** Assistant U.S. **Trustee** Kathleen Dunivin **Schmitt** and his trust in her word render Dr. Cordero's evidence just "speculations", as he put it during their phone conversation earlier that day, and cause his **reluctance to** examine it, not to mention **investigate** her, his **objectivity** might be **compromised**, so that he should recuse himself and **support a referral to the Fraud Section** of the U.S. Department of Justice, Criminal Division.....C:1546

a) Table of **files** already **sent** to U.S. Att. Tyler and **updates** accompanying Dr. Cordero's August 31 letter to him.....C:1547

4.a) Notice of hearing of Christopher **Werner, Esq.**, attorney for the DeLano Debtors, objecting to Dr. Cordero's claim on the

DeLanos and **moving to disallow** it, dated July 19, 2004, but filed on July 22, 2004.....C:1548

166. Dr. **Cordero's** letter of **September 13 and 15, 2004, to Peter Ahearn, Special Agent in Charge** of the **FBI** bureau in **Buffalo, NY**, to **inquire** about the bound **files** concerning evidence of a judicial misconduct and bankruptcy fraud scheme that Dr. Cordero had sent to FBI Assistant Director Damuro in Charge of the NY City bureau and which were **forwarded** on jurisdictional grounds to Mr. Ahearn's bureau in early July with a cover letter from Supervisory Special Agent Robert **Silveri** .....C:1550

167. Dr. **Cordero's** cover letter of **September 18, 2004, to Michael A. Battle, Esq., U.S. Attorney for WDNY, Buffalo, NY**, accompanying:.....C:1551

    a) Dr. **Cordero's** **appeal** of **September 18, 2004, to Att. Battle** from the **decision** taken by Att. **Tyler** in Rochester **not to open an investigation** into the complaint about a judicial misconduct and bankruptcy fraud scheme; and statement of the questionable circumstances under which that decision was made.....C:1552

168. Dr. **Cordero's** letter of **October 7, 2004, to Jeannie Bowman, Executive Assistant to U.S. Att. Battle**, accompanying the **resubmission of the appeal to Att. Battle** from the decision of Att. Tyler; stating that the latter was to have forwarded Dr. Cordero's files to Att. Battle; and setting forth reasons why Mr. Tyler should not investigate the case.....C:1559

169. Dr. **Cordero's** letter of **October 19, 2004, to Mary Pat Floming, Esq., Assistant U.S. Attorney at the U.S. Attorney's Office in Buffalo**, requesting that she **see to it** that the accompanying **appeal to Att. Battle is brought to his attention** and requesting her assistance.....C:1560

170. Dr. **Cordero's** letter of **October 25, 2004, to Att. Floming** with an **update** about why Trustee **Reiber** is **refusing** to hold an **examination** of the **DeLanos** and stating that just as Mr. Tyler cannot investigate Dr. Cordero's appeal from his own decision, neither of Trustees Schmitt, Martini, or Reiber can investigate the bankruptcy fraud scheme, and **requesting** that she use the influence of her **Office** to **cause** the Executive Office of the **U.S. Trustee** to **appoint** an independent **trustee** to **examine** the **DeLanos** .....C:1561

171. U.S. Att. **Battle's** letter of **November 4, 2004, to Dr. Cordero** stating that he **reviewed** the **documentation** and **found no** basis for Dr. Cordero's claim of bankruptcy **fraud** and closing the matter .....C:1562

172. Dr. **Cordero's** letter of **November 15, 2004, to U.S. Att. Battle** showing that as of November 1 Att. Battle did **not have the documentation** and **could not have retrieved it** from the Rochester office **and reviewed** over 315 pages by November 4, and requesting that he obtain the files and

- assign the case to skilled bankruptcy fraud investigators as he had said on November 1 that he would do .....C:1563
- 173. Att. **Battle's** letter of **November 29, 2004, to Dr. Cordero** stating that his trusted professionals indicated that Dr. Cordero **was a party** to a bankruptcy **case** that was later appropriately **resolved** by a bankruptcy judge .....C:1565
- 174. Dr. **Cordero's** letter of **December 6, 2004, to U.S. Att. Battle** showing that he does not even know the facts of the Appeal to him of September 18 and that there are **two actions**, both are **ongoing**, and that **if** his trusted professionals **know how** ongoing actions **will be resolved**, the **process is a sham**, and requesting that he refer the accompanying Request to the Attorney General for investigation .....C:1566
  - a) Dr. **Cordero's** request of **December 6, 2004, to U.S. Att. Battle** to **report to** the Acting U.S. **Attorney General** for investigation the evidence of a judicial **misconduct** and bankruptcy **fraud** scheme .....C:1568
    - i) Table of Contents .....C:1568
    - ii) Table of Exhibits.....C:1587
- 175. Dr. **Cordero's** letter of **December 27, 2004, to U.S. Att. Battle** to **inquire** what action he took with regard his December 6 Request [never replied to] .....C:1601

**L. Submissions to the Judicial Conduct and Disability Act Study Committee chaired by Justice Stephen Breyer of evidence of a pattern of systematic dismissal of complaints about judicial wrongdoing in support of a bankruptcy fraud scheme further protected by preventing complaints from reaching the Judicial Conference**

- 176. The **15 Decisions** of the Judicial Conference **Committee to Review** Circuit Council Conduct Orders **since** the adoption of the Judicial Conduct and Disability Act of **1980** (cf. C:682).....C:1611
- 177. Dr. Cordero's letters with supporting exhibits submitted to the Judicial Conduct and Disability Act Study Committee and to each of its members and the Study Committee's acknowledgment of receipt thereof:
  - a) Dr. Cordero's submission of **November 26, 2004, requesting** that they: .....C:1751
    - "1. bring to the attention of the Judicial Conference or its members the advisability both of taking jurisdiction of the petition herewith [C:823], on grounds such as those set forth therein, and of investigating the complaints for the purpose, among others, of shedding light on the

- misapplication of the Act by chief judges and judicial councils;
  - 2. include this case in your Study and investigate it as part thereof, and if the Committee holds hearings, invite me to be heard and answer your questions; and
  - 3. if you believe that Judge Ninfo or any of the others has committed an offense, make a report of this case to the Acting U.S. Attorney General under 18 U.S.C. 3057(a).“
- b) Study Committee’s acknowledgment:
- 1. of December 2, 2004 .....C:1752
  - 2. of December 3, 2004 .....C:1753
- c) **December 20, 2004**, requesting that they: .....C:1754
- “1. add this letter and supporting documents [C:845] to my case and include them in your Study; and
  - 2. convey to the Administrative Office and the Conference that in the interest of studying the handling in the Act’s last review stage of the first petition filed with it in many years, my petition [C:823] should be forwarded to the Conference to be investigated and decided by it.“
- d) Study Committee’s acknowledgment:
- 1. of December 27, 2004 .....C:1755
  - 2. of January 7, 2005 .....C:1756
- e) **March 9, 2005**, requesting that they: .....C:1757
- “1. make known to Chief Justice Rehnquist the importance for the work of the Study Committee, which he himself appointed, that he cause the Judicial Conference to determine the jurisdictional issue either as presented in the addendum (C:899) to my petition or by having the petition (C:823) forwarded to the Conference from the Administrative Office;
  - 2. convey to Administrative Office General Counsel William R. Burchill and Director Leonidas Mecham the need to forward the petition to the Conference so that it be the one to determine the jurisdictional issue”; ‘and
  - 3. take cognizance from my motion for the recusal [C:905] of Complained-about Bankruptcy Judge John C. Ninfo, II, WBNY, of the egregious nature and harmful effect on me of his misconduct as evidence of the need in legal and practical terms to have the Conference review this petition.’
- f) Study Committee’s acknowledgment:
- 1. of March 15, 2005.....C:1758
  - 2. of March 22, 2005.....C:1759
- g) **March 28, 2005**, requesting that they:.....C:1760

- “1. bring to the attention both of Judge Ralph K. Winter, Jr., Chairman of the Committee to Review Circuit Council Conduct and Disability Orders, and of the Review Committee itself the need to let the Judicial Conference decide the issue of the scope of its own jurisdiction to review a circuit council’s judicial misconduct orders”; ‘and
- 2. considering whether too narrow an interpretation of the jurisdictional provisions of the Judicial Misconduct Act accounts for the fact that for years not a single petition has been submitted to it [cf.C:1771]...so that instead of it protecting individuals who suffer abuse and bias through judicial misconduct or the public at large who must bear the loss of access to justice and the material cost caused by judges engaged in wrongdoing, the Act has been interpreted as a means for judges to take care of their own.’
  - i) Table of Exhibits.....C:1761
- h) Study Committee’s acknowledgment:
  - 1. of April 1, 2005.....C:1762
  - 2. of April 1, 2005.....C:1763
- i) **August 5, 2005**, requesting that they:.....C:1764
  - 1. consider the decision of the Administrative Office of the U.S. Courts not to forward to the Judicial Conference my petition for it to perform its duty under 28 U.S.C. §753(c) by opening an investigation of WBNY Bankruptcy Court Reporter Mary Dianetti’s refusal to certify the reliability of her transcript;
  - 2. to the extent that Administrative Office Assistant General Counsel Robert Deyling is following instructions from the Conference, consider whether the uselessness of the Judicial Conduct and Disability Act of 1980 since its enactment 25 years ago results from the determination of the Conference and the judges never to police themselves formally; and
  - 3. let me know to whom in the Conference I can address my petition so as to seize that body thereof.
- j) Study Committee’s acknowledgment:
  - 1. of August 12, 2005.....C:1765
- k) **September 1, 2005**, requesting that they: .....C:1766
  - 1. consider my Supplement [C:1127] to the Petition [C:1183] showing how WBNY Reporter Mary Dianetti’s refusal to certify her transcript is part of a bankruptcy fraud scheme whereby Bkr. Judge John C. Ninfo, II, and Chapter 13 Trustee George Reiber have confirmed the debt repayment plan of Bankrupts David and Mary Ann DeLano upon the pretense that an investigation cleared them of fraud, yet the evidence shows that there was never any investigation and their bankruptcy was fraudulent; and
  - 2. set an example for your peers of concern for judicial integrity and

compliance with judges' duty under 18 U.S.C. §3057(a) by referring both the Petition and its Supplement to U.S. Attorney General Alberto Gonzales.

l) Study Committee's acknowledgment:

1. of September 7, 2005 .....C:1767

[**Comment:** Except for the acknowledgments of receipt of Dr. Cordero's submissions to the Study Committee and each of its members, neither the former nor any of the latter wrote to Dr. Cordero or furnished any information requested, let alone caused the Judicial Conference to take any action to review his petitions or otherwise provide any relief from the enormous waste of effort, time, and money and the tremendous emotional distress inflicted upon him by the judges' continued wrongdoing in support of a bankruptcy fraud scheme.]

- 178. The **statements** of the Judicial Conference **Committee to Review** Circuit Council Conduct and Disability Orders contained in the **1997-2006** Reports of the Judicial Conference Proceedings .....C:1771
- 179. **Announcement** of **November 17, 2005**, of the new and continuing members of the **Committee** on Judicial Conduct .....C:1821
- 180. Federal **judges** have **no** grant of **immunity** from the Constitution: In a system of "equal justice under law" they must be **liable to prosecution** as defendants in a class action like anybody else .....C:1823
- 181. -200 reserved

Dated: August 1, 2006  
59 Crescent Street  
Brooklyn, NY 11208-1515

Blank



VI. Table of Authorities Cited (AuC:#) whose text is in downloadable PDF files (click on the Bookmarks tab to navigate easily through the files)

**A. Constitution of the U. S.**

The Constitution of the United States with Index and Declaration of Independence  
The Amendments to the Constitution

**B. Statutes**

- 1) 11 U.S.C. Bankruptcy
  - a) 11 U.S.C. Bankruptcy Code (whole title as of January 19, 2004)
  - b) 11 U.S.C. Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA)
  - c) Report of the Committee on the Judiciary, House of Representatives to accompany S. 256 together with Dissenting, Additional Dissenting, and Additional Minority Views
- 2) Excerpts from 18 U.S.C.
  - 18 U.S.C. §§151-158. Bankruptcy Crimes
    - Sec. 151. Definition
    - Sec. 152. Concealment of assets; false oaths and claims; bribery
    - Sec. 153. Embezzlement against estate
    - Sec. 154. Adverse interest and conduct of officers
    - Sec. 155. Fee agreements in cases under title 11 and receiverships
    - Sec. 156. Knowing disregard of bankruptcy law or rule
    - Sec. 157. Bankruptcy fraud
    - Sec. 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules
  - 18 U.S.C. §1519. Destruction, alteration, or falsification of records in Federal investigation and bankruptcy
  - 18 U.S.C. §§1961-1968 Racketeer Influenced and Corrupt Organizations (RICO)
    - Sec. 1961. Definitions.
    - Sec. 1962. Prohibited activities.
    - Sec. 1963. Criminal penalties.
    - Sec. 1964. Civil remedies.

Sec. 1965. Venue and process.

Sec. 1966. Expedition of actions.

Sec. 1967. Evidence.

Sec. 1968. Civil investigative demand.

18 U.S.C. §3057. Bankruptcy investigations

18 U.S.C. §3284. Concealment of bankrupt's assets

18 U.S.C. §3571. Sentence of fine

3) 28 U.S.C. Judiciary & Judicial Procedure (whole Title as of January 19, 2004)

28 U.S.C. §§151-158. Bankruptcy judges

Sec. 151. Designation of bankruptcy courts.

Sec. 152. Appointment of bankruptcy judges.

Sec. 153. Salaries; character of service.

Sec. 154. Division of business; chief judge.

Sec. 155. Temporary transfer of bankruptcy judges.

Sec. 156. Staff; expenses.

Sec. 157. Procedures.

Sec. 158. Appeals. Sec. 158. Appeals [as amended by BAPCPA of 2005]

28 U.S.C. §331. Judicial Conference of the United States

28 U.S.C. §332. Judicial councils of circuits

28 U.S.C. §§351-364. Judicial Conduct and Disability Act of 1980

Sec. 351. Complaints; judge defined

Sec. 352. Review of complaint by chief judge

Sec. 353. Special committees

Sec. 354. Action by judicial council

Sec. 355. Action by Judicial Conference

Sec. 356. Subpoena power

Sec. 357. Review of orders and actions

Sec. 358. Rules

Sec. 359. Restrictions

Sec. 360. Disclosure of information

Sec. 361. Reimbursement of expenses

Sec. 362. Other provisions and rules not affected

Sec. 363. Court of Federal Claims, Court of International Trade, Court of Appeals for the Federal Circuit

Sec. 364. Effect of felony conviction

28 U.S.C. §453. Oaths of justices and judges

28 U.S.C. §455. Disqualification of justice, judge, or magistrate judge

28 U.S.C. §586. Trustees' duties; supervision by Attorney General

28 U.S.C. §753. Court Reporters

28 U.S.C. §2071. Rules of courts; power to make them

### **C. National Procedural Rules** (as of December 1, 2005)

1. Rules of the Supreme Court of the United States
2. Federal Rules of Appellate Procedure
3. Federal Rules of Civil Procedure
4. Federal Rules of Bankruptcy Procedure
  - a. FRBkrP amended by Bankruptcy Abuse Prevention & Consumer Protection Act of 2005
5. Federal Rules of Evidence

### **D. Local Procedural Rules**

6. Local Rules of the Court of Appeals, Cir. 2
7. Local Civil Rules of Procedure, WDNY
8. Local Bankruptcy Rules, WBNY

### **E. Complaint Rules**

9. Rules of the Judicial Conference of the United States for the Processing of Petitions for Review of Judicial Council Orders Under the Judicial Conduct and Disability Act
10. Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers under 28 U.S.C. §351 et seq.

### **F. Code of Federal Regulations**

11. Title 28: Judicial Administration: Part 58.1-6—Regulations Relating To The Bankruptcy Reform Acts of 1978 And 1994

## **G. Code of Conduct for US Judges**

12. Code of Conduct for United States Judges

## **H. Trustee Manual**

13. U.S. Trustee Manual Volume 2: Chapter 7 Case Administration

## **I. Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders**

14. The **15 decisions** of issued by the Review Committee **since** the adoption of the Judicial Conduct and Disability Act of **1980**

## **J. Standards of Professional Responsibility**

### **1) For Lawyers**

15. ABA Model Code of Professional Responsibility (August 1980)
16. ABA Model Code of Rules of Professional Responsibility (2004)
  - a. States applying either the ABA Model Code or the Model Rules
17. New York Lawyer's Code of Professional Responsibility (as of January 1, 2002)

### **2) For Journalists**

18. The New York Times Statement on Integrity
19. Washington Post Standards and Ethics, February 17, 1999
20. Jim Lehrer's Rules of Journalism
21. American Society of Newspaper Editors Statement of Principles

Blank

VII. Tables pointing to the roles played by persons and entities involved in the 11 underlying cases

**A.1. Contact information with references to exhibits for background to investigatees: organized alphabetically** (see these entries in more detail and organized by categories at TOEC:271)

**Administrative Office** of the U.S. Courts  
 Office of the General Counsel  
 One Columbus Circle, NE, Suite 7-290  
 Washington, DC 20544  
 tel. (202) 502-1100; fax (202) 502-1033  
<http://www.uscourts.gov/adminoff.html>  
 (C:685, 1120)

**Ahearn, Peter**  
 Special Agent in Charge  
 FBI Buffalo  
 7800 One FBI Plaza  
 Buffalo, NY 14202-2698  
 tel. (716) 856-7800; fax (716)843-5288  
<http://buffalo.fbi.gov/>  
 (C:1550)

**Allen, Patricia Chin-**  
 Deputy Clerk of Court  
 Court of Appeals for the Second Circuit  
 40 Foley Square, Room 1802  
 New York, NY 10007  
 tel. (212)857-8702  
 (C:62, 71, 73, 109, 315; cf. 316; 326)

**Attorney General** Alberto Gonzales  
 U.S. Department of Justice  
 950 Pennsylvania Avenue, NW  
 Washington, DC 20530-0001  
 main switchboard: 202-514-2000  
 Off. of the Att. Gen.: 202-353-1555  
<http://www.justice.gov/index.html>  
[http://www.justice.gov/usao/offices/usa\\_listings2.html#n](http://www.justice.gov/usao/offices/usa_listings2.html#n)

**Arbur, Cathy**  
 Public Information Officer  
 Public Information Office  
 Supreme Court of the United States  
 1 First Street, N.E.  
 Washington, D.C. 20543  
 tel. (202)479-3050. (202)479-3000  
 (C:573, 980.k;  
TOEC:>C:980.x>Comment; A:1601)

**Bankruptcy Court (Buffalo)**

U.S. Bankruptcy Court, WBNY  
Olympic Towers, 300 Pearl St., Suite 250  
Buffalo, NY 14242  
tel. (716) 551-4130; fax (716)551-5103  
<http://www.nywb.uscourts.gov/>  
(official directory at ToEC:90)

**Bankruptcy Court (Rochester)**

U.S. Bankruptcy Court, WBNY  
1400 U.S. Courthouse  
100 State Street  
Rochester, NY 14614  
tel. (585) 613-4200; fax (585)613-4299  
<http://www.nywb.uscourts.gov/>  
(official directory at ToEC:89)

**Barr, Jeffrey, Esq.**

Assistant General Counsel  
Administrative Office of the U.S. Courts  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033  
(C:681-684)

**Battle, Michael, Esq.**

U.S. Attorney for WDNY  
U.S. Attorney's Office  
138 Delaware Center  
Buffalo, NY 14202  
tel. (716)843-5700; fax (716)551-3052  
<http://www.justice.gov/usao/nyw/>  
(C:1551, 1552, 1562-1566, 1568, 1601)

**Beyma, Michael J., Esq.**

Underberg & Kessler, LLP  
1800 Chase Square  
Rochester, NY 14604  
tel. (585)-258-2890  
(attorney for M&T and David DeLano  
in *Pfuntner*)  
(Add:531; Pst:1289§f)  
law firm's tel. (585) 258-2800; fax (585)  
258-282  
<http://www.underberg-kessler.com/>

**Bonadio & Co. LLP**

Accountants  
Corporate Crossings  
171 Sully's Trail Suite 201  
Pittsford, NY 14534-4557  
tel. (585)381-1000; fax (585)381-3131  
<http://www.bonadio.com/>  
(accounting firm in *Premier*)  
(ToEA:153§7; A:431, 967)

**Bowman, Jennie**

Executive Assistant to the US Attorney  
U.S. Attorney's Office for WDNY  
138 Delaware Center  
Buffalo, NY 14202  
tel. (716)843-5700; fax (716)551-3051  
(C:1559)

**Breyer, Justice Stephen**

(see Judicial Conduct and Disability Act  
Study Committee)

**Burchill, William, Esq.**

General Counsel  
Administrative Office of the U.S. Courts  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033  
(cf. C:877, 890)

**Carter**, Christopher, Owner  
Champion Moving & Storage  
795 Beahan Road  
Rochester, NY 14624  
tel. (585) 235-3500; fax (585) 235-2105  
cellular (585) 820-4645  
(A:353-9/14; 109fn.8)

**Chris**

(son of manager of James Pfuntner's  
warehouse; see Ormand, John)

**Committee to Review** Circuit Council  
Conduct and Disability Orders  
Administrative Office of the U.S. Courts  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033  
(C:889, 896, 935, 936, 967, 968; C:973,  
T<sub>o</sub>E<sub>C</sub>:980.k and Comment thereunder)

**Complaints, judicial misconduct,  
statistics**

(C:973; T<sub>o</sub>E<sub>C</sub>:107; see also Judicial  
Conduct and Disability Act Study  
Committee)

**Committees on the Judiciary, U.S.  
Congress**  
(C:1354; cf. C:1352, 1353)

**U.S. House** of Representatives  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, D.C. 20515  
tel. (202) 225-3951  
<http://judiciary.house.gov/>

**U.S. Senate**  
Judiciary Committee  
224 Dirken Senate Office Building  
Washington, D.C. 20510

tel. (202) 224-5225; fax: (202) 224-9102  
<http://judiciary.senate.gov/>

**Court of Appeals** for the Second Circuit (CA2)  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212) 857-8500  
<http://www.ca2.uscourts.gov/>

**Creditors, financial institutions, and  
others**  
(C:583, 1354, 1464, 1481, 1488; D:324)

**Damuro**, Pasquale J.  
Assistant Director in Charge  
FBI New York  
26 Federal Plaza, 23rd. Floor  
New York, NY 10278-0004  
tel. (212)384-1000;  
emergency (212)384-5000]  
<http://newyork.fbi.gov/>  
(C:1331, 1348, 1391, 1396)



**DeLano, David G. and Mary Ann**  
1262 Shoecraft Road  
Webster, NY 14580  
Tax id. Nos. 077-32-3894; 091-36-0517)  
(debtors in *In re DeLano* who filed  
under Ch. 13, Adjustment of debts of  
individuals with regular income  
(D:23-60; C:1296¶¶9-16; 1415; 1469-  
1479)

**DeLano, David**  
M&T Bank Assistant Vice President  
255 East Avenue  
Rochester, NY 14604  
tel. (585) 258-8475, (800) 724-2440  
(3rd party defendant in *Pfuntner*  
(A:82, 87; Pst:1285¶70);  
bkr. petitioner in *DeLano* (D:23-60)  
defendant in *Cordero v. DeLano*  
(Pst:1281§§d-f))

**Department of Justice**  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
main switchboard tel. (202)514-2000  
Office of the Att. Gen.'s tel. (202)353-1555  
<http://www.usdoj.gov>

**Deyling, Robert**  
Assistant General Counsel  
Office of the General Counsel  
Administrative Office of the U.S. Courts  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033  
(C:859, 865)

**Dianetti, Mary**  
Bankruptcy Court Reporter  
612 South Lincoln Road  
East Rochester, NY 14445  
tel. (585)586-6392  
(C:1081, 1155-1165, 1167, 1083)

**District Court**  
U.S. District Court, WDNY  
2120 U.S. Courthouse  
100 State Street  
Rochester, NY 14614-1387  
tel. (585)613-4000  
<http://www.nywd.uscourts.gov/>

**Dworkin, David**  
Manager  
Jefferson-Henrietta Warehouse  
415 Park Avenue  
Rochester, NY  
tel. (585) 244-3575; fax 716-647-3555  
(3rd party defendant in *Pfuntner*  
(A:79, 88; 353-1/2&4))  
(manager of Simply Storage  
tel. (585) 442-8820;  
officer of LLD Enterprises  
tel. (585) 244-3575; fax (716)647-3555)

**Early, Rodney C.**  
Clerk of Court  
United States District Court  
2120 U.S. Courthouse  
100 State Street  
Rochester, NY 14614-1387  
tel. (585) 263-6263  
(A:469, 457, 461, 462, 1370§D)

**Essler, Karl S., Esq.**  
Fix Spindelman Brovitz & Goldman, P.C.  
295 Woodcliff Drive, Suite 200  
Fairport, NY 14450  
tel. (585) 641-8000; fax (585) 641-8080  
<http://fixspin.com/fsbg.html>  
(attorney for David Dworkin and  
Jefferson Henrietta Associates)  
(A:725, 727)

**Executive Office of the U.S. Trustee**  
(EOUST)  
20 Massachusetts Ave., N.W., Room 8000  
Washington, D.C. 20530  
tel. (202)307-1391; fax (202)307-0672  
[http://www.usdoj.gov/ust/eo/ust\\_org/office\\_locator.htm](http://www.usdoj.gov/ust/eo/ust_org/office_locator.htm)

**Federal Bureau of Investigations**

J. Edgar Hoover Building  
935 Pennsylvania Avenue, NW  
Washington, DC 20535-0001  
tel. (202) 324-3000  
<http://www.fbi.gov/>

**FBI, Rochester Office**

Rochester Resident Agent  
300 Federal Building  
100 State Street  
Rochester NY 14614  
tel. (585)546-2220); fax (585)546-2329

**Floming, Mary Pat, Esq.**

Assistant U.S. Attorney  
U.S. Attorney's Office for WDNY  
138 Delaware Center  
Buffalo, NY 14202  
tel. (716)843-5700, ext. 867; fax (716)551-3052  
(C:1560, 1561)

**Frieday, Melissa**

Court Reporter Contracting Officer  
US. Bankruptcy Court, WBNY  
Olympic Towers, 300 Pearl St., Suite 250  
Buffalo, NY 14242  
tel. (716) 551-4130; fax (716)551-5103  
( C:1152, 1153, 1166)

**Friedman, Lawrence A.**

Director  
Executive Office of the United States  
Trustees  
20 Massachusetts Ave., N.W.  
Washington, D.C. 20530  
tel. (202)307-1391; fax (202)307-0672

**Galindo, Fernando**  
Chief Deputy Clerk  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212) 857-8500  
(C:509, 621)

**Ghysel, Margaret (Peggy)**  
Appeals Clerk  
United States District Court  
2120 U.S. Courthouse  
100 State Street  
Rochester, NY 14614-1387  
tel. (585) 263-6263  
(A:467a, 456, 460, 462, 1370SD)

**Ginsburg, Justice Ruth**  
Circuit Justice for the 2<sup>nd</sup> Circuit  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543  
tel. (202)479-3000  
(C:110, 855, 857)

**Gordon, Kenneth W., Esq.**  
Chapter 7 Trustee for Premier Van Lines  
Gordon & Schaal, LLP  
100 Meridian Centre Blvd., Suite 120  
Rochester, New York 14618  
tel. (585) 244-1070; fax (585) 244-1085  
(A:1, 2, 8, 19, 37, 83§F, 88§C; T<sub>o</sub>E<sub>C</sub>:91  
cases: 3,092 increased to 3,383)

**Heller, Art (Arthur), Esq.**  
Calendar Officer  
Calendar Office  
Court of Appeals for the Second Circuit  
40 Foley Square  
New York, NY 10007  
tel. (212) 857-8532  
(C:360; A:1041, 1042, 1181, 1193; D:285, 297)

**Hogan, Chief Judge Thomas F.**  
**Chair of the Executive Committee** of the  
Judicial Conference  
U.S. District Court for the District of Columbia  
333 Constitution Avenue, NW  
Washington, DC 20001  
tel. (202) 354-3000  
(C:1177, 1178, 1179; T<sub>o</sub>E<sub>C</sub>:>C:1271>comment)

**Hatch, Chairman Orrin G.**  
U.S. Senate, Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, DC 20510  
tel. (202) 224-5251; fax: (202) 224-6331  
(C:1353)

**Internet links** to all federal courts

<http://www.uscourts.gov/courtlinks/>  
(C:852)

**Jacobs**, CA2 Judge Dennis  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212) 857-8500  
(next eligible chief judge)  
C:111, 145, 316, 391, 1285, 1317)

**Jefferson Henrietta** Associates  
415 Park Avenue  
Rochester, NY 14607  
tel. (585) 244-3575; fax. (585) 473-3555  
(3rd party defendant in Pfuntner)  
(A:81, 88; 353-2; 108fn.5-8)

**Judicial Conduct and Disability  
Act Study Committee**

Justice Stephen Breyer, Chairman  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543  
tel. (202) 479-3211  
[http://www.supremecourtus.gov/publicinfo/press/pr\\_04-13-04.html](http://www.supremecourtus.gov/publicinfo/press/pr_04-13-04.html)  
(Stat. of Facts 10¶32; C:973, ToEC:980.k  
and Comment thereunder)

**Judicial Conference** of the United States  
Administrative Office of the U.S. Courts  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033

<http://www.uscourts.gov/judconfindex.html>

- a) tables and reports (C:566, 567, 568)
- b) petition to review Judicial Council dismissals (C:823, 899;  
ToEC:>C:862>Comment)
- c) letters & tables of members contacted (C:822, 851, 856-858, 865, 872, 875, 896, 897, 935)
- d) how to update the table of members (C:852)
- e) on Reporter Dianetti (C:1081, 1082, 1083, 1115)
- f) on Trustee Reiber and bankruptcy fraud scheme (C:1127, 1151)

**Judicial Council** of the Second Circuit  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007

- tel. (212)857-8700; fax (212)857-8680
- a) tables of names, addresses, and telephone numbers of the members of the Judicial Council:
    - 1) displayed in tabular format for mail merge (C:774)
    - 2) displayed as block addresses (C:112)
  - b) official information about the Judicial Council (C:775) <http://www.ca2.uscourts.gov/>
  - c) table of CA2 judicial misconduct orders (C:564; cf. C:973, ToEC:980.k and Comment thereunder)
  - d) disregarded request for abrogatory review of WDNY Local Rule inconsistent with FRCivP (C:1285, 1286, 1291, 1317)

**Kelley, David N., Esq.**  
U.S. Attorney for SDNY  
One St. Andrews Plaza  
New York, NY 10007  
tel. (212)637-2200; fax (212)637-2611  
<http://www.justice.gov/usao/nys/>  
(C:1345, 1391-1395, 1511, 1512)

**Kyler, Christine**  
Assistant to Assistant U.S. Trustee  
Federal Office Building, Room 6090  
100 State Street, Room 6090  
Rochester, New York 14614  
tel. (585) 263-5812; fax (585) 263-5862  
(D:474, 476, 495)

**Larimer, District Judge David G.**  
United States District Court  
2120 U.S. Courthouse  
100 State Street  
Rochester, NY 14614-1387  
tel. (585) 263-6263  
(A:1654§B; T<sub>o</sub>E<sub>C</sub>:>C:1108>comment;  
C:1303§B, 1313, 1173§II; T<sub>o</sub>E<sub>C</sub>:§VII.D  
Table 4; T<sub>o</sub>E<sub>C</sub>:>C:1108>Comment)  
District judges' decisions at  
<http://www.nywd.uscourts.gov/decision/decision.php> to be searched  
for patterns and inconsistencies

**MacKechnie, Roseann**  
Clerk of Court  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212) 857-8500  
(C:325, T<sub>o</sub>E<sub>C</sub>>C:325 and Comment;  
C:491, 492, 510)

**MacKnight, David, Esq.**  
Lacy, Katzen, Ryen & Mittleman, LLP  
130 East Main Street  
Rochester, New York 14604-1686  
tel. (585) 454-5650; fax (585) 454-6525  
<http://www.lacykatzen.com/>  
(attorney for James Pfuntner)  
(Add:531; A:495-505, 510)

**Martini, Deirdre A.**  
U.S. Trustee for Region 2  
Office of the United States Trustee  
55 Whitehall Street, 21st Floor  
New York, NY 10004  
tel. (212) 510-0500; fax (212) 668-2256  
<http://www.usdoj.gov/ust/r02/>  
(D:90§VII, 137, 139, 141, 158, 307, 330)

**M&T Bank (Manufacturers & Traders Trust Bank)**  
255 East Avenue  
Rochester, NY 14604  
tel. (585) 258-8475, (800) 724-2440, 8472  
<http://mtbna.com/>  
(defendant and cross-defendant in *Pfuntner*  
and employer of David DeLano)  
(A:83, 87§III.A))

**Mauskopf**, Roslynn, Esq.  
U.S. Attorney for the EDNY  
147 Pierrepont Street  
Brooklyn, NY 11201  
tel. (718)254-7000; fax (718)254-6479  
<http://www.justice.gov/usao/nye/>  
(C:1346, 1347)

**Milton**, Karen Greve  
2nd Circuit Executive  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212)857-8700; fax (212)857-8680  
(C:143, 466, 508, 511, 513, 811, 982, 998,  
1024, 1066; T<sub>o</sub>E<sub>C</sub>:>C:513>comment,  
>C:1024>comment)

**Ninfo**, Bkr. Judge John C., II  
United States Bankruptcy Court  
1400 United States Courthouse  
100 State Street  
Rochester, NY 14614  
tel. (585) 613-4200; fax (585)613-4299  
(Official directory at T<sub>o</sub>E<sub>C</sub>:89)  
a) misconduct complaint (C:1, 63; E:1-60)  
b) evidence of bias and disregard for rule of law (C:951, 1313; A:801; D:231; Pst:1269§§a-d)  
c) motions to recuse (A:674; D:355)  
d) List of hearings and decisions presided over or written by Judge Ninfo, in *Pfuntner* and *DeLano*, as of May 10, 2006 (C:1110)

- e) failure to investigate (T<sub>o</sub>E<sub>C</sub>:§VII.E Table 4; Add:1051§II)
- f) Judge Ninfo's decisions at <http://www.nywb.uscourts.gov/decisions/jcn.php> to be searched for patterns and inconsistencies

**Ormand**, John  
(Manager of James Pfuntner's warehouse in Avon, NY  
Chris, John Ormand's son  
tel. (585)226-8303  
(A:500¶2 et seq.; 503; 520¶49 et seq.)

**PACER** (Public Access to Court Electronic Records)  
<http://pacer.psc.uscourts.gov/>;  
cf. <https://ecf.nywb.uscourts.gov/cgi-bin/login.pl>  
(Stat. of Facts 2¶¶2, 11, 19, 33b)

**Palmer**, David  
Premier Van Lines, Inc., owner  
1829 Middle Road  
Rush, NY 14543  
Tax id. no. 065-62-2753  
(A:72¶10 et seq., 78§A, 88§B, 290-295, 351)

**Premier Van Lines, Inc.**  
c/o David Palmer  
1829 Middle Road  
Rush, NY 14543  
(storage and moving company)  
Tax id.: 16-1542181 (A:565)

**Pfuntner, James**  
2140 Sackett Road  
Avon, NY 14414  
tel. in NY (585)738-3105; (585)226-2122;  
(585)226-8303; in Florida (954)321-6449)  
a. Owner of the warehouse in Avon and  
Plaintiff in *Pfuntner*  
(A:18a, 21, 22, 56, 492, 510)  
b. Western Empire Truck Sale, owner  
2926 West Main Street  
Caledonia, NY 14423  
tel. (585)538-2200; fax (585) 538-9858  
c. Western Empire Storage, owner  
Caledonia, NY 14423  
tel. (585)538-6100

**Pusateri, Vince**  
Vice President  
Manufacturers & Traders Trust Company  
255 East Avenue  
Rochester, NY 14604  
tel. (585) 258-8472, 800-724-2440  
(David DeLano's boss)  
(A:353-10-14)

**Rabiej, John K.**  
Chief of the Rules Committees Support  
Office  
Administrative Office of the U.S. Courts  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1820  
(C:861)

**Rand, Paula**  
Courtroom Deputy for Judge Larimer  
United States District Court  
2120 U.S. Courthouse  
100 State Street  
Rochester, NY 14614-1387  
tel. (585)613-4040, (585) 263-6263

**Rehnquist, Chief Justice William**  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543  
tel. (202)479-3000  
(C:851, 865, 872, 897, 971, 1121, 1122;  
1115, 1082; T<sub>o</sub>E<sub>C</sub>:>C:1384>Comment)

**Reiber, George M., Esq.**  
Chapter 13 Trustee  
South Winton Court  
3136 S. Winton Road, Suite 206  
Rochester, NY 14623  
tel. (585) 427-7225; fax (585) 427-7804  
(trustee in *DeLano*)  
(D:79§§ I&II, 92§C; Add:1041§I; C:1052-  
1054; T<sub>o</sub>E<sub>C</sub>:§VII.E Table 4; 3,909 *open cases*,  
T<sub>o</sub>E<sub>C</sub>:01)

**Resnik, Richard, Esq.**  
Assistant U.S. Attorney  
620 Federal Building  
100 State Street  
Rochester, NY 14614  
tel. (585)263-6760; fax (585)263-6226  
(C:1545, 1546, 1547)

**Reynolds, John, Auctioneer**

tel. (315)331-8815  
(Tr.97/13-20, 98/13-20, 102/2-19,  
110/2-8, 110/23-111/4, 113/2-10,  
115/4-17, 119/4-14, 121/9-17)

**Rodriguez, Robert**

Deputy Clerk  
Court of Appeals for the Second Circuit  
40 Foley Square  
New York, NY 10007  
tel. (212)857-8521  
(A:507, 612)

**Schmitt, Kathleen Dunivin, Esq.**

Assistant U.S. Trustee  
Federal Office Building, Room 6090  
100 State Street, Room 6090  
Rochester, New York 14614  
tel. (585) 263-5812; fax (585) 263-5862  
(A:37, 38, 52, 102; D:84§IV; D:160, 307,  
470, 471, 474; T<sub>o</sub>E<sub>C</sub>:§VII.E Table 4)

**Schwartz, Carolyn S.**

United States Trustee for Region 2  
3 Whitehall Street, Suite 2100  
New York, NY 10004  
tel. (212)510-0500; fax: (212)668-2256  
(A:101, 102)

**Sensenbrenner, Chairman F. James Jr.,**

U.S. HR Committee on the Judiciary  
U.S. House of Representatives  
2138 Rayburn, House Office Building  
Washington, DC 20515  
U.S. Senate News Advisory, Contact:  
Jeff Lungren/Terry Shawn  
tel. (202)225-2492  
[www.house.gov/judiciary](http://www.house.gov/judiciary)  
(C:576, 1352; T<sub>o</sub>E<sub>C</sub>>C:1352>Comment)

**Stickle, Todd**

Deputy Clerk of Court  
U.S. Bankruptcy Court, WBNY  
1400 United States Courthouse  
100 State Street  
Rochester, NY 14614  
tel. (585) 613-4223  
(T<sub>o</sub>E<sub>A</sub>:§B.7)

**Stilwell, Raymond C., Esq.**

Adair, Kaul, Murphy, Axelrod & Santoro, LLP  
The Law Center at Williamsville  
17 Beresford Court  
Williamsville, NY 14221  
tel. (716) 565-2000  
300 Linden Oaks, Suite 220  
Rochester, NY 14625  
tel. (585)248-3800; fax (585)248-4961  
(Attorney for Premier & David Palmer)  
(A: 353-5, 341, 565)



**Supreme Court** of the United States

1 First Street, N.E.

Washington, D.C. 20543

tel. (202)479-3211

(see also Arbur, Cathy, and Turner, Ed,

tel. (202)479-3050, (202)479-3000)

**Teitsworth, Roy**

Auctioneer

6502 Barber Hill Road

Geneseo, NY 14454

tel. (585)243-1563; fax (585)3311

<http://www.teitsworth.com/>

(hired by Trustee Gordon in *Premier*)

(A:431, 576/97, 967, 986; ToEA:153§7)

**Turner, Ed**

Deputy Public Information Officer

Public Information Office

Supreme Court of the United States

1 First Street, N.E.

Washington, D.C. 20543

tel. (212)479-3211

**Tyler, Bradley E., Esq.**

U.S. Attorney in Charge

620 Federal Building

100 State Street

Rochester, NY 14614

tel. (585)263-6760; fax (585)263-6226

(C:1512, 1513, 1546, 1547)

**U.S. Attorney's Office** for SDNY

One St. Andrews Plaza

New York, NY 10007

tel. (212)637-2200; fax (212)637-2611

<http://www.justice.gov/usao/nys/>

(see also Kelley, David N., Esq.)

