

(as of 12sep10)

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the *DeLano, Pfuntner and Premier* cases and
Then-Judge Sonia Sotomayor of the Court of Appeals, 2nd Cir.
and useful for conducting
a *Follow the money!* investigation
of a judicially run and tolerated bankruptcy fraud scheme
and other forms of coordinated wrongdoing

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The Salient Facts of The *DeLano* Case

(as of 6sep10)

revealing the involvement of bankruptcy & legal system insiders in a bankruptcy fraud scheme
(*D:#* & footnote references are to Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf; these are *bookmarks* on the left)

DeLano is a federal bankruptcy case. Part of a case cluster, it reveals fraud that is so egregious as to betray overconfidence born of a long standing practice¹: Coordinated wrongdoing evolved into a bankruptcy fraud scheme.² It was commenced by the DeLano couple filing a bankruptcy petition with Schedules A-J and a Statement of Financial Affairs on January 27, 2004. (04-20280, WBNY³) Mr. DeLano, however, was a most unlikely bankruptcy candidate. At filing time he was a 39-year veteran of the banking and financing industry and continued to be employed by M&T Bank precisely as a bankruptcy officer. He and his wife, a Xerox technician, were not even insolvent, for they declared \$263,456 in assets v. \$185,462 in liabilities (*D:29*); and also:

1. that they had in cash and on account only \$535 (*D:31*), although they also declared that their monthly excess income was \$1,940 (*D:45*); and in the FA Statement (*D:47*) and their 1040 IRS forms (*D:186*) that they had earned \$291,470 in just the three years prior to their filing;
2. that their only real property was their home (*D:30*), bought in 1975 (*D:342*) and appraised in November 2003 at \$98,500⁴, as to which their mortgage was still \$77,084 and their equity only \$21,416 (*D:30*)...after making mortgage payments for 30 years! and receiving during that period at least \$382,187 through a string of eight mortgages⁵. (*D:341*) Mind-boggling!
3. that they owed \$98,092 –spread thinly over 18 credit cards (*D:38*)- while they valued their household goods at only \$2,810 (*D:31*), less than 1% of their earnings in the previous three years. Even couples in urban ghettos end up with goods in their homes of greater value after having accumulated them over their working lives of more than 30 years.
4. Theirs is one of the trustee's 3,907 *open* cases and their lawyer's 525 before the same judge.

These facts show that this was a scheming bankruptcy system insider offloading 78% of his and his wife's debts (*D:59*) in preparation for traveling light into a golden retirement. They felt confident that they could make such incongruous, implausible, and suspicious declarations in the petition and that neither the co-schemers would discharge their duty nor the creditors exercise their right to require that bankrupts prove their petition's good faith by providing supporting documents. Moreover, they had spread their debts thinly enough among their 20 institutional creditors (*D:38*) to ensure that the latter would find a write-off more cost-effective than litigation to challenge their petition. So they assumed that the sole individual creditor, who in addition lives hundreds of miles from the court, would not be able to afford to challenge their good faith either. But he did after analyzing their petition, filed by them under penalty of perjury, and showing that the DeLano 'bankrupts' had committed bankruptcy fraud through concealment of assets.

The Creditor requested that the DeLanos produce documents⁶ as reasonably required from any bankrupt as their bank account statements. Yet the trustee, whose role is to protect the creditors, tried to prevent the Creditor from even meeting with the DeLanos. After the latter denied *every single document* requested by the Creditor, he moved for production orders. Despite his discovery rights and their duty to determine whether bankrupts have concealed assets, the *bankruptcy* and *district judges* denied him *every single document*. So did the *circuit judges*, even *then CA2 Judge Sotomayor*, the presiding judge, who also needed the documents to find the facts to which to apply the law. They denied him and themselves due process of law. To eliminate him, *they* disallowed his claim in a *sham evidentiary hearing*. Revealing how incriminating the documents are, to oppose their production the DeLanos, with the trustee's recommendation and the bankruptcy judge's approval, were allowed to pay their lawyers \$27,953 in legal fees⁷...though they had declared that they had only \$535. To date \$673,657⁸ is still unaccounted for. Where did it go⁹? How many of the trustee's 3,907 cases have unaccounted for assets? For whose benefit?²

¹ §XIII ² §III ³ §V. ⁴ §X ⁵ §§I.B & VIII ⁶ Cf. §XII ⁷ §XI ⁸ §I.B ⁹ §II

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Summary of the DeLanos' income of \$291,470 + mortgage receipts of \$382,187 = \$673,657 and credit card borrowing of \$98,092

**unaccounted for and inconsistent with their declaration in Schedule B
 of their voluntary bankruptcy petition (D:23)¹ that at the time of its filing
 on January 27, 2004, they had in hand and on account only \$535!**

Exhibit page #	Mortgages² referred to in the incomplete documents produced by the DeLanos^a to Chapter 13 Trustee George Reiber (cf.Add:966§B)	Mortgages or loans	
		year	amount
D ^b :342	1) from Columbia Banking, S&L Association	16jul75	\$26,000
D:343	2) another from Columbia Banking, S&L Asso.	30nov77	7,467
D:346	3) still another from Columbia Banking, S&L Asso.	29mar88	59,000
D:176/9	4) owed to Manufacturers & Traders Trust=M&T Bank	March 88	59,000
D:176/10	5) took an overdraft from ONONDAGA Bank	March 88	59,000
D:348	6) another mortgage from Central Trust Company	13sep90	29,800
D:349	7) even another one from M&T Bank	13dec93	46,920
D:350-54	8) yet another from Lyndon Guaranty Bank of NY	23dec99	95,000
	9) any other not yet disclosed?	Subtotal	\$382,187
The DeLanos' earnings in just the three years preceding their voluntary bankruptcy petition (04-20280, WBNY; D:23)			
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, as declared in Schedule F (D:38) ^c		\$280,736 ^d	\$291,470 ^d
		TOTAL	\$673,657

^a The DeLanos claimed in their petition, filed just three years before traveling light of debt to their golden retirement, that their home was their only real property, appraised at \$98,500 on 23nov3, as to which their mortgage was still \$77,084 and their equity only \$21,416 (D:30/Sch.A) ...after paying it for 30 years! and having received \$382,187 during that period through eight mortgages! *Mind-boggling!* They sold it for \$135K³ on 23apr7, a 37% gain in merely 3½ years.

^b D=Designated items in the record of *Cordero v. DeLano*, 05-6190L, WDNY, of April 18, 2005.

^c The DeLanos declared that their credit card debt on 18 cards totals \$98,092 (D:38/Sch.F), while they set the value of their household goods at only \$2,810! (D:31/Sch.B) *Implausible!* Couples in the Third World end up with household possessions of greater value after having accumulated them in their homes over their working lives of more than 30 years.

^d Why do these numbers not match?

¹§V, infra ²§§VI and VIII. ³§X

**Follow the Money! from the Available Data
of the Weak Link, the DeLanos, to the Top of the Bankruptcy Fraud Scheme**

The weak link is the DeLanos, for if they were shown to have concealed assets, they would face up to 20 years imprisonment and up to \$500,000 in fines each. (18 U.S.C. §§152-157, 1519, and 3571)^{1a} In that event, Mr. DeLano could use the wealth of inside knowledge of wrongdoing that he gained during the more than 42 years that he spent as a banker and bankruptcy officer as his chip in plea-bargaining for leniency. He could trade up to “bigger fish”, such as Bankruptcy John C. Ninfo, II, WBNY, the trustees, and other bankruptcy system insiders, anyone of whom could also incriminate the Judge. In turn, the latter could trade up to “fat cats” in the federal judiciary who have either participated in running, or sharing in the benefits of, the [bankruptcy fraud scheme](#) or have knowingly looked the other way for years.^{2a}

The *Follow the money!* investigation can search the public registries, such as county clerk’s offices. (<http://www.naco.org>; for Rochester, NY, go to <http://www.monroecounty.gov/>; see also^{2b}) These leads and those at ^{2a}>W:147§A can pinpoint and expedite a cost-effective investigation:

David Gene DeLano, SS # XXX-XX-3894; DoB: September 1, 1941
Last employer: M&T Bank; <https://www.mtb.com/personal/Pages/Index.aspx>
255 East Avenue, Rochester, NY 14604
Previous employers: Central Trust and First National Bank (as V-P), Rochester, NY
Voter Identification #: 13374201

Mary Ann DeLano, SS # XXX-XX-0517; DoB: September 21, 1944
Last employer: Xerox, Rochester, NY; employed as a product specialist
Address: Last known: 1262 Shoecraft Road, Webster, NY 14580; tel. (585) 671-8833
Previous: 35 State Street, Rochester, NY 14814-8954
For current see ^{2a}>W:131-133

Their children: Jennifer, born circa 1969; Mercy High School, 1988

Michael David, born cir. ,71; Aquinas HS, ‘89; last known job: Heidelberg/Nexpress (D:32/15) both with Associate Business degrees from Monroe Community College, NY

Chapter 13 Trustee George Reiber, South Winton Court, 3136 S. Winton Road, Rochester, NY 14623; tel. (585) 427-7225; fax (585)427-7804; trustee13@roch13.com
cf. http://Judicial-Discipline-Reform.org/docs/Trustee_Reiber_3909_cases.pdf