(C:1345, 1391-1395, 1511, 1512;

**U.S. Congress**

(see Committees on the Judiciary)

[www.house.gov/judiciary](http://www.house.gov/judiciary)

<http://judiciary.senate.gov/index.cfm>

(C:1354; cf. C:1352, 1353)

**Werner, Christopher K., Esq.**  
Boylan, Brown, Code  
Vigdor & Wilson, LLP  
2400 Chase Square  
Rochester, NY 14604  
tel. (585) 232-5300; fax (585) 232-3528  
<http://www.boylanbrown.com/>  
(DeLanos' attorney in their  
bankruptcy case *In re DeLano*)  
(D:218, 249, 287, 313; 320§II, 325;  
D:259; Pst:1288§§e-f; C:1059,  
T<sub>o</sub>E<sub>C</sub>:>C:1060> Comment,  
>1064>Comment; out of his 575  
cases, 525 before Judge Ninfo,  
T<sub>o</sub>E<sub>C</sub>:91)

**Walker, Chief Judge John M., Jr.**  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212) 857-8500  
(C:105, 109, 271, 303, 337, 359, 360, 361,  
389, 393; T<sub>o</sub>E<sub>C</sub>>C:393>Comment)

**Warren, Paul R.**  
Bankruptcy Clerk  
United States Bankruptcy Court  
1400 United States Courthouse  
100 State Street  
Rochester, NY 14614  
tel. (585) 613-4200  
(C:1166, A:303; 334, 337, T<sub>o</sub>E<sub>A</sub>:§B.7)

**Weidman, James, Esq.**  
South Winton Court  
3136 S. Winton Road, Suite 206  
Rochester, NY 14623  
tel. (585) 427-7225; fax (585) 427-7804  
(attorney for Trustee Reiber)  
(D:79§§ I&II)

## **A.2. Official Directory of the Bankruptcy Court in Rochester and Buffalo, NY**

### **Rochester - Judge John C. Ninfo II - Chambers Staff**

Andrea Siderakis	Judicial Assistant	(585) 613-4200
Megan Dorr	Law Clerk	(585) 613-4200

### **Administrative Section**

Paul R. Warren	Clerk of Court	(585) 613-4200
Todd M. Stickle	Deputy-in-Charge	(585) 613-4223

### **Operations Section**

### **Chapter 7 + 13**

BK Case # Range

Torry Hirsch	Supervisor	(585) 613-4200	91-96
Jane Murphy	Data Quality Analyst/Trainer	(585) 613-4200	97-99
Tina Folwell	Case Manager	(585) 613-4200	00-10
Lisa Lawson	Case Manager/Trainer	(585) 613-4200	11-21
Ginny Wheeler	Case Manager	(585) 613-4200	22-32
Amy Andrews	Case Manager	(585) 613-4200	33-43
Carm Capogreco	Case Manager	(585) 613-4200	44-54
Annette Lampley	Case Manager	(585) 613-4200	55-65
Judy Middleton	Case Manager	(585) 613-4200	66-76
Paula Finucane	Case Manager	(585) 613-4200	77-83 + odd numbered A.P. cases
Karen Tacy	Case Manager	(585) 613-4200	84-90 + even numbered A.P. cases
Lorraine Parkhurst	Courtroom/Calendar Deputy	(585) 613-4200	

**NOTE:** Chapter 11 case assignments are rotated among Tina, Lisa, Ginny, Amy, Carm, Annette and Judy.

### **Intake/Financial Section**

Michele Telesca	Intake Clerk	(585) 613-4200
Maggie Clifford	Intake Clerk	(585) 613-4200

**Buffalo - Judge Michael J. Kaplan - Part I Chambers Staff**

Christine Klimko	Judicial Assistant	(716) 551-4208
Robert Spampata	Law Clerk	(716) 551-4534

**Buffalo - Judge Carl L. Bucki - Part II Chambers Staff**

Marcia Bannister	Judicial Assistant	(716) 551-4206
Adolph Iannacone	Law Clerk	(716) 551-4128

**Buffalo - Administrative Section**

Paul R. Warren	Clerk of Court	(716) 551-4130
Michelle A. Pierce	Chief Deputy	(716) 551-4096
JoAnn R. Walker	Deputy-in-Charge	(716) 551-4130, Ext. 120

**Financial/Intake Section****(716) 551-4130**

		Extension
Rachel L. Curtin	Financial Administrator	121
Melissa Frieday	Procurement & Property Specialist	125
Delphine D. Bibbs	Financial Assistant	151
Arthur Hill	Intake Clerk	118
Marie Czaja	Intake Clerk	126
Heidi Gerace	Intake Clerk	136
Steven Pinto	Intake Clerk	166

**Operations Section****(716) 551-4130**

		Extension	BK Case # Range
Joan Sturckler	Case Manager	152	1-10
Mike Pinto	Case Manager/Trainer	117	11-17
Shirley Illig	Case Manager	112	18-27
Pat Hostettler	Case Manager	154	28-37
Julie Toms-Fago	Case Manager/Trainer	165	38-44
Judy Leidolph	Case Manager	141	45-54
Mary Grace Bessinger	Case Manager	122	55-64
Jeanette Rodriguez	Case Manager/Trainer	124	65-72
Deanne Phair	Case Manager	161	73-82
Lisa Czaja	Case Manager/Trainer	115	83-90
Kathy Lafferty	Case Manager	110	91-00
Lois LaBelle	Data Quality Analyst	111	Zacker + Legacy cases

**NOTE:** Adversary Proceedings are handled by Bankruptcy Case Number (last two digits) as follows:

Mike Pinto	1-37	Lisa Czaja	38-64	Jeanette Rodriguez	65-100
------------	------	------------	-------	--------------------	--------

**Information Technology Section****(716) 551-4130**

		Extension
Jeffrey Brown	Unix Database Administrator	159
Bill Powers	IT Specialist/Programmer	155
Marc Fruth	IT Specialist	167
Mathew Abbate	Automation Support Specialist	158

**B. Searches on PACER for two trustees and one bankruptcy attorney and its return of docket information about, and hyperlinks to, their more than 7,800 cases before Judge Ninfo**

1. Chapter 13 Trustee George M. **Reiber**, trustee in (cf. C:1403)  
*David and Mary Ann DeLano*, no. 04-20280, WBNY
  - a) as of April 2, 2004
    - 1) as trustee 3,909 open cases (links to cases (through MS Word documents))
      - (i) 3,907 cases before Bankruptcy Judge John C. Ninfo, II, WBNY
      - (ii) 2 cases before another judge
  
2. Chapter 7 Trustee Kenneth W. **Gordon**, trustee in (cf. C:1406)  
*In re Premier Van Lines, Inc.*, no. 01-20692, WBNY, and defendant in *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY
  - a) as of June 26, 2004
    - 1) as trustee 3,383 cases (links to cases)
    - 2) as attorney 142 cases (links to cases)
    - 3) as party 76 cases (links to cases)
  - b) as of November 4, 2003
    - 1) as trustee 3,092 cases (links to cases)
    - 2) as attorney 127 cases (links to cases)
    - 3) as party 75 cases (links to cases)
  - c) as of October 1, 2003
    - 1) as trustee 969 closed cases (links to cases)
    - 2) as trustee 306 open cases (links to cases)
  
3. Christopher K. **Werner**, Esq., attorney for the DeLano Debtors (Pst:1281§c)
  - a) as of February 28, 2005<sup>1</sup>
    - 1) as attorney 525 out of his 575 cases before J. Ninfo (links to cases)

---

<sup>1</sup>This was the eve of the sham evidentiary hearing (Pst:1125§d-f) where Judge Ninfo granted Att. Werner's motion to disallow Dr. Cordero's claim against Mr. DeLano, which arose in *Pfuntner*. Through that artifice, Att. Werner and Judge Ninfo managed to strip Dr. Cordero of standing to participate further in *DeLano* so that he could not keep

requesting that the DeLanos produce documents to support their bankruptcy petition, which could reveal that they had engaged in concealment of assets in the context that they had all created and supported, namely, a bankruptcy fraud scheme.

Blank

Blank



**C. List of tables interspersed among the exhibits of all Tables of Exhibits**

1. **Main Papers** in *In re Premier Van et al.*, docket no. 03-5023, CA2, with the numbers of the pages where they appear in the Appendix [cf. A:#] to Dr. **Cordero’s** opening brief in **CA2** (C:171).....C:301
2. Table of **CA2 Judicial Misconduct Orders**: orders made **available to** Petitioner Dr. **Cordero** on **July 1, 2004**, by CA2, (listed in the order in which they were found in the CA2 2003 binder).....C:564
3. Table of **All 15 Memoranda and Orders** issued by the **Judicial Conference** of the United States Committee to Review Circuit Council Conduct and Disability Orders (text at C:1611) **since** the adoption of the **Judicial Conduct and Disability Act of 1980** and sent in May and July 2004 to Dr. Cordero from the General Counsel’s Office of the Administrative Office of the U.S. Courts [cf. C:681] .....C:566
4. Tables of the **1997-2005 Reports of Complaints** Filed and Action Taken Under Authority of 28 U.S.C. §§351-364 and 372(c) During the 12-Month Period Ending September 30, [of the year reported on], in **Judicial Business of the United States Courts, Annual Reports of the Director**, by Leonidas Ralph Mecham, Director of the **Administrative Office** of the U.S. Courts, <http://www.uscourts.gov/judbususc/judbus.html> .....C:973
5. Table of all of Judge **Ninfo’s orders** in *Pfuntner* and *DeLano* [updated to December 9, 2005] ..... C:984§II
6. List of **hearings** presided over by Judge **Ninfo** in *Pfuntner v. Trustee Gordon et al*, docket no. 02-2230, and *In re David and Mary Ann DeLano*, docket no. 04-20280, WBNY, as of December 9, 2005 .....C:993
7. List of **orders** written by J. **Larimer**, WDNY, in *Cordero v. Tr. Gordon, - v. Palmer*, and - *v. DeLano* showing a **pattern of disregard** for the law, gross **mistakes** of facts, and **laziness** that denies due process; as of July 21, 2006.....C:1278
8. Table **Comparing Claims on Debtors David and Mary Ann DeLano**, with reference to the **documents** produced by the **DeLanos** on which the Table was based (see ToEC:>C:1415 et seq.) such as their IRS forms for fiscal years 2001-2003 (C:1499) .....C:1415
9. **Summary of the Schedules A-J** of the DeLanos’ bankruptcy petition and plan of debt repayment, no. 04-20280, WBNY, of January 27, 2004.....C:1435

10. List of **documents of the DeLano Debtors** as obviously **necessary** for the investigation of their bankruptcy fraud, particularly the search of their concealed assets, as the statements of their bank accounts .....Add:977

[**Comment:** The refusal to produce or order the production of those documents (10) given the incongruencies and implausibility of the declarations in the petition (9) is a key means in maintaining as well as revealing the bankruptcy fraud scheme. Indeed, not only does such refusal allow the DeLanos to conceal their assets, but it also points to the support of such concealment by judges and trustees. All these people's repeated refusal with disregard for the law, the rules, and the facts forms a pattern of non-coincidental, intentional, and coordinated wrongful acts, that is, the bankruptcy fraud scheme. Wrongful conduct by judges that supports that scheme as if they were immune to the negative consequences of violating the rule of law is what gives rise to the questions whether a federal judgeship is a safe haven for wrongdoing and, if so, how high and to what extent wrongdoing has reached.

The above-mentioned list of requested documents (10) was contained in the proposed order of August 23, 2005 (Add:977) whose contents Dr. Cordero requested therein or in similar proposed orders or lists, from the following parties or officers, who reacted thus:

1. District Judge David Larimer, WDNY, denied it summarily (Add:1021);
- 2 Bankruptcy Judge John C. Ninfo, II, WBNY, who had denied its counterpart (D:208, 289§C, 323¶30.a, 328¶2) in violation of his duty under 11 U.S.C. §1325(a)(3) to ascertain that the DeLanos' request for relief (C:1415-1468) from their debts was made in good faith, which had been cast in doubt by Dr. Cordero's evidence of fraud by the DeLanos; I
3. Trustee George Reiber, Assistant U.S. Trustee Kathleen Dunivin Schmitt, and U.S. Trustee for Region 2 Deirdre A. Martini refused to produce the documents in similar lists requested by Dr. Cordero, who was and remains "a party in interest" (cf. Add:1118§IV), requested such documents as early as March 2004 (D:65§III and IV, 94§VIII), and kept requesting them while those trustee kept violating their duty under 11 U.S.C. §704(4) and (7), to order their production or even to reply to his requests (Add:682, 683, 685)];
4. the DeLanos, of course, had denied *every single document* that Dr. Cordero requested of them (D:287, 313, 325, 327);
5. the judges of CA2 (T0EC:§V.A & B) and the Judicial Circuit, 2<sup>nd</sup> Cir., (T0EC:§V.C, D, J) baffled every expectation by refusing even to look into the evidence of a bankruptcy fraud scheme, let alone request any documents; on the contrary, they reappointed Judge Ninfo to a new term as bankruptcy judge (T0EC:§V.H).]

Blank

Blank

**D. List of reproduced tables**

**Table 1.** of key documents and dates of Dr. Cordero’s complaints to CA2 Chief Judge, the Judicial Council, 2nd Cir., and the Judicial Conference of the United States .....ToEC:107

**Table 2.** Contempt for the law and litigants’ rights shown in the **dismal quality** of the **work** produced by **Judges Larimer** and Ninfo and accepted by them from **lawyers** and **clerks** .....ToEC:109

**Table 3.** The DeLanos’ **over \$670,000** in receipts + **\$98,000** in credit card borrowing **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 **\$535 in hand** and on account!.....ToEC:110

**Table 4.** Officers that have **disregarded** their statutory duty to **investigate** the **DeLano** Debtors.....ToEC:111

August 1, 2006  
59 Crescent Street  
Brooklyn, NY 11208

Blank

# Table 1. Key Documents and Dates of the Judicial Misconduct Complaints

dockets no. 03-8547 and 04-8510

filed with

the CA2 Chief Judge, the Judicial Council of the Second Circuit, and the Judicial Conference of the U.S.  
as of August 1, 2006

by

**Dr. Richard Cordero**

Judicial misconduct complaint about WDNY Bankruptcy Judge John C. Ninfo, II, docket no. 03-8547

Judicial misconduct complaint				Petition for review: to Judicial Council, Cir. 2					
Submission	Resubmission	Acknowledgment	Dismissal	Submission	Resubmission	Acknowledgment	Letter	Update	Denial
August 11, 3	August 27, 3	Sept 2, 3	June 8, 4	July 8, 4	July 13, 4	July 16, 4	July 30, 4	August 27, 4	Sep 30, 4
[C:1]	[C:63]	[C:73]	[C:145]	[C:551]	[C:623]	[C:651]	[C:652]	[C:659]	[C:672]

Judicial misconduct complaint about CA2 C.J. John M. Walker, Jr., dkt no. 04-8510

Judicial misconduct complaint				Petition for review: to Judicial Council, Cir. 2					
Submission	Resubmission	Acknowledgment	Dismissal	Submission	Acknowledgment	Exhibits to Jud. Coun.	Denial	Fraud report request	Request returned
Mar 19, 4	Mar 29, 4	Mar 30, 4	Sept 24, 4	Oct 4, 4	Oct 7, 4	Oct 14, 4	Nov 10, 4	Nov 29, 4	Nov 29, 4
[C:271]	[C:271, 316]	[C:326]	[C:391]	[C:711]	[C:716]	[C:717]	[C:781]	[C:782]	[C:811]

Petition for review  
as to both denials

To Judicial Conference			
Submission	Refusal	Request to: members CJ Rehnquist	
Nov 18, 4	Dec 9, 4	Dec 18, 4	Mar 7, 5
[C:821]	[C:859]	[C:865]	[C:897]

Blank



Table 2. Contempt for the law and litigants' rights shown in the dismal quality of the work produced by Judges Larimer and Ninfo and accepted by them from lawyers and clerks ([hyperlink bank](#))

	<b>Officer of the court &amp; type of work</b>	<b>References to work produced or accepted</b>	<b>Comment</b>
1.	Judge Larimer and his orders (C:1278)	Add:692, 831, 839, 991, 1019, 1021, 1092, 1155 Pst:1214	He rarely cites and never analyzes the law or the rules, and never discusses the motions on which he rules, which he dismisses so frequently with a lazy "has no merits and is denied in all respect" , which points to his not even reading them (Add:609§B, 1084§II); when he ventures beyond an offhand dismissal, his orders are sloppy because of grave mistakes of law and fact.
2.	Judge Ninfo and his orders (C:993)	D:3; 220, 272, 327, 332; Add:719, 725, 729, 731, 741, 749	His orders are equally devoid of legal reasoning and damned by any botched attempt at citing authority (Pst:1293§i) so that they are conclusory fiats; or worse yet, knee-jerk reactions kicked out before receipt of any answer from the other parties, as shown by the chain of events in Add:1038→1065→1066→1094→1095→1125→→1126. (cf. C:1307¶44)
3.	<i>Über</i> -experienced Trustee Reiber (D:431§C; Add:891/Table)	Add:937-939	He submitted shockingly unprofessional and perfunctory scraps of papers to confirm the DeLanos' debt repayment plan, which Judge Ninfo approved as "the Trustee's Report" (Add:941/2 <sup>nd</sup> ¶; cf. 1041§I, 1094), as did Judge Larimer (Add:953§I, 980¶d, 1022/last¶; cf. 1055§B).
4.	Christopher Werner, Esq., the DeLanos' attorney in the bankruptcy case <i>DeLano</i> Michael Beyma, Esq., Mr. DeLano's attorney in <i>Pfuntner</i> and partner in Underberg & Kessler, the law firm of which Judge Ninfo was a partner before becoming a judge	Pst:1281§c; D:118, 205, 211 & 214-216, 271, 314, 325; Add:936, 988, 1069	He writes back-of-napkin like statements with no discussion of the law, the facts, or the opposing party's arguments, so imitative of the Judges' own orders; hence Judge Ninfo found it unobjectionable that: 1) Att. Werner, who, according to PACER, at the time had appeared before Judge Ninfo in 525 cases, appeared at the evidentiary hearing on March 1, 2005, of his motion to disallow Dr. Cordero's claim without having read the claim or brought a copy of it (Pst:1288§e; Tr:54/6-55/5, 64/10-66/18, 124/4-20, 137/8-21, 143/17-145/13); and 2) Attorneys Werner and Beyma suborned perjury by signaling and mouthing answers to Mr. DeLano while on the stand during that evidentiary hearing (Pst:1289§f).

5.	Clerks of court	C:1304¶¶35 & 45; D:106, 232§§I & II, 397§1, 416§F, 476, 495; Add:832	Their disregard for the rules that they are supposed to apply shows participation in a pattern of non-coincidental, intentional, and coordinated wrongdoing, for if their actions were simply ‘mistakes’ due to incompetence, then it would be reasonable to expect that half of such ‘mistakes’ would redound to Dr. Cordero’s disadvantage and half to his advantage, rather than all of them consistently have a detriment impact on Dr. Cordero’s procedural and substantive rights.
----	-----------------	--	--

Table 3. The DeLanos’ \$673,657 in receipts +\$98,092 in credit card borrowing 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! ([hyperlink bank](#))

Mortgages referred to in the incomplete documents produced by the DeLanos to Trustee Reiber (Add:966§B)		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:176/9	59,000
5) an overdraft from ONONDAGA Bank for \$59,000;		D:176/10	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.		D:350-54	95,000
<b>Subtotal</b>			<b>\$382,187</b>
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) Statement of Financial Affairs (D:47)	\$91,859	91,655
2003	1040 IRS form (D:188) Statement of Financial Affairs (D:47)	+97,648	+108,586
to this must be added the receipts contained in the \$98,092 owed on 18 credit cards (D:41; C:1415)		\$280,736*	<b>\$291,470</b>
<b>TOTAL</b>			<b>\$673,657</b>

\* Why do these numbers not match?

Table 4. Officers that have disregarded their statutory duty to investigate the DeLano Debtors ([hyperlink bank](#))

	Officer's name and title	Statutory duty to investigate	Request for documents	Response...if any
1.	George Reiber, Standing Chapter 13 Trustee	11 U.S.C. §§1302(b)(1) and. 704(4) & (7)	D:66§IV; D:113¶6;  D:492, cf. D:477-491; Add:683	D:74, cf. D:83§A; D:120, cf. D:124 and 193§§I-III;  none none
2.	Kathleen Dunivin Schmitt, Assistant U.S. Trustee	28 U.S.C. §586(a)(3)(C) & (F)	D:63§§I & III; D:470, cf. D:461; D:471; D:475§c; Add:685	D:70, cf. D:84§IV;  none none none none
3.	Deirdre A. Martini, U.S. Trustee for Region 2	28 U.S.C. §586(b)	D:104, cf. D:90§VII; D:137;  Add:682	none D:139, cf. D:141; D:154-157, cf. D:158; none
4.	Bankruptcy Judge John C. Ninfo, II (C:993)	11 U.S.C. §1325 and 18 U.S.C. §3057(a) (Add:630)	D:198§V and 199¶31, 207-210, 217; D:320§II; D:370§C; Add:1051§II;  Add:1128§§I & II	D:220, cf. D:232§§I & V;  D:327; D:3; Add:1065, cf. Add:1066, 1094; Add:1125
5.	District Judge David G. Larimer (C:1278)	18 U.S.C. §3057(a) (Add:630)	Add:885¶15, 900§§3 & B, 908§d, 951, 979§III; Add:1098§I	Add:1021; Add:1155

Blank

# Table of Exhibits of A:# pages<sup>1</sup>

concerning the appeals as of August 1, 2006

Part A ToEA:124 A:1-152	from <b>WBNY</b>	<i>Pfuntner v. Trustee Gordon et al.</i> , <b>September 27-December 30, 2002</b>	no. 02-2230 dkt. at A:1551
Part B ToEA:132 A:153-430	to <b>WDNY</b>	<i>Cordero v. Trustee Gordon</i> , <i>Cordero v. Palmer</i> , <b>January 9-March 27, 2003</b>	no. 03cv6021L no. 03mbk6001L dcts. at A:1295; 462
Part. C ToEA:154 A:431-1549	to <b>CA2</b>	<i>In re Premier Van et al.</i> , <b>April 25, 2003-October 26, 2004</b>	no. 03-5023 dkt. at A:1285
Part D ToEA:168 A:1601-2229	to <b>Sct.</b>	<i>Cordero v. Trustee Gordon et al.</i> , <b>January 20-March 28, 2005</b>	no. 04-8371 dkt. at A:2229

by

**Dr. Richard Cordero, Esq.**

## Table of Headings (providing a synoptic statement of facts of the cases<sup>2</sup>)

### A. IN BANKRUPTCY COURT, WBNY:

**From** Dr. Cordero's application of September 27, 2002, for a review of Trustee Gordon's conduct & liquidation of storage company Premier, which had abandoned his stored property at Warehouse Pfuntner's **to** Pfuntner's admin. & storage fee recouping suit v. the Tr., Dr. Cordero et al., **to** Judge Ninfo's summary dismissal of Dr. Cordero's cross-claims against

<sup>1</sup> The exhibits listed on this Table of Exhibits (ToE) are found in the Attachments pane of the Statement of Facts and may also be in suitably identified folders in the Judicial Discipline Reform website. The exhibits of the *DeLano* cases, identified as D:#, Add:#, Pst:#, and Tr:#, are there too. The files are the following:

JDR's call: [C:1/E:1](#); [C:271](#); [C:441](#); [C:551](#); [C:711](#); [C:821](#); [C:981](#); [C:1081](#); [C:1285](#); [C:1331](#)

*Pfuntner*>: [A:1](#); [A:261](#); [A:353](#); [A:734](#); [A:1061](#); [A:1301](#); [A:1601](#); [A:1675](#); [A:1765](#)

*DeLano*: [D:1](#); [D:103](#); [D:203](#); [D:301](#); [D:425](#); [Add:509](#); [Add:711](#); [Add:911](#); [Pst:1171](#); [Tr=transcript 3/1/5hearing](#)

<sup>2</sup> To facilitate the understanding of the development of the subject matters stated in this and other headings, their respective exhibits are listed chronologically regardless of their page numbers. These numbers have been maintained as much as possible so as to preserve the validity of references to A-# pages in earlier exhibits. Thus, if a page number is not found where it should logically be, look for it further down in the Table.

the Trustee despite genuine issues of material facts ..... ToEA:124

**B. IN DISTRICT COURT, WDNY:**

**From** Dr. Cordero’s notice of January 9, 2003, of appeal to Tr. Gordon’s motion to dismiss it as untimely filed though timely mailed

**to** WDNY Judge Larimer’s dismissal of his notice and denial of his application for judgment v. defaulted Premier Owner Palmer

**and** the legally unsupported requirement by Judges Ninfo & Larimer that Dr. Cordero inspect his property and prove that its loss was caused by Palmer, who is thus given a chance to escape liability though a defrauder of storage & insurance fees Why?.... ToEA:132

1. Trustee Gordon’s motion in District Court to dismiss Dr. Cordero’s notice of appeal as untimely filed though timely mailed ..... ToEA:132
2. Dr. Cordero’s motion in Bankruptcy Court to extend time to file his notice of appeal and its denial by Judge Ninfo ..... ToEA:134
3. Transcript the hearing in Bankruptcy Court on December 18, 2002, of Trustee Gordon’s motion to dismiss Dr. Cordero’s cross-claims ..... ToEA:135
4. Application for default judgment against Premier Owner David Palmer ..... ToEA:135
5. Dr. Cordero’s property search and NYC-Rochester trip to inspect it at Pfuntner’s warehouse, where Premier Owner Palmer had abandoned it ..... ToEA:138
  - a. Dr. Cordero’s efforts to find his property before *Pfuntner* in 2002 ..... ToEA:138
  - b. From the pleadings in *Pfuntner v. Trustee Gordon et al.* , to the pre-trial conference of January 10, 2003.....ToEA:141
  - c. Proposing dates and measures for the property inspection at Plaintiff Pfuntner’s warehouse in Avon, NY: conducted on May 19, 2003..... ToEA:144
  - d. Judge Ninfo’s request after the inspection that Dr. Cordero resubmit the default judgment application only to deny it despite Dr. Cordero’s proof of property loss & damage by Palmer ..... ToEA:147
  - e. Dr. Cordero’s motion for sanctions for false representations concerning the inspection by Absentees Pfuntner & Att. MacKnight..... ToEA:148
  - f. Dr. Cordero’s motion for sanctions for Pfuntner & Att. MacKnight disobeying discovery orders ..... ToEA:148
  - g. Att. MacKnight’s “Notice to Admit” regarding findings of inspection of property at Pfuntner’s warehouse that neither attended ..... ToEA:149
6. Orders and motions concerning Judge Ninfo’s “discrete” “discreet” hearing in *Pfuntner* on October 16, 2003 ..... ToEA:150
7. Dr. Cordero’s request to Bankruptcy Court for docket documents concerning Trustee Gordon’s liquidation of Premier and its failure to produce them..... ToEA:153

**C. COURT OF APPEALS FOR THE SECOND CIRCUIT:**

**From** the appeal to CA2 on April 25, 2003,  
**to** its dismissal for lack of jurisdiction due to the alleged  
 non-finality of the appealed orders re Tr. Gordon and Palmer  
**to** the denial of the petition for panel rehearing on October 26, 2004.... **ToEA:154**

1. Documents in Dr. Cordero’s appeal that the District Court failed to transmit to CA2 ..... **ToEA:154**
  - a. Appeal from District Court to CA2 and dockets of the Bankruptcy Court in *Premier Van Lines* and *Pfuntner* ..... **ToEA:154**
  - b. Incomplete transmission of documents from the U.S. District Court to CA2..... **ToEA:155**
    - 1) *Cordero v. Trustee Gordon*, dkt. no. 03-cv-6021L, WDNY ..... **ToEA:155**
    - 2) *Cordero v. Palmer*, dkt. no. 03-mbk-6001L, WDNY ..... **ToEA:155**
  - c. Documents of Dr. Cordero’s appeal missing in CA2 ..... **ToEA:156**
2. **Pleadings** in *Premier Van et al.*, CA2.....**ToEA:157**
3. **Motions** and oral argument in *Premier Van et al.*, CA2 .....**ToEA:157**
4. Dr. Cordero’s petition to CA2 for a writ of **mandamus** to disqualify Judge Ninfo for bias toward the locals and disregard for the law, and to transfer *Pfuntner* to NDNY; and its denial for alleged non-fulfillment of “the extraordinary requirements” to issue a writ of mandamus ..... **ToEA:159**
5. Dr. Cordero’s petition for **rehearing** of *Premier Van et al.* due to the appealed orders’ necessary finality; motions for CA2 Chief Judge Walker to recuse himself from its consideration due to his mis-handling of a judicial misconduct complaint and toleration of a pattern of wrongdoing by Judge Ninfo and CA clerks; and the Chief Judge’s belated and inconsequential recusal on October 13, 2004 ..... **ToEA:160**
6. Dr. Cordero’s motion to **quash** Judge Ninfo’s order in *DeLano* requiring Dr. Cordero to take discovery of issues in *Pfuntner* on appeal in CA2 and try them piecemeal in *DeLano* so as to enable the Judge to disallow and dismiss wholesale Dr. Cordero’s claims in both cases; and denial in CA2 ..... **ToEA:165**
7. Ca2 denial of the rehearing petition on October 26, 2004, and of the motion to stay the mandate on November 8, 2004.....**ToEA:167**

**D. SUPREME COURT OF THE UNITED STATES:**

**Petition for a writ of certiorari** to CA2 on grounds of intentional and coordinated denial of due process as part of a judicial misconduct and bankruptcy fraud scheme; denied on March 28, 2005 .....**ToEA:168**

\*\*\*\*\*

**A. IN BANKRUPTCY COURT, WBNY:**

**From** Dr. Cordero’s application of September 27, 2002, for a review of Tr. Gordon’s personal conduct and liquidation of storage company Premier, which had abandoned his property at Pfuntner’s warehouse **to** Pfuntner’s admin. & storage fee recouping suit v. the Tr., Dr. Cordero, et al., **to** J. Ninfo’s summary dismissal of Dr. Cordero’s cross-claims against the Trustee despite genuine issues of material facts

- 201. Letter of **September 23**, 2002, of Kenneth **Gordon**, Esq., Chapter 7 Trustee for the liquidation of moving and storage company Premier Van Lines, Inc., **to** Dr. Richard **Cordero** with copy **to** U.S. Bankruptcy Judge John C. **Ninfo**, II, WBNY, **and others**, enjoining him from contacting his office concerning Dr. Cordero’s search for his property in storage with Premier ..... A: 1
- 202. Dr. **Cordero**’s letter of **September 27**, 2002, **to** Trustee **Gordon** **requesting** that he **a)** apologize for his unjustified and unprofessional September 23 letter to him, **b)** assure him that the lines of communication between them will be opened, and **c)** send him copies of the letters concerning Premier and his property that the Trustee sent to other parties ..... A: 2
- 203. Dr. **Cordero**’s letter of **September 27**, 2002, **to** Judge **Ninfo** requesting a review of Trustee Gordon’s performance and fitness to continue serving as trustee ..... A: 7
- 204. Dr. **Cordero**’s Statement of Facts and **Application** for a Determination of **September 27**, 2002, **by** Judge **Ninfo** of whether Trustee Gordon, as trustee in bankruptcy with fiduciary duties to all the parties, failed in his duty and is not fit to continue as trustee of Premier Van Lines ..... A: 8
  - a. Exhibits
    - 1) Dr. **Cordero**’s letter of **September 27, 2002, to** Trustee **Gordon** requesting an apology, open communication between them, and copies of letters sent to other parties ..... A: 11
    - 2) Trustee **Gordon**’s letter of **September 23, 2002, to** Dr. **Cordero** enjoining him from contacting his office ..... A: 13
    - 3) Letter of **September 19, 2002**, of David **MacKnight**, Esq., attorney for Warehouse James Pfuntner, plaintiff in the Adversary Proceeding *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY, **to** Dr. **Cordero** stating that he will soon be receiving Mr. Pfuntner’s **summons and complaint** ..... A: 14
    - 4) Dr. **Cordero**’s letter of **August 26, 2002, to** Att. **MacKnight** requesting information about “Pyramid” storage containers and the whereabouts of his property..... A: 15
    - 5) Trustee **Gordon**’s letter of **June 10, 2002, to** Dr. **Cordero**



with copy of his April 16 letter to Warehouser David **Dworkin**, manager/owner of the Jefferson Henrietta Associates' warehouse where Premier rented space to store the storage containers holding the property of its clients..... A: 16

6) Trustee **Gordon's** letter of **April 16, 2002, to** David **Dworkin** stating that M&T Bank has a blanket lien on Premier's assets in his warehouse and that the Trustee will not rent or control them..... A: 17

7) Letter of **May 30, 2002,** of Raymond **Stilwell, Esq.,** attorney for Owner David Palmer and Premier Van Lines, Inc., his bankrupt moving and storage company and debtor in the Chapter 7 bankruptcy case *In re Premier Van Lines*, no. 01-20692, WBNY, **to** Dr. **Cordero** stating that **Premier ceased** operations at the end of **2001**..... A: 18

205. **Cover sheet** of **September 26,** 2002, for the Adversary proceeding ***Pfuntner v. Trustee Gordon et al.***, no. **02-2230**, WBNY, where Plaintiff Pfuntner through Attorney MacKnight claims from the defendants **\$20,000** in interpleader .....A: 18a

206. Trustee **Gordon's** letter of **October 1,** 2002, **to** Judge **Ninfo and others** requesting that the Judge not take any action on Dr. Cordero's September 27 application for a review of the Trustee's performance and fitness to serve as Premier's trustee..... A: 19

207. James **Pfuntner's** **Summons** of October 3, 2002, in Adversary Proceeding ***Pfuntner v. Trustee Gordon, et al.***, no. **02-2230** (received on or around **October 20,** 2002; see pages A: 32, 50, and 52) ..... A: 21

    a. **"Interpleader Complaint to Determine Rights in Property of the Debtor and in Property in the Debtor's Possession, to Grant Plaintiff and Compel the Trustee to pay Administrative Expenses or Otherwise Determine the Liability of Those Found to Hold an Interest in the Debtor's Property or Property in Possession of the Debtor for the Use and Occupancy of the Plaintiff's Real Property, and to Vacate the Automatic Stay of Actions"**..... A: 22

208. Judge **Ninfo's** letter of **October 8,** 2002, **to** Dr. **Cordero referring** Dr. Cordero's September 27 **Application to** Assistant U.S. **Trustee** Kathleen Dunivin **Schmitt, Esq.,** for **"thorough inquiry"** ..... A: 29

209. Letter of **October 8, 2002,** of Assisitant U.S. Trustee **Schmitt,** who sits in the same small federal building in Rochester, NY, as the Bankruptcy and the District Courts as well as the U.S. Attorney's Office and the FBI Bureau, **to** Dr. **Cordero** stating that she **contacted** Trustee **Gordon** for information and after she receives and **reviews** it, she will contact Dr. Cordero, whose 'active **involvement is encouraged** to promote efficient and appropriate case administration' ..... A: 30

210. Trustee **Gordon's** **Answer** of **October 9,** 2002, **in *Pfuntner v.***

*Trustee Gordon et al.*, stating that all **Premier’s assets** were **abandoned** and that none is available to pay any claims ..... A: 31

211. Dr. **Cordero’s** letter of **October 14**, 2002, to Judge **Ninfo** sending him a copy of his **rejoinder to** Trustee **Gordon’s** October 1 allegations; **and** informing him that he has **not yet** been **served** with either the summons or the complaint in **Pfuntner** ..... A: 32

    a. Table of Exhibits

        1) Dr. Cordero’s letter of August 26, 2002, to Att. MacKnight requesting information about “Pyramid” storage containers and the whereabouts of his property ..... A:33

        2) Dr. Cordero’s letter of October 7, 2002, to Att. MacKnight stating that despite the latter’s September 19 letter, Dr. Cordero has not yet received from either him or Mr. Pfuntner any information concerning his property stored by Premier Van Lines in Mr. Pfuntner’s warehouse at 2140 Sackett Road in Avon, NY..... A:34

        3) Att. MacKnight’s letter of September 19, 2002, to Dr. Cordero stating that he will soon be receiving Mr. Pfuntner’s summons and complaint..... A:35

        4) Trustee Gordon’s Answer of October 9, 2002, in *Pfuntner v. Trustee Gordon et al.*, stating that all Premier’s assets were abandoned and that none is available to pay any claims ..... A:36

212. Dr. **Cordero’s** letter of **October 14**, 2002, to Assistant U.S. Trustee **Schmitt submitting** his **rejoinder to** Trustee **Gordon’s** October 1 **allegations** ..... A: 37

213. Dr. **Cordero’s Rejoinder** and Application for a Determination of **October 14**, 2002, to Assistant U.S. Trustee **Schmitt** showing that Trustee **Gordon** resorted in his October 1 letter to **defamatory and false statements about Dr. Cordero** to detract from his credibility and lend support to the Trustee’s request that Judge Ninfo not take any action on Dr. Cordero’s September 27 application for a review of his performance and fitness to serve as Premier’s trustee ..... A: 38

    I. Trustee Gordon’s “significant efforts” as Premier’s trustee ..... A: 38

        a. The facts of Trustee Gordon’s performance ..... A: 39

        b. Questions to assess Trustee Gordon’s “significant efforts” ..... A: 40

    II. Whether the Trustee’s statements to Court & U.S. Trustee are true ..... A: 41

    III. The understanding of Trustee Gordon’s role ..... A: 43

    IV. Request for review of Trustee Gordon’s performance and fitness ..... A: 43

V. Table of Exhibits ..... A: 44

    d. Letter of **July 30, 2002**, of Christopher **Carter** -owner of Champion Moving & Storage, Inc., which bought storage containers of Bankrupt Premier Van Lines sold by Lienholder M&T Bank- **to Dr. Cordero** stating that his stored property is in a warehouse in Avon, NY ..... A: 45

    e. Christopher **Carter's** letter of **July 30, 2002, to Vince Pusateri**, Vice President of M&T Bank, general lienholder against Bankrupt Borrower Premier Van Lines, Inc., stating that his company did not receive containers with property of Dr. Cordero among the containers bought from M&T Bank ..... A: 46

        1) **Bill of sale** from M&T Bank for Mr. Carter to sign in order to acknowledge receipt of containers bought from **M&T**, which **liquidated its lien on** them by selling the **containers** after **Premier** had **bought** them with an **M&T loan** and subsequently went bankrupt ..... A: 47

        2) **List of former Premier clients** whose property was allegedly in storage containers sold by M&T Bank to Champion's Mr. Carter, who received no containers with Dr. Cordero's name so he did not sign the acknowledgment ..... A: 48

        3) **Premier Van Lines' invoice** of September 26, 2000, for storage of Dr. Cordero's property ..... A: 49

214. James **Pfuntner's Summons** of October 3, 2002, in Adversary Proceeding *Pfuntner v. Trustee Gordon, et al.*, no. **02-2230** (received on or around **October 20, 2002**; see pages A:32, 50, and 52) ..... A: 21

    a. **"Interpleader Complaint** to Determine Rights in Property of the Debtor and in Property in the Debtor's Possession, to Grant Plaintiff and Compel the Trustee to pay Administrative Expenses or Otherwise Determine the Liability of Those Found to Hold an Interest in the Debtor's Property or Property in Possession of the Debtor for the Use and Occupancy of the Plaintiff's Real Property, and to Vacate the Automatic Stay of Actions" ..... A: 22

215. Dr. **Cordero's** voluntary waiver of service of summons and **petition** of **October 23, 2002**, to the Bankruptcy Court **for Clarification** in *Pfuntner* ..... A: 50

    a. Exhibit

        1) Att. **MacKnight's** letter of **October 16, 2002, to Dr. Cordero** stating that he should anticipate receiving a copy of Mr. Pfuntner's summons and complaint in the near future ..... A: 52

216. Assistant U.S. Trustee **Schmitt's** letter of **October 22, 2002, to Dr.**

**Cordero**, stating her assessment of Trustee Gordon’s performance, with copy to Judge Ninfo and Trustee Gordon ..... A: 53

217. Dr. **Cordero’s Answer and Counterclaim of November 1, 2002**, in *Pfuntner v. Trustee Gordon et al.*, no. 02-0223, WBNY ..... A: 56

    a. Answer ..... A: 56

    b. Statement of Counterclaims ..... A: 60

    c. Relief ..... A: 61

    d. Table of Exhibits ..... A: 62

        2) Att. **Beyma’s letter of August 15, 2002, to Dr. Cordero** stating, among other things, that “I understand that David **DeLano** [the M&T Assistant Vice President in charge of liquidating M&T’s lien on Premier’s cabinets, i.e. storage containers] has **informed you** that your two “Pyramid” storage **cabinets are** located at 2140 Sackett Road, **Avon**, New York. The owner of the property is James Pfuntner and he is represented by David MacKnight (585-454-5650)” ..... A:63

        6) Dr. **Cordero’s letter of October 17, 2002, to Plaintiff Pfuntner** stating that he has not yet received from them the requested information about the Pyramid containers holding his property and stored in Mr. Pfuntner’s warehouse in Avon, NY, and requesting them to provide such information ..... A:65

218. Att. **Beyma’s letter of November 6, 2002, to Att. MacKnight accompanying:** ..... A: 66

    a. **M&T Bank’s answer of November 6, 2002, to the claims in Pfuntner v. Trustee Gordon et al.**, no. 02-2230 ..... A: 67

219. Att. **MacKnight’s letter of November 11, 2002, to the parties accompanying:** ..... A: 68

    a. Plaintiff Warehouse James **Pfuntner’s answer of November 8, 2002, to Dr. Cordero’s counterclaim in Pfuntner** ..... A: 69

220. **Third party summons** issued by Bankruptcy Clerk Paul R. **Warren**, and signed by Deputy Clerk Karen S. Tacy on **November 19, 2002**, and accompanying Dr. Cordero’s amended answer of November 21, 2002, with cross- and third-party claims in *Pfuntner*, no. 02-0223, WBNY .....A: 69b

221. Dr. **Cordero’s Amended Answer of November 21, 2002**, in *Pfuntner* with **cross-claims** against M&T Bank and Trustee Gordon, and **third-party claims** against M&T Assistant Vice President DeLano, Warehouse Dworkin, Jefferson Henrietta Associates, and Premier Owner David Palmer..... A: 70

    I. Statement of Facts ..... A:72

II. Statement of Claims .....	A:78
A. David Palmer.....	A:78
B. David Dworkin .....	A:79
C. Jefferson Henrietta Associates .....	A:81
D. David Delano.....	A:82
E. M&T Bank.....	A:83
F. Trustee Kenneth Gordon.....	A:83
III. Statement of Relief.....	A:87
A. All cross-defendants and third-party defendants.....	A:87
B. David Palmer, David Dworkin, and Jefferson Henrietta Associates .....	A:88
C. Trustee Kenneth Gordon.....	A:88
IV. Table of Exhibits.....	A:89
1) Letter of David <b>Dworkin</b> , owner/manager of the warehouse of Jefferson Henrietta Associates, of <b>March 1, 2002, to Dr. Cordero</b> stating that from then on he should <b>make</b> his monthly storage <b>payments to</b> Jefferson Henrietta <b>Associates</b> , not to Premier .....	A:91
2) <b>Jefferson Henrietta Associates'</b> warehouse bill of <b>March 7, 2002, to Dr. Cordero</b> for past storage and insurance .....	A:92
3) Manager <b>Dworkin's</b> letter of <b>April 25, 2002, to Dr. Cordero</b> stating that his property has not been removed from the <b>Jefferson Henrietta</b> warehouse since it took possession of the premises, but it is no longer insured.....	A:93
7) Letter of Michael <b>Beyma</b> , Esq., attorney for M&T Bank, of <b>August 28, 2002, to Dr. Cordero</b> stating that "M&T Bank has not sold your cabinets to Champion or any other party. M&T Bank sold only Pyramid cabinets which were located in Rochester" .....	A:94
222. Dr. <b>Cordero's</b> letter of <b>November 21, 2002, to</b> Bankruptcy Clerk Paul <b>Warren</b> and Case Administrator Karen <b>Tacy</b> certifying service of his amended answer with cross- and third-party claims in <i>Pfuntner</i> .....	A: 95
223. Dr. <b>Cordero's</b> letters of <b>November 21, 2002, to</b> Att. Beyma with the amended answer containing:	
a. <b>cross-claims</b> against M&T Bank.....	A: 97
b. <b>third-party claims</b> against M&T Bank Assistant Vice President David DeLano.....	A: 98

224. Dr. **Cordero's** letter of **November 21**, 2002, to M&T Bank Assistant Vice President David DeLano with the amended answer containing **third-party claims** against him ..... A: 99

225. Att **Beyma's** letter of **December 16**, 2002, to the **parties** accompanying: .....A: 100

    a. Att **Beyma's** answer of **December 16**, 2002, for M&T Bank and Mr. DeLano to Dr. Cordero's claims .....A: 100-a

226. Dr. **Cordero's** letter of **November 25**, 2002, to Carolyn S. **Schwartz**, United States Trustee for Region 2, concerning Trustee **Schmitt's perfunctory handling** of his application for a review of Trustee Gordon's performance and fitness to serve as trustee of Premier .....A: 101

227. Dr. **Cordero's Appeal** of **November 25**, 2002, against a Supervisory Opinion of Assistant U.S. Trustee Schmitt to U.S. Trustee **Schwartz**, with copy to Judge Ninfo and Trustee Gordon. ....A: 102

    A. Procedural Background..... A:102

    B. Standards of Review and Thorough Inquiry ..... A:103

    C. Quick Contact Conducted Instead of Thorough Inquiry ..... A:107

        1. Failure to press the Trustee on Debtor's assets and files not looked up..... A:108

        2. Failure to notice that Debtor did not cease operating as a business..... A:109

        3. Failure to understand who the parties and their relations are..... A:110

        4. Failure to understand the facts of the case: assets and storage containers..... A:111

        5. Failure to grasp difference between "rental issues" and renters' property ..... A:111

        6. Failure to find out why wait 4 months to instruct holder of estate assets..... A:111

        7. Failure to find out whether Trustee protected estate assets ..... A:112

        8. Failure to find out why Trustee gave the estate's storage fees to M&T Bank. A:112

        9. Failure to inquire into no distribution report and Premier as asset case..... A:112

        10. Failure to analyze instruction for Dworkin to refer customers to ..... A:113

        11. Failure to visualize the blamable referral to just "M&T Bank"..... A:113

        12. Failure to recognize Premier's customers as creditors of Premier..... A:114

        13. Failure to notice the Trustee's reluctance to provide information..... A:114

        14. Failure to recognize the Trustee's duty to inform and his breach of it ..... A:115

        15. Failure to recognize the Trustee's duty to assist in locating property ..... A:115

        16. Failure to listen attentively and question the Trustee's words ..... A:116

        17. Failure to pick up the inconsistency between Trustee's words and actions ... A:116

18. Failure to pick up inconsistency in her own actions..... A:117

19. Failure to pick up indicia of Trustee’s need to be prompted into action..... A:117

20. Failure To Wonder ‘What Has Trustee Gordon Been Doing?!’ .....A:118

21. Failure To Deal With The Issues Of Untruthfulness And Defamation ..... A:119

22. Failure To Realize The Inadequacy Of A Mere Chatty Supervisory ‘Contact’ A:120

D. Relief Requested..... A:121

E. Exhibits

1) Assistant U.S. Trustee **Schmitt’s** letter of **October 22, 2002, to Dr. Cordero**, with copy to Judge Ninfo and Trustee Gordon .....A: 123

2) Trustee **Schmitt’s** letter of **October 8, 2002, to Dr. Cordero** .....A: 126

3) Judge **Ninfo’s** letter of **October 8, 2002, to Dr. Cordero** .....A: 127

4) Trustee **Gordon’s** letter of **October 1, 2002, to Judge Ninfo** .....A: 128

5) Trustee **Gordon’s** letter of **September 23, 2002, to Dr. Cordero** .....A: 130

228. Letter of David **MacKnight**, Esq., attorney for Plaintiff and Warehouseman James Pfuntnner, of **December 5, 2002, to Judge Ninfo** stating that in light of Dr. Cordero’s latest pleadings, there is the need to obtain information from Trustee Gordon, Dr. Cordero, M&T Bank, and Champion lest the pretrial conference fail to advance matters .....A: 131

229. Trustee **Gordon’s notice** of **December 5, 2002, of motion to dismiss Dr. Cordero’s cross-claim** against the Trustee in *Pfuntnner*.....A: 133

230. Trustee **Gordon’s** affirmation of **December 5, 2002, in support of his motion to dismiss Dr. Cordero’s cross-claim** against him .....A: 135

    Defamation Claim ..... A:137

    Negligence and Recklessness Claims..... A:138

231. Dr. **Cordero’s** letter of **December 10, 2002, to Bankruptcy Clerk Paul Warren filing** his memorandum in **opposition** to Trustee Gordon’s **dismissal** motion and **requesting** that Clerk Warren transmit it to Judge **Ninfo** for the latter to **rule** on Dr. Cordero’s motion that the dismissal **hearing** be **deferred** until trial .....A: 141

232. Dr. **Cordero’s** letter of **December 10, 2002, to Judge Ninfo** requesting that the Judge let him know in advance whether he will grant Dr. Cordero’s request that Trustee Gordon’s motion to dismiss be deferred until trial so that discovery can be undertaken .....A: 142

233. Dr. **Cordero’s** memorandum of **December 10, 2002, in opposition** to Trustee Gordon’s motion **to dismiss** Dr. Cordero’s cross-claims against him.....A: 143

I. Hardship and lack of urgency ..... A:144

II. Non-dispositive legal grounds and need for discovery ..... A:145

    A. The Claim of Defamation ..... A:145

    B. The Claim of Recklessness or Negligence.....A:148

III. Order Sought..... A:149

234. Judge **Ninfo’s order** entered on **December 30**, 2002, granting Trustee’s Gordon motion and **dismissing Dr. Cordero’s cross-claims** against him (cf. C: 993) .....A: 151

**B. IN DISTRICT COURT, WDNY:**

**From** Dr. Cordero’s notice of January 9, 2003, of appeal to Trustee Gordon’s motion to dismiss it as untimely filed though timely mailed

**to** WDNY Judge Larimer’s dismissal of his notice and denial of his application for judgment v. defaulted Premier Owner Palmer

**and** the legally unsupported requirement by Judge Ninfo and Larimer that Dr. Cordero inspect his property and prove that its loss was caused by Palmer, who is thus given a chance to escape liability though a defrauder of storage & insurance fees Why?

**1. Trustee Gordon’s motion in District Court to dismiss Dr. Cordero’s notice of appeal as untimely filed though timely mailed**

235. Dr. **Cordero’s** notice of **appeal** of **January 9**, 2003, to District Court from Bankruptcy Judge Ninfo’s dismissal of his cross-claims against Trustee Gordon in *Pfuntner v. Trustee Gordon et al.*, 02-2230, WBNY.....A: 153

236. Dr. **Cordero’s** statement of **January 9**, 2003, of **election** of District Court to hear the appeal .....A: 155

237. Trustee **Gordon’s** statement of **January 15**, 2003, in District Court in support of his **motion to dismiss** Dr. Cordero’s **appeal** due to the **untimeliness of the notice** of appeal.....A: 156

238. Dr. **Cordero’s designation** of **January 23**, 2003, of **items** in the record and statement of **issues** on appeal..... A: 183<sup>3</sup>

---

<sup>3</sup> As items, i.e. documents, were produced, they were added physically to this volume after the last one here. Consequently, they began with the page number that followed the last one. However, their placement on this Table resulted from the application of first a thematic, then a chronological criterion. Thus, depending on a



I. Designation of Items .....	A:183
II. Issues on Appeal.....	A:188
III. Outline of the Argument .....	A:189
A. Appellee Gordon’s Defamatory and False Statements.....	A:189
B. Appellee Gordon’s Reckless and Negligent Performance .....	A:192
239. Dr. <b>Cordero</b> ’s brief of <b>February 12</b> , 2003, in District Court <b>opposing</b> Trustee Gordon’s <b>motion to dismiss</b> the timely mailed but allegedly untimely filed notice of appeal.....	A: 158
I. Statement of facts.....	A:160
II. Consistent & coherent construction of rules on notice of appeal .....	A:164
III. Equities of curing harmless error to preserve substantial right and prevent prejudice.....	A:175
IV. Order sought .....	A:180
V. Table of Exhibits.....	A:181
240. Trustee <b>Gordon</b> ’s letter of <b>February 25</b> , 2003, <b>to</b> U.S. District Judge David G. <b>Larimer</b> , submitting to the District Court his prior February 5 brief (A:234 below) to the Bankruptcy Court in <b>opposition</b> to Dr. Cordero’s motion to <b>extend</b> time to file notice of appeal .....	A: 199
241. District Judge <b>Larimer</b> ’s decision and <b>order</b> of <b>March 12</b> , 2003, in <i>Cordero v. Trustee Gordon</i> , no. 03cv6021L, <b>granting</b> Trustee Gordon’s motion to <b>dismiss</b> Dr. Cordero’s notice of appeal as untimely.....	A: 200
242. Dr. <b>Cordero</b> ’s brief of <b>March 20</b> , 2003, in support of his motion in District Court <b>for rehearing</b> of the grant of Trustee Gordon’s motion to dismiss the notice of appeal .....	A: 205
243. Trustee <b>Gordon</b> ’s letter of <b>March 24</b> , 2003, <b>to</b> District Judge <b>Larimer</b> stating his reliance on his previous submission [A:234 below] regarding Dr. Cordero’s rehearing motion.....	A: 210
244. District Judge <b>Larimer</b> ’s <b>order</b> of <b>March 27</b> , 2003, in <i>Cordero v. Trustee Gordon</i> , no. 03-CV-6021L, <b>denying</b> in all respects but without stating any reason at all Dr. Cordero’s motion for <b>rehearing</b> of the grant of Trustee Gordon’s motion to dismiss the notice of appeal .....	A: 211

---

document’s subject matter, it was grouped with similar ones under one or more number-subheadings or a new subheading was created. Within each group, the document was placed chronologically. Hence, page numbers in a subheading group are not necessarily consecutive.

**2. Dr. Cordero’s motion in Bankruptcy Court to extend time to file his notice of appeal and its denial by Judge Ninfo**

245. Dr. **Cordero’s** notice of motion and affirmation in its support of **January 27, 2003, in Bankruptcy Court to extend time to file notice of appeal** from Judge Ninfo’s dismissal of his cross-claims against Trustee Gordon.....A: 212

    A. Notice to be filed with Bankruptcy, not District, court clerk .....A: 215

    B. No rush for filing either justified or possible .....A: 219

    C. Curing harmless error to preserve substantial right of appeal.....A: 220

    D. General mailbox vs. exceptional receipt-based filing rule .....A: 221

    E. Appellee Gordon’ seeks with Dirty Hands promptness.....A: 222

    F. Order sought.....A: 224

    G. Table of Exhibits .....A: 224

246. Trustee **Gordon’s** memorandum of law of **February 5, 2003, in Bankruptcy Court opposing Dr. Cordero’s motion to extend time** for appeal .....A: 234

247. Judge **Ninfo’s** order of **February 18, 2003, denying Dr. Cordero’s motion to extend time** to file notice of appeal .....A: 240

248. Dr. **Cordero’s** date-amended notice of March 6, 2003, of motion **in Bankruptcy Court** and affirmation in its support of **February 26, 2003, for relief** from Judge Ninfo’s order **denying** his motion to **extend time** to file notice of appeal from the Judge’s dismissal of his cross-claims against Trustee Gordon.....A: 242

    A. The issue of law concerning the determination of timeliness .....A: 247

    B. The issue of fact establishing the timely filing of the motion.....A: 249

    C. Preference for deciding cases on merits rather than technicality .....A: 250

    D. Pro se parties are afforded extra leeway to meet procedural rules.....A: 251

    E. Missing filing deadline is no jurisdictional bar to granting relief .....A: 252

    F. Filing flexibility and benefit of doubts for movant for relief .....A: 253

    G. Relief requested.....A: 255

    H. Table of Exhibits .....A: 255

249. Trustee **Gordon’s** letter of **March 3, 2003, to Judge Ninfo** referring

the Court to his prior submission [of February 5, 2003; A:234 above] as his brief to oppose Dr. Cordero’s February 26 motion for relief from the denial of the motion to extend time to file notice of appeal.....A: 257

- 250. Trustee **Gordon’s** letter of **April 2, 2003, to Judge Ninfo** with **proposed order denying** Dr. Cordero’s February 26 motion for **relief** from the Judge’s February 18 **denial** of his January 27 motion to **extend time** to file notice of appeal .....A: 258
- 251. Judge **Ninfo’s** order of **April 4, 2003, denying** Dr. Cordero’s motion for **relief** from the order denying the motion to extend time to file notice of appeal .....A: 259

**3. Transcript of the hearing in Bankruptcy Court on December 18, 2002, of Trustee Gordon’s motion to dismiss Dr. Cordero’s cross-claims**

- 252. Dr. **Cordero’s** letter of **January 23, 2003, to Bankruptcy Court Reporter Mary Dianetti** confirming his **request** for the **transcript** of the **hearing on December 18, 2002, of Trustee Gordon’s** motion to dismiss Dr. Cordero’s cross-claims against him and its grant by Judge Ninfo.....A: 261
- 253. Dr. **Cordero’s note of March 30, 2003, stating his receipt on March 28 of the transcript** prepared by Reporter Dianetti, over two and a half months after its initial request .....A: 262
- 254. Reporter’s **Dianetti’s transcript** of the **hearing** before Judge Ninfo on **December 18, 2002, of Trustee Gordon’s** motion to dismiss Dr. Cordero’s cross-claims against him in *Pfuntner v. Trustee Gordon et al.* .....A: 263
- 255. Dr. **Cordero’s** letter of **March 30, 2003, to Mary Dianetti** requesting an explanation of the circumstances of the preparation and handling of the transcript .....A: 283
- 256. Mary **Dianetti’s** letter of **April 11, 2003, to Dr. Cordero** concerning her late transcript of the hearing on December 18, 2002, of Trustee Gordon’s motion to dismiss (cf. T0E C:46§I; C:1280§C) .....A: 286

**4. Application for default judgment against Premier Owner David Palmer**

- 257. Letter of **May 30, 2002, of Raymond Stilwell, Esq., attorney for David Palmer, owner of Premier Van Lines, Inc., a bankrupt moving and storage company, to Dr. Cordero** stating that **Premier ceased operations at the end of 2001** ..... A: 18
- 258. Dr. **Cordero’s cross- and third-party claims of November 21, 2002** ..... A: 70

I. Statement of Claims.....	A: 78
A. David Palmer .....	A: 78
II. Statement of Relief Sought.....	A: 87
A. All cross-defendants and third-party defendants .....	A:87
B. David Palmer, et al. ....	A:88
III. Table of Exhibits .....	A: 89
259. Dr. <b>Cordero's</b> application of <b>December 26, 2002</b> , for entry of <b>default judgment against</b> David <b>Palmer</b> , Premier's owner .....	A: 290
a. Application for entry of default.....	A: 290
b. Dr. Cordero's affidavit of Palmer's non-military service.....	A: 291
c. Proposed order for the Bankruptcy Court to transmit its record to the District Court for entry of default judgment .....	A: 292
d. Dr. Cordero's affidavit of amount due .....	A: 294
e. Proposed order of entry of default judgment by District Court .....	A: 295
260. Dr. <b>Cordero's</b> letter of <b>January 30, 2003</b> , <b>to</b> Judge <b>Ninfo inquiring</b> why his December 26 <b>application</b> for <b>default</b> judgment <b>against</b> David <b>Palmer</b> has <b>not</b> been <b>transmitted to</b> the <b>District</b> Court, requesting that Judge Ninfo order that it be transmitted, and otherwise, explain why he will not do so.....	A: 302
261. <b>Clerk</b> of the U.S. Bankruptcy Court Paul A. Warren's certificate of <b>February 4, 2003</b> , of <b>default</b> of David <b>Palmer</b> .....	A: 303
262. Judge <b>Ninfo's</b> order of <b>February 4, 2003</b> , <b>transmitting</b> to the District Court <b>the record</b> concerning Dr. Cordero's application for default judgment against David Palmer .....	A: 304
a. Judge Ninfo's attachment to his <b>recommendation</b> of <b>February 4, 2003</b> , to the District Court that it not enter <b>default judgment against David Palmer</b> .....	A: 306
b. Dr. <b>Cordero's</b> letter of <b>January 30, 2003</b> , <b>to</b> Judge <b>Ninfo</b> .....	A: 308
263. Att. <b>Stilwell's</b> letter of <b>February 11, 2003</b> , <b>to</b> Judge <b>Ninfo</b> concerning his relation to Premier Van Lines; Mr. Palmer; his receipt of service for them; and the inquiries about his availability to attend the inspection of Dr. Cordero's property at the Avon warehouse .....	A: 309
264. Dr. <b>Cordero's</b> letter of <b>March 2, 2203</b> , <b>to</b> District Judge <b>Larimer</b> stating that David Palmer was given proper warning of default judgment and the Bankruptcy Clerk defaulted him so that Judge Ninfo lacks any support in law to recommend that default judgment be denied and that an inspection of the property at the warehouse be required .....	A: 311

265. Dr. **Cordero's notice** of motion in District Court and brief in its support of **March 2, 2003, to enter default judgment** against David **Palmer** and withdraw proceeding to an unbiased court .....A: 312

- a. Brief .....A: 314
  - i. Table of Contents .....A: 315
    - I. Statement of Facts ..... A:315
    - II. Conditions for entry of default judgment ..... A:317
    - III. Lack of basis in fact for the recommendation..... A:318
      - A. The facts point to the loss of my property .....A:318
      - B. Recommendation reveals unwarranted dismissal of my claim ..... A:320
      - C. Default judgment application is not premature since failure to appear is complete ..... A:322
    - IV. No grounds in law for requiring applicant to demonstrate anything ..... A: 325
      - A. Pleadings only require to state a claim and demand judgment ..... A:326
      - B. Rule 55 only requires showing Defendant's failure to plead ..... A:326
        - 1) The clerk's legal obligation to enter default and judgment ..... A:326
        - 2) The court's legal obligation "in all other cases" ..... A:328
      - C. No notice and opportunity to object afforded under 28 U.S.C. §157..... A:329
        - 1) Unequal application of the notion of timeliness ..... A:330
    - V. Implications that the recommendation has for the parties ..... A: 331
    - VI. Order sought ..... A: 331
    - VII. Table of Exhibits ..... A:332

266. Dr. **Cordero's** letter of **March 5, 2003, to** Bankruptcy Clerk Paul **Warren** inquiring about his failure to default David Palmer upon receiving Dr. Cordero's application therefor of December 26, 2002 .....A: 334

267. Bankruptcy Clerk **Warren's** letter of **March 12, 2003, to** Dr. **Cordero** explaining how default was entered against Mr. Palmer .....A: 337

268. District Judge **Larimer's** order of **March 11, 2003, in Cordero v. Palmer**, no. 03mbk6001L, accepting Judge Ninfo's recommendation **not to enter default judgment** against David Palmer **and requiring** the conduct of an **inquest** into damages before default judgment is appropriate.....A: 339

- 269. **District Clerk** Rodney Early’s notice of **March 12**, 2003, of entry of Judge Larimer’s **March 11 order sent to Dr. Cordero, David Palmer, and his attorney**, Raymond Stilwell, Esq. ....A: 341
- 270. Dr. **Cordero’s** brief of **March 19**, 2003, in support of his motion in District Court for **rehearing concerning the implied denial** by Judge Larimer of his motion to enter **default judgment** against Mr. Palmer and withdraw the *Pfuntner* adversary proceeding from Bankruptcy Court to the District Court .....A: 342
  - a. Table of Contents..... A:343
    - I. There is no need to conduct an inquest into damages..... A:344
    - II. Bankruptcy Court is not proper forum to conduct damages inquest..... A:346
    - III. Relief sought..... A:347
- 271. District Judge **Larimer’s** **order of March 27**, 2003, in *Cordero v. Palmer*, no. 03-MBK-6001L, **denying** in all respects but without stating any reasons the motion for **rehearing** of his March 11 decision denying entry of default judgment against David Palmer .....A: 350
- 272. District Clerk Early’s notice of March 27, 2003, of entry of Judge Larimer’s March 27 order sent to Dr. Cordero, David Palmer, and the Bankruptcy Court .....A: 351
- 273. Att. Michael **Beyma’s** letter of **August 1**, 2002, **to Dr. Cordero** [see A: 353-15 below].....A: 352

**5. Dr. Cordero’s search of his property and NYC-Rochester trip to inspect it at Mr. Pfuntner’s warehouse, where Premier Owner Palmer had abandoned it<sup>4</sup>**

**a. Dr. Cordero’s efforts to find his property before *Pfuntner* in 2002**

- 274. Letter of **March 1**, 2002, of David **Dworkin**, owner/manager of the Jefferson Henrietta Associates’ warehouse where Premier Van Lines rented space to store the storage containers holding the property of Premier’s clients, **to Dr. Cordero** stating that from then he should **make** his monthly storage **payments to** Jefferson Henrietta **Associates**, not to Premier .....A: 353-1
- 275. **Jefferson Henrietta Associates’** warehouse bill of **March 7**, 2002, **to Dr. Cordero** for past storage and insurance .....A: 353-2

---

<sup>4</sup> See footnote 2 on page 1 above.

- 276. Trustee **Gordon's** letter of **April 16, 2002, to David Dworkin** stating that M&T Bank has a blanket lien on Premier's assets in his warehouse and that the Trustee will not rent or control them .....A: 353-3
- 277. Manager **Dworkin's** letter of **April 25, 2002, to Dr. Cordero** stating that his property has not been removed from the **Jefferson Henrietta** warehouse since it took possession of the premises, but it is no longer insured.....A: 353-4
- 278. Letter of **May 30, 2002, of Raymond Stilwell, Esq.,** attorney for Owner David Palmer and Premier Van Lines, Inc., his bankrupt moving and storage company and debtor in the Chapter 7 bankruptcy case *In re Premier Van Lines*, no. 01-20692, WBNY, **to Dr. Cordero** stating that **Premier ceased** operations at the end of **2001** .....A: 353-5
- 279. Dr. **Cordero's** letter of **May 30, 2002, to Trustee Gordon** stating that he has **not yet received** the **information** concerning his **property** and Bankrupt Premier that the Trustee agreed to send him when they spoke on the phone two weeks earlier .....A: 353-7
- 280. Trustee **Gordon's** letter of **June 10, 2002, to Dr. Cordero** providing him a copy of his April 16 letter to Warehouse David Dworkin, manager/owner of the Jefferson Henrietta Associates' warehouse where Premier rented space to store the storage containers holding the property of its clients .....A: 353-8
- 281. Letter of **July 30, 2002, of Christopher Carter** -owner of Champion Moving & Storage, Inc., which bought storage containers of Bankrupt Premier Van Lines sold by Lienholder M&T Bank- **to Dr. Cordero** stating that his stored property is in a warehouse in Avon, NY.....A: 353-9
- 282. Christopher **Carter's** letter of **July 30, 2002, to Vince Pusateri**, Vice President of M&T Bank, general lienholder against Bankrupt Borrower Premier Van Lines, Inc., stating that his company did not receive containers with property of Dr. Cordero among the containers bought from M&T Bank.....A: 353-10
  - a. **Bill of sale** from M&T Bank for Mr. Carter to sign in order to acknowledge receipt of containers bought from M&T, which liquidated its lien on them by selling the containers after Premier had bought them with an M&T loan and subsequently went bankrupt.....A: 353-11
  - b. **List of former Premier clients** whose property was allegedly in storage containers sold by M&T Bank to Champion's Mr. Carter, who received no containers with Dr. Cordero's name so he did not sign the acknowledgment.....A: 353-12
  - c. **Premier Van Lines' invoice** of September 26, 2000, for storage of Dr. Cordero's property .....A: 353-13
- 283. Letter of **August 1, 2002, of Michael Beyma, Esq.,** attorney for

Defendant M&T Bank and Third-party defendant David DeLano, the M&T Assistant Vice President in charge of liquidating M&T's lien on Premier's storage containers, **to Dr. Cordero** stating that M&T Bank did not sell storage containers holding his property, which they believe are in a warehouse in Avon, NY, owned by James Pfunter, who is represented by Att. David MacKnight ..... A: 353-15

284. Att. **Beyma's** letter of **August 15, 2002, to Dr. Cordero** stating, among other things, that "I understand that David **DeLano** [the M&T Assistant Vice President in charge of liquidating M&T's lien on Premier's cabinets, i.e. storage containers] has **informed you** that your two "Pyramid" storage **cabinets are** located at 2140 Sackett Road, **Avon**, New York. The owner of the property is James Pfunter and he is represented by David MacKnight (585-454-5650)" ..... A: 353-16

285. Dr. **Cordero's** letter of **August 26, 2002, to Att. MacKnight** requesting information about "Pyramid" storage containers and the whereabouts of his property ..... A: 353-18

286. Att. **Beyma's** letter of **August 28, 2002, to Dr. Cordero** stating that "M&T Bank has not sold your cabinets to Champion or any other party. M&T Bank sold only Pyramid cabinets which were located in Rochester"..... A: 353-19

287. Att. **MacKnight's** letter of **September 19, 2002, to Dr. Cordero stating** that he will soon be receiving Mr. Pfunter's **summons and complaint**..... A: 353-20

288. Letter of **September 23, 2002, of Kenneth Gordon, Esq., Chapter 7 Trustee** for the liquidation of moving and storage company Premier Van Lines, Inc., **to Dr. Cordero**, with copy **to U.S. Bankruptcy Judge John C. Ninfo, II, WBNY, and others**, enjoining him from contacting his office concerning Dr. Cordero's search for his property in storage with Premier ..... A: 353-25

289. Dr. **Cordero's** letter of **September 27, 2002, to Trustee Gordon requesting** that he **a)** apologize for his unjustified and unprofessional September 23 letter to him, **b)** assure him that the lines of communication between them will be opened, and **c)** send him copies of the letters concerning Premier and his property that the Trustee sent to other parties..... A: 353-26

290. Dr. **Cordero's** letter of **September 27, 2002, to the Judge Ninfo** requesting a review of Trustee Gordon's performance and fitness to continue serving as trustee ..... A: 353-28

291. Dr. **Cordero's** Statement of Facts and **Application** for a Determination of **September 27, 2002, by Judge Ninfo** of whether Mr. Gordon, as trustee in bankruptcy with fiduciary duties to all the parties, failed in his duty and is not fit to continue as trustee of Premier Van Lines..... A: 353-29

292. Trustee **Gordon's** letter of **October 1, 2002, to Judge Ninfo and**



- others** requesting that the Judge not take any action on Dr. Cordero's September 27 application for a review of the Trustee's performance and fitness to serve as Premier's trustee..... A: 353-32
293. Att. **Beyma's** letter of **October 4, 2002, to Dr. Cordero** stating that "it would appear that James Pfunter (sic) should allow you to remove your goods" ..... A: 353-34
294. Dr. **Cordero's** letter of **October 7, 2002, to Att. MacKnight** stating that despite the latter's September 19 letter, Dr. Cordero has **not yet received** from either him or Mr. Pfunter any **information** concerning his **property** stored by Premier Van Lines in **Mr. Pfunter's warehouse** at 2140 Sackett Road in Avon. .... A: 353-35
295. Trustee **Gordon's Answer** of **October 9, 2002, in Pfunter v. Trustee Gordon et al.**, stating that all **Premier's assets** were **abandoned** and that none is available to pay any claims ..... A: 353-36
296. Dr. **Cordero's** letter of **October 14, 2002, to Assistant U.S. Trustee Schmitt submitting his rejoinder to Trustee Gordon's** October 1 letter to Judge Ninfo..... A: 353-47
297. Dr. **Cordero's** letter of **October 14, 2002, rejoinder** showing that Trustee **Gordon** resorted in his October 1 letter to **defamatory and false statements about Dr. Cordero** to detract from his credibility and lend support to the Trustee's request that Judge Ninfo not take any action on Dr. Cordero's September 27 application for a review of his performance and fitness to serve as Premier's trustee ..... A: 353-48
298. Att. **MacKnight's** letter of **October 16, 2002, to Dr. Cordero** stating that he should anticipate receiving a copy of Mr. Pfunter's summons and complaint in the near future ..... A: 353-57
299. Dr. **Cordero's** letter of **October 17, 2002, to Plaintiff Pfunter and Att. MacKnight** stating that he has not yet received from them the requested information about the Pyramid containers storing his property in Mr. Pfunter's warehouse in Avon, NY, and requesting them to provide such information..... A: 353-58
300. Dr. **Cordero's** voluntary waiver of service of summons and **petition of October 23, 2002, to the Bankruptcy Court for Clarification in Pfunter** ..... A: 353-59

(A: 357 et seq. below)

**b. From the pleadings in *Pfunter v. Trustee Gordon et al.*, to the pre-trial conference of January 10, 2003**

301. **Cover sheet** of **September 26, 2002, in Pfunter v. Gordon et al**, Adversary proceeding no. **02-2230**, WBNY, with Plaintiff Pfunter by his Attorney, David MacKnight, Esq., **claiming \$20,000** in interpleader ..... A: 18a

302. Warehouser James **Pfuntner's summons** of October 3, 2002, in *Pfuntner*, (received on or around **October 20**, 2002; see pages A: 32 4<sup>th</sup> paragraph; A: 50; and A: 52) ..... A: 21

    a. **“Interpleader Complaint** to Determine Rights in Property of the Debtor and in Property in the Debtor’s Possession, to Grant Plaintiff and Compel the Trustee to pay Administrative Expenses or Otherwise Determine the Liability of Those Found to Hold an Interest in the Debtor’s Property or Property in Possession of the Debtor for the Use and Occupancy of the Plaintiff’s Real Property, and to Vacate the Automatic Stay of Actions” ..... A: 22

303. Dr. **Cordero's** voluntary waiver of service of summons and **petition** of **October 23**, 2002, to the Bankruptcy Court **for Clarification** in *Pfuntner* ..... A: 50

304. Dr. **Cordero's answer and counterclaim** of **November 1**, 2002, in *Pfuntner* ..... A: 56

    a. Statement of Counterclaims ..... A: 60

    b. Relief ..... A: 61

    c. Table of Exhibits ..... A: 62

305. Att. **Beyma's** letter of **November 6**, 2002, to Att. **MacKnight** accompanying: ..... A: 66

    a. M&T Bank’s answer of November 6, 2002, to the claims against it in *Pfuntner v. Trustee Gordon et al.*, no. 02-2230 ..... A: 67

306. Att. **MacKnight's** letter of **November 11**, 2002, to the **parties** accompanying: ..... A: 68

    a. Plaintiff Warehouser James **Pfuntner's answer** of **November 8**, 2002, to Dr. **Cordero's counterclaim** in *Pfuntner* ..... A: 69

307. **Third party summons** issued by Bankruptcy Clerk Paul R. **Warren**, and signed by Deputy Clerk Karen S. Tacy on **November 19**, 2002, and accompanying Dr. Cordero’s amended answer of November 21, 2002, with cross-claims & 3<sup>rd</sup> party claims in *Pfuntner*, no. 02-2230, WBNY .....A: 69b

308. Dr. **Cordero's** Amended Answer of **November 21**, 2002, in *Pfuntner* with **cross-claims** against M&T Bank and Trustee Gordon, and **third-party claims** against M&T Assistant Vice President DeLano, Warehouser Dworkin, Jefferson Henrietta Associates, and Premier Owner David Palmer..... A: 70

    a. Table of Contents ..... A: 71

        I. Statement of Facts ..... A: 72

II. Statement of Claims ..... A: 78

    A. David Palmer ..... A:78

    B. David Dworkin .....A:79

    C. Jefferson Henrietta Associates.....A:81

    D. David Delano ..... A:82

    E. M&T Bank..... A:83

    F. Trustee Kenneth Gordon..... A:83

III. Statement of Relief..... A: 87

    A. All cross-defendants and third-party defendants..... A:87

    B. David Palmer, David Dworkin, and Jefferson Henrietta Associates ..... A:88

    C. Trustee Kenneth Gordon..... A:88

IV. Table of Exhibits ..... A:89

309. Dr. **Cordero's** letter of **November 21, 2002, to** Bankruptcy Clerk Paul **Warren** and Case Administrator Karen **Tacy** certifying service of his amended answer with cross- and third-party claims in *Pfuntner*..... A: 95

310. Dr. **Cordero's** letters of **November 21, 2002, to** Att. Beyma with the amended answer containing:

    a. **cross-claims** against M&T Bank..... A: 97

    b. **third-party claims** against M&T Bank Assistant Vice President David DeLano..... A: 98

311. Dr. **Cordero's** letter of **November 21, 2002, to** M&T Bank Assistant Vice President David DeLano with the amended answer containing **third-party claims** against him ..... A: 99

312. Att. **MacKnight's** letter of **December 5, 2002, to** Judge **Ninfo** stating that in light of Dr. Cordero's latest pleadings, there is a need to obtain information from Trustee Gordon, Dr. Cordero, M&T Bank, and Champion lest the pretrial conference fail to advance matters ..... A: 353-61

313. Trustee **Gordon's** letter of **December 9, 2002, to** Judge **Ninfo** stating that he does not have documents to provide for the conference; that Premier's clients and Mr. Pfuntner are in the best position to provide them; and that he "fail[s] to understand why [Mr. Pfuntner] has not already released Dr. Cordero's property to him" .....A: 357

314. Assistant U.S. Trustee **Schmitt's request** of **December 10, 2002, for a status conference** concerning *Pfuntner v. Trustee Gordon et al.*.....A: 358

    a. Trustee Schmitt's **proposed Order** Setting Matter in for Status Conference/Pretrial Hearing .....A: 360

- 315. Att **Beyma's** letter of **December 16, 2002, to the parties** accompanying: .....A: 100
  - a. Att **Beyma's** answer of **December 16, 2002, for M&T Bank and Mr. DeLano to Dr. Cordero's claims** .....A: 100-a
- 316. Bankruptcy Case Administrator Karen **Tacy's notice** of pre-trial conference of **December 18, 2002, to all parties** in *Pfuntner* .....A: 362
- 317. Att. **Stilwell's** letter of **December 20, 2002, to the Clerk of the U.S. Bankruptcy Court** stating that he **cannot participate** in the **pre-trial conference** at the date and time indicated, because he already **has another judicial commitment** for that date and hour .....A: 297
- 318. Dr. **Cordero's** letter of **December 26, 2002, to Judge Ninfo** in response to **Att. Stilwell's** letter, asking that Att. Stilwell **be required** to attend and **participate** in the **pre-trial conference** and provide all information useful to **establish Mr. Palmer's whereabouts** and fully assist the Court in bringing Mr. Palmer before it .....A: 299
- 319. Dr. **Cordero's** choices of **December 26, 2002, in the pre-trial option form** .....A: 363
- 320. Att. **MacKnight's** letter of **December 30, 2002, to Dr. Cordero** consenting to Dr. Cordero's appearance by phone at the pre-trial conference and requesting "a copy of the inventory and/or bill of lading given to you when Premier took possession of your goods" .....A: 364

**c. Proposing dates and measures for the property inspection at Plaintiff Pfuntner's warehouse in Avon, NY: conducted on May 19, 2003**

- 321. Dr. **Cordero's** letter of **January 29, 2003, to Judge Ninfo proposing** six **dates** when Dr. Cordero can **travel to** Rochester to participate in the **inspection** of his property in storage in Plaintiff Pfuntner's warehouse in **Avon, NY**; and indicating **measures** that must be taken to make the inspection possible .....A: 365
- 322. Dr. **Cordero's** letter of **January 29, 2003, to Att. MacKnight** providing him with his proposed **travel dates** and asking him to inform Judge Ninfo of those that he prefers .....A: 368
- 323. Trustee **Gordon's** letter of **January 31, 2003, to Judge Ninfo** informing him that he will **not attend** the **inspection** of Dr. Cordero's property in Rochester .....A: 369
- 324. Assistant U.S. Trustee **Schmitt's** letter of **February 4, 2003, to Dr. Cordero** stating that **neither** she nor her staff will **attend** the property **inspection** and that his property is not property of the estate, which will not pay for its removal.....A: 370

325. Att. **Beyma**'s letter of **February 20**, 2003, **to** Judge **Ninfo** that M&T Bank has not decided whether to **attend** the **inspection** but can decide to do so and attend it **on any date** .....A: 371

326. Att. **MacKnight**'s letter of **March 26**, 2003, **to** Dr. **Cordero** that Att. MacKnight's assistant called the court and found out that it will not supervise the inspection, which is to be arranged between Mr. Pfuntner and Dr. Cordero; and indicating the best dates when "Mr. **Pfuntner is available** at your convenience" for the **inspection** .....A: 372

327. Dr. **Cordero**'s letter of **April 2**, 2003, **to** Att. **MacKnight** stating that "at a hearing on February 12, Judge Ninfo stated that he was waiting to hear from you on a date for the inspection"; pointing out the **need to agree on conditions** that will ensure that the **inspection** will **achieve** its intended **purpose**; and serving him with a motion to that end.....A: 374

328. Dr. **Cordero**'s **notice** of **April 3**, 2003, of **motion** in Bankruptcy Court for **measures** relating to **trip** to Rochester **and inspection** of property .....A: 376

329. Dr. **Cordero**'s affirmation of **April 3**, 2003, supporting motion for measures relating to **trip** to Rochester **and inspection** of property .....A: 378

A. Whether the court changed its requirements for trip and inspection .....A: 379

B. Inexcusable disregard of six proposed dates for trip and inspection .....A: 379

C. Unreasonableness in the request for yet another date .....A: 380

D. The need to prepare the trip and inspection thoroughly .....A: 381

E. Consequences of the untimely scheduling of the trip and inspection .....A: 382

F. Mr. Pfuntner is leaving the jurisdiction .....A: 383

G. Relief sought .....A: 383

Table of Exhibits .....A: 384

330. Judge **Ninfo**'s letter of **April 7**, 2003, **to** Dr. **Cordero** **denying** his request to **appear by phone** to argue his April 3 motion "due to the complexity of the legal issues you have now raised" regarding measures for the trip to Rochester and inspection of property; and stating that "your personal appearance will insure a complete and accurate record that is necessary for the proper administration of justice" .....A: 386

331. Plaintiff **Pfuntner**'s **notice** of **April 10**, 2003, of motion pursuant to FRBkrP 7056 and 7022 to be discharged from liability .....A: 387

a. Plaintiff **Pfuntner**'s motion of **April 10**, 2003, **to discharge** plaintiff from any **liability** to the persons or entities who own or claim an interest in the four storage containers and the contents



**confirming May 19** as the date for the property inspection in Avon, NY.....A: 492

338. Dr. **Cordero's** letter of **May 12**, 2003, to the **parties informing** them of the agreement between Mr. Pfuntner and him to conduct the **inspection on May 19** .....A: 493

    a. Mr. **Pfuntner's** letter of **May 8**, 2003, to Dr. **Cordero**.....A: 492

**d. Judge Ninfo's request after the inspection that Dr. Cordero resubmit the default judgment application only to deny it despite Dr. Cordero's proof of property loss & damage by Palmer**

339. Dr. **Cordero's** notice of **June 16**, 2003, of motion in **Bankruptcy Court** for **default judgment** against David **Palmer**, with his December 26 application therefor resubmitted at Judge Ninfo's request at the Judge's own initiative at the hearing on May 21, 2003, where he heard Dr. Cordero's report on the inspection of his property on May 19 at Mr. Pfuntner's warehouse and the findings of loss of and damage to his therein stored property, which were uncontradicted by Att. MacKnight, Mr. Pfuntner's attorney.....A: 472

    a. Dr. **Cordero's** **brief** in support of his motion of **June 16**, 2003, in Bankruptcy Court for **default judgment** against David Palmer .....A: 474

        A. Findings of the inspection of Dr. Cordero's property on May 19, 2003, at Mr. Pfuntner's warehouse in Avon, NY .....A: 475

        B. Relief sought.....A: 477

    b. Attached application

        1) Bankruptcy Clerk Warren's entry of February 4, 2003, of default against David Palmer .....A: 479

        2) Dr. Cordero's affidavit of non-military service by Mr. Palmer during time for him to file his answer to Dr. Cordero's third-party claim against him in *Pfuntner* .....A: 480

        3) Proposed order to transmit record to District Court for entry of default judgment against David Palmer in *Pfuntner*.....A: 481

        4) Dr. Cordero's affidavit of amount due by default by Palmer .....A: 483

        5) Proposed order for District Court to enter default judgment against David Palmer in *Pfuntner* .....A: 484

340. Att. **MacKnight's** precautionary **response** of **June 20**, 2003, in **Bankruptcy Court** to Dr. Cordero's **motion** to enter **default judgment against Palmer**, requesting that it be denied in so far as the motion seeks relief from Mr. Pfuntner .....A: 485

**e. Dr. Cordero’s motion for sanctions for false representations concerning the inspection by Absentees Pfuntner & Att. MacKnight**

- 341. Att. **MacKnight’s** letter of **June 5, 2003, to Judge Ninfo** stating what a “prospective purchaser of the premises” of Mr. Pfuntner told him about **what happened at the inspection**, which neither Att. MacKnight nor Mr. Pfuntner attended.....A: 495
- 342. Dr. **Cordero’s** letter of **June 14, 2003, to Att. MacKnight** asking that he **submit affidavits** of the “prospective purchaser of the premises” of Mr. Pfuntner and state what “inquiry reasonable under the circumstances”, as required by Rule 9011 FRBkrP, he conducted to allow him to make the representations to Judge Ninfo contained in his June 5 letter; and indicating that if he fails to do so **or to withdraw** those **representations** within 21 days, Dr. **Cordero** will **file** his motion **for sanctions**: (cf. D:258) .....A: 497
  - a. Dr. **Cordero’s** **notice** of motion, for filing on **July 21, 2003, for sanction** and compensation for Att. **MacKnight** making **false representations** to the Court.....A: 498
  - b. Dr. **Cordero’s** **brief**, for filing on **July 21, 2003, supporting his** motion for **sanction** and compensation for Att. **MacKnight** making **false representations** to the Court .....A: 500
  - c. Dr. **Cordero’s** **affidavit** of **June 14, 2003, concerning Att. MacKnight’s false representations** to the Court .....A: 503
- 343. Dr. **Cordero’s** **notice** of **July 31, 2003, of withdrawal of motion** for **sanctions** and compensation for Att. MacKnight making **false representations** to the Court, because Judge Ninfo denied Dr. Cordero’s request to be allowed to appear by phone to argue it, **and renote** of it for a later date .....A: 505

**f. Dr. Cordero’s motion for sanctions for Pfuntner & Att. MacKnight disobeying discovery orders**

- 344. Dr. **Cordero’s** **notice** of **June 6, 2003, of motion** in Bankruptcy Court .....A: 508
  - a. Dr. **Cordero’s** **motion** of **June 6, 2003, for sanctions and compensation** for Mr. **Pfuntner’s** and Mr. **MacKnight’s** failure to comply with discovery orders (cf. D:258) .....A: 510
    - i. Table of Contents .....A: 511
      - I. Statement of Facts.....A: 512
        - A. Overview of Mr. Pfuntner and Mr. MacKnight’s intentional and contemptuous disregard for court orders .....A: 512



B.	They disregarded the first discovery order of January 10, 2003 .....	A: 513
C.	Out of the blue Mr. Pfuntner summons Dr. Cordero to Avon on March 25, 2003 .....	A: 515
D.	Mr. MacKnight’s unreasonable letter of March 26, 2003 .....	A: 516
E.	Their disingenuous motion of April 10, 2003.....	A: 516
F.	Mr. MacKnight’s assurances at the hearing on April 23, 2003 .....	A: 518
G.	Their defiance of the 2nd order by avoiding setting up inspection date .....	A: 519
H.	Their flagrant disobedience to provide ordered discovery on May 19, 2003 .....	A: 523
II.	Standards for imposing sanctions.....	A: 527
III.	Relief sought.....	A: 528
IV.	List of Exhibits Evidencing Compensable Work .....	A: 532
A.	Papers written and provided with evidentiary support by Dr. Cordero.....	A: 532
B.	Information gathered for the trip.....	A: 532-a
345.	Dr. <b>Cordero’s addendum of October 13, 2003, to the motion for sanctions on and compensation from Mr. Pfuntner and Att. MacKnight for failure to comply with discovery orders; and request for trial by jury</b> .....	A: 730
a.	Copies of <b>transportation tickets</b> bought by Dr. Cordero for his trip on <b>May 19, 2003, from New York City to Rochester for the property inspection</b> at Mr. Pfuntner’s warehouse required by Judge Ninfo.....	A: 733
	<b>g. Att. MacKnight’s “Notice to Admit” regarding findings of inspection of property at Pfuntner’s warehouse that neither attended</b>	
346.	Att. <b>MacKnight’s “Notice to Admit” of June 10, 2003, to Dr. Cordero in Pfuntner v. Trustee Gordon et al., no. 02-2230, WBNY</b> .....	A: 533
a.	Att. MacKnight’s exhibits	
1)	Dr. <b>Cordero’s letter of April 30, 2003 to Att. MacKnight</b> .....	A: 426
2)	Dr. <b>Cordero’s letter of April 30, 2003 to Plaintiff Pfuntner</b> .....	A: 427
3)	Dr. <b>Cordero’s letter of April 2, 2003, to Att. MacKnight</b> .....	A: 374
347.	Dr. <b>Cordero’s reply of July 20, 2003, to Att. MacKnight’s request for admissions</b> .....	A: 538

A. Legal objections to the “Notice” to Admit ..... A:538

B. Procedural objections to the “Notice” to Admit..... A:540

C. Requests numbered as in the original, each followed by a reply ..... A:540

348. Att. **MacKnight’s** notice of **October 6**, 2003, of **motion** in Bankruptcy Court “to determine matters admitted” in *Pfuntner*.....A: 579

    a. Att. **MacKnight’s motion** of **October 6**, 2003, “to **determine** certain **matters** in notice to admit are deemed **admitted** in this adversary proceeding” .....A: 581

349. Att. **MacKnight’s** amended notice of **October 6**, 2003, of **motion** in Bankruptcy Court to determine matters admitted .....A: 585

350. Dr. **Cordero’s reply** of **October 10**, 2003, to Att. **MacKnight’s** “motion to determine **matters admitted**” in *Pfuntner*, WBNY .....A: 587

    A. The motion is inadmissible for failure to comply with time requirements..... A:587

    B. The motion is inadmissible by failure to object timely and by laches..... A:588

    C. Mr. Pfuntner’s and Att. MacKnight’s motion is inadmissible because they failed to comply with the rules on Failure to Make Discovery and for Sanctions..... A:589

    D. Relief ..... A:590

351. Dr. **Cordero’s** letter of **November 4**, 2003, to Mr. **MacKnight** about the apparently **mistaken date** on the docket of his motion to determine **matters admitted** .....A: 823

352. Att. **MacKnight’s** letter of **November 17**, 2003, concerning the **correction of** the **mistaken date** of his motion to determine matters admitted.....A: 828

**6. Orders and motions concerning Judge Ninfo’s “discrete” “discreet” hearing in Pfuntner on October 16, 2003**

353. Judge **Ninfo’s Order** of **July 15**, 2003, **requiring**, among other things, that Dr. **Cordero**, who lives in New York City, **participate** in a **series** of “discrete” “discreet” **hearings** starting on October 16 in Rochester, NY .....A: 666

354. Dr. **Cordero's** notice of **August 8**, 2003, of **motion** in Bankruptcy Court .....A: 672

    a. Dr. **Cordero's motion** of **August 8**, 2003, for Judge Ninfo to **transfer Pfuntner v. Trustee Gordon et al.**, no. 02-2230, WBNY, **to** the U.S. District Court in Albany, **NDNY**, and **recuse himself** .....A: 674

i. Table of Contents .....A: 675

    I. Statement of facts illustrating a **pattern** of non-coincidental, **intentional, and coordinated acts** of this court and other court officers from which a reasonable person can **infer their bias and prejudice** against Dr. Cordero .....A: 679

    II. Recusal is required when **to a reasonable person** informed of the circumstances the judge’s conduct **appears to lack impartiality**.....A: 705

    III. To provide for a fair and impartial judicial process, this case should **be removed** to the District Court for the Northern District of New York, held at **Albany** .....A: 708

    IV. Relief Sought .....A: 709

355. Judge **Ninfo's** letter of **August 14, 2003, to Dr. Cordero denying** his request to **appear by phone**, as he had on other occasions, to argue his motion for the Judge’s recusal and removal of the case, thus requiring that he travel from NYC to Rochester.....A: 712

356. Dr. **Cordero's** **renotice** of **August 18, 2003**, of motion for recusal and removal **to** be heard at the hearing scheduled for **October 16, 2003**.....A: 713

357. Dr. **Cordero's** **notice** of **October 3, 2003**, of **objections** to **hearings** and withdrawal of motions except for recusal and removal motion .....A: 715

    a. Table of Contents .....A: 715

358. **Letter** of **October 6, 2003**, Karl S. **Essler**, attorney for Mr. David Dworkin and Jefferson Henrietta Associates, **to** Judge **Ninfo** **opposing** Dr. Cordero’s motion for **recusal** and removal .....A: 725

359. Dr. **Cordero's** **reply** of **October 11, 2003, to Att. Essler' letter** to Judge Ninfo, which is in substance a motion but **fails** to comply with the **formal requirements of a motion** of the FRCP.....A: 727

360. Judge **Ninfo's** “**Decision** and order [of October 16, 2003,] **denying recusal and removal motions and objection** of Richard Cordero **to** proceeding with any **hearings** and a trial on October 16, 2003”; and making reference to his oral decision read into the record at the October 16 hearing in Rochester, NY .....A: 734

    a. Judge Ninfo’s attachment and exhibit

        1) Judge **Ninfo's** **oral decision** placed **on the record** at the hearing in *Pfuntner* on **October 16, 2003**, in Rochester, NY.....A: 736

        2) Judge **Ninfo's** **order** of **July 15, 2003**, requiring, among other things, that Dr. **Cordero**, who lives in New York City, **participate** in a **series** of “discrete” “discreet” **hearings** starting on **October 16** in Rochester, NY.....A: 746

3) Bankruptcy Clerk Warren’s notice of **entry** of **October 17**, 2003, of Judge **Ninfo’s October 16 order** denying Dr. Cordero’s recusal and removal motion.....A: 752

361. Judge **Ninfo’s** “Decision and order [of **October 16**, 2003,] **disposing of causes of action**” at the October 16 hearing in *Pfuntner v Trustee Gordon et al.* in Rochester, NY .....A: 754

    a. Judge Ninfo’s exhibits

        1) Mr. **Pfuntner’s summons** of September 26, 2002, by Att. MacKnight .....A: 758

        2) Mr. **Pfuntner’s interpleader complaint** of September 20, 2002 .....A: 759

        3) Bankruptcy Clerk Warren’s notice of entry of October 17, 2003, of Judge **Ninfo’s October 16 order** disposing of causes of action in *Pfuntner* at the **October 16** hearing in Rochester, NY .....A: 766

362. Judge **Ninfo’s “Scheduling order** [of October 23, 2003,] in connection with the remaining claims of the plaintiff, James Pfuntner, and the cross-claims, counterclaims and third-party claims of the third-party plaintiff, Richard Cordero”.....A: 768

    a. Clerk **Warren’s** notice of **entry** of **October 23**, 2003, of Judge **Ninfo’s October 23 order scheduling** remaining claims in *Pfuntner* .....A: 772

363. Judge **Ninfo’s** “Decision & order [of **October 23**, 2003,] **finding a waiver of a trial by jury**” by Dr. Cordero in *Pfuntner* .....A: 774

    a. Clerk **Warren’s** notice of **entry** of **October 23**, 2003, of Judge **Ninfo’s October 23 decision** finding a waiver of trial by jury by Dr. Cordero.....A: 782

364. Dr. **Cordero’s** motion of **October 23**, 2003, **for** Judge **Ninfo** to provide a more **definite statement** of which of his oral version of October 16, 2003, read into the record, or his written version of the same date is the official version of his “order denying recusal and removal motions and objection of Richard Cordero to proceeding with any hearings and a trial on October 16, 2003” .....A: 785

365. Judge **Ninfo’s** order of **October 28**, 2003, **denying** in all respects Dr. Cordero’s motion for a more **definite statement** .....A: 787

366. Dr. **Cordero’s** motion of **November 3**, 2003, **in CA2** for leave to file updating **supplement** of evidence of **bias** in Judge Ninfo’s denial of Dr. Cordero’s request for a **trial by jury**.....A: 801

    a. Table of Contents .....A: 803

367. **Court of Appeal’s** order of **November 13**, 2003, granting Dr. **Cordero’s** motion for leave to **file** an **updating** supplement concerning Judge Ninfo’s bias .....A: 827

368. Judge **Ninfo's** letter of **November 19, 2003, to** CA2 Clerk of Court Rosemary **MacKechnie** to submit copies of four of his decisions of October 16 and 23, 2003, **after receiving** from an unstated source a copy of Dr. Cordero's **Motion Information Sheet** indicating that **CA2** had **granted** Dr. Cordero' **motion to file** an updating supplement of evidence of the **Judge's bias** .....A: 830
- a. Judge Ninfo's "Decision and Order of **October 16, 2003, Denying Recusal and Removal** Motions and Objection of Richard Cordero to Proceeding with any Hearings and a Trial on October 16, 2003" .....A: 734
  - b. Judge Ninfo's "Decision and Order of October 16, 2003, Disposing of Causes of action" in Pfuntner v Trustee Gordon et al.....A: 754
  - c. Judge Ninfo's "Scheduling order of October 23, 2003, in Connection with the Remaining Claims of the Plaintiff, James Pfuntner, and the Cross-Claims, Counterclaims and Third-Party Claims of the Third-Party Plaintiff, Richard Cordero".....A: 768
  - d. Judge Ninfo's "Decision and Order of October 23, 2003, Finding a Waiver of a Trial by Jury" .....A: 774

**7. Dr. Cordero's request to Bankruptcy Court for docket documents concerning Trustee Gordon's liquidation of Premier and its failure to produce them**

369. Dr. **Cordero's** request of **January 4, 2004, to** Todd Stickle, Deputy Clerk of Court, WBNY, for copies of certain financial and payment documents referred to in the docket of *In re Premier Van Lines*, no. 01-20692 (cf. D:193; Add:1038; ToED:215§III)) .....A: 834
370. Clerk **Stickle's** letter of **January 28, 2004, to** Dr. **Cordero** stating the cost of providing copies of some documents and requesting the docket number of other documents .....A: 836
371. Dr. **Cordero's** letter of **April 13, 2004, to** Paul **Warren**, Clerk of Court, WBNY, concerning a series of mistakes made by the clerks in entering on the docket of *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, some documents filed by Dr. Cordero; and requesting information about the availability of certain documents referred to in the docket of *In re Premier*, no. 01-20692, WBNY .....A: 872
372. Clerk **Stickle's** letter of **April 16, 2004, to** Dr. Cordero indicating the correction of mistaken entries in the *Pfuntner* docket and the non-calendaring of his notice of motion because it will be disposed of by submission [The reference is to "Dr. Cordero's Motion of March 31, 2004, for a Declaration of the Mode of Computing the Timeliness of an Objection to a Claim of Exemptions and for a Written Statement on and of Local Practice" (D:97), which Judge Ninfo has never disposed of.].....A: 1011
373. Dr. **Cordero's** letter of **April 26, 2004, to** Clerk **Warren** requesting

that he enter in the *Pfuntner* docket **letters** that he sent to the Court with certificates of service and, thus, for the purpose of their being filed .....A:1012

- 374. Clerk of Court **Warren's** letter of **May 4**, 2004, **to** Dr. **Cordero** requesting payment for document search.....A:1014
- 375. Dr. **Cordero's** letter of **May 16**, 2004, **to** Clerk **Warren** stating that since the **agreement** between Deputy Clerk Stickle and Dr. Cordero, of which Clerk Warren was given notice, was **only** for the **availability** of certain documents **to be determined** and no mention was ever made of any search fee, **no fee is owed**.....A:1017
- 376. Clerk of Court **Warren's** letter of **May 20**, 2004, to Dr. **Cordero** stating that the search **fee** is **applicable even** if **no documents** are **requested** and making a general reference to the Bankruptcy Fee Compendium .....A:1020
- 377. Dr. **Cordero's** letter of **May 22**, 2004, to Clerk **Warren** requesting that **if** he knows where the Bankruptcy Fee Compendium provides **authority to charge** a **search fee**, he should **cite** and **apply it** to the facts and reasons which Dr. Cordero set forth in his previous letter against any such fee being owed; and **asking** that he **file** this and the previous **letters** as **evidence** of **how** the **Court's** administrative personnel **operates** .....A:1021

**C. COURT OF APPEALS FOR THE SECOND CIRCUIT:**

**From** the appeal to CA2 on April 25, 2003,  
**to** its dismissal for lack of jurisdiction due to the alleged non-finality of the appealed orders re Trustee Gordon and Palmer,  
**to** the denial of the petition for panel rehearing on October 26, 2004

**1. Documents in Dr. Cordero's appeal that the District Court failed to transmit to CA2**

**a. Appeal from District Court to CA2 and dockets of the Bankruptcy Court in *Premier Van Lines and Pfuntner***

- 378. Dr. **Cordero's** **notice of appeal** of **April 22**, 2003, to the Court of Appeals for the Second Circuit from District Judge David Larimer's orders in *Cordero v. Trustee Gordon* and *Cordero v. Palmer*, WDNY .....A:429
- 379. Docket of *In re Premier Van Lines, Inc.*, no. **01-20692**, WBNY:
  - a. as of **March 21**, 2003 .....A:431
  - b. as of **September 5**, 2003 [updated to **May 14, 2006**] .....A:565

380. Docket of *Pfuntner v. Trustee Gordon et al.*, adversary proceeding, no. **02-2230**, WBNY:
- a. as of **May 19**, 2003 .....A: 445
  - b. as of **September 5**, 2003.....A: 548
  - c. as of **December 9**, 2003.....A: 865
  - d. as of May 15, **2006** .....A: 1551

**b. Incomplete transmission of documents from District Court to CA2**

381. District Deputy Clerk Ghysel’s letter of April 28, 2003, mistakenly referring to Dr. Cordero’s two appeals, namely *Cordero v. Gordon*, no. 03-cv-6021L, and *Cordero v. Palmer*, no. 03-MBK-6001L, as both being “**Cordero vs Palmer**”..... A: 467a
382. Dr. **Cordero’s** letter of **May 5**, 2003, **to District Clerk** Rodney C. Early stating that a statement sent to him by District Clerk Ghysel on April 28 refers in its subject line to his two cases in that Court as “**Re: 03-cv-6021L – Cordero vs Palmer, 03-MBK-6001 –Cordero vs Palmer**”, which is a **mistake** since the former, ...**6021L, is Cordero vs Gordon**; and asking that he correct the mistake so that it may not cause problems with his appeal in CA2.....A: 469
383. Dr. **Cordero’s Redesignation of Items** in the Record and Statement of **Issues** on Appeal of **May 5**, 2003, based on the Designation for the appeal from WBNY to WDNY, and prepared for the appeal from WDNY to CA2 .....A: 593

1) *Cordero v. Trustee Gordon*, dkt. no. 03-cv-6021L, WDNY

384. **District Appeals Deputy Clerk** Margaret Ghysel’s letter of **May 19**, 2003, **to** Circuit Clerk Roseann **MacKechnie** transmitting the record on appeal and docket sheet of *Cordero v. Gordon*.....A: 456
385. **District Clerk** Rodney Early’s certificate by Deputy Ghysel of **May 19**, 2003, of entries and docket sheet as index to the **record on appeal** in *Cordero v. Trustee Gordon* .....A: 457
386. Docket of *Cordero v. Trustee Gordon*:
- a. as of **May 19**, 2003 .....A: 458
  - b. as of May 15, **2006** .....A: 1295

2) *Cordero v. Palmer*, dkt. no. 03-mbk-6001L, WDNY

387. **District Appeals Clerk** Margaret Ghysel’s letter of **May 19**, 2003, **to** Circuit Clerk Roseann **MacKechnie** transmitting the record on

appeal and docket sheet of *Cordero v. Palmer*.....A: 460

388. **District Clerk** Rodney Early's certificate by Deputy Ghysel of **May 19, 2003**, of docket entries and the docket as index to the **record on appeal**.....A: 461

389. Docket of *Cordero v. Palmer, 03mbk6001L, WDNY*

    a. as of **May 19, 2003** .....A: 462

    b. The attempt on May 15 and 16, 2006, to update the *Cordero v. Palmer* docket through the District Court's website <http://www.nywd.uscourts.gov/>, was unsuccessful since the docket was not returned by querying or searching for a report on it. (see the "PACER search results" folder>"Cor v Palmer T0EA156">files in PDF and Word (the latter is likely to have active links to returned cases) and A:467a, 469, 507, 855§1, 889§III, 1329§§5-7). Where is the docket?

**c. Documents of Dr. Cordero's appeal missing in CA2**

390. **Dockets** of *In re Premier Van et al.*, no. **03-5023**, CA2:

    a. as of **May 16, 2003** .....A: 464

    b. case summary, as of **July 7, 2003** .....A: 470

    c. case summary, as of **October 8, 2003** .....A: 613

    d. Public docket, printed by the clerks at the CA2 document Intake Room on March 15, **2004** .....A: 1001

    e. as of May 15, **2006** .....A: 1285

391. Dr. **Cordero's** letter of **May 24, 2003**, to **Circuit Clerk** Roseann MacKechnie stating that in **neither** the docket that he requested from the **Bankruptcy** Court or received unrequested from the **District** Court is there any **entry for the Redesignation** of Items in the **Record and Statement** of Issues on Appeal that he submitted to both courts on May 5, 2003; and submitting a copy of that Redesignation and Statement .....A: 468

    a. Dr. **Cordero's Redesignation** of Items in the Record and Statement of Issues on Appeal of **May 5, 2003** .....A: 593

392. Dr. **Cordero's** letter of **July 17, 2003**, to **CA2 Deputy Clerk** Robert Rodriguez **submitting copies** of the two final orders of March 27, 2003, issued by District Judge Larimer that are **missing from** the red folder of the **Court of Appeals** record and that constitute the basis of his appeal in *Premier Van et al.*, no. 03-5023. ....A: 507

393. Letter of Karl S. **Essler**, attorney for Mr. David Dworkin and Jefferson



Henrietta Associates, of **October 6, 2003, to CA2 Deputy Clerk Rodriguez**, Supervisor of the Pro Se Unit at the **Court of Appeals**, requesting that his name be listed on the docket of *Premier Van et al.* .....A:612

**2. Pleadings in *Premier Van et al.*, CA2**

394. Title page of Dr. **Cordero’s opening brief of July 9, 2003**..... A: 1301

    a. Tables of Contents of:

        Part 1. Brief ..... A: 1304

            II. Table of Headings of the Brief ..... A: 1304

        Part 2. Special Appendix (SPA) ..... A: 1313

        Part 3. Appendix ..... A: 1316

    b. Contents of:

        Part 1. Text of the Brief ..... 1=A: 1317

        Part 2. A. Exhibits of the Special Appendix..... SpA-1=A: 1379

            B. Table of Contents of Reproduced Text of Authorities  
                ..... SpA-64i=A: 1445

                1) Rules of Procedure ..... A: 1448

                2) Statutes ..... A: 1467

                3) Trustee Manual..... A: 1471

        Part 3. Appendix [in a separate volume and consisting of pages  
                A-1-429, corresponding substantially to...] .....A: 1-429

395. Trustee **Gordon’s answer of August 7, 2003** ..... A: 1491

396. Title page of Dr. **Cordero’s reply of August 25, 2004** ..... A: 1511

    a. Table of Contents ..... A: 1513

**3. Motions and oral argument in *Premier Van et al.*, CA2**

397. Dr. **Cordero’s motion of November 3, 2003, to CA2 for leave** to file an updating **supplement** of evidence of **bias** in Judge **Ninfo’s** denial of Dr. Cordero’s request for a trial by jury .....A: 801

398. **CA2’s notice**, dated October 22, 2003, but received on **November 4, 2003**, setting December 11 as the **date for oral argument** and stating the time allotted in the case identified as “Short Title: In Re: Premier Van v. Palmer Docket Number: 03-5023” .....A: 825

399. **CA2’s order of November 13, 2003**, granting Dr. Cordero’s motion for leave to file the updating **supplement** concerning Judge Ninfo’s

bias in denying trial by jury .....A: 827

400. Judge **Ninfo’s** letter of **November 19, 2003, to** CA2 Clerk of Court Rosemary **MacKechnie** volunteering copies of four of his decisions of October 16 and 23, 2003, **after receiving** from an unstated source a copy of the **Motion Information Sheet** indicating that **CA2** had **granted** Dr. Cordero’ **motion to file** an updating supplement of evidence of the **Judge’s bias** .....A: 830

    a. Judge Ninfo’s “Decision and order [of **October 16, 2003,**] **Denying Recusal and Removal** Motions and Objection of Richard Cordero to Proceeding with any Hearings and a Trial on October 16, 2003” .....A: 734

    b. Judge Ninfo’s “Decision and Order [of **October 16, 2003,**] **Disposing of Causes** of action” in *Pfuntner v. Trustee Gordon et al.* .....A: 754

    c. Judge Ninfo’s “**Scheduling** order [of **October 23, 2003,**] in Connection with the Remaining Claims of the Plaintiff, James Pfuntner, and the Cross-Claims, Counterclaims and Third-Party Claims of the Third-Party Plaintiff, Richard Cordero” .....A: 768

    d. Judge Ninfo’s “**Decision** and Order [of October 23, 2003,] **Finding a Waiver** of a Trial by **Jury**” .....A: 774

401. Trustee **Gordon’s** request of **November 5, 2003, to** the Court of Appeals for leave to **waive oral argument**; otherwise, to appear by **video argument**.....A: 831

    a. Trustee Gordon’s **video argument request** of November 5, 2003.....A: 832

402. Trustee **Gordon’s** confirmation of **November 20, 2003, to** CA2 Clerk Anna Vargas of the Court’s grant of his request for a **waive of oral argument** .....A: 833

403. Dr. **Cordero’s** outline of his **oral argument** delivered both orally and on paper to the members of the CA2 panel on **December 11, 2003** .....A: 837

    a. **Table of Main Papers** in *In re Premier Van et al.*, no. 03-5023, CA2, with the numbers of the pages where they appear in Dr. Cordero’s Appendix (A:#) to his opening brief of July 9, 2003 .....A: 842

404. Dr. **Cordero’s motion** of **December 28, 2003, for** leave to **brief** the issue raised at oral argument by the **CA2 panel** of CA2’s **jurisdiction** to decide the case at bar, namely, *In re Premier Van et al.*, no. 03-5023.....A: 844

    a. Table of Contents .....A: 846

    b. **Docket** of *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY, as of December 9, 2003 .....A: 865

405. CA2’ s order of **January 26, 2004, granting** the motion for leave to **brief** the **issue** of its **jurisdiction** to decide *Premier Van et al.* that it raised at oral argument.....A: 875

406. CA2's summary order of **January 26, 2004, dismissing** Dr. Cordero's **appeal** for lack of jurisdiction.....A: 876

**4. Dr. Cordero's petition to CA2 for a writ of mandamus to disqualify Judge Ninfo for bias toward the locals and disregard for the law, and to transfer *Pfuntner* to NDNY; and its denial for alleged non-fulfillment of "the extraordinary requirements" to issue a writ of mandamus**

407. Dr. **Cordero's** petition of **September 12, 2003, for** a writ of **mandamus** *In re Richard Cordero*, dkt. no. 03-3088, CA2, .....A: 615

- I. This Court can and should issue this writ .....A: 616
- II. Issues presented .....A: 617
  - Table of Contents .....A: 618
- III. Statement of facts .....A: 619
- IV. Legal standards for determining that the writ should issue .....A: 642
- V. Relief sought .....A: 644
- VI. Table of exhibits .....A: 645

408. **Court** of Appeals' **docketing letter** of **September 16, 2003,** concerning the mandamus petition, docket no. 03-3088.....A: 647

409. **General docket** of *In re Richard Cordero*, no. 03-3088:
- a. as of **September 18, 2003**.....A: 649
  - b. as of **October 29, 2003** ..... A: 665a
  - c. as of **May 15, 2006** ..... A: 665g

410. Dr. **Cordero's** return of **September 21, 2003,** to CA2 of acknowledgment form with **request** for correction of mandamus docket caption and list of respondents to be served .....A: 652

- a. Dr. Cordero's return of **September 21, 2003,** to CA2 of corrected pages of mandamus docket.....A: 655
- b. Dr. Cordero's return of **September 21, 2003,** to CA2 of **acknowledgment letter** .....A: 657

411. Dr. **Cordero's** motion of **September 30, 2003, for CA2 to take expedited** action before October 10, 2003, on his **mandamus** petition .....A: 658

412. **CA2's** letter of **October 2, 2003,** to Dr. Cordero stating the **setting** on the **substantive calendar** of his mandamus petition and motion to expedite its determination .....A: 663

413. CA2's **order of October 8**, 2003, denying Dr. Cordero's petition for a writ of **mandamus**, by a CA2 panel composed of Chief Judge John M. **Walker**, Jr., Judge Wilfred Feinberg, and Judge Richard J. Cardamone .....A: 664

**5. Dr. Cordero's petition for rehearing of Premier Van et al. due to the appealed orders' necessary finality; motions for CA2 Chief Judge Walker to recuse himself from its consideration due to his mis-handling of a judicial misconduct complaint and toleration of a pattern of wrongdoing by Judge Ninfo and CA clerks; and the Chief Judge's belated and inconsequential recusal on October 13, 2004**

414. Dr. **Cordero's** motion of **February 7**, 2004, for CA2 to **extend time to file** a petition for rehearing of his dismissed appeal *Premier Van et al.*, no. 03-5023, CA2, and to stay the mandate .....A: 879

415. CA2's **grant of February 23**, 2004, of Dr. Cordero's motion to **extend time** to file the rehearing petition.....A: 881

416. Dr. **Cordero's** motion of **March 10**, 2004, for CA2 to grant leave to **attach** to the petition for a panel rehearing and hearing en banc some **entries** of his Appendix, as updated after its submission with Dr. Cordero's opening brief in *Premier Van et al.* .....A: 883

417. Dr. **Cordero's** petition of **March 10**, 2004, for CA2 panel **rehearing and hearing en banc** of the dismissal of his appeal *Premier Van et al.*, 03-5023.....A: 885

    a. Table of Contents .....A: 900

    b. Table of Cases.....A: 900

    c. Table of Statutes .....A: 901

    d. Table of Exhibits .....A: 901

418. Dr. **Cordero's** motion of **March 22**, 2004, for CA2 **Chief Judge** John M. **Walker**, Jr., **to recuse himself** from *In re Premier Van et al.* and from considering the pending petition for panel rehearing and hearing en banc .....A: 903

    a. Table of Contents .....A: 905

419. CA2's **grant of March 23**, 2004, of the March 10 motion for leave to **attach** some **entries** of the Appendix to the petition for a panel rehearing and hearing en banc .....A: 915

420. Dr. **Cordero's** motion of **April 18**, 2004, for **leave to update** the

March 22 **motion for** Chief Judge **Walker** to **recuse himself** from *In re Premier Van et al.*, with recent evidence of a tolerated pattern of disregard for law and rules further calling into question the Chief Judge's objectivity and impartiality to judge similar conduct on appeal .....A: 917

a. Table of Contents .....A: 919

b. Table of Exhibits .....A: 938

4) **Complaint Form** accompanying the judicial misconduct complaint of **March 19**, 2004, indicating its statutory basis as 28 U.S.C. **§372(c)**, and removed as required by CA2 Deputy Clerk Patricia Chin Allen (cf. entry 8.b, below).....A: 940

5) Letter of Deputy **Clerk** Allen of March 24, 2004, to Dr. Cordero **refusing for improper form** to file his complaint against Chief Judge Walker .....A: 943

6) Letter of CA2 Clerk of Court Roseann B. **MacKechnie** of **March 29**, 2004, **to** Dr. **Cordero** **returning** his **attachments** to each of the five copies of his the complaint against Chief Judge Walker because they duplicate pages in the one volume of Exhibits .....A: 944

7) Letter of Clerk **MacKechnie** by Deputy **Allen** of **March 30**, 2004, **to** Dr. **Cordero** stating that his **complaint** has been **filed** under the docket no. **04-8510** .....A: 945

8) **Judicial misconduct** complaint of March 19, 2004, **against** CA2 Chief Judge **Walker**

(a) Statement of Facts .....A: 946

(b) Complaint Form indicating the statutory basis of the misconduct complaint as 28 U.S.C. **§351** (cf. entry 4, above).....A: 951

(c) Table of Documents.....A: 954

(11) Dr. Cordero's **Statement of Facts** with its page numbers bearing the format E-# to indicate that it is an exhibit in support of his complaint under 28 U.S.C. §372(c)(1) submitted on **August 11, 2003, to** the CA2 Clerk against Judge Ninfo and other court officers at WBNY and WDNY..... E-1 [E file]

(12) Dr. **Cordero's** two-page letter of **August 11**, 2003, **to CA2 Clerk** of Court **MacKechnie** setting forth a judicial misconduct complaint against Bankruptcy Judge John C. Ninfo, II, WBNY and other court officers at the U.S. Bankruptcy Court, WBNY, and the U.S. District Court, WDNY ..... E-55 & A: 964

- (13) Judge **Ninfo's Order of July 15, 2003**, in *Pfuntner*, **requiring**, among other things, that Dr. **Cordero**, who lives in New York City, **participate** in a **series** of "discrete" "discreet" **hearings** in Rochester, NY, in *Pfuntner* ..... E-57 & A: 666
- (d) 1-25 pages of documents created since the original complaint against Judge Ninfo of August 11, 2003:
  - (1) **Dr. Cordero's letter of February 2, 2004, to Chief Judge Walker inquiring** about the status of his **complaint of August 11, 2003, against Judge Ninfo** and providing **updating evidence** of the latter's bias .....A: 966
  - (2) Deputy Clerk Allen's **letter** of September 2, 2003, to Dr. Cordero **acknowledging** receipt of his judicial **complaint** against Judge Ninfo and of docketing it as no. **03-8547** .....A: 968
  - (3) Precedent for updating bias evidence: CA2's order of **November 13, 2003**, granting Dr. Cordero **leave** to file an updating **supplement** in *Premier Van et al.* of evidence of **bias** in Judge Ninfo's denial of Dr. Cordero's request for a trial by jury in *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY .....A: 969
  - (4) **Chief Judge Walker's letter of February 4, 2004, by Deputy Clerk Allen** stating: "I am **returning** your [February 2] **documents** to you. A **decision** has **not been made** in the above-reference matter. You will be notified by letter when a decision has been made" .....A: 970
  - (5) **Dr. Cordero's statement of facts** in support of his **complaint** against Judge **Ninfo** and other court officers at the U.S. Bankruptcy Court, WBNY, and the U.S. District Court, WDNY, of August 11, 2003, **as reformatted and resubmitted** on **August 27, 2003**, to meet Clerk Allen's filing requirements .....A: 971
  - (6) Clerk MacKechnie's letter of **August 25, 2003**, by Deputy Clerk **Allen to Dr. Cordero** acknowledging receipt of his August 11 judicial complaint against Judge Ninfo but **requiring resubmission** with the **complaint** form indicating its statutory basis as 28 U.S.C. §351 and a shorter statement of facts .....A: 976
  - (7) **Notice** of Chapter 13 voluntary bankruptcy petition, docket no. 04-20280, WBNY, filed by

David and Mary Ann **DeLano**, on January 27, 2004, with the date for the **meeting of their creditors** and other deadlines.....A: 977

(8) Dr. **Cordero’s objections of March 3, 2004, to confirmation** of the plan of debt repayment filed by the **DeLano Debtors**.....A: 979

(9) Dr. **Cordero’s Outline of his Oral Argument** delivered on **December 11, 2003**, orally and in paper copy to the panel members of the Court of Appeals .....A: 984

    (i) Table of **Main Papers** in Dr. Cordero’s appeal in *In re Premier Van et al.*, no. 03-5023, CA2, with numbers of pages of the Appendix (A: #) where they appear .....A: 989

(10) Dr. **Cordero’s sample of letters of February 11 and 13, 2004**, to CA2 Judge Dennis Jacobs and to the other members of the **Judicial Council** of the Second Circuit **describing how** with disregard for law and rules **Chief Judge Walker has handled his misconduct complaint against Judge Ninfo** of August 11, 2003, and returned Dr. Cordero’s February 2 inquiring and updating letter addressed to the Chief .....A: 990

    (i) **List of names, addresses, and telephone numbers of the Justice and judges members of Judicial Council** to whom Dr. Cordero sent **February 11 and 13**his letter .....A: 991

c. **Title page of the separate volume of documents, titled “Evidentiary Documents”,** accompanying Dr. Cordero’s complaint of March 19, 2004, against Chief Judge Walker.....A: 992

d. Reformatted title page of the volume of documents, containing the word **“Exhibits”,** instead of **“Evidentiary Documents”,** as required by Clerk Allen .....A: 993

421. CA2’s order of **May 4, 2004**, signed by Motions Staff Attorney Arthur **Heller, denying** the motion for Chief Judge **Walker to recuse** himself from considering Dr. Cordero’s petition for panel rehearing and hearing en banc of the dismissal of his appeal *In re Premier Van et al.*, 03-5023, CA2.....A: 1041

422. **Amended Order of May 10, 2004**, signed by Motions Staff Attorney Arthur **Heller, denying** the motion for Chief Judge **Walker to recuse** himself from considering Dr. Cordero’s petition for panel rehearing and hearing en banc .....A: 1042

423. Dr. **Cordero's** motion of **May 15**, 2004, for **declaratory judgment** that the **legal grounds** for updating opening and reply **appeal** briefs and expanding upon their issues also apply to **similar** papers under 28 U.S.C. **Chapter 16** concerning judicial misconduct complaints.....A: 1043

    a. Table of Contents .....A: 1046

424. Dr. **Cordero's** motion of **May 31**, 2004, for Chief Judge **Walker**, either to state his **arguments** for **denying** the motions that he **disqualify** himself from considering the pending petition for panel rehearing and hearing en banc and from having anything else to do with *In re Premier Van et al.*, no. 03-5023, **or disqualify himself** and failing that for this Court to disqualify the Chief Judge therefrom .....A: 1061

    a. Table of Contents .....A: 1063

    b. Table of Exhibits .....A: 1080

        9) Excerpt from the **Request** of May 31, 2004, that the **FBI** open an investigation into the **link** between the pattern of non-coincidental, intentional, and **coordinated disregard for the law**, rules, and facts in the U.S. Bankruptcy and District Courts for the Western District of New York **and the money** generated by the concentration in the hands of individual trustees of **thousands of open cases**, including cases patently undeserving of relief under the **Bankruptcy** Code.....A: 1083

            (a) Debt repayment plan of January 26, 2004, of the DeLanos, debtors in bankruptcy under 11 U.S.C. Chapter 13, in *In re DeLano*, 04-20280, WBNY .....A: 1093

            (b) DeLanos' voluntary petition in bankruptcy under 11 U.S.C. Chapter 13, with Schedules A-J and Statement of Financial Affairs .....A: 1095

425. **CA2's** order of **August 2**, 2004, denying Dr. Cordero's May 15 motion for **declaratory judgment** that the **legal grounds** for updating opening and reply **appeal** briefs and expanding upon their issues also apply to **similar** papers under 28 U.S.C. **Chapter 16** containing the judicial misconduct provisions .....A: 1127

426. **CA2's** order of **August 2**, 2004, **denying** Dr. Cordero's **May 31** motion for Chief Judge **Walker** either to state his arguments for denying the March 22 and April 18 motions that he disqualify himself from considering the pending petition for panel rehearing and hearing en banc and from having anything else to do with this case or **disqualify himself** and failing that for this Court to disqualify the Chief Judge therefrom .....A: 1128

427. **CA2's** statement of **October 13**, 2004, that Chief Judge **Walker** **recused** himself from further consideration of *Premier Van et al.*, contained in the CA2's order denying Dr. Cordero's motion to quash Judge Ninfo's August 30 order .....A: 1129



**6. Dr. Cordero’s motion to quash Judge Ninfo’s order in DeLano requiring Dr. Cordero to take discovery of issues in Pfuntner on appeal in CA2 and try them piecemeal in DeLano so as to enable the Judge to disallow and dismiss wholesale Dr. Cordero’s claims in both cases; and denial in CA2**

428. Dr. **Cordero’s** motion of **September 9**, 2004, to **quash** the **order** of Bankruptcy Judge Ninfo of August 30, 2004, to **sever a claim from** the case on appeal *In re Premier Van et al.*, in the Court of Appeals for the purpose of **trying it in In re DeLano** in Bankruptcy Court, WBNY.....A: 1130<sup>5</sup>

    a. Table of Contents ..... A:1133

    b. Table of Exhibits..... A:1148

        22) Judge **Ninno’s** Interlocutory **Order of August 30**, 2004, requiring Dr. Cordero to take **discovery** of his claim against Debtor David **DeLano** arising from the *Pfuntner v. Trustee Gordon et al.*, docket no. 02-2230, WBNY, **on appeal** in the Court of Appeals sub nom. *In re Premier et al.*, docket no. 03-5023, CA2, to try it in *In re DeLano*, docket no. 04-20280, WBNY ..... A:1051

        23) Dr. **Cordero’s** letter of **August 31**, 2004, to Bradley E. **Tyler**, Esq., U.S. Attorney in Charge of the U.S. Attorney’s Office in Rochester, NY, **sending back** to him the **files** that his Assistant U.S. Attorney Richard Resnik had returned to Dr. Cordero..... A:1159

            (a) Table of **files** already **sent** to U.S. Att. Tyler and **updates** accompanying Dr. Cordero’s August 31 letter to him..... A:1160

---

<sup>5</sup> The exhibits relating to *In re DeLano*, docket no. 04-20280, WBNY, were filed by Dr. Cordero in his appeal *Cordero v. DeLano*, docket no. 05cv6190L, WDNY. They are grouped in three sets, namely, the Designated Items in the Record on Appeal, the Addendum to it, and the Post-Addendum. While the exhibits have consecutive page numbers, the sets are identified by a different prefix. i.e. D:#, Add:#, and Pst:#, respectively.

To them is added the transcript –Tr:#- of the evidentiary hearing before Bankruptcy Judge Ninno on March 1, 2005, of the DeLanos’ motion to disallow Dr. Cordero’s claim against Mr. DeLano arising from *Pfuntner*, where they are third party plaintiff and defendant, respectively. The motion was granted; hence, Dr. Cordero’s claim was disallowed, which in turn led to his appeal to District Court. All these exhibits, like all those in *Pfuntner>Cordero v. Gordon & Palmer>*and *Premier*, are available digitally on the accompanying CD. (see [Contents of Folders](#), T<sub>o</sub>EA:171)

These files can be accessed by clicking on the Attachments tab of this PDF file.

- (b) Letter of Richard **Resnik**, Esq., Assistant U.S. Attorney, of **August 24**, 2004, to Dr. **Cordero** stating that the **U.S. Attorney's Office** in Rochester **will not investigate** Dr. Cordero's "allegations of bankruptcy fraud and judicial misconduct" and **returning** to him all the **files**.....A:1161
- 429. Dr. **Cordero's** letter of **September 27**, 2004, to CA2 Clerk of Court **MacKechnie** and to the **attention** of Motions Staff Attorney Arthur **Heller**, to urge the Court to either **stay** Judge Ninfo's Order of August 30 **or** to treat on an emergency basis Dr. Cordero's motion of September 9 to **quash** it .....A:1181
- 430. Dr. **Cordero's** letter of **September 29**, 2004, to the DeLanos' attorney, Christopher **Werner**, Esq., requesting **production of documents** pursuant to Judge Ninfo's August 30 order, and without prejudice to Dr. Cordero's September 9 motion in CA2 to quash it .....A:1183
- 431. Trustee **Reiber's** letter of **October 1**, 2004, to **CA2 Heller** stating that he is not aware of any notice of appeal filed in CA2 in connection with *In re DeLano*, 04-20280, WBNY, and that he believes that Judge Ninfo's bench order, spoken at the *DeLano* hearing on August 23, 2004, is **not appealable** because it is **not a final order** .....A:1193
- 432. Dr. **Cordero's** letter of **October 12**, 2004, to Trustee **Reiber** setting out the factual and legal reasons why Judge Ninfo's order does not and cannot prevent the Trustee from conducting an examination of the DeLanos by their creditors under 11 U.S.C. §341 .....A:1194
- 433. **CA2's** order of **October 13**, 2004, **denying** Dr. Cordero's motion to **quash** the August 30 **order** of Bankruptcy Judge **Ninno**; **and statement that** Chief Judge **Walker recused himself** from further consideration of *Premier Van et al.*, no. 03-5023, CA2.....A:1197
- 434. Dr. **Cordero's** letter of **October 20**, 2004, to Trustee **Reiber** showing that the Trustee's letter of October 13 belies his own statement therein that he did not have Judge Ninno's August 30 written order, but only the August 23 spoken bench order, and once more requesting that he hold the §341 examination of the DeLanos.....A:1199
  - a. **WBNY Clerk Warren's notice** of **August 30**, 2004, of entry certifying that a copy of Judge **Ninno's** August 30 **order** was **sent to** all parties to *DeLano*, no. 04-20280, of whom Trustee **Reiber** is one.....A:1203
  - b. Trustee **Reiber's** letter of **October 13**, 2004, to Dr. **Cordero** stating that he only had Judge Ninno's bench order, not the August 30 written version and that the latter is part of the *DeLano* case and has nothing to do with the appeal *Premier Van et al.*, no. 03-5023, CA2 .....A:1204

- 435. Dr. **Cordero's** letter of **October 21, 2004, to** Trustee **Schmitt** requesting that she:
  - a. disqualify Trustee Reiber from *DeLano* and investigate him and his attorney, James Weidman, Esq.;
  - b. appoint a trustee unrelated to the parties and the Bankruptcy Court as well as willing and able to investigate this case zealously and efficiently;
  - c. otherwise, order Trustee Reiber to hold a §341 examination of the DeLanos on November 3 and 4 as requested. .... A: 1205
- 436. Trustee **Reiber's** fax of **October 27, 2004, to** Dr. **Cordero** requesting a copy of the order by which **Chief Judge Walker recused himself from Premier Van et al.** ..... A: 1206
- 437. Dr. **Cordero's** fax of **October 28, 2004, to** Trustee **Reiber** providing Trustee Reiber the requested copy of CA2 Chief Judge Walker's recusal from **Premier** and proposing dates for the Trustee to hold the examination of the DeLanos in an adjourned meeting of creditors under 11 U.S.C. §§341 and 343 ..... A: 1207
  - a. **CA2's** statement of **October 13, 2004, that Chief Judge Walker recused** himself from further consideration of **Premier Van et al.**, contained in the CA2's order denying Dr. Cordero's motion to quash Judge Ninfo's August 30 order ..... A: 1208

**7. CA2 denial of the rehearing petition on October 26, 2004, and of the motion to stay the mandate on November 8, 2004**

- 438. **CA2's** order of **October 26, 2004, denying** "upon consideration by the panel that decided the appeal" *In re Premier Van et al.* [A:876], Dr. Cordero's petition for panel **rehearing** and hearing en banc ..... A: 1231
- 439. Dr. **Cordero's** motion of **November 2, 2004, for CA2 to stay the mandate** following the CA2's denial of his motion for panel rehearing in *Premier Van et al.* and **pending** the filing of a **petition** for a writ of certiorari in the **Supreme Court** ..... A: 1232
  - a. Table of Exhibits ..... A: 1239
    - 1) Dr. **Cordero's** **motion** of **August 14, 2004, in the Bankruptcy Court, WBNY, for docketing and issue of the proposed order, removal, referral, examination, and other relief** *In re DeLano*, no. 04-20280, ..... A: 1241
  - b. Table of Contents ..... A: 1241
    - 1) Dr. **Cordero's proposed order** of August 14, 2004, **for issue by Judge Ninfo** in *In re DeLano*, no. 04-20280, WBNY ..... A: 1260

2) **Phone bill** showing faxes sent by Dr. Cordero to Judge Ninfo's fax no. (585)613-4299.....A:1262

440. Dr. **Cordero's** motion of **November 3**, 2004, for CA2 to **state** the **names** of the **panel** members that **reviewed** his motion for panel rehearing and hearing en banc (returned unfiled) ..... A:1263

441. Dr. **Cordero's** motion of **November 8**, 2004, for CA2 to **report** *In re Premier Van et al.*, no. 03-5023, **to** the U.S. **Attorney General** under 18 U.S.C. **§3057(a)** for investigation of the evidence of a **bankruptcy fraud scheme** (returned unfiled) ..... A:1265

    a. Table of Contents ..... A:1266

442. CA2's order of **November 8**, 2004, **denying** Dr. Cordero's motion to **stay** the **mandate** ..... A:1283

443. CA2's summary **order** of **November 8**, 2004, issuing the **mandate** after denial of Dr. Cordero's rehearing petition..... A:1284

**D. SUPREME COURT OF THE UNITED STATES:**

**Petition for a writ of certiorari** to CA2 on grounds of intentional and coordinated denial of due process as part of a judicial misconduct and bankruptcy fraud scheme; denied on March 28, 2005

444. Title page of Dr. **Cordero's** **petition**, no. 04-8371, of **January 20**, 2005, **to** the U.S. **Supreme Court** for a writ of **certiorari** to CA2 ..... A:1601

    a. Prefatory material

        i. Questions presented ..... A:1602

        ii. List of Parties ..... A:1603

        iii. Summary of Contents ..... A:1603

        iv. Index of Appendices..... A:1604

        v. Table of Exhibits in the Appendix submitted to CA2 ..... A:1611

        vi. Table of Authorities Cited..... A:1629

        vii. Table of Headings of the Petition..... A:1633

    b. Substantive material

        I. Opinions Below ..... SCt.1=A:1635

        II. Jurisdiction..... A:1635

        III. Constitutional and Statutory Provisions Involved..... A:1636

        IV. Statement of the Case ..... A:1637

        V. Reasons for Granting The Writ ..... A:1649

VI. Conclusion .....	A: 1674
c. Supporting material	
i. Title page of Appendices.....	A: 1675
ii. Appendices: .....	SCTA.1=A: 1677
I. Opinions, orders, findings of fact, and conclusions of law .....	A: 1677
II. Other relevant opinions, orders, findings of fact, and conclusions of law.....	A: 1689
III. Other material indispensable to understand the petition .....	A: 1765
A. Dr. Cordero's opening brief of July 9, 2003, in <i>In re Premier Van et al</i> , no. 03-5023, CA2 .....	A: 1765
B. Judicial Misconduct Complaints under 28 U.S.C. §351 et seq.....	A: 1927
C. Supreme Court and Judicial Conference statistics .....	A: 1963
D. <i>In re DeLano</i> , a bankruptcy petition that provides insight into a judicial misconduct and bankruptcy fraud scheme.....	A: 1967
i) WBNY Bankruptcy Court Notice of February 3, 2004, of meeting of creditors.....	A: 2051
ii) Debt repayment plan of January 26, 2004 .....	A: 2055
iii) Bankruptcy <b>petition</b> , no. 04-20280, WBNY, of January 27, 2004, with Schedules A-J .....	A: 2057
(a) Statement of Financial Affairs .....	A: 2077
(b) Verification of Creditor Matrix .....	A: 2085
(c) List of Creditors .....	A: 2086
E. Request to the U.S. Attorneys in Buffalo and Rochester Offices for an investigation of bankruptcy fraud.....	A: 2127
F. Request for a judicial report under 18 U.S.C. §3057(a) to the U.S. Attorney General of evidence of bankruptcy fraud .....	A: 2187
445. Dr. <b>Cordero's</b> letter of <b>January 21</b> , 2005, to Paul D. Clement, Esq., Acting Solicitor General of the United States, to <b>serve</b> on him a copy of Dr. Cordero's <b>petition</b> and <b>request</b> that <b>he support it</b> , and to request that he <b>bring</b> the matter of the judicial misconduct in support of a bankruptcy fraud <b>scheme and its handling by</b> U.S. Attorney Michael <b>Battle</b> , WDNY, <b>to</b> the attention of the <b>General Attorney</b> .....	A: 2215
446. <b>Supreme Court</b> notice of <b>January 27</b> , 2005, to Dr. Cordero of the <b>filing</b> of <i>Cordero v. Trustee Gordon et al.</i> , on January 21, 2005, and	

- docketed as no. 04-8371 .....A:2216
  - a. Supreme Court form for petitioner to notify opposing counsel of the docketing of the petition for a writ of certiorari .....A:2217
  - b. Supreme Court form for respondent to notify its waiver of the right to file a response to the petition for a writ of certiorari.....A:2218
- 447. Dr. **Cordero’s notice of February 2, 2005, to the parties** of the Supreme Court **docketing** of his petition for writ of certiorari and of their **option to waive** their right to file a **response** .....A:2219
- 448. Dr. **Cordero’s letter of February 6, 2005, to U.S. Acting Solicitor General Clement** to inform him of the unpreparedness and lack of knowledge of Larry **Walquist, Esq.**, trial attorney at the Executive Office of the United States Trustees, who called at Mr. Clement’s instigation, to tell Dr. Cordero that the Department of Justice does not investigate “judicial fraud” and to refer him to the Administrative Office of the United States Courts, which does so, according to Mr. Walquist.....A:2221
- 449. Letter of **February 16, 2005, of Lawrence A. Friedman, Director of the Executive Office of the United States Trustees (EOUST), to Dr. Cordero:**
  - a. stating in response to his January 21 correspondence to the Acting Solicitor General that EOUST **neither found bankruptcy fraud** based on the evidence that Dr. Cordero presented **nor has jurisdiction over** the conduct of **judges** and
  - b. advising Dr. Cordero that if he believes to be in possession of evidence of judicial misconduct, he may **contact** the **Administrative Office** of the United States Courts **or the FBI** .....A:2223
- 450. Respondent **Pfuntner’s waiver**, by Louis A. Ryen, of **February 18, 2005, of his right to file a response in** the U.S. **Supreme Court** to Dr. Cordero’s petition for a writ of certiorari in *Cordero v. Trustee Gordon et al.*.....A:2224
- 451. Acting Solicitor General **Clement’s waiver of February 24, 2005, of right to file a response to Cordero v. Trustee Gordon et al.** .....A:2226
- 452. **Supreme Court order of March 28, 2005, denying** Dr. Cordero’s petition for writ of **certiorari** in *Cordero v. Trustee Gordon et al.* .....A:2228
- 453. **Docket of Cordero v. Trustee Gordon et al., no. 04-8371, U.S. Supreme Court, as of March 30, 2005** .....A:2229
- 454. -500. reserved

Dated: August 1, 2006  
 59 Crescent Street.  
 Brooklyn, NY 11208-1515

## Contents of Folders

### **A folder**

*Pfuntner v. Trustee Gordon et al.*, docket no. 02-2230, WBNY

*Cordero v. Trustee Gordon*, docket no. 03cv6021L, WDNY

*Cordero v. Palmer*, docket no. 03mbk6001L, WDNY

*In re Premier Van et al.*, docket no. 03-5023, CA2

*In re Richard Cordero*, docket no. 03-3088, CA2

*Cordero v. Gordon et al.*, docket no. 04-8371, Sup. Ct.

### **D Add Pst Transcript folder**

*In re DeLano*, docket no. 04-20280, WBNY

*Cordero v. DeLano*, docket no. 05cv6190L, WDNY

### **Hyperlink bank**

JDR's call: [C:1/E:1](#); [C:271](#); [C:441](#); [C:551](#); [C:711](#); [C:821](#); [C:981](#); [C:1081](#); [C:1285](#); [C:1373](#); [C:1479](#)

*Pfuntner*: [A:1](#); [A:156](#); [A:302](#); [A508](#); [A:734](#); [A:792](#); [A:881](#); [A:989](#); [A:1131](#); [A:1371](#); [A:1461](#); [A:1551](#); [E:1-60](#)

*DeLano*: [D:1](#); [D:103](#); [D:203](#); [D:301](#); [D:425](#);

[Add:509](#); [Add:711](#); [Add:911](#);

[Pst:1171](#);

[Tr](#)=transcript of 3/1/5 hearing

Blank



# Tables of Exhibits of D:, Add:, and Pst:# pages consisting of the following subtables:

**I. Designated Items by Appellant Dr. Richard Cordero on April 18, 2005, pursuant to FRBkrP 8006, and contained in the record of *In re David & Mary Ann DeLano*, no. 04-20280, WBNY ..... pages D:1-D:508g..... ToED:201  
[D:1](#); [D:103](#); [D:203](#); [D:301](#); [D:425](#)**

**II. Addendum to the Designated Items and accompanying Dr. Cordero’s appellate brief of December 21, 2005, in *Cordero v. DeLano*, 05cv6190L, WDNY ..... pages Add:509-1155.. ToED:221  
[Add:509](#); [Add:711](#); [Add: 911](#)**

**III. Post-Addendum including the exhibits accompanying Dr. Cordero’s reply brief of February 8, 2006, and other exhibits since ..... pages Pst:1171-1423 . ToED:251  
[Pst:1171](#)**

as of August 1, 2006  
by  
**Dr. Richard Cordero, Esq.**

## Table of Contents

I. Mr. DeLano, a 39 year banking veteran, and his wife filed a petition for bankruptcy, where they named Dr. Cordero among their creditors and treated him as such for six months after he requested documents in support of their incongruous declarations, e.g. that they had only \$535 in cash and on account yet had earned \$294,470 in the preceding 3 years, but the Trustee tried to protect them from having to produce such documents, thus violating his duty to ascertain their financial affairs..... ToED:204

II. On the basis of their petition and the few documents that they produced, Dr. Cordero showed that the DeLanos had concealed assets, whereupon their attorney, who had appeared before Bankruptcy Judge Ninfo in over 500 cases, came up with the artifice of a motion to disallow his claim by pretending that

after all he was not a creditor; the Judge required Dr. Cordero to engage in discovery and present the evidence of his claim only for the Judge and the DeLanos to deny him every single document that he requested, which was followed by the predetermined disallowance of his claim at a sham evidentiary hearing, thus stripping him of his right as a creditor to request documents that could prove their participation in a bankruptcy fraud scheme ..... ToED:210

III. After the trustee and his supervising U.S. trustees attempted for 11 months to prevent Dr. Cordero from exercising his right to examine the DeLanos under oath, finally they allowed him to do so at a meeting, at which he discovered the DeLanos' suspicious series of mortgages, which even the incomplete documents that they produced allowed him to show that since 1975 they received \$382,187 to buy their home, yet in 2005, 30 years later, they still lived in the same home but owed \$77,084 and had equity of merely \$21,415; but the trustees refused to ask the DeLanos to account for that money and stopped responding to Dr. Cordero's letters ..... ToED:215

IV. After Bankruptcy Judge Ninfo disallowed at a sham evidentiary hearing Dr. Cordero's claim against Mr. DeLano, whose testimony had corroborated it, District Judge Larimer ordered Dr. Cordero to file his appellate brief before the transcript, with its incriminating evidence of bias and unlawfulness, had even been started to be prepared, let alone its docketing by the court effected as required, whereby he protected his peer and the DeLanos by violating FRBkrP 8006 and 8007 ..... ToEAdd:222

V. The court reporter that recorded stenographically the sham evidentiary hearing refused to certify that her transcript would be accurate, complete, and tamper-free, and Dr. Cordero requested Judge Larimer that she be replaced and reported for investigation, but he refused to do so and ordered Dr. Cordero to obtain the transcript from that reporter anyway, thus disregarding the doubt that she had cast on its reliability and its detrimental impact on the integrity of the appeal process ..... ToEAdd:229

VI. Dr. Cordero showed on the basis of Trustee Reiber's "report" that he had conducted no investigation of the DeLanos at all and requested that Judges Larimer and Ninfo order the production of documents, such as those of their mortgages and the transcript that the Trustee had a private reporter prepare of the meeting at which Dr. Cordero had examined the DeLanos, that would show that the DeLanos had procured

through fraud the confirmation of their plan of debt repayment, but both Judges refused to ask for a single document, not to mention revoke the confirmation ..... ToEAdd:231

VII. Judge Larimer denied production of *every single document* requested by Dr. Cordero from the DeLanos or the trustees, for they could prove their support of a bankruptcy fraud scheme; and further protected them and Judge Ninfo by refusing to post on the Court’s electronic case management system even the transcript or a single exhibit provided by Dr. Cordero both on a CD and in hardcopy with his appellate brief, thereby preventing them from being available publicly through PACER<sup>2</sup> .....ToEPst:251

\*\*\*\*\*

---

1.The procedural and financial documents in DeLano have been listed in tables D:#, Add:#, and Pst:# chronologically since they all reinforce each other in revealing the same pattern of conduct of the DeLanos, their attorneys, the trustees, and the judges, namely, an intentional and coordinated effort to prevent Dr. Cordero from obtaining from the DeLanos documents concerning their financial affairs, even those as obviously pertinent to ascertaining the merits of any bankruptcy petition as bank account statements, for they would show that these parties and officers have all known and tolerated the DeLanos' concealment of assets as part of a bankruptcy fraud scheme supported by all of them.

Hence, the headings only highlight the main objective of their effort at a particular point in time during the development of the case. Documents leading up to or tapering off from the objective indicated by a heading may be found under previous or subsequent headings. The documents themselves, particularly those of Dr. Cordero, which have many references to previous documents or point to a possible future course of action requested as relief, will indicate whether related documents may be under previous headings and whether further developments of an objective or course of action still being pursued are likely to be treated in documents listed under subsequent headings.

<sup>2</sup>Judge Larimer’s refusal to post the transcript or the exhibits and the glaring mistakes of fact that he made in his order of denial are discussed at [C:1307¶¶45-51](#).

## I. Table of Exhibits of D:# pages of the Designated items in *In re DeLano*

D:1; D:103; D:203; D:301; D:425

**I. Mr. DeLano, a 39 year banking veteran, and his wife filed a petition for bankruptcy, where they named Dr. Cordero among their creditors and treated him as such for six months after he requested documents in support of their incongruous declarations, e.g. that they had only \$535 in cash and on account yet had earned \$294,470 in the preceding 3 years, but the Trustee tried to protect them from having to produce such documents, thus violating his duty to ascertain their financial affairs**

(emphasis is added unless emphasis in the original is stated)

501. Dr. Richard Cordero's <b>Notice of Appeal</b> of April 9, 2005 .....	D:1
502. <b>Decision and Order</b> of U.S. Bankruptcy Judge John C. <b>Ninfo, II</b> , of <b>April 4</b> , 2005, in <i>In re David and Mary Ann DeLano</i> , docket no. 04-20280, WBNY, finding that Dr. <b>Cordero</b> has <b>no valid claim</b> against Mr. DeLano, <b>no standing</b> to participate in any further Court proceeding in the <i>DeLano</i> case, and <b>denying</b> any <b>stay</b> of the provisions of the Decision and Order, <b>on appeal to</b> the U.S. <b>District Court</b> , WBNY.....	D:3
503. Notice of Chapter 13 Bankruptcy Case, <b>Meeting of Creditors</b> , Deadlines.....	D:23
504. Voluntary <b>Petition</b> of <b>January 26</b> , 2004, under Chapter 13 of the Bankruptcy Code, with Schedules, of David <b>DeLano</b> and Mary Ann DeLano.....	D:27
a) Statement of Financial Affairs .....	D:47
b) Verification of Creditor Matrix .....	D:55
505. Chapter 13 <b>Plan</b> of Debt Repayment of <b>January 26</b> , 2004 .....	D:59
506. <b>Capital One Auto Finance's</b> Notice of <b>February 3</b> , 2004, of <b>request</b> to be served with <b>notice</b> pursuant to Bankruptcy Rule 2002 and 9010 .....	D:61
507. Bankruptcy Court's <b>Order</b> of <b>February 9</b> , 2004, to Debtor to <b>Pay Trustee</b> .....	D:62
508. Dr. Richard <b>Cordero's</b> <b>Objection</b> of <b>March 4</b> , 2004, to <b>Confirmation</b> of the DeLanos' Chapter 13 Plan of Debt Repayment.....	D:63
509. Creditors' <b>Appearances</b> for §341 Meeting <b>form</b> showing Dr. <b>Cordero's</b> <b>sole appearance</b> for the DeLanos' meeting <b>on March 8</b> , 2004 .....	D:68

510. **Proceeding Memo**-Chapter 13 341A meeting of Creditors on **March 8, 2004, adjourning** the meeting to **April 26, 2004** ..... D:69

511. Assistant U.S. Trustee Kathleen Dunivin **Schmitt’s** letter of **March 11, 2004**, to Dr. **Cordero** stating that the U.S. **Trustee for Region 2**, Deirdre A. **Martini**, concurs with her that *In re DeLano*, no. 04-20280, WBNY, should continue to be **handled by** Chapter 13 Trustee George **Reiber** ..... D:70

512. **Claims register** as of March 14, 2004 ..... D:71

513. Trustee **Reiber’s** letter of **March 12, 2004**: see entries at pages 112, 151, and 159, *infra*

514. Letter of Christopher K. **Werner**, Esq., attorney for the DeLanos, of **March 19, 2004**, to Trustee **Reiber** proposing dates for the adjourned §341 examination of the DeLanos ..... D:73

515. Trustee **Reiber’s** letter of **March 24, 2004** to Dr. **Cordero** accompanying a copy of Att. Werner’s March 19 letter to him (D:73) and **asking Dr. Cordero for dates for the examination** ..... D:74

516. Dr. **Cordero’s Objection** of March 29, 2004, to the DeLanos’ Claim of **Exemptions** ..... D:75

517. Dr. **Cordero’s Memorandum** of **March 30, 2004, to the parties** on the facts, **implications**, and requests concerning the **DeLano** Chapter 13 bankruptcy **petition** and the **events** at the meeting of creditors on **March 8, 2004** ..... D:77

518. Dr. **Cordero’s** Notice of **March 31, 2004, of Motion for a Declaration** of the Mode of **Computing** the **Timeliness** of an Objection to a Claim of **Exemptions** and for a Written **Statement** on and of the “**Local Practice**” concerning how the examination of the debtors is actually conducted at a §341 meeting of creditors in Bankruptcy Court in Rochester, WBNY, which “**Local Practice**” the officer presiding over *In re DeLano*, no. 04-20280, WBNY, namely, Bankruptcy **Judge** John C. **Ninfo, II, claimed** in open court and for the record on March 8, 2004, that Dr. **Cordero should have found out** by making **phone calls instead of** reading strictly the Bankruptcy **Code and Rules**; Judge Ninfo has never disposed of this motion ..... D:97

519. Trustee **Reiber’s** letter of **April 1, 2004**, to Dr. **Cordero** asking him for dates when to hold the §341 hearing ..... D:103

520. Dr. **Cordero’s** letter of **April 3, 2004**, to Region 2 Trustee **Martini** accompanying the March 30 Memorandum (D:77) ..... D:104

521. Bankruptcy Court’s Case Administrator Paula **Finucane’s Deficiency Notice** of **April 9, 2004**, to Dr. **Cordero** ..... D:105

522. Dr. **Cordero's** letter of **April 13, 2004**, to **Clerk** of Court Paul **Warren** concerning all the mistakes made in docketing three of Dr. Cordero's documents and the failure to docket other two, namely:..... D:106
- a) Dr. Cordero's **Objection** of March 29, 2004, to a Claim of **Exemptions**..... D:75
  - b) Dr. Cordero's **Memorandum** of March 30, 2004, on the facts, **implications**, and requests concerning the **DeLano** bankruptcy **petition** and the **events** at the meeting of creditors **on March 8, 2004** ..... D:77
  - c) Dr. Cordero's **Motion** of March 31, 2004, for a Declaration of the Mode of **Computing** the **Timeliness** of an Objection to a Claim of Exemptions and for a Written **Statement** on and of **Local Practice**..... D:97
  - d) Dr. **Cordero's** letter of **January 4, 2004**, to Mr. Todd M. **Stickle**, **Deputy** Clerk in Charge, **requesting information about documents** mentioned in specific entries of the docket of *Pfuntner v. Gordon et al.*, no. 02-2230, WBNY, but not entered in it and, as a result, lacking their own entry numbers ..... D:108
  - e) Deputy **Stickle's** letter of **January 28, 2004**, to Dr. **Cordero** asking him to provide the entry numbers of the requested documents, yet Dr. Cordero had stated that they lacked entry numbers ..... D:110
523. Trustee **Reiber's** letter, undated but **received on April 15, 2004**, to Dr. **Cordero** concerning the **letter** that the latter had **not received from the Trustee** and referring to the **Trustee's** need to "have sufficient time to complete my **investigation**" of the **DeLanos** before examining them, thereby pretending that he was investigating them although he had not yet asked them for a single document ..... D:111
524. Dr. **Cordero's** letter of **April 15, 2004**, to Trustee **Reiber** **requesting** that he send the **letter** that he told Dr. Cordero on March 12 that he would send him **and** asking that he **state** the nature and **scope** of his **investigation** of the DeLanos ..... D:112
525. Deputy **Stickle's** letter of **April 16, 2004**, to Dr. **Cordero** stating that the deficiency notice (D:105) relating to **mistakes in docketing** Dr. Cordero's Motion for a Declaration of the Mode of Computing the Timeliness of an Objection to a Claim of Exemptions and for a Written Statement on and of Judge Ninfo's "Local Practice" **would be corrected** (D:97) ..... D:115
526. Att. **Werner's** letter of **April 16, 2004**, to Trustee **Reiber** and Dr. **Cordero** to provide dates in May for the adjourned §341 examination of the DeLanos ..... D:116
527. Att. **Werner's** cover letter **April 16, 2004**, to the Bankruptcy **Court**..... D:117

- a) “Debtors’ statement in **opposition to Cordero [sic] objection** to claim of exemptions” of April 16, 2004, stating, among other things, that

“As indicated in the Debtors’ petition, the **Debtors’ financial difficulties stem from over then (10) years ago**, relating to a time when Mr. DeLano lost his job at First National Bank and had to take a subsequent position at less than half of his original salary. As a result, the Debtors were unable to keep pace on various credit card **obligations** which they had **incurred** in their **children’s education** and other **living expenses**. The **Debtors** have **maintained the minimum payments** on those obligations for more than ten (10) years” (D:23-60) .....

D:118

- 528. Trustee **Reiber’s** letter of **April 20, 2004**, to Att. **Werner** directing him, “because of the concerns which have been raised” [by Dr. Cordero], to **provide** him with financial **documents** concerning the DeLanos, which constituted his first document request ever and the start of his pretense at investigating them ..... D:120
- 529. Trustee **Reiber’s** letter of **April 20, 2004**, sending Dr. **Cordero** a **copy** of the Trustee’s **letter** of March 24 to Mr. Werner (D:74) and the latter’s reply of March 19 (D:73), thereby pretending that they were the letters that Dr. Cordero had not received and had asked for although Dr. Cordero had stated that he had received those letters ..... D:122
- 530. Trustee **Reiber’s** **statement to the court** of **April 22, 2004**, that **§341 hearing** in *In re DeLano*, no. 04-20280, WBNY, is being adjourned and that he will set a **new date** at Court on April 26, 2004..... D:123
- 531. Dr. **Cordero’s** letter of **April 23, 2004**, to Trustee **Reiber** stating that the letters (D:73, 74) that he sent with his April 20 letter to Dr. Cordero (D:122) could not be the **letter** that the Trustee had said that he would send Dr. Cordero and that the **Trustee** must have **sent to Att. Werner**, indicating how suspicious the Trustee’s reluctance to send that letter was, and **stating** why the Trustee’s request to Att. Werner for documents of the DeLanos was so deficient and requesting that he correct it..... D:124
- 532. Dr. **Cordero’s** **reply** of **April 25, 2004**, to Debtors’ **statement** in opposition to Dr. **Cordero’s** objection to a claim of exemptions..... D:128
- 533. Dr. **Cordero’s** letter of **April 26, 2004**, to Trustee **Martini** **requesting** that she **respond** to his **Memorandum** of March 30 (D:77) and **asking** again that Trustee **Reiber** be **removed** and a trustee unrelated to the parties and willing to investigate the DeLanos be appointed ..... D:137
- 534. Trustee **Reiber’s** letter of **April 27, 2004**, to Dr. **Cordero** stating that he has not yet received the requested documents from the DeLanos that he needs in order to ask meaningful questions at the independent hearing

that he wants to hold and that he sent Dr. Cordero copies of letters between Att. Werner and the Trustee ..... D:138

535. Trustee **Martini's** letter mailed on **May 5** and received by Dr. Cordero on **May 6** but antedated as of April 14, 2004, stating that she spoke with Trustee Schmitt and sees **no** reason to **recuse** from *In re DeLano*, no. 04-20280, WBNY, Trustee **Reiber**, who is required to carefully scrutinize the schedules..... D:139

536. Dr. **Cordero's** letter of **May 10**, 2004, to Trustee **Martini** stating that the letter that he received from her on May 6 but antedated as of April 14, was not accompanied by any list that she mentioned in her letter as being enclosed ..... D:141

537. Dr. **Cordero's proof of claim** of **May 15**, 2004, against the DeLanos..... D:142

    a) **Summary of the document supporting** Dr. Cordero's proof of claim against the DeLanos..... D:144

538. Dr. **Cordero's** letter of **May 16**, 2004, to Trustee **Reiber 1)** requesting once more the letter(s) that he sent to Att. Werner but not to him in which he must have stated, among other now regretted things, his request for proposed dates for the adjourned §341 examination of the DeLanos and **2)** requesting the Trustee to obtain the already requested financial documents from the DeLanos ..... D:147

539. Trustee **Reiber's** letter of **May 18**, 2004, to Dr. **Cordero** with **copy** of: ..... D:149

    a) Trustee **Reiber's** letter of **March 12**, 2004, sent to Att. **Werner** and **promised** in a phone conversation with Dr. **Cordero but not sent to him till then** and only after the latter's repeated requests that the Trustee send it to him too, informing them of the **Trustee's decision** to conduct an adjourned §341 hearing 'because Dr. **Cordero** raised **objections** which it is **proper** for Dr. Cordero to question the DeLanos about' and stating that "it would be helpful if Dr. **Cordero** could **transmit to** Att. **Werner** a **list of any documents** which he may **desire** prior to the hearing" (emphasis added) ..... D:151

540. Trustee **Reiber's** letter of **May 18**, 2004, to **Att. Werner** to inquire about his progress in obtaining the documents requested in the April 20 letter (D:120)..... D:153

541. Stick-it of May 19, 2004, stuck on **News release of April 16, 2003**, titled U.S. Credit Reporting Companies Launch New Identity Fraud Initiative (D:155), **sent by Trustee Martini** to Dr. Cordero instead of the requested list of credit card companies with their addresses, phone numbers, and names of contact persons..... D:154

542. Dr. **Cordero's** letter of **May 23**, 2004, to Trustee **Martini** requesting that she send him the list of credit card companies that she pretended to



have sent and that she refer the case to the FBI and relinquish control of it ..... D:158

543. **Dr. Cordero’s letter of May 23, 2004, to Att. Werner requesting, on the basis of Trustee Reiber’s letter of March 12 (D:151), financial documents from the DeLanos** ..... D:159

544. Trustee **Schmitt’s note of May 24, 2004, to Dr. Cordero sending him without a formal letter and to speed things along a list of credit card issuers with their addresses** ..... D:160

545. Dr. **Cordero’s letter of June 8, 2004, to Trustee Reiber requesting that he obtain requested documents from the DeLanos, state whether the meeting adjourned to June 21 will be held, and recuse himself from the case** ..... D:161

546. Trustee **Reiber’s letter of June 15, 2004, to Dr. Cordero stating that he has not received any reply to his demand letter for documents; will not subpoena the DeLanos, and will move for dismissal, but will set a hearing date for August for the event that the DeLanos may produce the requested documents** ..... D:162

547. Trustee **Reiber’s motion of June 15, 2004, to dismiss the DeLanos’ Chapter 13 petition “for unreasonable delay” in producing documents, noticed for July 19, 2004(see 11 U.S.C. §1307)**..... D:164

548. Att. **Werner’s letter of June 14, 2004, to Trustee Reiber concerning his phone contact with the 8 credit card companies holding claims larger than \$5,000 and accompanying the following documents:**..... D:165

a) **Incomplete Equifax report no. 4117002205 of April 26, 2004, for David DeLano, which begins on page 3 of 14 and continues with pages 5, 7, 9, 11, 13**..... D:167

b) **Incomplete Equifax report no. 4129001647 of May 8, 2004, for Mary Ann DeLano, which begins on page 3 of 12 and continues consecutively until page 7 of 12**..... D:173

c) **A single statement of account of each of eight credit card accounts out of the 36 monthly statements of each account of the DeLanos covered by the Trustee’s request for statements for the previous three years; and dated as of between July and October 2003, rather than the most current statement for May or June 2004**..... D:178

d) **IRS 1040 forms for the DeLanos’ tax returns for each of the 2001-03 fiscal years**..... D:186

549. Trustee **Reiber’s letter of June 16, 2004, to Att. Werner stating that he will maintain his motion to dismiss, suggesting that he move under Rule 2004 FRBkrP to compel the credit card companies to appear and**

produce the requested documents, and noting that Att. Werner did not copy Dr. Cordero in on the correspondence and that in future he must do that but that on this occasion the Trustee will make a copy and send it to Dr. Cordero ..... D:189

550. Att. Werner’s letter of June 16, 2004, to Discover Financial Services requesting copies of statements for 2001-2003 of a joint account of the DeLanos ..... D:191

551. Trustee Reiber’s adjournment on June 21, 2004, of the DeLanos’ §341 meeting of creditors to August 23, 2004..... D:192

**II. On the basis of their petition and the few documents that they produced, Dr. Cordero showed that the DeLanos had concealed assets, whereupon their attorney, who had appeared before Bankruptcy Judge Ninfo in over 500 cases, came up with the artifice of a motion to disallow his claim by pretending that after all he was not a creditor; the Judge required Dr. Cordero to engage in discovery and present the evidence of his claim only for the Judge and the DeLanos to deny him every single document that he requested, which was followed by the predetermined disallowance of his claim at a sham evidentiary hearing, thus stripping him of his right as a creditor to request documents that could prove their participation in a bankruptcy fraud scheme**

552. Dr. Cordero’s Statement of July 9, 2004, in opposition to Trustee Reiber’s motion to dismiss the DeLano petition on grounds that the DeLanos have committed bankruptcy fraud, particularly concealment of assets, and containing in the relief the text of a requested order for them to produce documents to establish their financial affairs ..... D:193

553. Att. Werner’s letter of July 12, 2004, to Trustee Reiber concerning his efforts to obtain production of statements of credit card accounts and suggesting that the Trustee issue subpoenas to credit card companies Chase Manhattan and Bank One of Delaware to obtain the credit card statements that they have not produced, and his attempt to leave a message on Discover’s subpoena mailbox ..... D:203

554. Debtors’ Statement of July 13, 2004, in opposition to Trustee’s motion to dismiss, submitted by Att. Werner to the court and stating that they requested that Trustee Reiber issue subpoenas to prompt the credit card companies to produce the requested credit card statements; and accompanied by exhibits:..... D:204

a) Mr. DeLano’s letter of April 29, 2004, to Bank One Cardmember Services requesting copies of the monthly statements for his account for the period beginning April 2001 through April 2004 ..... D:206

555. Dr. **Cordero’s** letter of **July 19, 2004**, faxed to Judge **Ninfo** as agreed at the hearing on July 19 together with his:..... D:207

    a) **Proposed order for production of documents** by the DeLanos and Att. Werner, obtained through conversion of the requested order (D:199¶31) contained in Dr. Cordero’s July 9 Statement (D:193) ..... D:208

556. Att. **Werner’s** letter of **July 20, 2004**, to Judge **Ninfo**, delivered via messenger, objecting to Dr. Cordero’s proposed order because it “extends beyond the direction of the Court” ..... D:211

557. Att. **Werner’s** letter of **July 20, 2004**, to Dr. **Cordero** accompanying the following documents: ..... D:212

    a) Att. **Werner’s subpoena** of **July 19, 2004**, sent by mail or fax to:

        1) Chase Manhattan, c/o eCast Settlement: 4102-0082-4002-1537..... D:213

    b) Copy of Dr. Cordero’s proposed order of July 19, 2004, for production of documents, bearing Att. **Werner’s scribbles** and **cross-outs** [cf. Add:937-939]..... D:214

558. Dr. **Cordero’s** letter of **July 21, 2004**, faxed to Judge **Ninfo**, requesting that he **issue** the proposed **order as agreed** at the hearing on July 19, 2004..... D:217

559. Att. **Werner’s notice** of hearing and order objecting to Dr. Cordero’s **claim** and moving to **disallow** it, dated **July 19, 2004**, but filed on July 22, 2004..... D:218

560. Judge **Ninfo’s** order of **July 26, 2004**, providing for production by the DeLanos of only some documents but not issuing Dr. Cordero’s proposed order (D:208) because “to [it], Attorney Werner expressed concerns in a July 20, 2004 letter” [D:211]..... D:220

561. Att. **Werner’s** letter of **July 28, 2004**, to Trustee **Reiber** ..... D:222

    a) Letter of **Discover** Financial Services of **July 23, 2004**, to Att. **Werner** accompanying requested documents..... D:223

562. Att. **Werner’s** letter of **August 5, 2004**, to Trustee **Reiber** accompanying the submission of credit reports issued by Equifax, Experian, and TransUnion and statements of account of Bank One:..... D:224

    a) **Bank One’s** Letter of July 29, 2004, to Att. Werner accompanying the requested documents..... D:225

563. Att. **Werner’s** letter of **August 11, 2004**, to Trustee **Reiber** about eCAST Settlement Corporation regarding the Chase Manhattan account statements..... D:227

- a) Letter of Jon Brennan of **Becket & Lee** of **July 26, 2004, to Att. Werner** concerning a letter from the Weinstein, Treiger & Riley law firm concerning two **Bank One** accounts..... D:228
- 564. Att. **Werner's** letter of **August 13, 2004, to Trustee Reiber** submitting statements of account of Bank One..... D:229
  - a) Letter from Jennifer Jones-Kabalo, Operations Supervisor at **Weinstein, Treiger & Riley law firm**, of **August 12, 2004, concerning** its request to its client **Bank One** for statements for two accounts ..... D:230
- 565. Dr. **Cordero's** motion of **August 14, 2004, in Bankruptcy Court for docketing** and issue of proposed order, **transfer**, referral, examination, and other relief, noticed for August 23 and 25, 2004 ..... D:231
  - a) Proposed order for docketing and issue of proposed order, transfer, referral, and examination..... D:246
- 566. Dr. **Cordero's** reply of **August 17, 2004, in opposition to the DeLano Debtors' objection** to his claim and **motion to disallow** it ..... D:249
- 567. Dr. **Cordero's motion** of **August 20, 2004, for sanctions and compensation** for violation of FRBkrP Rule 9011(b) **concerning** Christopher **Werner, Esq.**, the DeLanos' attorney (cf. TOEA:148§§e-f) ..... D:258
- 568. Att. Werner's "Response to Cordero Reply to Objection to Claim" ..... D:271
- 569. Judge **Ninfo's** Interlocutory **Order** of **August 30, 2004, requiring** Dr. Cordero to take **discovery** of his claim against Mr. **DeLano** [though arising from *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY, and thus, **on appeal** in the Court of Appeals for the Second Circuit in *In re Premier Van et al.*, no. 03-5023]; **suspending** all other proceedings **until** the DeLanos' motion to **disallow** [D:218] **Dr. Cordero's claim** [D:142] is finally determined; and stating that on December 15 the date will be set for any evidence supporting that claim to be presented at an evidentiary hearing..... D:272
- 570. Att. **Werner's** letter of **September 1, 2004, to Trustee Reiber** concerning **Discover** Financial Services statements for Mr. David DeLano's account no. 6011-0020-4000-6645 closing from January 16, 2001 to December 16, 2003 ..... D:280
- 571. Att. **Werner's** letter of **September 9, 2004, to Trustee Reiber** accompanying statements of accounts from **Chase** Manhattan Bank..... D:281
- 572. Dr. **Cordero's** letter of **September 22, 2004, to Trustee Reiber** proposing dates to **examine** the **DeLanos** under §341 and describing the broad scope of the examination as provided under FRBkrP Rule 2004(b) ..... D:283

- 573. Dr. **Cordero's** letter of **September 27, 2004, to** Arthur Heller, **clerk** at the **U.S. Court of Appeals** for the Second Circuit, concerning his motion to quash Judge **Ninfo's order** of August 30, 2004, which **severs a claim from Premier Van et al.**, no. 03-5023, CA2, on appeal in that Court to try it in *In re DeLano*, no. 04-20280, WBNY, before Judge Ninfo ..... D:285
- 574. Att. **Werner's** letter of **September 28, 2004, to** Trustee **Reiber** informing him that he will **not submit dates for the examination** of the DeLanos in response to Dr. Cordero's September 22 letter (D:273) until the Trustee instructs him to do so ..... D:286
- 575. Dr. **Cordero's** letter of **September 29, 2004, to** Att. **Werner** requesting **production of documents** pursuant to Judge Ninfo's **August 30 order** and without prejudice to Dr. Cordero's September 9 motion to quash it in the Court of Appeals for the Second Circuit (D:440)..... D:287
- 576. Trustee **Reiber's** letter of **October 1, 2004, to** Dr. **Cordero** stating that he does **not** think that he has **authority** under Judge Ninfo's bench order **to examine the DeLanos** until the matter of the allowability of Dr. Cordero's claim has been resolved ..... D:296
- 577. Trustee **Reiber's** letter of **October 1, 2004, to** Mr. Arthur Heller, **clerk** at the **Court of Appeals** for the Second Circuit, referring to Dr. Cordero's September 27 letter to Mr. Heller (D:285) and stating that he is **not aware** of any notice of **appeal in** that Court concerning *In re DeLano* [thus betraying his **failure to understand** that the **appeal** concerned by the September 27 letter was that of *Premier Van et al.*, no. 03-5023, CA2]..... D:297
- 578. Dr. **Cordero's** letter of **October 12, 2004, to** Trustee **Reiber** setting out the factual and legal reasons why Judge Ninfo's August 30 order (D:272) does not prevent the Trustee from conducting a §341 examination of the DeLanos ..... D:298
- 579. Trustee **Reiber's** letter of **October 13, 2004, to** Dr. **Cordero** stating that he only had Judge Ninfo's bench order, not the August 30 written version (D272) and that the latter has nothing to do with the appeal of the *Premier* case to the Court of Appeals ..... D:301
- 580. Dr. **Cordero's** letter of **October 20, 2004, to** Trustee **Reiber** showing that the Trustee's letter of October 13 belies his own statement therein that he did not have Judge Ninfo's August 30 written order (D:272) and requesting him again to hold the §341 examination of the DeLanos ..... D:302
- 581. Dr. **Cordero's** letter of **October 21, 2004, to** Trustee **Martini** and to Trustee **Schmitt** requesting each to instruct Trustee Reiber to hold a §341 examination of the DeLanos ..... D:307
- 582. Trustee **Reiber's** letter of **October 27, 2004, to** Dr. **Cordero** requesting a copy of the order by which **Chief Judge John M. Walker, Jr.**, of the

Court of Appeals for the Second Circuit **recused himself from Premier Van et al.**, no. 03-5023, CA2 ..... D:308

583. Ms. Christine **Kyle's** letter of **October 27**, 2004, stating that Trustee Schmitt will contact Dr. Cordero, either on November 17 when she comes back to the office or before, concerning her discussion with Trustee Reiber on the request that the Trustee hold the §341 examination of the DeLanos ..... D:309

584. Dr. **Cordero's** letter of **October 27**, 2004, to Att. **Werner** to make a good faith effort under FRCivP 37(a)(2) to **obtain discovery** from Mr. David DeLano before moving for an order to compel such and for sanctions..... D:310

585. Dr. **Cordero's** letter of **October 28**, 2004, to Trustee **Reiber** providing Trustee Reiber with dates for holding the §341 examination of the DeLanos and accompanying a copy of ..... D:311

    a) statement of October 13, 2004, that **Chief Judge Walker's recused himself from Premier Van et al.**, no. 03-5023, CA2 ..... D:312

586. Att. **Werner's** letter of **October 28**, 2004, to Dr. **Cordero** stating that the latter's **discovery** demands (D:287) are largely **irrelevant** to his alleged claim against Mr. DeLano, that Mr. DeLano objects thereto, and that the **DeLanos object** to the demand for discovery of their finances ..... D:313

    a) Response to **discovery** demand of Richard Cordero-Objection to Claim of Richard Cordero, denying as **not relevant all documents** requested and stating that the item concerning Mr. Palmer is **not in Mr. DeLano's possession**..... D:314

587. Trustee **Reiber's** letter of **November 2**, 2004, to Dr. **Cordero** stating that he has **nothing to add** to his position concerning Dr. Cordero's request that the Trustee hold the §341 **examination** of the **DeLanos** ..... D:316

588. Dr. **Cordero's motion** of **November 4**, 2004, to **enforce** Judge Ninfo's August 30 Order (D:272) by directing Mr. DeLano to produce the requested documents (D:287) and declaring that the Order does not and cannot prevent Trustee Reiber from holding a §341 examination of the DeLanos ..... D:317

589. Att. **Werner's statement** of **November 9**, 2004, to Judge Ninfo on behalf of the DeLanos' "opposition to Cordero motion [sic] regarding **discovery**" and request that it **be denied in all respects** ..... D:325

590. Judge **Ninfo's Order** of **November 10**, 2004, **denying** all of Dr. Cordero's requests for **discovery** from Mr. DeLano [D:287, 317 ] and holding the hearing of Dr. **Cordero's** November 4 **motion**, noticed for November 17 (D:317), to be moot ..... D:327

- 591. Dr. **Cordero's** letter of **November 14, 2004, to Trustee Martini** requesting that she send him the letter that she said on their phone conversation on November 1 she would send him upon his request that she **take a stand** on whether Trustee **Reiber** must **hold a \$341 examination** of the **DeLanos** regardless of Judge Ninfo's decision as to court proceedings (D:272) [never replied to] ..... D:330
- 592. Trustee **Reiber's** letter of **November 17, 2004, to Att. Werner** stating that upon Mrs. DeLano retiring, their **IRA** will become a legitimate source of **disposable income**..... D:331
- 593. Judge **Ninfo's** order of **December 21, 2004, setting down** for March 1, 2005, as agreed at the hearing on December 15, 2004, the **evidentiary hearing** to determine Mr. DeLano's motion to disallow Dr. Cordero's claim ..... D:332

**III. After the trustee and his supervising U.S. trustees attempted for 11 months to prevent Dr. Cordero from exercising his right to examine the DeLanos under oath, finally they allowed him to do so at a meeting, at which he discovered the DeLanos' suspicious series of mortgages, which even the incomplete documents that they produced allowed him to show that since 1975 they received \$382,187 to buy their home, yet in 2005, 30 years later, they still lived in the same home but owed \$77,084 and had equity of merely \$21,415; but the trustees refused to ask the DeLanos to account for that money and stopped responding to Dr. Cordero's letters**

- 594. Trustee **Reiber's** letter of **December 30, 2004, to Dr. Cordero** confirming that he will conduct a Section 341 **Hearing of the DeLanos** on February 1, 2005, at his office on South Winton Court, Rochester ..... D:333
- 595. **Documents** submitted at the examination of the DeLanos on **February 1, 2005**
  - a) Closing memorandum of December 24, 2004, of the **sale by DeLanos' son of the trailer** that he bought with the \$10,000 that they had lent him ..... D:334
  - b) NYS Department of Motor Vehicles Notice of Recorded Lien, 091201, by Summit Acceptance Corporation on a 1998 Chevrolet of David DeLano ..... D:335
  - c) Retail Installment Contract and Security Agreement of June 19, 2001, between Auto Solutions and David DeLano for the purchase of a 1998 Chevrolet Blazer ..... D:336

d) Proof of Claim entered on March 8, 2004, by Erich M. Ramsey for Capital One Auto Finance ..... D:340

596. Att. **Werner’s** letter of **February 16, 2005, to Trustee Reiber** accompanying the following incomplete documents described as “relevant **portion** of Mr. and Mrs. **DeLano’s Abstract of Title**” in response to “your request at the adjourned 341 Hearing”; these documents begin thus:..... D:341

    a) “4. Church of the Holy Spirit of Penfield New York” ..... D:342

    b) “Public Abstract Corporation”, concerning an interest in premises from October 5, 1965, recorded in Liber 3679, of Deeds, at page 489, of the Records in the office of the Clerk of the County of Monroe, New York ..... D:344

    c) “#12,802 Abstract of Title to Part Lot 45 Township 13, Range 4, East Side Shoecraft Road, Town of Penfield” ..... D:345

    d) “33516 Abstract to Lot #9 Roman Crescent Subdivision”..... D:347

    e) “Mortgage Closing Statement April 23, 1999, 1262 Shoecraft Road, Town of Penfield \$95,000”..... D:351

    f) “U.S. Department of Housing and Urban Development Optional for Transactions without Sellers” ..... D:353

597. Dr. **Cordero’s** motion of **February 17, 2005, to request that Judge Ninfo recuse himself** under 28 U.S.C. §455(a) from *DeLano* and *Pfuntner* due to his lack of **impartiality**..... D:355

    a) Dr. **Cordero's** motion of **August 8, 2003, for Judge Ninfo to transfer Pfuntner v. Trustee Gordon et al., no. 02-2230, WBNY, to the U.S. District Court in Albany, NDNY, and recuse himself** due to bias ..... D:385

    b) Dr. **Cordero’s** motion of **November 3, 2003, in the Court of Appeals** for the Second Circuit for leave to file an **updating** supplement of **evidence of bias** in Judge **Ninfo’s** denial of Dr. Cordero’s request for a trial by jury ..... D:425

    c) Dr. **Cordero’s** motion of **September 9, 2004, in CA2 to quash the order of WBNY Judge Ninfo** of August 30, 2004, **that severs a claim from** his appeal *In re Premier Van et al., no. 03-5023, CA2*, so that the Judge can decide it in *In re DeLano, no. 04-20280, WBNY*, thus making a mockery of the appeal process ..... D:440

598. Dr. **Cordero’s** letter of **February 22, 2005, to Trustee Reiber analyzing the documents** produced by Att. Werner as incomplete, incapable of explaining the flow of mortgages, silent on equity, and at odds with information previously provided; and requesting that the **Trustee recuse himself** or **hire professionals** to conduct a title search and appraisal, and follow the money earned by the DeLanos ..... D:461



- 599. Letter of Karl S. **Essler**, attorney for David Dworkin and Jefferson Henrietta Associates, of **February 22, 2005, to Judge Ninfo**, stating Mr. Essler’s belief that the Judge has done **nothing** that warrants **granting** Dr. Cordero’s motion for his **recusal** ..... D:468
- 600. Trustee **Reiber’s** letter of **February 24, 2005, to Att. Werner requesting information** about the **mortgage to Columbia** Bank (D:350) that later on ended up with the government –HUD, Housing and Urban Development (D:353)- but that is **not** recorded as having been **discharged** ..... D:469
- 601. Dr. **Cordero’s** letter of **March 1, 2005, to Trustee Schmitt** serving on her a copy of his February 22 letter to Trustee Reiber (D:461), pointing out the need to grant the requests made to and denied by Trustee Reiber, and requesting that she take a position on the letter and its requests and inform Dr. Cordero thereof in writing [never replied to] ..... D:470
- 602. Dr. **Cordero’s** letter of **March 10, 2005, to Assistant U.S. Trustee Schmitt** accompanying the required blank tapes to have an official **copy** of the **recording** of the §341 **examination** of the DeLanos at Trustee Reiber’s office on **February 1, 2005**, and requesting an answer to the letter of March 1, 2005 (D:470) [never replied to] ..... D:471
- 603. Att. **Werner’s** letter of **March 10, 2005, to Trustee Reiber** in response to the latter’s letter of February 24 concerning **records of discharge of mortgages** of the DeLanos (D:469) ..... D:472
- 604. Dr. **Cordero’s** letter of **March 19, 2005, to Att. Werner** stating that **no enclosures** were sent to Dr. Cordero with the copy of Att. Werner’s March 10 letter to Trustee Reiber (D:472) and requesting that he send a list of everything that Att. Werner sent to the Trustee as well as a copy..... D:473
- 605. Dr. **Cordero’s** letter of **March 21, 2005, to Trustee Schmitt** stating that in response to his request for an official copy of the tapes of the §341 examination of the DeLanos on February 1, 2005, **she sent** a copy of a **recording** of a meeting of creditors on March 8, 2004 that has **nothing to do with the DeLanos** except that it occurred on the same day when Trustee Reiber’s attorney, James Weidman, Esq., prevented Dr. Cordero from examining the DeLanos, and **requesting** that she send a copy of the **recording** on **February 1, 2005**, and of the meeting of the DeLanos conducted by Att. Weidman on **March 8, 2004** [never replied to]..... D:474
- 606. Letter of Ms. Jill **Wood, Assistant to Trustee Schmitt**, of March 23, 2005, **apologizing** for having sent a copy of a **recording** made on **March 8, 2004** -which had nothing to do with the DeLanos except the date of the meeting of creditors- and **accompanying** a copy of a **recording** labeled as that of the §341 examination of the DeLanos on **February 1, 2005** ..... D:476

- 607. Att. **Werner**'s letter of **March 24**, 2005, to Dr. **Cordero** with 14 "copies of the enclosures to our letter to Trustee Reiber of March 10, 2005, which were apparently omitted from your copy of the correspondence" ..... D:477
  - a) **Printouts** of screenshots of February 25, 2005, of electronic records **indexing** of the Monroe County Clerk's office .....D:478
- 608. Dr. **Cordero**'s letter of **March 29**, 2005, to Trustee **Reiber** (copied to Trustees **Schmitt** and **Martini**) commenting on the **uselessness** of the printed **screenshots from the website** of the County Clerk's Office that Att. **Werner produced** in response to the Trustee's request for information about a mortgage of the DeLanos; asking **whether** his lack of protest means that the **§341 examination** of the DeLanos on **February 1**, 2005, was a **charade** that he conducted with no intention to obtain any financial information from the DeLanos; and **requesting** that he either take certain steps to **obtain that information or recuse himself** and let another trustee be appointed who can conduct an efficient investigation of the DeLanos [never replied to] ..... D:492
- 609. **Assistant Wood**'s letter of **April 6**, 2005, to Dr. Cordero accompanying a copy of "the **341 hearing tapes** for March 8, 2004" -meaning tapes of the §341 meeting of the DeLanos' creditors held on that date at Trustee Schmitt's Office- stating where it begins on the tape and that she mistakenly told him that the recording included Trustee Reiber's introduction, which is on a video tape and is not recorded on the audio tape ..... D:495
- 610. **Docket** of *In re David G. and Mary Ann DeLano*, no. 04-20280, WBNY, as of May 10, 2006 ..... D:496
- 611. -630. reserved

Dated: August 1, 2006  
59 Crescent Street  
Brooklyn, NY 11208-1515

Blank

Blank

**II. Table of Exhibits of Add:# pages  
in the Addendum**

[Add:509](#); [Add:711](#); [Add: 911](#)

to the Designated Items in the Record of *In re DeLano*, WBNY,  
and accompanying the appellate brief of December 21, 2005  
in *Cordero v. DeLano*, no. 05cv6190L, WDNY  
as of August 1, 2006

by  
Dr. Richard Cordero, Esq.

Table of Contents

- IV. After Bankruptcy Judge Ninfo disallowed at a sham evidentiary hearing Dr. Cordero’s claim against Mr. DeLano, whose testimony had corroborated it, District Judge Larimer ordered Dr. Cordero to file his appellate brief before the transcript, with its incriminating evidence of bias and unlawfulness, had even been started to be prepared, let alone its docketing by the court effected as required, whereby he protected his peer and the DeLanos by violating FRBkrP 8006 and 8007 ..... ToEAdd:222
- V. The court reporter that recorded stenographically the sham evidentiary hearing refused to certify that her transcript would be accurate, complete, and tamper-free, and Dr. Cordero requested Judge Larimer that she be replaced and reported for investigation, but he refused to do so and ordered Dr. Cordero to obtain the transcript from that reporter anyway, thus disregarding the doubt that she had cast on its reliability and its detrimental impact on the integrity of the appeal process ..... ToEAdd:229
- VI. Dr. Cordero showed on the basis of Trustee Reiber’s “report” that he had conducted no investigation of the DeLanos at all and requested that Judges Larimer and Ninfo order the production of documents, such as those of their mortgages and the transcript that the Trustee had a private reporter prepare of the meeting at which Dr. Cordero had examined the DeLanos, that would show that the DeLanos had procured through fraud the confirmation of their plan of debt repayment, but both Judges refused to ask for a single document, not to mention revoke the confirmation ..... ToEAdd:231

\*\*\*\*\*

**IV. After Bankruptcy Judge Ninfo disallowed at a sham evidentiary hearing Dr. Cordero’s claim against Mr. DeLano, whose testimony had corroborated it, District Judge Larimer ordered Dr. Cordero to file his appellate brief before the transcript, with its incriminating evidence of bias and unlawfulness, had even been started to be prepared, let alone its docketing by the court effected as required, whereby he protected his peer and the DeLanos by violating FRBkrP 8006 and 8007**

(emphasis is added unless emphasis in the original is stated)

- 631. Judge **Ninfo’s** statements on pages 3 and 4 (D:5-6) of his decision on appeal of **April 4, 2005**, portraying Dr. **Cordero** as a **liar and a perjurer** concerning his status and work as a lawyer ..... Add:509
- 632. Letters, briefs, motions, applications, and statements in which Dr. **Cordero** gave **notice** since 2002 that **he is a lawyer to Judge Ninfo and the parties** and in turn the parties acknowledged that fact to the Judge, which casts doubt on the truthfulness of the Judge’s allegation that “neither the Court nor any of the courtroom staff recalls such an admission” or on his competency in reading those documents at all or with the minimal degree of due care required of a lawyer, let alone a judge ..... Add:510
- 633. Dr. **Cordero’s** letter of **September 27, 2002**, to Judge **Ninfo** identifying himself as a **lawyer** ..... Add:513
- 634. Judge **Ninfo’s** letter of **October 8, 2002** acknowledging receipt of Dr. Cordero’s letter of September 27, 2002 ..... Add:514
- 635. Report for Judge **Ninfo’s** search of **February 23, 2005**, for **Richard Cordero** in the New York State **Attorney Directory** ..... Add:515
- 636. Report for Judge **Ninfo’s** **WestLaw Search** of **February 28, 2005**, of “Richard & Cordero” ..... Add:516
- 637. **Letter** of **April 26, 2005**, of Mr. Samuel H. Younger, Chief Management Analyst, Attorney Registration Unit, **New York State** Unified Court System, **Office of Court Administration**, to Dr. **Cordero** indicating that there is **only one Richard Cordero** registered with the Office and listing the dates of registration, which indicate that he **retired since 1993** ..... Add:518
- 638. Docket of the Chapter 11 **bankruptcy** case of **Heller, Jacobs & Kamlet**, no. 04-13127, SDNY, filed on May 7, 2004, as of May 16, 2005 ..... Add:520
- 639. **Affirmation** of Leonard G. **Kamlet**, Esq., of **April 14, 2005**, stating that

**a Richard Cordero** worked at his former law firm of Heller, Jacobs & Kamlet in a **paralegal** capacity, was not a lawyer, and was **not the Richard Cordero, Esq.**, to whom he handed the affirmation ..... Add:526

640. **Affirmation** of Anthony M. **Heller**, Esq., of **April 21**, 2005, stating that his former law **firm** of Heller, Jacobs & Kamlet **employed a paralegal** named Richard Cordero, who was never an attorney, but **never employed Dr. Richard Cordero** or anyone else named Richard Cordero who was an attorney, and that his firm went out of business at the end of 2003 ..... Add:529

641. **Docket** of *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY, as of May 10, 2006 ..... Add:531

642. Extracts from the **American Bar** Association Model Code of **Professional Responsibility**..... Add:551

643. Extract from the **New York Code of Professional Responsibility: Canons and Disciplinary Rules**..... Add:552

644. **Letter** of **May 3**, 2005, of Linda C. Smith, Senior Account Representative at **Martindale-Hubbell**, to Dr. **Cordero** acknowledging that through an **internal error** his record was **associated to** that of the **law firm** of Heller, Jacobs & Kamlet..... Add:553

645. **FindLaw** Manager Brian Doyle’s letter of **May 4**, 2005, to Dr. **Cordero** stating that they could **not identify** any precise **event** or request that **associated him to** the **law firm** of Heller, Jacobs & Kamlet..... Add:554

    a) **FindLaw’s corrected listing** as of **April 26**, 2005, concerning Richard Cordero..... Add:555

646. Dr. **Cordero’s petition** of **January 20**, 2005, to the **Supreme Court** of the United States for a Writ of **Certiorari** to the Court of Appeals for the Second Circuit, docket no. 04-8371 ..... Add:557

    a) Prefatory material

        1) Questions Presented..... Add:557

        2) Index of Appendices ..... Add:558

        3) Table of Authorities Cited ..... Add:584

        4) Table of Headings of the Petition for Certiorari..... Add:588

    b) Substantive material

        I. Opinions Below ..... Add:590

        II. Jurisdiction ..... Add:590

        III. Constitutional and Statutory Provisions Involved..... Add:591

IV. Statement of The Case ..... Add:592

V. Reasons for Granting The Writ..... Add:604

VI. Conclusion..... Add:629

647. **18 U.S.C. §3057(a)** on the duty to report to the U.S. Attorney grounds for believing that **bankruptcy fraud** has been committed or that an **investigation** in connection therewith is needed..... Add:630

648. **28 U.S.C. §158 Appeals** (As amended April 20, 2005, P.L. 109-8, Title XII, § 1233(a), 119 Stat. 202) ..... Add:630

649. U.S. District Court, WDNY, **Local Rules** of Civil Procedure, Rule 5.1 on **pleading a RICO** count..... Add:633

650. Biographical note of Bankruptcy Judge John C. Ninfo, II, showing that he was a partner in the law firm of Underberg & Kessler, LLP, at the time of his appointment to the bench;  
<http://www.nywb.uscourts.gov/aboutjcn.php> ..... Add:636

651. Judge **Ninfo's citations** to authority in his decision on appeal of April 4, 2005 ..... Add:637

    a) 9C Am Jur 2d Bankruptcy ..... Add:638

    b) Norton Bankruptcy Law and Practice 2d..... Add:643

    c) 9 Collier on Bankruptcy § 3001.09, 15th Edition Revised ..... Add:649

    d) In re Youroveta Home & Foreign Trade Co., 297 F. 723 (1924)..... Add:651

    e) In re Burrows, 156 F.2d 640 (2nd Cir. 1946) ..... Add:654

652. **Bankruptcy Court's notice of April 11, 2005, to Dr. Cordero** to request that pursuant to FRBkrP 8006 he **perfect the record** of his **appeal in DeLano** to the District Court by submitting by April 21 his designation of items in that record and his statement of issues on appeal..... Add:679

653. Dr. **Cordero's Designation of April 18, 2005, of Items in the Record and Statement of Issues on Appeal (D1-508)** ..... Di

654. Dr. **Cordero's letter of April 18, 2005, to Bankruptcy Court Reporter Mary Dianetti** requesting that she state "the number of stenographic packs and the number of folds in each pack that you used to record that hearing and that you will be using to prepare the transcript" of her own recording of the evidentiary hearing in *DeLano* on March 1, 2005, and indicate the **cost of the transcript** ..... Add:681

655. Dr. **Cordero's letter of April 19, 2005, to Trustee Martini** requesting that she **remove Trustee Reiber** and let Dr. Cordero know what she intends to do [never replied to] ..... Add:682

656. Dr. **Cordero's letter of April 21, 2005, to Trustee George Reiber**



- requesting a response to his letter of March 29 (D:492) concerning the **uselessness of Att. Werner’s** printouts of **screenshots** from the Monroe County Clerk’s Office website (D:478) that were to have provided information about the DeLanos’ mortgages (D:461, 469) and sending him a **copy** of the **Designation** and Statement (Di) [never replied to] ..... Add:683
657. Dr. **Cordero's** letter of **April 21, 2005, to** Trustee **Schmitt** requesting for the **4<sup>th</sup> time** (D:470, 471, 474) a statement of **her position** on Trustee Reiber’s failure to investigate the DeLanos [never replied to]..... Add:685
- 657a. **Cover** letter of **Bankruptcy Court** Case Administrator Karen S. Tacy of **April 22, 2005, to** Dr. **Cordero** accompanying her **transmittal forms to District Court** Clerk Rodney C. Early and informing Dr. Cordero that the District Court Civil Case Number for the appeal is 05cv6190L ..... Add:686
- a) **Bankruptcy Court transmittal** form of **April 21, 2005,** addressed **to District Court Clerk** Rodney C. **Early;** marking as transmitted to the District Court Dr. Cordero’s April 9 “Notice of Appeal” (D:1) and April 18 “Statement of Issues and Designated Items of Appellant(s)” (Di); while marking as missing documents the “Statement of Issues and/or Designated items of Appellee(s)” ..... Add:687
658. **Bankruptcy Court’s** electronic **filing** on **April 22, 2005,** of the title cover of Dr. **Cordero’s Designation of Items** in the Record and Statement of Issues on Appeal **of April 18, 2005 (Di),** and **notice** that because it is **voluminous** it is available in **paper format only** and is available for review at the clerk’s office ..... Add:690
659. Judge **Larimer’s order** of **April 22, 2005,** informing Dr. **Cordero** that his appeal was docketed on that date and that he is **scheduled** “to file and serve his brief within twenty (20) days after entry of this order on the docket” ..... Add:692
- [**Comment:** Docketing occurred the day after Dr. Cordero’s Designation of Items was filed in Bankruptcy Court so that the record could not be complete given that the period for the DeLanos to file their Designation of Additional Items had just begun to run -their filing took place on May 3 (Add:711)- and the transcript had not even been started and was not finished and filed until November 4, 2005! Hence Judge Larimer lacked jurisdiction over the case and could not schedule any brief, whereby he did so with disregard for FRBkrP 8007(b).
660. **District Court’s** electronic **filing** on **April 22, 2005,** of Judge Larimer’s scheduling order of the same date ..... Add:694
661. Dr. **Cordero’s objection** of **May 2, 2005, to** Judge Larimer’s **scheduling order,** because “contact with the court reporter for preparation of the transcript has only been initiated so that the **transcript has not been even started,** let alone delivered for the appellant to take it into consideration when writing his brief on appeal”, whereby the **transmittal** of the **record** from the Bankruptcy to

- the District court was **premature**; and his request for the urgent **rescission** of the order and for the Judge to inform him of his decision promptly by fax on this occasion..... Add:695
662. Letter of **May 2, 2005**, by Devin L. **Palmer** on behalf of the DeLanos to **Bankruptcy Case Administrator** Tacy stating that **Appellant’s designated documents** included the necessary items; that “However, Appellant failed to include the four exhibits attached to Judge Ninfo’s April 4 Decision and Order of Judgment Ninfo [sic]. Those exhibits, clearly part of the record as an attachment to the decision appealed by Mr. Cordero are enclosed hereto (and that they are enclosed and attached under Document No. 90 of the online Docket); [the **documents sent** to and received by Dr. Cordero are the following] ..... Add:711
- a) James **Pfuntner’s Interpleader Complaint** filed on September 27, **2002**, to “Determine Rights in Property of the Debtor and in Property in the Debtor’s Possession, to Grant Plaintiff and Compel the Trustee to pay Administrative Expenses or Otherwise Determine the Liability of Those Found to Hold an Interest in the Debtor’s Property or Property in Possession of the Debtor for the Use and Occupancy of the Plaintiff’s Real Property, and to Vacate the Automatic Stay of Actions” ..... Add:712
  - b) Judge **Ninfo’s Order** of July 15, **2003**, providing for a series of “discrete” “discreet” hearings from October 16, 2003, **in Pfuntner** ..... Add:719
  - c) Judge **Ninfo’s Order** of October 16, **2003**, Disposing of Causes of Action **in Pfuntner**..... Add:725
  - d) Judge **Ninfo’s Decision and Order** of October 16, **2003**, Denying Recusal and Removal Motions and Objection of Richard Cordero to Proceeding with any Hearings and a Trial on October 16, 2003, **in Pfuntner** ..... Add:729
  - e) Judge **Ninfo’s “Cordero Oral Decision”** of October 16, **2003**, **in Pfuntner**..... Add:731
  - f) Judge **Ninfo’s Decision & Order** of October 23, **2003**, Finding a Waiver of a Trial by Jury, **in Pfuntner** ..... Add:741
  - g) Judge **Ninfo’s Scheduling Order** of October 23, **2003**, in Connection with the Remaining Claims of the Plaintiff, James Pfuntner, and the Cross-Claims, Counterclaims and Third-Party Claims of the Third-Party Plaintiff, Richard Cordero, **in Pfuntner** ..... Add:749
663. Dr. **Cordero’s answer and counterclaim** of November 1, **2002**, in *Pfuntner*..... Add:771
- a) Plaintiff **Pfuntner’s Summons** of **October 3, 2002**, in an

- Adversary Proceeding (AP), no. 02-2230, to Dr. Cordero**..... Add:777
- b) Letter of Michael **Beyma**, Esq., attorney for M&T Bank, of **August 15, 2002, to Dr. Cordero**..... Add:778
- c) **Dr. Cordero’s letter of August 26, 2002, to Att. MacKnight** ..... Add:780
- d) **Trustee Gordon’s letter of September 23, 2002, to Dr. Cordero** ..... Add:781
- e) **Dr. Cordero’s letter of October 7, 2002, to Att. MacKnight**..... Add:782
- f) **Dr. Cordero’s letter of October 17, 2002, to Plaintiff Pfuntner**..... Add:783
664. **Att. Beyma’s letter of August 1, 2002, to Dr. Cordero** ..... Add:784
665. **Dr. Cordero’s third-party complaints and cross-claims of November 21, 2002, in Pfuntner** ..... Add:785
- a) Letter of David **Dworkin**, owner/manager of **Jefferson Henrietta** Associates warehouse, of March 1, 2002, to Dr. Cordero ..... Add:805
- b) **Bill for storage and insurance from Jefferson Henrietta Associates of March 7, 2002, to Dr. Cordero** ..... Add:806
- c) Manager **Dworkin’s** letter of **April 25, 2002, to Dr. Cordero** ..... Add:807
- d) Trustee **Gordon’s** letter of **April 16, 2002, to Manager Dworkin** ..... Add:808
- e) Trustee **Gordon’s** letter of **June 10, 2002, to Dr. Cordero**..... Add:809
- f) Att. **Stilwell’s** letter of **May 30, 2002, to Dr. Cordero** ..... Add:810
- g) Letter of Michael **Beyma**, Esq., attorney for M&T Bank, of **August 28, 2002, to Dr. Cordero**..... Add:811
- h) Att. **MacKnight’s** letter of **September 19, 2002, to Dr. Cordero**..... Add:812
- i) Trustee **Gordon’s** letter of **September 23, 2002, to Dr. Cordero** ..... Add:813
- j) Trustee **Gordon’s** letter of **October 1, 2002, to Judge Ninfo**..... Add:814
666. Trustee **Schmitt’s** letter of **October 8, 2002, to Dr. Cordero** that her office contacted Trustee Gordon and that when information is received and reviewed Dr. Cordero will be contacted..... Add:816
667. Judge **Larimer’s** order of **May 3, 2005, rescheduling** Dr. Cordero’s appellant’s **brief** for June 13 **without** making any **reference to**, much less discussing, any of Dr. Cordero’s legal and practical arguments for not scheduling the brief until after the filing of the **transcript**, whose preparation was **not yet even in sight** due to Reporter Dianetti’s failure to provide the requested information..... Add:831
668. **Bankruptcy Case Administrator** Tacy’s **transmittal** form of **May 3, 2005, to District Clerk Early**, marking “Perfected Record consisting of: Letter and supporting documents filed by Appellee” and “Other: Please note that the Appellee paper filed a copy of Appellant’s Designation of Items”,

- transmitted despite the fact that item no. 112 of Dr. Cordero’s Designation (Di:xii) and the accompanying copy of his April 18 letter to Bankruptcy Court Reporter Dianetti (Add:681) gave the Bankruptcy Court notice that he wanted and had requested the transcript, which had **not** yet been **filed** so that the **record** was still incomplete under FRBkrP 8007(b) and could **not** be transmitted ..... Add:832
669. Reporter Dianetti’s letter of May 3, 2005, to Dr. Cordero stating that the transcript will cost between \$600 and \$650 and “Please understand that this is an estimate only”, and that “The information you requested regarding how many packs of [stenographic] paper and the number of folds was given to you after the hearing” ..... Add:834
670. Dr. **Cordero’s** letter of **May 10, 2005, to Court Reporter Dianetti asking** by how much more her **estimate** of the **transcript cost** between \$600 and \$650 can fluctuate and that such fluctuation “makes it all the more necessary that you state how many packs of stenographic paper and how many folds in each pack constitute the whole of your recording. I trust you will have no problem in providing me with this information this time” ..... Add:835
671. Dr. **Cordero’s motion of May 16, 2005, for the District Court to comply** with FRBkrP 8007 in the scheduling of his appellate brief **and** “rescind its scheduling order requiring that he file his brief by June 13 and reissue no such order until in compliance with FRBkrP 8007(b) it has received a complete record from the clerk of the bankruptcy court” ..... Add:836
672. Judge **Larimer’s rescheduling order of May 17, 2005, pretending that** “Appellant requested additional time within which to file and serve his brief”, and requiring that “Appellant shall file and serve his brief within twenty (20) days of the date that the transcript of the bankruptcy court is filed with the Clerk of the Bankruptcy Court”, and thus without referring to or discussing Dr. Cordero’s arguments for the Judge to comply with FRBkrP 8007..... Add:839
673. Court Reporter **Dianetti’s** letter of **May 19, 2005, to Dr. Cordero** stating that “I am unable to state by how much my estimate can fluctuate, if it fluctuates at all, unless I prepares the entire transcript” and that as to the **number** of stenographic **packs and folds** “I trust you already have that information” ..... Add:840
674. Dr. **Cordero’s** letter of **May 26, 2005, to Court Reporter Dianetti** that her calling her price range ‘an estimate’ defeats the purpose of stating an upper limit and requesting that she state the **maximum cost of the transcript** and “the **number** of stenographic **packs** and the number of **folds** in each that comprise the whole recording of the evidentiary hearing and **that will be translated** into the transcript” ..... Add:842

- 675. Court Reporter **Dianetti's** letter of **June 13, 2005**, stating that the maximum cost of the **transcript is \$650** and "I am listing the number of stenographic packs and the number of folds in each pack and this is the same information that was given to you on the afternoon of the hearing" ..... Add:843
- 676. Dr. **Cordero's** notice of **June 20, 2005**, to the **District Court** of his **efforts to obtain the transcript of the evidentiary hearing** before Judge Ninfo on March 1, 2005, of the **DeLanos' motion to disallow his claim** ..... Add:845
- 677. Dr. **Cordero's** motion of **June 20, 2005**, for the District Court to **stay** in Bankruptcy Court *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY, and **join** the parties in that case to the **DeLano** appeal ..... Add:851
  - a) Dr. **Cordero's** statement of June 18, 2005, to the *Pfuntner* parties on Judge Ninfo's linkage of *Pfuntner* and *DeLano* in the Judge's April 4 decision on appeal (D:3), where the Judge traced the origin of *DeLano* through documents filed in *Pfuntner*, which he attached to his decision and which the DeLanos' attorney not only included in their Designation of Additional Items on the Record (T<sub>o</sub>EAdd:226>711 et seq.), but also added other *Pfuntner* documents to them, whereby they all demonstrated that they viewed the two cases inextricably linked..... Add:853

**V. The court reporter that recorded stenographically the sham evidentiary hearing refused to certify that her transcript would be accurate, complete, and tamper-free, and Dr. Cordero requested Judge Larimer that she be replaced and reported for investigation, but he refused to do so and ordered Dr. Cordero to obtain the transcript from that reporter anyway, thus disregarding the doubt that she had cast on its reliability and its detrimental impact on the integrity of the appeal process**

- 678. Dr. **Cordero's** letter of **June 25, 2005**, to Reporter **Dianetti** requesting that she state whether she merely **copied the numbers of packs and folds** that she gave him at the end of the March 1 evidentiary hearing or counted those that she will actually transcribe, which she necessarily had to do to calculate her cost estimate; and that she agree to **certify that her transcript will be complete, accurate, and free of tampering influence** ..... Add:867
- 679. Court Reporter **Dianetti's** letter of **July 1, 2005**, to Dr. **Cordero** requiring that he **prepay \$650** for the transcript and stating that "The balance of your letter of June 25, 2005 is rejected" ..... Add:869

680. Application of **July 7, 2005**, by Christopher Werner, Esq., **attorney for the DeLanos**, for **\$16,654** in **legal fees** for services rendered to the DeLanos..... Add:871
- a) Att. Werner’s itemized invoice of June 23, 2005, for legal services rendered to the DeLanos, consisting almost exclusively of maneuvers to avoid production of Dr. Cordero’s requested documents, beginning with the entry on April 8, 2004 “Call with client; Correspondence re Cordero objection” and ending with that on June 23, 2005 “(Estimated) Cordero appeal” ..... Add:872
681. Dr. **Cordero’s motion of July 13, 2005**, for the District Court, WDNY, to **stay** the **confirmation** hearing in Bankruptcy Court of the debt repayment plan (D:59) in *DeLano*, no. 04-20280, WBNY, and the confirmation order; **withdraw DeLano** to itself pending appeal; **remove** Trustee George Reiber; and take **notice of** Dr. Cordero’s addition of issues to the **appeal**..... Add:881
- a) Dr. **Cordero’s affidavit of July 11, 2005**, in support of his July 13 motion in District Court for a stay; removal of the Trustee; etc. .... Add:886
- b) Dr. **Cordero’s proposed order** submitted to District Judge David G. Larimer with his July 13 motion..... Add:907
682. Dr. **Cordero’s motion of July 18, 2005**, for the District Court to have Bankruptcy Court Reporter Mary **Dianetti referred to the Judicial Conference** for investigation of her refusal to certify the reliability of her transcript ..... Add:911
- a) Dr. **Cordero’s proposed order** submitted to Judge Larimer with his motion of July 18, 2005, to **refer Reporter Dianetti to the Judicial Conference**..... Add:932
683. Att. **Werner’s** ingratiating letter of **July 19, 2005**, to Judge Larimer accompanying: ..... Add:935
- a) Att. **Werner’s** “Statement in **opposition to Cordero motion** [sic] to stay confirmation and other relief”, because “Richard Cordero sets forth no substantive basis for any of the relief requested in his current Motion, nor does he have any interest in the DeLano matter whatsoever, as determined by Judge Ninfo” (a conclusory assertion unsupported by any legal discussion, and revealing Att. Werner’s failure to recognize Dr. Cordero’s status as a party in interest, not to mention as appellant) ..... Add:936
684. Trustee **Reiber’s undated “Findings of Fact and Summary of 341 Hearing”** ..... Add:937

- a) **Undated and unsigned** sheet titled **“I/We filed Chapter 13 for one or more of the following reasons”** ..... Add:939
- 685. Judge **Ninfo’s order of August 8, 2005**, instructing **M&T Bank to deduct \$293.08 biweekly from his employee, Debtor David DeLano, and pay it to Trustee Reiber** ..... Add:940
- 686. Judge **Ninfo’s Decision and Order of August 9, 2005**, confirming upon **“the Trustee’s Report [Add:937] and the testimony of Debtor” the DeLanos’ debt repayment plan [D:59]; finding that “Any objections to the plan have been disposed of”; and allowing payment of legal fees in the amount of \$18,005 to Att. Werner by the DeLanos [who stated in Schedule B of their January 2004 bankruptcy petition (D:31) that they had only \$535 in cash and on account]**..... Add:941
- 687. Trustee **Reiber’s Acknowledgment of August 19, 2005**, of Claim and **Notice of the Manner of the Proposed Treatment of Dr. Cordero’s Claim**, stating that its amount is zero and its classification is **“ignore”**, and remarking that the claim is **disallowed**..... Add:944

**VI. Dr. Cordero showed on the basis of Trustee Reiber’s “report” that he had conducted no investigation of the DeLanos at all and requested that Judges Larimer and Ninfo order the production of documents, such as those of their mortgages and the transcript that the Trustee had a private reporter prepare of the meeting at which Dr. Cordero had examined the DeLanos, that would show that the DeLanos had procured through fraud the confirmation of their plan of debt repayment, but both Judges refused to ask for a single document, not to mention revoke the confirmation**

- 688. Dr. **Cordero’s notice of motion and motion of August 23, 2005**, to **compel the production of documents and take other actions** necessary for the exercise of the District Court's supervision over the Bankruptcy Court and of Appellant's right of appeal, and for the proper determination of this appeal, returnable on September 12 .....Add:951
  - a) Dr. **Cordero’s proposed order** submitted to Judge Larimer **with the motion of August 23, 2005**, for the District Court to **compel document production**.....Add:977
- 689. Letter of David D. **MacKnight, Esq.**, attorney for James Pfuntner, of **September 2, 2005**, to Judge **Larimer** entering a **limited response** to Dr. **Cordero’s August 23 motion** to compel production of documents (Add:951), and asking that such **motion be denied** insofar as it concerns

- Mr. Pfuntner and that the **name Pfuntner** be **stricken** from any order issued in connection with that motion .....Add:985
690. Att. **Werner's** response of **September 7, 2005**, on behalf of the DeLanos, addressed to Judge **Larimer** to **oppose Dr. Cordero's motion** by stating that "it does not appear that Cordero has fully perfected the appeal to date; Judge Ninfo has already determined that Cordero has no claim in this proceeding and is not a creditor...[so] there is no basis for the current Motion herein by Cordero; [and] all other aspects of the Cordero Motion...have no merit nor any procedural basis herein" ..... Add:988
691. Judge **Larimer's** decision and **order of September 13, 2005**, stating that Dr. Cordero's motion "to refer a bankruptcy court reporter to the Judicial Conference for an "investigation" is denied in all respects" because "The prolix submissions might lead one to believe that this is a significant problem. It is not. It is a tempest in a teapot" and with nothing more, let alone a legal argument, ordering that "The matter must be resolved as follows", where he **required Dr. Cordero to request** in writing Reporter Dianetti to prepare the **transcript**, which he "has no right to "condition" his request in any manner" (but see Add:1004§IV), **and prepay** her fee of \$650 ..... Add:991
692. Dr. **Cordero's** motion of **September 20, 2005**, for **reconsideration** of Judge Larimer's decision and order **concerning Reporter Mary Dianetti** and the **transcript** necessary for the appeal..... Add:993
693. Judge **Larimer's order of October 14, 2005**, stating that "The motion for reconsideration [Add:993] is in all respects denied", with not a single argument indicating that the Judge had even read it or noticed that it was returnable on November 18, whereby his premature order deprived the other parties of the right to write a paper or be heard on it, and revealing that he assumed or knew that they would not exercise such right and that even if they did so it would not matter because he had already predetermined that the motion was to be denied; and then **directing** Dr. Cordero to **request the transcript within 14 days** and pay the \$650 fee lest he be found to have failed to perfect his appeal and have it dismissed..... Add:1019
694. Judge **Larimer's order of October 17, 2005**, "den[y]ing in their entirety" Dr. **Cordero's** three pending **motions** [Add:851, 881, 951] but referring to not even one of his legal arguments if only to show that the Judge had bothered to read the motions before expediently getting them out of the way with once more the lazy and **conclusory fiats** that "there is no basis in law to support such relief", "these motions are wholly without merit", and "it completely lacks merit" ..... Add:1021
695. **Letter of Bankruptcy Clerk Paul R. Warren of October 20, 2005, to Judge Larimer to inform** him of Dr. **Cordero's letter** to Contracting Officer Frieday and qualifying it as "an effort to both avoid your Order and to



- intimidate the Bankruptcy Court’s clerical staff” ..... Add:1024
696. Dr. **Cordero’s letter of October 18, 2005, to Contracting Officer** Melissa Frieday, stating in the first sentence that he had been **referred** to Officer Frieday **by the Chair of the Executive Committee of the Judicial Conference**, Chief Judge Carolyn Dineen King, CA5; and **requesting** that she **replace Reporter** Dianetti in preparing the transcript, investigate her refusal to certify its reliability, and refer the matter to U.S. Attorney General Alberto Gonzales ..... Add:1025
697. Dr. **Cordero’s letter of October 24, 2005, to Reporter Dianetti requesting** that she prepare the **transcript** of the March 1 evidentiary hearing in Bankruptcy Court, enclosing with it a certified **check** for **\$650**, and stating that the request was being made **under the compulsion** of Judge Larimer’s order and with **reservation** of all **his rights** ..... Add:1027
698. Dr. **Cordero’s notice of October 25, 2005, to Judge Larimer** that he complied with his order by **requesting** Reporter Dianetti to produce the **transcript** and providing payment, **but did so under compulsion** of his October 14 order (Add:1019) and under reservation of his right to challenge the order and the request on appeal ..... Add:1031
699. Dr. **Cordero’s cover letter of October 25, 2005, to the Bankruptcy Court accompanying his notice** of the same date to the District Court of having **complied** with the order of Judge Larimer that directed him to request the transcript (Add:1019) **and stating** that such notice was **his response to** Bankruptcy Clerk of Court **Warren’s** letter to Judge Larimer of October 20 (Add:1024) ..... Add:1037
700. Reporter **Dianetti’s** letter of **November 4, 2005, to Dr. Cordero** stating that she received on November 2 his letter with enclosed check (Add:1027) requesting the transcript of the evidentiary hearing of March 1, 2005, of the DeLanos’ motion to disallow his claim (D:218), and was filing her transcript that day in Bankruptcy Court, sending him a paper and a PDF copy of it, and returning to him the balance of his prepayment..... Add:1071
701. Reporter **Dianetti’s** statement **to Dr. Cordero**, on the first page of the transcript of November 4, 2005, identifying the hearing that it reported and stating its **final cost** ..... Add:1072
702. Reporter **Dianetti’s certificate** of November 4, 2005, accompanying her transcript of the March 1 evidentiary hearing in *DeLano* and certifying that her “transcript is a true and accurate transcription “of her report in stenotype machine shorthand of such proceeding ..... Add:1073
- [**Comment:** This transcript was made available only well over half a year after Dr. Cordero first approached the Reporter with his April 18 letter to obtain it. (Add:681)

Having caused the preparation of the transcript to drag for so long due to her refusal, among others, of Dr. Cordero's request that she certify its completeness, accuracy, and tamper-free condition (Add:867, 869), it is reasonable to think in parallel that upon receiving the request for the transcript on November 2, Reporter Dianetti did not set out on a mad rush to prepare it practically overnight in order to mail it to Dr. Cordero on November 4. She had no motive and hardly the capacity to drop everything that she was doing and miss her normal courtroom work in Bankruptcy Court on Wednesdays, such as November 2, in order to cash Dr. Cordero's check, transcribe close to 200 pages, write her letter, and her certificate, and her statement, and make a copy on paper and another on a PDF file on a CD, file a copy in Bankruptcy Court, and go to the post office to get a money order for the balance of the prepayment of her estimated cost of the transcript, and pack everything, and mail it to Dr. Cordero...and breathe! On four occasions, she took much longer to write just a single letter to respond to Dr. Cordero's letters concerning the transcript (table of dates at Add:912), not to mention the more than two and a half months from January 8 to March 26, 2003, that she took to prepare and send a previous transcript, the one in *Pfundner*, which ran to only 17 pages (A:265-281).

Consequently, one must conclude that Reporter Dianetti had already prepared the transcript and upon receiving Dr. Cordero's request with prepayment simply mailed a copy to him. That raises several questions:

1. Who asked her to make the transcript and presumably pay for it?
2. Since the therein-reported evidentiary hearing took place on March 1, 2005, did Judges Ninfo or Larimer already have it by April 22?
3. Anyway, did they use or need the transcript to realize that it would incriminate Judge Ninfo in bias and disregard for the law, the rules, and the facts at the hearing and that Mr. DeLano's testimony corroborated Dr. Cordero's assertion of his claim against him, so that they decided to keep it from Dr. Cordero receiving and making it part of the record on appeal, which they could expect Dr. Cordero eventually to file with CA2 and the Supreme Court? (cf. A:1301, Add:556; T0E C:55>C:1271>Comment)
4. Was the objective of depriving Dr. Cordero of the transcript pursued by Judge Larimer issuing his April 22 order (Add:692) requiring Dr. Cordero to file his appellate brief within 20 days even though Dr. Cordero had sent the Court a copy of his April 18 letter to Reporter Dianetti (Add:681) where he asked her for an estimate of the transcript's cost, from which the Judge could deduct that the Reporter had hardly received the original of that letter so that there could not be even an agreement to start preparing it, let alone any date to complete it?
5. Did Judge Larimer pursue the same objective by issuing his subsequent order of May 3 (Add:831) under similar circumstances?

6. Was the realization of the dismal quality of the transcript (see Comment below), known from other transcripts yet tolerated, a factor in Judge Larimer denying Dr. Cordero's motion of July 18, 2005 (Add:911) to refer Reporter Dianetti to the Judicial Conference for investigation of her refusal of Dr. Cordero's request that she agree to certify its reliability (Add:867, 869)?]

703. **Transcript of the Evidentiary Hearing held on March 1, 2005, before Judge Ninfo of the DeLanos' motion to disallow Dr. Cordero's claim as creditor, which was disallowed, leading to Dr. Cordero being stripped of standing and eliminated from any further proceedings in DeLano, whereupon the appeal Cordero v. DeLano, 05-cv-6190, WDNY, ensued .....Tr:1-190**

[**Comment:** In the printed volume of the Addendum, the Transcript is found at the end of it as the last item. There it consists of a copy of the hardcopy provided by Reporter Dianetti. She also provided a digital version of her transcript in a PDF file; a copy of each file is found in the Tr folder on the CD since Dr. Cordero scanned the paper copy.

Reporter Dianetti produced a PDF file that is defective: To begin with, its layout is misaligned. In the hardcopy of her transcript each page bears text with its lines numbered 1-25 and with the page number in the page header. However, in the digital copy each such page straddles two pages and has two page numbers, that is, one at the bottom of the page and one with the header somewhere on the page. As a result, making and finding a reference to it is problematic and confusing.

In his appellate and reply briefs (Pst:1231, 1381), Dr. Cordero cited the pages of the hardcopy version and used the format Tr.#, where # stands for the only page number that they had, that is, the one on the header. Thus, to maintain consistency and preserve the validity of the citations in those briefs, all documents herewith use the same Tr.# format and header page number to cite the digital version of the transcript in the PDF file included on the CD. This is also necessary for a grave fact: **The PDF version is MISSING PAGES!** It has 169 pages while the paper version has 190 and a comparison shows gaps in the discussion. Somebody renumbered the pages consecutively on the footer after taking out some pages. Who did so, on whose instructions, and for what purpose?

On both versions Reporter Dianetti makes everybody, all professionals, come across as if they spoke Pidgin English. This is a reflection on her competency as a reporter. (C:1310¶52) As a matter of fact, this is not the first time that she turns out a transcript whose quality is so low that it is toil to understand whatever it was that she managed to find "intelligible" enough to take down stenographically. (cf. A:263; C:1303¶¶34-39).

So why do Judges Larimer and Ninfo keep her as the court reporter despite the dismal quality of her work? It is clear that since Judge Larimer repeatedly scheduled Dr. Cordero's appellate brief in *DeLano* to be filed before the transcript's production had even been started, let alone its

docketing had taken place (Add:1084§II), just as he had done before (Add:1086¶16), he never intended to read it to decide the appeal so he could not care less whether the transcript was written in broken English or official Mandarin.

As for Judge Ninfo, Reporter Dianetti tried to keep from Dr. Cordero the transcripts of the hearings that the Judge presided over and from whose decision Dr. Cordero appealed. Thereby she tried to protect the Judge from his unlawful conduct in summarily dismissing Dr. Cordero's cross-claims against Trustee Kenneth Gordon at the hearing on December 18, 2002, and disallowing his claim against Mr. DeLano despite the latter's own testimony corroborating it at the evidentiary hearing on March 1, 2005. Hence, it is reasonable to assume that Reporter Dianetti's willingness to violate to Judge Ninfo's benefit her duties under FRBkrP 8006 and 8007 and 28 U.S.C. §753 is the qualifying factor for the Judge to keep her in his employment. (Add:918§II)]

- 704. Dr. **Cordero's** notice of **motion** and motion of **November 5, 2005**, under 11 U.S.C. §1330(a) for Judge Ninfo to **revoke** his **order** of August 9, 2005, [Add:941] **confirming** the DeLanos' debt repayment **plan** [D:59], because it was procured by fraud ..... Add:1038
- 705. Dr. **Cordero's** **notice** of **November 9, 2005**, to the District Court of a) his November 5 **motion** [Add:1038] filed in **Bankruptcy** Court for Judge Ninfo to **revoke** for fraud the **confirmation** of Debtor DeLanos' plan; and of b) his **intent** that the attached **copy** be **filed** in the District Court's **appeal docket** of *Cordero v. DeLano*, no. 05cv6190L..... Add:1064
- 706. Judge **Ninfo's** **letter** of **November 10, 2005**, to Dr. **Cordero** **denying**, without stating any reason whatsoever, his request to **appear by phone** at the **hearing** [Add:1062¶66.e] of his motion returnable on November 16 [Add:1038], to **revoke** the confirmation of the DeLanos' debt repayment plan due to its procurement by fraud; and **requesting** that he **renotice** his motion to **state** the missing **time of day** when it would be heard ..... Add:1065
- 707. Dr. **Cordero's** **request** of **November 11, 2005**, for a **statement of reasons** for Judge **Ninfo** to **deny** his request to **appear by phone** [Add:1062¶66.e] at the hearing in Rochester set for November 16, despite the fact that Dr. Cordero, who lives in New York City, has so appeared before Judge Ninfo in 12 previous occasions; that such hearings on average last 15 minutes, which does not justify the trip's substantial cost in time and money; and that other parties are still allowed to appear by phone, so that the denial appears **arbitrary and discriminatory** ..... Add:1066
- 708. Dr. **Cordero's** **letter** of **November 11, 2005**, to the **parties** **advising** them that the time of the revocation motion **hearing** on November 16 is 11:00a.m. and that they should **contact** the **Court** or consult its electronic calendar in **PACER** (CM/ECF) before attending the hearing **given** Judge

- Ninfo's **denial** of Dr. Cordero's request to **appear by phone** ..... Add:1068
709. Att. **Werner's response** of **November 11, 2005**, "**to Cordero** motion [sic] to revoke confirmation", that "Dr. Cordero was previously **found** to have **no standing** for **lack** of any proper interest or **claim against** the **Debtors**" and "his **motion** is wholly **without merit** and...is without merit and should be denied" (without Att. Werner discussing any of Dr. Cordero's legal arguments or element of his statement of facts) ..... Add:1069
710. Dr. **Cordero's notice** of **November 12, 2005**, to the **District Court** of his filing a **request in Bankruptcy Court** for a statement of **reasons** for Judge **Ninfo** having **denied** his request to **appear by phone** at the hearing on November 16 of his **motion** to **revoke** {Add:1038} for fraud the **confirmation of Debtors' debt repayment plan**..... Add:1070
711. Dr. **Cordero's motion** of **November 15, 2005**, for the **District Court** to **comply** with the FRBkrP for **docketing** the transcript, **entering** the appeal, and **scheduling** the appellate brief ..... Add:1081
712. Dr. **Cordero's proposed order** submitted to Judge Larimer in connection with his motion of November 15, 2005, for the **District Court** to **docket** the transcript, **enter** the appeal, and **schedule** the appellate brief..... Add:1090
713. **November 16, 2005**, Hearing of Dr. **Cordero's motion** of **November 5, 2005**, (Add:1038) under 11 U.S.C. §1330(a) for Judge Ninfo to **revoke** his August 9 **order** (Add:941) **confirming** the DeLanos' debt repayment plan (D:59) because it was procured by fraud; denied (Add:1094) after the Judge maneuvered the absence at the hearing in Rochester of Dr. Cordero, who lives in New York City, by denying without stating any reason (Add:1065) his request, included in the motion (Add:1062¶66.e), to appear, as he had on 12 previous occasions, by phone (Add:1066); thereby the Judge made it possible that "Appearing in opposition: [alone was] George Reiber, Trustee...Order to be submitted by the Trustee" ..... entry between 150 and 151 on D:508f
714. Judge **Larimer's order** of **November 21, 2005**, a) granting in part Dr. Cordero's November 15 motion [Add:1081] **as if** "Appellant **requests** an **extension** of time to file his brief", **rather than** requests the **District Court** to **comply with** the **FRBkrP** on transcript docketing, appeal entering, and brief scheduling; b) confirming, as requested by Dr. Cordero, that "briefs are deemed filed the day of mailing"; and c) stating that "the remainder of the motion is denied" because "the appeal was docketed in April 2005 and all parties were notified...[and] it **now** appears that the **record** on appeal is **complete**" ..... Add:1092

[Comment: Thereby Judge Larimer implicitly admitted that the record was incomplete on April 22 when he issued his scheduling order (Add:692) requiring Dr. Cordero to file his brief within 20 days (cf.Add:695, 836).]

- 715. Judge **Ninfo's order of November 22, 2005 denying** Dr. **Cordero's** November 5 **motion to revoke** [Add:1038] due to fraud the order of confirmation [Add:941] of the **DeLanos' debt repayment plan** because Dr. Cordero has **no standing** in the case, is not a party in interest, and thereby cannot file the adversary proceeding necessary to seek revocation ..... Add:1094
- 716. Dr. **Cordero's** notice of motion and **motion of December 6, 2005, in** Bankruptcy Court to **quash** the order [Add:1094] **denying** the motion to **revoke** {Add:1038} due to fraud the order of confirmation [Add:941] of the DeLanos' plan, **revoke** the **confirmation**, and **remand DeLano** to the District Court..... Add:1095
- 717. Dr. **Cordero's motion of December 7, 2005, in District** Court to **withdraw** DeLano and *Pfuntner* from Bankruptcy Court and **declare** both: a) Judge Ninfo's **order** [Add:1094] **denying** his motion to **revoke** [Add:1038] due to fraud Judge Ninfo's order of confirmation [Add:941] of the DeLanos' plan [D:59]; and b) the order **confirming** [Add:941] such plan, **null** and void pending appeal ..... Add:1097
- 718. Judge **Ninfo's order of December 9, 2005**, peremptorily dispatching with an **"in all respects denied" one-liner** Dr. Cordero's December 6 motion [Add:1095], issued offhand on the same day of the **motion's** arrival and without any discussion of its detailed factual considerations and legal analysis of the Judge's **November 22 order** [Add:1094] **sought to be quashed** for denying the motion to revoke [Add:1038] confirmation [Add:941] of the DeLanos' debt repayment plan..... Add:1125
- 719. Dr. **Cordero's notice of December 16, 2005, to the District** Court of his **filing in** Bankruptcy Court of his **December 6 motion** [Add:1095] and pointing out how Judge Ninfo peremptorily dispatched [Add:1125] that 25-page motion on December 9, the day of its arrival, with his "in all respects denied" one-liner without any discussion of its detailed contents ..... Add:1126
  - a) Copy of Dr. **Cordero's motion of December 6, 2005, in Bankruptcy** Court [Add:1095]..... Add:1127
- 720. Judge **Larimer's order of December 19, 2005**, stating that "Appellant's motion is denied in all respects" concerning his December 7 motion (Add:1097) to withdraw *DeLano* and *Pfuntner* from Bankruptcy Court and nullify Judge Ninfo's decisions due to his condonation of a bankruptcy fraud scheme ..... Add:1155
- 721. -750. reserved

Dated: August 1, 2006  
 59 Crescent Street  
 Brooklyn, NY 11208-1515

Blank

Blank



### III. Table of Exhibits of Pst:# pages in the Post-Addendum

Pst:1171

including the exhibits accompanying the reply brief of February 8, 2006, in *Cordero v. DeLano*, no. 05cv6190L, WDNY and other exhibits since;

as of August 1, 2006

by

Dr. Richard Cordero, Esq.

**VII. Judge Larimer denied production of every single document requested by Dr. Cordero from the DeLanos or the trustees, for they could prove their support of a bankruptcy fraud scheme; and further protected them and Judge Ninfo by refusing to post on the Court’s electronic case management system even the transcript or a single exhibit provided by Dr. Cordero both on a CD and in hardcopy with his appellate brief, thereby preventing them from being available publicly through PACER<sup>1</sup>**

(emphasis is added unless emphasis in the original is stated)

- 751. **Local Rules 25 and 32(a)(1)** of October 24, 2005, of the **Court of Appeals** for the Second Circuit **requiring** the submission in counseled cases of a **copy** of a brief in digital format as a **PDF file** ..... Pst:1171
- 752. Trustee **Reiber’s** list of **December 7, 2005**, of **allowed claims**, indicating a **debt forgiven** percentage of **87.39%** (as opposed to 78% provided for in the Plan (D:59) and the Notice of meeting of creditors (D:23)) and allowing Att. Werner a claim of \$9,948 (cf. Att. Werner’s fees of \$18,005 approved by Judge Ninfo in August 9, 2005 (Add:872, 938, 942); although the DeLanos claimed in their petition to have in hand and on account only \$535 (D:27/Sch:B)) ..... Pst:1174
- 753. **Dr. Cordero’s notice of December 16, 2005**, of **filing a motion** in **Bankruptcy Court** to **quash** the order **denying** the motion to **revoke**

<sup>1</sup> Judge Larimer’s refusal to post the transcript or the exhibits and the glaring mistakes of fact that he made in his order of denial are discussed at C:1307¶¶45-51.

due to fraud the order confirming the DeLanos’ Plan, revoke the confirmation, and remand the case..... Pst:1176

754. **Docket** of *Cordero v. DeLano*, no. 05cv6190L, WDNY, as of May 10, 2006 ..... Pst:1181

755. United States **District Court** for the Western District of New York Administrative Procedures Guide: The **Electronic Filing** System ..... Pst:1189

756. **Notice of February 6, 2004**, on the **obligation** in WDNY to file using the **Electronic Case Filing** (ECF) system **or a disk** ..... Pst:1209

757. **Notice of July 5, 2005**, on WDNY judicial **officers** who want **filings on paper** despite the Case Management (CM)/ECF system ..... Pst:1211

758. Letter from John Folwell, **clerk** at the **District Court**, of **January 3, 2006**, **to Dr. Cordero**, **returning his CD** with the Appellant’s Brief, the Designation of Items, and the Addendum in PDF files because “local court rules prohibit the Clerk’s office from accepting electronic filings...from pro se parties” ..... Pst:1213

759. Judge **Larimer’s order of January 4, 2006**, **denying Dr. Cordero’s request** –made by phone to Clerks John Folwell and Jean Marie McCarthy– “that the Addendum in Support of Appellant’s Brief be **filed electronically**...” because it “exceeds 1,300 pages. Scanning this lengthy document into the system would be very time consuming and unnecessary”, but without mentioning that the Appellant’s **Brief** (Pst:1231), the **Designation** of Items (D:1 et seq), and the **Addendum** (Add:509 et seq.) were provided by Dr. Cordero **on a CD in PDF** files so that there was no need to do any scanning at all..... Pst:1214

760. Dr. **Cordero’s** appellate **brief of December 21, 2005**, **to the District Court**, Judge David G. Larimer presiding, WDNY ..... Pst:1231

    a. Table of Contents ..... Pst:1231

        A. Tables of Authorities Cited, References, and Headings ..... Pst:1231

            3. Headings of the Body of the Brief ..... Pst:1254

        B. Basis of Appellate Jurisdiction ..... Pst:1257

        C. Issues Presented and Standard of Appellate Review ..... Pst:1257

        D. Statement of the Case ..... Pst:1257

        E. The Argument ..... Pst:1266

        F. Conclusion and Relief Sought ..... Pst:1306

    b. Proposed Order ..... Pst:1307

761. The DeLanos’ **answer of January 20, 2006**, by Devin Lawton Palmer, Esq..... Pst:1361

762. Dr. **Cordero’s motion of January 23, 2006**, for an **extension of time**

for him to mail and file his **reply** to February 10, 2006, **endorsed** by Judge **Larimer's** grant of it..... Pst:1379

763. Dr. **Cordero's** **reply** of **February 8, 2006, to the DeLanos' answer** by Attorney Palmer..... Pst:1381

    a. Dr. **Cordero's** letter of **February 10, 2006, to District Judge Larimer** stating that all the **record is complete**, all the briefs have been filed, and the case is **ready for submission** ..... Pst:1382

    b. Table of Contents ..... Pst:1383

        A. Tables of Authorities Cited, References, and Headings ..... Pst:1384

            3. Headings of the Body of the Reply..... Pst:1393

    c. Body of the Reply: §§I-VII..... Pst:1395

        I. The **Bankruptcy Abuse Prevention Act's** finding of "absence of effective oversight to eliminate abuse in the system" **renders** all the more **understandable** the presence **in this case** of the Act's target: fraud and a **bankruptcy fraud scheme** ..... Pst:1395

        VI. The purpose of the **Statement of Issues on Appeal** is to afford the appellee the opportunity to determine whether appellant's Designated Items in the Record is sufficient to prepare the appellee's answer and, if not, to designate additional items; whereby the Statement, which is not even part of the record, **does not limit the issues on appeal**..... Pst:1414

            A. Since the issues of the voidness of District Local Rule 5.1.(h) dealing with RICO, and of the unconstitutionality of the BAP provisions of 28 U.S.C. §158(b) could not have been dealt with in bankruptcy court for lack of jurisdiction, there were no items in the record that Appellees could have additionally designated if these issues had been included in Appellant's s R. 8006 statement so no harm has been caused by their inclusion in the Rule 8010(c) statement ..... Pst:1416

        VII. The **unaccounted-for money** establishes fraud & warrants the relief sought..... Pst:1418

    d. Table of Post-Addendum Items in the Record ..... Pst:1422

Dated: August 1, 2006  
 59 Crescent Street.  
 Brooklyn, NY 11208-1515

Blank

**VII.A.3. Contact information with detailed index to exhibits, organized by categories listed in the order in which the *Follow the money!* investigation may proceed (see also the alphabetically organized table at ToEC:76)**

- |  |   |
|--|---|
| <p>I. <a href="#">The web of personal relationships in WDNY</a> (Stat. of Facts 4¶14 et seq.) and the bkr fraud scheme (C:660)</p> <p>a) <a href="#">The bankrupts</a></p> <p>b) <a href="#">The trustees</a></p> <p>c) <a href="#">The judges &amp; their staffs</a></p> <p>    i) <a href="#">Bankruptcy Court, WDNY</a></p> <p>    ii) <a href="#">District Court, WDNY</a></p> <p>d) <a href="#">Lawyers and law firms</a></p> <p>e) <a href="#">Bankruptcy professionals</a></p> <p>f) <a href="#">Warehousers</a></p> <p>g) <a href="#">Financial Institutions</a></p> <p>h) <a href="#">U.S. attorneys</a></p> <p>i) <a href="#">FBI agents</a></p> | <p>II. Higher courts protecting their judicial peers (Stat. of Facts 5§A et seq.)</p> <p>a) <a href="#">Court of Appeals for the 2nd Circuit</a></p> <p>    i) <a href="#">CA2 Judges</a></p> <p>    ii) <a href="#">Staff of CA2</a></p> <p>b) <a href="#">Judicial Council of 2nd Circuit</a></p> <p>    i) <a href="#">Circuit Justice</a></p> <p>    ii) <a href="#">Circuit Judges</a></p> <p>    iii) <a href="#">District Judges</a></p> <p>c) <a href="#">Administrative Office of the U.S. Courts</a></p> <p>d) <a href="#">Judicial Conference of the U.S.</a></p> <p>    i) <a href="#">Executive Committee</a></p> <p>    ii) <a href="#">Conference Members</a></p> <p>    iii) <a href="#">Committee to Review Circuit Council Conduct and Disability Orders</a></p> <p>e) <a href="#">Supreme Court of the United States</a></p> <p>    i) <a href="#">Judicial Conduct and Disability Act Study Committee</a></p> <p>f) <a href="#">U.S. Congress Committees on the Judiciary</a></p> |
|--|---|

I. The web of personal relationships in WDNY

**a) The bankrupts**

**Palmer, David**  
 Premier Van Lines, Inc.  
 1829 Middle Road  
 Rush, NY 14543  
 Tax id. no. 065-62-2753  
 (owner of Premier who filed for its bankruptcy under Ch. 11, Reorganization) (A:72¶10 et seq., 78§A, 88§B, 290-295, 351)

**Premier Van Lines, Inc.**  
 c/o David Palmer  
 1829 Middle Road  
 Rush, NY 14543  
 Tax id.: 16-1542181 (A:565)  
 (storage and moving company)

**DeLano, David Gene and Mary Ann**  
 1262 Shoecraft Road  
 Webster, NY 14580  
 Tax id. Nos. 077-32-3894; 091-36-0517)  
 (debtors in *In re DeLano* who filed under Ch. 13, Adjustment of debts of individuals with regular income)

- a) who the DeLanos are (C:1296¶¶9-16)
- b) notice of meeting of creditors (C:581)
- c) list of the DeLanos' creditors (C:583 & ToEC:25>583>Comment)
- d) bankruptcy petition (C:585; D:23)
- e) debt repayment plan (C:617; D:59)
- f) documents requested by the DeLanos (D:199, 206, 213)
- g) documents produced (C:1469-1479; D:165-188, 223-230, 280-282)
- h) mortgages and unaccounted-for proceeds (C:1312; 341-354, 472-491; cf C:492)
- i) analyses of documents (C:578)
- j) table comparing claims on the DeLanos (C:1415)

**DeLano, David Gene**

Assistant Vice President  
M&T Bank  
255 East Avenue  
Rochester, NY 14604

tel. (585) 258-8475, (800) 724-2440  
(3rd party defendant in *Pfuntner*  
(A:82, 87; Pst:1285¶70);  
(bkr. petitioner in *DeLano* (D:23-60)  
defendant in *Cordero v. DeLano*)  
(Pst:1281§§d-f)

**b) The trustees**

Executive Office of the U.S. Trustee  
**(EOUST)**

20 Massachusetts Ave., N.W., Room 8000  
Washington, D.C. 20530

tel. (202)307-1391; fax (202)307-0672  
[http://www.usdoj.gov/ust/eo/ust\\_org/office\\_locator.htm](http://www.usdoj.gov/ust/eo/ust_org/office_locator.htm)

**Friedman, Lawrence A.**

Director  
Executive Office of the U.S. Trustees  
20 Massachusetts Ave., N.W.  
Washington, D.C. 20530  
tel. (202)307-1391; fax (202)307-0672

**Martini, Deirdre A.**

U.S. Trustee for Region 2  
Office of the United States Trustee  
55 Whitehall Street, 21st Floor  
New York, NY 10004  
tel. (212) 510-0500; fax (212) 668-2256  
<http://www.usdoj.gov/ust/r02/>  
(D:90§VII, 137, 139, 141, 158, 307, 330)

**Schwartz, Carolyn S.**

United States Trustee for Region 2  
3 Whitehall Street, Suite 2100  
New York, NY 10004  
tel. (212)510-0500; fax: (212)668-2256  
(A:101, 102)

**Schmitt, Kathleen Dunivin, Esq.**

Assistant U.S. Trustee  
Federal Office Building, Room 6090  
100 State Street, Room 6090  
Rochester, New York 14614  
tel. (585) 263-5812; fax (585) 263-5862  
(A:37, 38, 52, 102; D:84§IV; D:160, 307,  
470, 471, 474; ToEC:§VII.E Table 4)

**Kyler, Christine**

Assistant to Assistant U.S. Trustee  
Federal Office Building, Room 6090  
100 State Street, Room 6090  
Rochester, New York 14614  
tel. (585) 263-5812; fax (585) 263-5862  
(D:474, 476, 495)

**Gordon, Kenneth W., Esq.**

Chapter 7 Trustee  
Gordon & Schaal, LLP

100 Meridian Centre Blvd., Suite 120  
Rochester, New York 14618  
tel. (585) 244-1070; fax (585) 244-1085  
(trustee for liquidating Premier)

- a) re his 3,383 cases (C:641 &  
ToEC:26>641>Comment; ToEC:91)
- b) letters (A:1, 2, 8, 19, 37, 83§F, 88§C)

**Reiber, George M., Esq.**  
Chapter 13 Trustee  
South Winton Court  
3136 S. Winton Road, Suite 206  
Rochester, NY 14623  
tel. (585) 427-7225; fax (585) 427-7804  
(trustee in *DeLano*)

- a) re his 3,383 cases (C:641)
- b) events on March 8, 2004 ((D:79§§ I&II,  
92§C)
- c) disregard of statutory duty to  
investigate the DeLanos  
(ToEC:111>row 1)
- d) confirmation of the DeLanos' plan  
(C:1052-1054; 1056; Add:1038)
- e) knew the DeLanos have money  
(C:1052, 1056, 1060, ToEC:45>1060>  
Comment, C:1064 &  
ToEC:46>1064>Comment)

**Weidman, James, Esq.**  
South Winton Court  
3136 S. Winton Road, Suite 206  
Rochester, NY 14623  
tel. (585) 427-7225; fax (585) 427-7804  
(attorney for Trustee Reiber)  
(D:79§§ I&II)

### **c) The judges & their staffs**

**Internet links** to all federal courts  
<http://www.uscourts.gov/courtlinks/>  
(C:852)

### **i) Bankruptcy Court, WBNY**

**Bankruptcy Court (Buffalo)**  
U.S. Bankruptcy Court, WBNY  
Olympic Towers, 300 Pearl St., Suite 250  
Buffalo, NY 14242  
tel. (716) 551-4130; fax (716)551-5103  
<http://www.nywb.uscourts.gov/>  
(Official directory at ToEC:90)

**Bankruptcy Court (Rochester)**  
U.S. Bankruptcy Court, WBNY  
1400 U.S. Courthouse  
100 State Street  
Rochester, NY 14614  
tel. (585) 613-4200; fax (585)613-4299  
<http://www.nywb.uscourts.gov/>  
(Official directory at ToEC:89)

**Ninfo, Bkr. Judge John C., II**  
United States Bankruptcy Court  
1400 United States Courthouse  
100 State Street  
Rochester, NY 14614  
tel. (585) 613-4200; fax (585)613-4299  
(Official directory at ToEC:89)  
(judge in *Premier Van Lines, Pfuntner,*  
*and DeLano*)

- a) misconduct complaint (C:1, 63; E:1-60)
- b) evidence of bias and disregard for  
rule of law (C:951, 1313; A:801; D:231;  
Pst:1269§§a-d)
- c) motions to recuse (A:674; D:355)
- d) list of hearings and decisions presided  
over or written by Judge Ninfo in  
*Pfuntner* and *DeLano*, as of May 10,  
2006 (C:1110)
- e) failure to investigate (ToEC:§VII.E  
Table 4; Add:1051§II)
- f) Judge Ninfo's decisions at  
<http://www.nywb.uscourts.gov/decisions/jcn.php> to be searched for  
patterns and inconsistencies

**Warren, Paul R.**  
 Bankruptcy Clerk  
 United States Bankruptcy Court  
 1400 United States Courthouse  
 100 State Street  
 Rochester, NY 14614  
 tel. (585) 613-4200  
 (C:1166, A:303; 334, 337, T<sub>OE</sub>A:§B.7)

**Stickle, Todd**  
 Deputy Clerk of Court  
 U.S. Bankruptcy Court, WBNY  
 1400 United States Courthouse  
 100 State Street  
 Rochester, NY 14614  
 tel. (585) 613-4223  
 (T<sub>OE</sub>A:§B.7)

**Dianetti, Mary**  
 Bankruptcy Court Reporter  
 612 South Lincoln Road  
 East Rochester, NY 14445  
 tel. (585)586-6392  
 (C:1081 & 1083; C:1155-1165, 1167;  
 see Melissa Frieday below)

**Frieday, Melissa**  
 Court Reporter Contracting Officer  
 US. Bankruptcy Court, WBNY  
 Olympic Towers, 300 Pearl St., Suite 250  
 Buffalo, NY 14242  
 tel. (716) 551-4130; fax (716)551-5103  
 (cf. C:1152; C:1153, 1166)

**ii) District Court, WDNY**

**District Court**  
 U.S. District Court, WDNY  
 2120 U.S. Courthouse  
 100 State Street  
 Rochester, NY 14614-1387  
 tel. (585)613-4000  
<http://www.nywd.uscourts.gov/>

District judges' decisions at  
<http://www.nywd.uscourts.gov/decision/decision.php> to be searched  
 for patterns and inconsistencies

**Larimer, District Judge David G.**  
 United States District Court  
 2120 U.S. Courthouse  
 100 State Street  
 Rochester, NY 14614-1387  
 tel. (585) 263-6263  
 (judge in appeals from *Pfuntner* and  
*DeLano*)

- a) list of orders (C:1278)
- b) in *Pfuntner* (A:1654§B)
- c) efforts in DeLano to keep transcript from Dr. Cordero (C:1108 & T<sub>OE</sub>C:>C:1108>Comment; C:1170, 1183, 1303§B, 1313, I)
- d) disregard for statutory duty to investigate bkr fraud (T<sub>OE</sub>C:111 Table 4; T<sub>OE</sub>C:>C:1108>Comment)
- e) refusal to post digital record on PACER (C:1307¶¶46-49 & Pst:1214)

**Rand, Paula**  
 Courtroom Deputy for Judge Larimer  
 United States District Court  
 2120 U.S. Courthouse  
 100 State Street  
 Rochester, NY 14614-1387  
 tel. (585)613-4040, (585) 263-6263

**Early, Rodney C.**  
 Clerk of Court  
 United States District Court  
 2120 U.S. Courthouse  
 100 State Street  
 Rochester, NY 14614-1387  
 tel. (585) 263-6263  
 (A:469, 457, 461, 462, 1370§D)



**Ghysel**, Margaret (Peggy)  
Appeals Clerk  
United States District Court  
2120 U.S. Courthouse  
100 State Street  
Rochester, NY 14614-1387  
tel. (585) 263-6263  
(A:467a, 456, 460, 462, 1370§D)

#### **d) Lawyers and law firms**

**Beyma**, Michael J., Esq.  
Underberg & Kessler, LLP  
1800 Chase Square  
Rochester, NY 14604  
tel. (585)-258-2890  
(attorney for M&T and David DeLano  
in *Pfuntner*)  
(Add:531; Pst:1289§f)  
law firm's tel. (585) 258-2800; fax (585)  
258-282  
<http://www.underberg-kessler.com/>

**Essler**, Karl S., Esq.  
Fix Spindelman Brovitz & Goldman, P.C.  
295 Woodcliff Drive, Suite 200  
Fairport, NY 14450  
tel. (585) 641-8000; fax (585) 641-8080  
<http://fixspin.com/fsbg.html>  
(attorney for David Dworkin and  
Jefferson Henrietta Associates)  
(A:725, 727)

**MacKnight**, David, Esq.  
Lacy, Katzen, Ryan & Mittleman, LLP  
130 East Main Street  
Rochester, New York 14604-1686  
tel. (585) 454-5650; fax (585) 454-6525  
<http://www.lacykatzen.com/>  
(attorney for James Pfuntner)  
(Add:531; A:495-505, 510)

**Stilwell**, Raymond C., Esq.  
Adair, Kaul, Murphy, Axelrod & Santoro,  
LLP  
The Law Center at Williamsville  
17 Beresford Court  
Williamsville, NY 14221  
tel. (716) 565-2000  
300 Linden Oaks, Suite 220  
Rochester, NY 14625  
tel. (585)248-3800; fax (585)248-4961  
(Attorney for Premier & David  
Palmer)  
(A: 353-5, 341, 565)

**Werner**, Christopher K., Esq.  
Boylan, Brown, Code  
Vigdor & Wilson, LLP  
2400 Chase Square  
Rochester, NY 14604  
tel. (585) 232-5300; fax (585) 232-3528  
<http://www.boylanbrown.com/>  
(DeLanos' attorney in their  
bankruptcy case *In re DeLano*)

- a) motion to disallow Dr. Cordero's  
claim (D:218, 249)
- b) refusal to produce documents (D:287,  
313; 320§II, 325, 327)
- c) violation of FRBkrP 9011(b) (D:259;  
Pst:1288§§e-f)
- d) knew the DeLanos have money  
(C:1059, 1060 & T<sub>o</sub>E<sub>C</sub>:45>1060>  
Comment, >1064>Comment)
- e) out of his 575 cases, 525 before Judge  
Ninfo (T<sub>o</sub>E<sub>C</sub>:91¶3)

#### **e) Bankruptcy professionals**

**Bonadio & Co.** LLP  
Accountants  
Corporate Crossings  
171 Sully's Trail Suite 201

Pittsford, NY 14534-4557  
 tel. (585)381-1000; fax (585)381-3131  
<http://www.bonadio.com/>  
 (accounting firm in *Premier*)  
 (T<sub>OE</sub>A:153§7; A:431, 967)

**Reynolds, John**, Auctioneer  
 tel. (315)331-8815  
 (Tr.97/13-20, 98/13-20, 102/2-19,  
 110/2-8, 110/23-111/4, 113/2-10,  
 115/4-17, 119/4-14, 121/9-17)

**Teitsworth, Roy**  
 Auctioneer  
 6502 Barber Hill Road  
 Geneseo, NY 14454  
 tel. (585)243-1563; fax (585)3311  
<http://www.teitsworth.com/>  
 (hired by Trustee Gordon in *Premier*)  
 (A:431, 576/97, 967, 986; T<sub>OE</sub>A:153§7)

**f) Warehouseers**

**Pfuntner, James**  
 2140 Sackett Road  
 Avon, NY 14414  
 tel. in NY (585)738-3105; (585)226-2122;  
 (585)226-8303; in Florida (954)321-6449

- a. Owner of the warehouse in Avon and Plaintiff in *Pfuntner*  
 (A:18a, 21, 22, 56, 492, 510)
- b. Western Empire Truck Sale, owner  
 2926 West Main Street  
 Caledonia, NY 14423  
 tel. (585)538-2200; fax (585) 538-9858
- c. Western Empire Storage, owner  
 Caledonia, NY 14423  
 tel. (585)538-6100

**Carter, Christopher**, Owner  
 Champion Moving & Storage  
 795 Beahan Road  
 Rochester, NY 14624

tel. (585) 235-3500; fax (585) 235-2105  
 cellular (585) 820-4645  
 (A:353-9/14; 109fn.8)

**Ormand, John**  
 tel. (585)226-8303  
 (Manager of James Pfuntner's  
 warehouse in Avon, NY)  
 (A:500¶2 et seq.; 503; 520¶49 et seq.)

**Chris**, John Ormand's son)  
 (A:500¶2 et seq.; 503; 520¶49 et seq.)

**Dworkin, David**  
 Manager  
 Jefferson-Henrietta Warehouse  
 415 Park Avenue  
 Rochester, NY  
 tel. (585) 244-3575; fax 716-647-3555  
 (3rd party defendant in *Pfuntner*  
 (A:79, 88; 353-1/2&4)  
 (manager of Simply Storage  
 tel. (585) 442-8820;  
 officer of LLD Enterprises  
 tel. (585) 244-3575; fax (716)647-3555)

**Jefferson Henrietta Associates**  
 415 Park Avenue  
 Rochester, NY 14607  
 tel. (585) 244-3575; fax. (585) 473-3555  
 (3rd party defendant in *Pfuntner*)  
 (A:81, 88; 353-2; 108fn.5-8)

**g) Financial Institutions**

Creditors, financial institutions, and others  
 (C:583, 1354, 1464, 1481, 1488; D:324)

**M&T Bank** (Manufacturers & Traders  
 Trust Bank)  
 255 East Avenue  
 Rochester, NY 14604

tel. (585) 258-8475, (800) 724-2440, 8472  
<http://mtbna.com/>  
(defendant and cross-defendant in  
*Pfuntner* & employer of David DeLano)  
(A:83, 87§III.A)

**Pusateri, Vince**  
Vice President  
Manufacturers & Traders Trust Company  
255 East Avenue  
Rochester, NY 14604  
tel. (585) 258-8472, 800-724-2440  
(David DeLano's boss)  
(A:353-10-14)

## **h) U.S. attorneys**

**Department of Justice**  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
main switchboard tel. (202)514-2000  
Office of the Att. Gen. tel. (202)353-1555  
<http://www.usdoj.gov>

**Attorney General** Alberto Gonzales  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
main switchboard tel. (202)514-2000  
Off. of the Att. Gen.'s tel. (202)353-1555  
<http://www.justice.gov/index.html>  
[http://www.justice.gov/usao/offices/usa\\_listings2.html#n](http://www.justice.gov/usao/offices/usa_listings2.html#n)

**Battle, Michael, Esq.**  
U.S. Attorney for WDNY  
U.S. Attorney's Office  
138 Delaware Center  
Buffalo, NY 14202  
tel. (716)843-5700; fax (716)551-3052  
<http://www.justice.gov/usao/nyw/>

(C:1551, 1552, 1562-1566, 1568, 1601)

**Floming, Mary Pat, Esq.**  
Assistant U.S. Attorney  
U.S. Attorney's Office for WDNY  
138 Delaware Center  
Buffalo, NY 14202  
tel. (716)843-5700, ext. 867;  
fax (716)551-3052  
(C:1560, 1561)

**Bowman, Jennie**  
Executive Assistant to the US Attorney  
U.S. Attorney's Office for WDNY  
138 Delaware Center  
Buffalo, NY 14202  
tel. (716)843-5700; fax (716)551-3051  
(C:1559)

**Tyler, Bradley E., Esq.**  
U.S. Attorney in Charge  
620 Federal Building  
100 State Street  
Rochester, NY 14614  
tel. (585)263-6760; fax (585)263-6226  
(C:1512, 1513, 1546, 1547)

**Resnik, Richard, Esq.**  
Assistant U.S. Attorney  
620 Federal Building  
100 State Street  
Rochester, NY 14614  
tel. (585)263-6760; fax (585)263-6226  
(C:1545, 1546, 1547)

**U.S. Attorney's Office for SDNY**  
One St. Andrews Plaza  
New York, NY 10007  
tel. (212)637-2200; fax (212)637-2611  
<http://www.justice.gov/usao/nys/>  
(see also Kelley, David N., Esq.)  
(C:1345, 1391-1395, 1511, 1512;

**Kelley, David N., Esq.**  
U.S. Attorney for SDNY  
One St. Andrews Plaza  
New York, NY 10007  
tel. (212)637-2200; fax (212)637-2611  
<http://www.justice.gov/usao/nys/>  
(C:1345, 1391-1395, 1511, 1512)

**Mauskopf, Roslynn, Esq.**  
U.S. Attorney for the EDNY  
147 Pierrepont Street  
Brooklyn, NY 11201  
tel. (718)254-7000; fax (718)254-6479  
<http://www.justice.gov/usao/nye/>  
(C:1346, 1347)

### **i) FBI agents**

**Federal Bureau of Investigations**  
J. Edgar Hoover Building  
935 Pennsylvania Avenue, NW  
Washington, DC 20535-0001  
tel. (202) 324-3000  
<http://www.fbi.gov/>

**Ahearn, Peter**  
Special Agent in Charge  
FBI Buffalo  
7800 One FBI Plaza  
Buffalo, NY 14202-2698  
tel. (716) 856-7800; fax (716)843-5288  
<http://buffalo.fbi.gov/>  
(C:1550)

**FBI, Rochester Office**  
Rochester Resident Agent  
300 Federal Building  
100 State Street  
Rochester NY 14614  
tel. (585)546-2220; fax (585)546-2329

**Damuro, Pasquale J.**  
Assistant Director in Charge

FBI New York  
26 Federal Plaza, 23rd. Floor  
New York, NY 10278-0004  
tel. (212)384-1000; emergency (212)384-5000]  
<http://newyork.fbi.gov/>  
(C:1331, 1348, 1391, 1396)

II. Higher courts protecting their  
judicial peers

### **a) Court of Appeals, 2nd Circuit (CA2)**

**Court of Appeals** for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007  
tel. (212) 857-8500  
<http://www.ca2.uscourts.gov/>

- a) table of key documents and dates of the judicial misconduct complaints (ToEC:107)
- b) lists of CA2 judges contacted either as members of the Court or of the Judicial Council, and titles of documents sent (C:141, 653, 783, 887, 997, 1000, 1026; see also Judicial Council, 2<sup>nd</sup> Circuit below)
- c) CA2's invitation to comment on J. Ninfo's reappointment (C:981)
  - 1) comments (C:982, 1001, 1027)
  - 2) letters to judges (C:995 & 997; 1000 & 999; 1025 & 1026)

### **i) CA2 Judges**

**Walker, Chief Judge John M., Jr.**  
a) complaint v. J. Ninfo (C:1; E:1, C:63, 105; cf. C:145)  
b) complaint v. CJ Walker (C:271, 632)

- c) complaint v. staff (C:441, 465 & 442; C:514 & 540; cf. C:657)
- d) appeal *In re Premier Van et al.* (C:119 & T<sub>o</sub>E C:10>119>Comment; cf. C:169)
  - i) motion re J. Ninfo's bias (C:108)
- e) petition for rehearing (C:122, 394 & T<sub>o</sub>E C:18>394>Comment, C:403)
- f) motions & orders re CJ Walker's recusal (C:303, 337, 359 & 360; C:361 & 389; C:393 & T<sub>o</sub>E C:17>393>Comment)
- g) unavailability of CA2 misconduct orders (530, 533; T<sub>o</sub>E C:22>536>Comment)
- h) order to issue mandate (C:421)

**Jacobs**, CA2 Judge Dennis  
(next eligible chief judge)

- a) complaint v. J. Ninfo (C:111, 145)
- b) complaint v. CJ Walker (C:271 & 279, 391 & T<sub>o</sub>E C:17>391>Comment)
- c) complaint v. staff (C:316; cf. 656)
- d) abrogation of WDNY rules (C:1285, 1317)
- e) request to refer to U.S. Att. Gen. re bkr fraud scheme (C:1285, 1317 & T<sub>o</sub>E C:57>1317>Comment ; cf. T<sub>o</sub>E C:18>405>Comment; C:1317)

**Cabranes**, Judge Jose A.

**Calabresi**, Judge Guido

**Hall**, Judge Peter W.

**Jacobs**, Judge Dennis (see above)

**Katzmann**, J. Robert A. &

**Oakes**, Judge James L.

- a) appeal *In re Premier Van et al.* (C:119 & T<sub>o</sub>E C:10>119>Comment; cf. C:169)
- b) petition for rehearing (C:122, 394 & T<sub>o</sub>E C:18>394>Comment, C:403)
- c) motion re J. Ninfo's bias (C:108)

- d) motions & orders re CJ Walker's recusal (C:303, 337 & 360; C:361 & 389; C:393 & T<sub>o</sub>E C:17>393>Comment)
- e) motion to refer to U.S. Att. Gen. re bkr fraud scheme (C:404; T<sub>o</sub>E C:18>405>Comment)
- f) motion to stay mandate (C:395, 420, 421)
- g) motion to refer to U.S. Att. Gen. re bkr fraud scheme (C:404 & T<sub>o</sub>E C:18>405>Comment)
- h) complaint v. staff (C:441, 442, 514 & 540)

**Oakes**, Judge James L.

- a) (see J. Katzmann above; C:359)
- b) J. Ninfo's reappointment (C:995)

**Parker**, Judge Barrington D. (C:1000)

**Pooler**, Judge Rosemary S. (C:652)

**Raggi**, Judge Reena (C:1025)

**Sack**, Judge Robert D. (C:319, 320)

**Sotomayor**, Judge Sonia

**Straub**, Judge Chester J. (C:658)

**Walker**, Chief Judge John M., Jr. (see above)

**Wesley**, Judge Richard C. (C:359)

**Winter**, Judge Ralph K. (see also Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders)

**ii) Staff of CA2**

**MacKechnie**, Roseann

Clerk of Court

Court of Appeals for the Second Circuit

40 Foley Square, Room 1802

New York, NY 10007

tel. (212) 857-8500

- a) complaint v. J. Ninfo (C:1; E:1; C:63)
  - 1) re letter to judges re complaint v. J. Ninfo (C:142;

ToEC:11>142>Comment

- b) complaint v. CJ Walker (325; ToEC:16>C:325>Comment
  - 1) re letter to judges re complaint v. CJ Walker (C: 320)
- c) complaint v. staff (C:465 & 442, 491; ToEC:20>491>Comment; C:492, 510; cf. C:514)
- d) petition for review re J. Ninfo (C:654, 656)
- e) (see also Allen, Patricia)

**Allen, Patricia Chin-**  
Deputy Clerk  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212)857-8702

- a) complaint v. Judge Ninfo (C:62, 71 & ToEC:8>71>Comment; C:73, 107, 109, 144)
- b) complaint v. CJ Walker (C:315; cf. 316; C:326, 390)
- c) complaint v. staff (C:465 & 442, 510)
- d) petition for review re J. Ninfo (C:651, 657, 658, 671)
- e) petition for review re CJ Walker and denial (C:716; 777-779; 780)

**Galindo, Fernando**  
Chief Deputy Clerk  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212) 857-8500

- a) complaint v. staff (C:509 & ToEC:21>509>Comment; C:537)
- b) petition for review re J. Ninfo (C:621 & ToEC:25>621>Comment & C:622)

**Carr, Lucille**  
Deputy Clerk  
Court of Appeals for the Second Circuit  
40 Foley Square  
New York, NY 10007  
tel. (212)857-8521  
(C:121)

**Rodriguez, Robert**  
Deputy Clerk  
Court of Appeals for the Second Circuit  
40 Foley Square  
New York, NY 10007  
tel. (212)857-8521  
(A:507, 612)

**Heller, Art (Arthur), Esq.**  
Calendar Officer  
Calendar Office  
Court of Appeals for the Second Circuit  
40 Foley Square  
New York, NY 10007  
tel. (212) 857-8532

- a) motions signed (C:360, 420, 540)
- b) letters (A:1041, 1042, 1181, 1193; D:285, 297)

**b) Judicial Council, 2nd Circuit**

**Judicial Council** of the Second Circuit  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212)857-8700; fax (212)857-8680

- a) official information about the Judicial Council  
<http://www.ca2.uscourts.gov/>  
(C:775)
- b) table of key documents and dates of the judicial misconduct complaints  
(ToEC:107)

- c) letters re complaint v. J. Ninfo (C:110, 112, 141)
- d) petition for review re J. Ninfo and denial (C:551 & 561; 623 & 629; 672 & ToEC:28>672>Comment)
  - 1) letters to judges or clerks (C:652 & 653; 654 & 655; 659 & 660)
  - 2) from clerks (C:656-658; 667-670; 671)
- e) table of CA2 judicial misconduct orders (C:564; cf. C:973, C:980.k; ToEC:980.k>Comment)
- f) petition for review re CJ Walker and denial (C:711, 781)
  - 1) letters (C:716, 717 & 718; 777)
- g) request to report evidence of judicial wrongdoing & bkr fraud scheme to U.S. Att. Gen (C: 782, 783, 785; cf. C:404 & ToEC:18>405>Comments; see also i) abrogatory request below)
  - 1) money driving bkr fraud scheme (C:660)
- h) comments on J. Ninfo's reappointment
  - 1) CA2 invitation to comment (C:981)
  - 2) comments (C:982, 1001, 1027)
  - 3) letters to judges (C:995 & 997; 1000 & 999; 1025 & 1026)
- i) request for abrogatory review of WDNY Local Rule inconsistent with FRCivP (C:1291)
  - 1) letters (C:1285 & 1286; 1317 & ToEC:57>1317>Comment)
  - 2) request for report to Att. Gen (see g) above)
- j) tables of names, addresses, and telephone numbers of the members of the Judicial Council
  - 1) displayed in tabular format for mail merge (C:774)

- 2) displayed as block addresses (C:112, 783)

### **i) Circuit Justice**

**Ginsburg**, Justice Ruth  
 Circuit Justice for the Second Circuit  
 The Supreme Court of the United States  
 1 First Street, N.E.  
 Washington, D.C. 20543  
 tel. (202) 479-3000

- a) circuit justice for 2<sup>nd</sup> circuit (C:149)
- b) complaint re J. Ninfo (C:110, C:653)
- c) petition for review of Judicial Council denials (C:855)

### **ii) Circuit Judges**

(see also Court of Appeals, 2<sup>nd</sup> Cir. above)

**Cabranes**, Judge Jose A. (C:141, 668, 778, 811)

**Calabresi**, Judge Guido (C:142, 670)

**Jacobs**, Judge Dennis (C:111, 656, 667)

**Pooler**, Judge Rosemary S. (C:652)

**Straub**, Judge Chester J. (C:142, 779)

**Sack**, Judge Robert D. (C:319; C:320)

**Walker**, Chief Judge John M., Jr. (C:669, 777)

Member of Judicial Council, 2<sup>nd</sup> Circuit  
 Court of Appeals for the Second Circuit  
 Thurgood Marshall U.S. Courthouse  
 40 Foley Square  
 New York, NY 10007  
 tel. (212)857-8700; fax (212)857-8680

### **iii) District Judges**

**Chatigny**, Chief Judge Robert N.  
 Member of Judicial Council, 2<sup>nd</sup> Circuit  
 U.S. District Court  
 for the District of Connecticut  
 450 Main Street

Hartford, Ct 06103  
tel. (860) 240-3659  
(C:139; ToEC:11>139>Comment)

**Korman**, Chief Judge Edward R.  
Member of Judicial Council, 2nd Circuit  
U.S. District Court, EDNY  
225 Cadman Plaza East  
Brooklyn, NY 11201  
tel. (718) 330-2188  
(C:659, 812)

**Mukasey**, Chief Judge Michael B.  
Member of Judicial Council, 2nd Circuit  
U.S. District Court, SDNY  
500 Pearl Street, Rm 2240  
New York, NY 10007  
tel. (212) 805-0136; (212) 805-0234  
(C:140 & ToEC:11>140>Comment)

**Scullin**, Chief Judge Frederick J., Jr.  
Member of Judicial Council, 2nd Circuit  
U.S. District Court, NDNY  
James T. Foley U.S. Courthouse  
Albany, NY 12207-2924  
tel. (518) 257-1800 or-1661

**Arcara**, Judge Richard J.  
Member of the Judicial Council  
U.S. District Court, WDNY  
Olympic Towers, Ste. 250  
300 Pearl St.  
Buffalo, NY 14202-2501  
tel. (716)551-4211; fax (716)551-4850  
(C:717)

**Sessions**, Chief Judge William, III  
Member of Judicial Council, 2nd Circuit  
U.S. District Court for the District of Vermont  
P.O. Box 945  
Burlington, VT 05402-0945  
tel. (802) 951-6395

**Milton**, Karen Greve  
2nd Circuit Executive  
Court of Appeals for the Second Circuit  
40 Foley Square  
New York, NY 10007  
tel. (212)857-8700; fax (212)857-8680

- a) complaint v. J. Ninfo (C:143, ToEC:12>143>Comment)
- b) complaint v. staff (C: 466 &442 & 469; 508, 511, 513; ToEC:21>513>Comment)
- c) denial of petition for review re J. Ninfo (C:672 & ToEC:672>Comment)
- d) denial of petition for review re CJ Walker (C:781 & ToEC:781>Comment; C:811)
- e) comments on J. Ninfo's reappointment (cf. C:981; C:982; 998; 1024 & ToEC:44>C:1024>comment, 1066)
- f) request for abrogatory review of WDNY Local Rule inconsistent with FRCivP (cf. C:1285 & 1286; C:1317 & ToEC:57>1317>Comment))

### **c) Administrative Office of the U.S. Courts**

**Administrative Office of the U.S. Courts**  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033  
<http://www.uscourts.gov/adminoff.html>  
(C:685, 1120)

- g) statistics on judicial misconduct complaints (C:973 & ToEC:39>980.k-x and Comment thereunder; see also Judicial Conduct and Disability Act Study Committee)
- h) complaint v. court staff (C:685)



- i) petition for review of Judicial Council's denials re J. Ninfo and CJ Walker (C:859 & ToEC:34>859>Comment; cf. C:865 & 877)
- j) court reporter's refusal to certify her transcript's reliability (C:1120 & ToEC:49>1120>Comment)

**Barr, Jeffrey, Esq.**  
Assistant General Counsel  
Administrative Office of the U.S. Courts  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033  
(C:681-684)

**Burchill, William, Esq.**  
General Counsel  
Administrative Office of the U.S. Courts  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202)502-1100; fax (202)502-1033  
statistics on systematic judicial complaint dismissals (cf. C:877, 887, 890, 893, & ToEC:37>893>Comment)

**Deyling, Robert**  
Assistant General Counsel  
Office of the General Counsel  
Administrative Office of the U.S. Courts  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033  
petition for review of Judicial Council's denials re J. Ninfo and CJ Walker (C:859 & ToEC:34>859>Comment; cf. C:865 & 877)

**Rabiej, John K.**  
Chief of the Rules Committees Support Office  
Administrative Office of the U.S. Courts  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202)502-1820  
(C:861, 862 & ToEC:35>862>Comment))

**PACER (Public Access to Court Electronic Records)**  
<http://pacer.psc.uscourts.gov/>;  
cf. <https://ecf.nywb.uscourts.gov/cgi-bin/login.pl>  
(Stat. of Facts 2 ¶¶2, 11, 19, 33b)

#### **d) Judicial Conference of the U.S.**

[Executive Committee](#)  
[Conference members](#)  
[Committee to Review Circuit Council Conduct and Disability Orders](#)

**Judicial Conference** of the United States  
Administrative Office of the U.S. Courts  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033  
<http://www.uscourts.gov/judconfindex.html>

- a) reports (C:567, 568-572)
- b) the 15 misconduct memoranda & orders
  - 1) request for – (C:681-683)
  - 2) table (C:566)
  - 3) text (C:1611)
- c) **petition for review** of Judicial Council's denials re J. Ninfo and CJ Walker (C:823, 899; ToEC:35>862>Comment)

- 1) letters to members (C:851& 822; 855; 865 & 872)
- 2) replies (see the NOTE under Conference Members below)
- d) court reporter's refusal to certify her transcript's reliability
  - 1) petition for investigation and replacement (C:1081, 1083 & [ToEC:47>1108>Comment](#), C:1115)
  - 2) letters re petition to and from members (except chairs of Executive Committee below) (C:1119; 1121, 1122, 1124)
  - 3) Administrative Office (C:1120)
  - 4) supplement to the petition (C:1127, 1151)
  - 5) letters re supplement (C:1125, 1151)
- e) Trustee Reiber and bkr fraud scheme (C:1127, 1151)
- f) how to update the table of Conference members (C:852)

### **i) Executive Committee**

**King**, Chief Judge Carolyn Dineen  
**Chair** of the Executive Committee of the Judicial Conference  
 U.S. Court of Appeals for the 5th Circuit  
 515 Rusk Street, Room 11020  
 Houston, TX 77002  
 tel. (713)250-5750; fax (713)250-5050  
 600 Camp Street  
 New Orleans, LA 70130  
 tel. (504) 310-7700

- a) petition for review of Judicial Council's denials re J. Ninfo and CJ Walker (cf. C:822 & 853)
  - 1) request re Mr. Deyling's letter (C:859 & [ToEC:34>859>Comment](#); 872 & 887; 891, 896 & [ToEC:38>896>Comment](#))

- 2) Conference's jurisdiction to review petition (C:897, 971)
- b) court reporter's refusal to certify her transcript's reliability (C:1117, 1118, 1123; 1152, [ToEC:51>1152>Comment](#) & cf. [ToEC:52>1166>Comment](#) & cf. Add:1025)

**Hogan**, Chief Judge Thomas F.  
**Chair** of the Executive Committee of the Judicial Conference  
 U.S. District Court for the District of Columbia  
 333 Constitution Avenue, NW  
 Washington, DC 20001  
 tel. (202) 354-3000  
 court reporter's refusal to certify her transcript's reliability (C:1177, 1178, 1179; [ToEC:55>1271>comment](#))

### **ii) Conference Members**

NOTE: These were the members as of November 2004. (cf. C:852) The names with hyperlinks indicate that they or their staffs replied to Dr. Cordero's c.2) petition for review (C:822 & 851).

<a href="#">Rehnquist, W., SCt</a>	<a href="#">Flaum, J., 7<sup>th</sup> Cir.</a>
<a href="#">Ginsburg, R., SCt</a>	Stadtmueller, J.
<a href="#">Boudin, M., 1<sup>st</sup> Cir.</a>	<a href="#">Loken, J., 8<sup>th</sup> Cir.</a>
Laffitte, H.,	Rosenbaum, J.
<a href="#">Walker, J, Jr., 2<sup>nd</sup> Cir.</a>	<a href="#">Schroeder, M., 9<sup>th</sup> Cir.</a>
Scullin, F., Jr.	Ezra, D.
<a href="#">Scirica, A., 3<sup>rd</sup> Cir.</a>	<a href="#">Tacha, D., 10<sup>th</sup> Cir.</a>
Vanaskie, T.	Russell, D.
<a href="#">Wilkins, W., 4<sup>th</sup> Cir.</a>	<a href="#">Edmondson, J., 11<sup>th</sup> Cir.</a>
Norton, D.	Forrester, J.
<a href="#">King, C., 5<sup>th</sup> Cir.</a>	<a href="#">Ginsburg, D., CA DCC</a>
Feldman, M.	Hogan, T.
<a href="#">Boggs, D., 6<sup>th</sup> Cir.</a>	<a href="#">Mayer, H., CA FC</a>
<a href="#">Zatkoff, L.</a>	<a href="#">Restani, J., Int' Trade</a>

**Rehnquist**, Chief Justice William  
 Member of the Judicial Conference  
**Supreme Court** of the United States  
 1 First Street, N.E

Washington, D.C. 20543

tel. (202) 479-3000

- a) petition for review of Judicial Council's denials re J. Ninfo and CJ Walker (C:851, 865, 872)
- b) court reporter's refusal to certify her transcript's reliability (C:1121, 1122)

**Ginsburg**, Justice Ruth

**Circuit Justice** for the Second Circuit  
Supreme Court of the United States

1 First Street, N.E

Washington, D.C. 20543

tel. (202) 479-3000

(C:855 & 857)

**Boudin**, Chief Judge Michael

Member of the Judicial Conference

U.S. Court of Appeals, **First** Circuit

John Joseph Moakley U.S. Courthouse  
1 Courthouse Way

Boston, Massachusetts 02210

tel. (617) 748-4431; (617) 748-9057

**Laffitte**, Chief Judge Hector M.

Member of the Judicial Conference

U.S. District Court for the District of  
Puerto Rico

150 Carlos Chardon Street

Clemente Ruiz-Nazario U.S. Courthouse  
& Federico Degetau Federal Building

150 Carlos Chardon Street

Hato Rey, P.R. 00918

tel. (787) 772-3131

**Walker**, Chief Judge John M., Jr.

Member of the Judicial Conference

U.S. Court of Appeals, **Second** Circuit

Thurgood Marshall U.S. Courthouse

40 Foley Square, Room 1802

New York, NY 10007

tel. (212) 857-8500

**Scullin**, Chief Judge Frederick J., Jr.

Member of the Judicial Conference

U.S. District Court for the Northern  
District of New York

U.S. Courthouse, 445 Broadway

Albany, NY 12207-2924

tel. (518) 257-1800

**Scirica**, Chief Judge Anthony J.

Member of the Judicial Conference

U.S. Court of Appeals, **Third** Circuit

22614 U.S. Courthouse

601 Market Street

Philadelphia, PA 19106

tel. (215) 597-2995

(C:851, 856 & ToEC:33>856>Comment)

**Vanaskie**, Chief Judge Thomas I.

Member of the Judicial Conference

U.S. District Court for the Middle District  
of Pennsylvania

William J. Nealon Federal Building &  
U.S. Courthouse

235 N. Washington Ave., P.O. Box 1148

Scranton, PA 18501

tel. (570) 207-5720

**Wilkins**, Chief Judge William W.

Member of the Judicial Conference

U.S. Court of Appeals, **Fourth** Circuit

Lewis F. Powell, Jr., U. S. Courthouse Annex

1100 East Main Street, Annex, Suite 501

Richmond, Virginia 23219-3517

tel. (804) 916-2700

**Norton**, Judge David C.

Member of the Judicial Conference

U.S. District Court for the District of South  
Carolina

Post Office Box 835

Charleston, SC 29402

tel. (843) 579-1450

**King**, Chief Judge Carolyn Dineen  
Member of the Judicial Conference  
U.S. Court of Appeals, **Fifth** Circuit  
600 Camp Street  
New Orleans, LA 70130  
tel. (504) 310-7700  
(see Executive Committee above)

**Feldman**, Judge Martin L. C.  
Member of the Judicial Conference  
U.S. District Court for the Eastern District  
of Louisiana  
500 Poydras Street, Room C555  
New Orleans, LA 70130  
tel. (504) 589-7550

**Boggs**, Chief Judge Danny J.  
Member of the Judicial Conference  
U.S. Court of Appeals, **Sixth** Circuit  
Potter Stewart U.S. Courthouse  
100 E. Fifth Street  
Cincinnati, Ohio 45202-3988  
tel. (513) 564-7000

**Zatkoff**, Chief Judge Lawrence P.  
Member of the Judicial Conference  
U.S. District Court for the Eastern District  
of Michigan  
Theodore Levin U.S. Courthouse, Rm. 703  
231 W. Lafayette Blvd.  
Detroit, MI 48226  
tel. (313) 234-5110  
(C:851 & 889 &  
T0EC:37>889>Comment)

**Flaum**, Chief Judge Joel M.  
Member of the Judicial Conference  
U.S. Court of Appeals, **Seventh** Circuit  
Dirksen Federal Building, Room 2702  
219 S. Dearborn Street  
Chicago, IL 60604  
tel. (312) 435-5850

**Stadtmueller**, Judge J. P.  
Member of the Judicial Conference  
U.S. District Court for the Eastern District  
of Wisconsin  
United States Courthouse  
517 East Wisconsin Avenue  
Milwaukee, WI 53202  
tel. (414) 297-3372

**Loken**, Chief Judge James B.  
Member of the Judicial Conference  
U.S. Court of Appeals, **Eighth** Circuit  
Federal Court Building  
316 North Robert Street  
St. Paul, MN 55101  
tel. (651) 848-1300

**Rosenbaum**, Chief Judge James M.  
Member of the Judicial Conference  
U.S. District Court for the District of  
Minnesota,  
15E U.S. Courthouse  
300 S. 4th Street  
Minneapolis, MN 55415  
tel. (612)664-5050

**Schroeder**, Chief Judge Mary M.  
Member of the Judicial Conference  
U.S. Court of Appeals, **Ninth** Circuit  
Post Office Box 193939  
San Francisco, CA 94119-3939  
tel. (415) 556-9800

**Ezra**, Chief Judge David Alan  
Member of the Judicial Conference  
U.S. District Court for District of Hawaii  
300 Ala Moana Boulevard, Rm C338  
Honolulu, HI 96850  
tel. (808) 541-1301

**Tacha**, Chief Judge Deanell R.  
Member of the Judicial Conference  
U.S. Court of Appeals, **Tenth** Circuit

Byron White U.S. Courthouse  
1823 Stout Street  
Denver, CO 80257  
tel. (303) 844-3157

**Russell**, Judge David L.  
Member of the Judicial Conference  
U.S. District Court for the Western District  
of Oklahoma  
U.S. Courthouse, Room 3309  
200 NW 4th Street  
Oklahoma City, OK 73102  
tel. (405) 609-5000; (405) 609-5100

**Edmondson**, Chief Judge J. L.  
Member of the Judicial Conference  
U.S. Court of Appeals for the **Eleventh** Circuit  
56 Forsyth Street., N.W.  
Atlanta, GA 30303  
tel. (404) 335-6100

**Forrester**, Senior Judge J. Owen  
Member of the Judicial Conference  
U.S. District Court for the Northern  
District of Georgia  
1921 Richard B. Russell Federal Building  
and United States Courthouse  
75 Spring Street, S.W.  
Atlanta, GA 30303-3309  
tel. (404) 215-1310

**Ginsburg**, Chief Judge Douglas H.  
Member of the Judicial Conference  
U.S. Court of Appeals for the District of  
**Columbia Circuit**  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001  
tel. (202) 216-7280; (202) 216-7190  
a) petition for review of Judicial Council's  
denials re J. Ninfo and CJ Walker  
(C:876, cf. & TOEC:34>858>Comment)  
b) court reporter's refusal to certify her

transcript's reliability (C:1119, 1124)

**Hogan**, Chief Judge Thomas F.  
Member of the Judicial Conference  
U.S. District Court for the District of  
Columbia  
333 Constitution Avenue, NW  
Washington, DC 20001  
tel. (202) 354-3420  
(see Executive Committee above)

**Mayer**, Chief Judge Haldane Robert  
Member of the Judicial Conference  
U.S. Court Appeals, **Federal** Circuit  
717 Madison Place, N.W  
Washington, D.C. 20439  
tel. (202) 312- 5527  
(C:865)

**Restani**, Chief Judge Jane A.  
Member of the Judicial Conference  
U.S. Court of **International Trade**  
One Federal Plaza  
New York, NY 10278-0001  
tel. (212) 264-2018

a) petition for review of Judicial Council's  
denials re J. Ninfo and CJ Walker  
(C:858 & TOEC:34>858>Comment;  
C:875 & TOEC:35>875>Comment)

### **iii) Committee to Review Circuit Council Conduct and Disability Orders**

**Committee to Review** Circuit Council  
Conduct and Disability Order  
Administrative Office of the U.S. Courts  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033  
a) reports to the Judicial Conference

(C:569-572; cf. C:973 & T<sub>o</sub>E<sub>C</sub>:980.k and Comment thereunder; C:1374, 1376-1379)

- 1) table of all 15 memoranda & orders (C:566, 1373)
- 2) text (C:1611)

**Winter**, Judge Ralph K., Jr.  
Chairman

Committee to Review Circuit Council  
Conduct and Disability Orders  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

tel. (212)857-8700; fax (212)857-8680  
(C:877; cf. C:890, C:893 &  
T<sub>o</sub>E<sub>C</sub>:37>893>Comment; 935, 936,  
968; cf. C:967)

- a) request to forward petition for review to Conference (C:877; cf. 890; & C:893)
  - 1) statement of facts (881)
- b) request to submit to whole Committee (C:935, 936, 967, 968, 972)

**Bowman**, Judge Pasco M.

Member of the Committee to Review Cir.  
Council Conduct and Disability Orders  
U.S. Court of Appeals for the 8th Circuit  
111 South 10th Street  
St. Louis, MO 63102  
tel. (816) 512-5800  
(C:967-968; cf. 574)

**Dimmick**, Judge Carolyn R.

Member of the Committee to Review Cir.  
Council Conduct and Disability Orders  
U. S. District Court for the Western  
District of Washington  
700 Stewart Street  
Seattle, WA 98101  
tel. (206) 370-8400  
(cf. C:967-968)

**Sanders**, Judge Barefoot

Member of the Committee to Review Cir.  
Council Conduct and Disability Orders  
U. S. District Court, Northern District of Texas  
1100 Commerce Street, Room 1504  
Dallas, Texas 75242-1003  
tel. (214) 753-2375; fax: (214) 753-2382  
(cf. C:967-968)

**Sloviter**, Judge Dolores K.

Member of the Committee to Review Cir.  
Council Conduct and Disability Orders  
U. S. Court of Appeals for the 3rd Circuit  
18614 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106  
tel. (215) 597-1588  
(cf. C:967-968; C:972 &  
T<sub>o</sub>E<sub>C</sub>:39>972>Comment)

**Winter**, Judge Ralph K., Jr. (see above)

## **e) Supreme Court of the U.S.**

**Supreme Court** of the United States

1 First Street, N.E.  
Washington, D.C. 20543  
tel. (202)479-3211  
year-end reports (C:573 &  
T<sub>o</sub>E<sub>C</sub>:24>573>Comment; C:980.k &  
T<sub>o</sub>E<sub>C</sub>:40>980.x>Comment)

**Rehnquist**, Chief Justice William

Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543  
tel. (202)479-3000  
(see Judicial Conference)

**Ginsburg**, Justice Ruth

Circuit Justice for the 2<sup>nd</sup> Circuit  
Supreme Court of the United States

1 First Street, N.E.  
Washington, D.C. 20543  
tel. (202)479-3000  
re misconduct complaints (C:110; 855,  
857)

**Breyer, Justice Stephen**  
(see Judicial Conduct and Disability Act  
Study Committee)

**Suter, William K.**  
Clerk of the Supreme Court of the U.S.  
Office of the Clerk  
Washington, D.C. 20543-0001  
tel. (202)479-3023  
(C:857, 1121)

**Blalock, M.**  
Office of the Clerk of the Supreme Court  
of the U.S.  
Washington, D.C. 20543-0001  
tel. (202)479-3023  
(C:857, 1121)

**Arbur, Cathy**  
Public Information Officer  
Public Information Office  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543  
tel. (202)479-3050. (202)479-3000  
(C:573, 980.k;  
T0EC:>C:980.x>Comment; A:1601)

**Turner, Ed**  
Deputy Public Information Officer  
Public Information Office  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543  
tel. (212)479-3211

## **i) Judicial Conduct and Disability Act Study Committee**

**Breyer, Justice Stephen**  
Chairman  
Judicial Conduct and Disability  
Act Study Committee  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543

tel. (202) 479-3211  
[http://www.supremecourtus.gov/publicinfo/press/pr\\_04-13-04.html](http://www.supremecourtus.gov/publicinfo/press/pr_04-13-04.html)

- a) announcement of first meeting (C:574)
- b) systematic complaint dismissal (C:973,  
T0EC:980.k and Comment thereunder)
- c) no need of Study to know of complaint  
dismissal (Stat. of Facts 10¶32)

**Barker, Judge Sarah Evans**  
Member of the Judicial Conduct and  
Disability Act Study Committee  
U.S. District Court for the Southern  
District of Indiana  
46 East Ohio Street, Room 210  
Indianapolis, IN 46204  
tel. (317) 229-3600; fax (317) 229-3607  
(C:574)

**Bowman, Judge Pasco M.**  
Member of the Judicial Conduct and  
Disability Act Study Committee  
U.S. Court of Appeals for the 8th Circuit  
111 South 10th Street  
St. Louis, MO 63102  
tel. (816) 512-5800, (314) 244-2400  
(C:574; 967)

**Hornby, Judge D. Brock**  
Member of the Judicial Conduct and  
Disability Act Study Committee  
U.S. District Court for the District of

Maine  
156 Federal Street  
Portland, Maine 04101  
tel. (207)780-3280; fax (207)780-3152  
(C:574)

**Rider, Sally M.**  
Administrative Assistant to the Chief  
Justice  
Member of the Judicial Conduct and  
Disability Act Study Committee  
Supreme Court of the United States  
1 First Street, N.E  
Washington, D.C. 20543  
tel. (202)479-3211  
(C:574)

**Wilkinson, Judge J. Harvie, III**  
Member of the Judicial Conduct and  
Disability Act Study Committee  
U.S. Court of Appeals for the 4<sup>th</sup> Circuit  
255 West Main Street  
Charlottesville, VA 22902  
tel. (434)296-7063  
(C:574)

## **f) U.S. Congress, Committees on the Judiciary**

**U.S. House of Representatives**  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, D.C. 20515  
tel. (202) 225-3951  
<http://judiciary.house.gov/>  
[www.house.gov/judiciary](http://www.house.gov/judiciary)  
(C:1354; T<sub>o</sub>E<sub>C</sub>>C:1352>Comment)

**Sensenbrenner, Chairman F. James Jr.,**  
U.S. HR Committee on the Judiciary  
U.S. House of Representatives  
2138 Rayburn, House Office Building

Washington, DC 20515  
(cf. C:574; C:576, 1352;  
T<sub>o</sub>E<sub>C</sub>>C:1352>Comment)  
[www.house.gov/judiciary](http://www.house.gov/judiciary)  
U.S. Senate News Advisory, Contact:  
Jeff Lungren/Terry Shawn  
tel. (202)225-2492  
(C:576)

**U.S. Senate**  
Judiciary Committee  
224 Dirken Senate Office Building  
Washington, D.C. 20510  
tel. (202) 224-5225; fax: (202) 224-9102  
<http://judiciary.senate.gov/>  
(C:1354; T<sub>o</sub>E<sub>C</sub>>C:1352>Comment)

**Hatch, Chairman Orrin G.**  
U.S. Senate, Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, DC 20510  
tel. (202) 224-5251; fax: (202) 224-6331  
(C:1353; T<sub>o</sub>E<sub>C</sub>>C:1352>Comment)



(from TOEC:89) **VII.A. 2. Official Directory of the Bankruptcy Court in Rochester and Buffalo, NY**

**Rochester - Judge John C. Ninfo II - Chambers Staff**

Andrea Siderakis	Judicial Assistant	(585) 613-4200
Megan Dorr	Law Clerk	(585) 613-4200

**Administrative Section**

Paul R. Warren	Clerk of Court	(585) 613-4200
Todd M. Stickle	Deputy-in-Charge	(585) 613-4223

**Operations Section**

			<b>Chapter 7 + 13</b>
			BK Case # Range
Torry Hirsch	Supervisor	(585) 613-4200	91-96
Jane Murphy	Data Quality Analyst/Trainer	(585) 613-4200	97-99
Tina Folwell	Case Manager	(585) 613-4200	00-10
Lisa Lawson	Case Manager/Trainer	(585) 613-4200	11-21
Ginny Wheeler	Case Manager	(585) 613-4200	22-32
Amy Andrews	Case Manager	(585) 613-4200	33-43
Carm Capogreco	Case Manager	(585) 613-4200	44-54
Annette Lampley	Case Manager	(585) 613-4200	55-65
Judy Middleton	Case Manager	(585) 613-4200	66-76
Paula Finucane	Case Manager	(585) 613-4200	77-83 + odd numbered A.P. cases
Karen Tacy	Case Manager	(585) 613-4200	84-90 + even numbered A.P. cases
Lorraine Parkhurst	Courtroom/Calendar Deputy	(585) 613-4200	

**NOTE:** Chapter 11 case assignments are rotated among Tina, Lisa, Ginny, Amy, Carm, Annette and Judy.

**Intake/Financial Section**

Michele Telesca	Intake Clerk	(585) 613-4200
Maggie Clifford	Intake Clerk	(585) 613-4200

# United States District Court Western District of New York

## Notice

Effective immediately the telephone numbers for the Rochester division of the United States District Court judicial officers and staff have changed. Please update your directories with these new numbers:

### U.S. District Judge David G. Larimer

Main Number ..... (585) 613-4040  
FAX Number ..... (585) 613-4045  
Paula Rand, Courtroom Deputy ..... (585) 613-4044  
David Chapus, Law Clerk ..... (585) 613-4042  
Kathryn Lee, Law Clerk ..... (585) 613-4043

### U.S. District Judge Charles J. Siragusa

Main Number ..... (585) 613-4050  
FAX Number ..... (585) 613-4055

### U.S. District Judge Michael A. Telesca

Main Number ..... (585) 613-4060  
FAX Number ..... (585) 613-4065  
Melissa Schoen, Courtroom Deputy ..... (585) 613-4064  
Law Clerks ..... (585) 613-4067

### U.S. Magistrate Judge Jonathan W. Feldman

Main Number ..... (585) 613-4070  
FAX Number ..... (585) 613-4075

### U.S. Magistrate Judge Marian W. Payson

Main Number ..... (585) 613-4080  
FAX Number ..... (585) 613-4085  
Catherine Marr, Courtroom Deputy ..... (585) 613-4084

### Rodney C. Early, Clerk of Court

Main Number ..... (585) 613-4000  
FAX Number ..... (585) 613-4035  
Jean Marie McCarthy, Operations Supervisor ..... (585) 613-4010  
Electronic Case Filing Help Desk ..... (585) 613-4036

Blank

Blank

Last page