Christopher K. Werner, Esq., the DeLanos’ attorney, <http://www.boylanbrown.com/index.php>
cf. http://Judicial-Discipline-Reform.org/docs/Werner_525_before_Ninfo.pdf

Initial judges: Their investigation can begin by matching up **a)** the assets that they declared in their mandatory annual financial disclosure reports publicly filed with the Administrative Office of the U.S. Courts (<http://www.uscourts.gov/>) under the Ethics in Government Act (5 USC App. 4) and **b)** assets –homes, cars, boats- registered in their names or their relatives’ or strawmen’s^{3b}; then on to finding from drivers, barmen, maids, etc. about their conduct at judicial junkets; etc.

- | | |
|---|--|
| 1. U.S. Bkrp. Judge John C. Ninfo, II, WBNY; Rochester, NY; http://www.nywb.uscourts.gov/ | Current Chief Judge Dennis Jacobs; Judges Sotomayor ^{3a} , Livingston, and Hall ^{3b} , CA2; NYC; http://www.ca2.uscourts.gov/judgesmain.htm
4. Judge Carman, Court of International Trade; NYC; http://www.cit.uscourts.gov/informational/directory.htm
http://www.cit.uscourts.gov/ |
| 2. U.S. Dis. Judge David Larimer, WDNY; Rochester, NY; http://www.nywd.uscourts.gov/ | |
| 3. Former Chief Judge John M. Walker, Jr., and | |
| | |

^{1a} http://Judicial-Discipline-Reform.org/docs/18usc_bkrp_related.pdf; ^{1b} id§1956-57: money laundering

^{2a} http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >§XIII; ^{2b} W:1-2, 75-76.

^{3a} http://Judicial-Discipline-Reform.org/US_writ/1DrCordero-SCt_petition_3oct8.pdf >CA:2180, 2456§X; ^{3b} id>SApp:1623

The judges' 'eroded morale over stagnant compensation' is aggravated by the corruptive power of the lots of money available in bankruptcy and both factors lay the basis for a bankruptcy fraud scheme

(excerpt from Dr. Cordero's petition to the Supreme Court of the United States for a writ of certiorari to the Court of Appeals for the Second Circuit in *Cordero v. Trustee Gordon et al.*, 04-8371, SCt http://Judicial-Discipline-Reform.org/Follow_money/for_certiorari_SCt.pdf¹)

1. Given that the Judicial Conduct and Disability Act (28 U.S.C. §351 et seq.) has been misapplied for decades, the Court has had no regular indication of the nature and extent of judicial misconduct and its impact on the integrity of the judiciary or the kind of justice that litigants receive and their current perception of "the appearance of justice". However, the Court is aware of a situation in the judiciary that is a potent cause for misconduct: money, "the root of all evils", the Bible at 1 Timothy 6:10. Thus, for years the Court has known that judges are discontent because of inadequate pay and Congress' failure to provide the promised regular COLAs (Cost of Living Adjustments). This problem has "serious effects", as Chief Justice Rehnquist put it:

Although we cannot say that the judges who are leaving the bench are leaving only because of inadequate pay, many of them have noted that financial considerations are a big factor.⁴ The fact that judges are leaving because of inadequate pay is underscored by the fact that most of the judges who have left the bench in the last ten years have entered private practice.⁵ It is no wonder that judges are leaving when law clerks who join big law firms in large cities can earn more in their first year than district judges earn in a year. Inadequate pay has other serious effects on the judiciary. [Administrative Office of the U.S. Courts] Director Mechem's June 14 letter to you makes clear that judges who have been leaving the bench in the last several years believe they were treated unfairly...[due to] Congress's failure to provide regular COLAs...That sense of inequity erodes the morale of our judges. *Statement on Judicial Compensation by William H. Rehnquist, Chief Justice of the United States, Before the National Commission on the Public Service, July 15, 2002*; at http://www.supremecourtus.gov/publicinfo/speeches/sp_07-15-02.html.

2. It cannot come as a surprise if such erosion of morale has stripped some judges of the moral standards that should prevent every person from resorting to illegal means of self-help to increase his income. Should one reasonably expect judges to have remained unaffected by the lure of money in the midst of a society that values material success above anything else and pursues it with unbound greed and conspicuous disregard for legal and ethical constraints?
3. In the bankruptcy context, the lure of money is extremely powerful because there is not just money, but rather lots of money. Indeed, an approved debt repayment plan followed by debt discharge can spare the debtor an enormous amount of money. For instance, the DeLano's plan [SCtA.379] contemplates the repayment of only 22¢ on the dollar, which means its approval would spare the DeLanos 78% of their total liabilities of \$185,462 [SCtA.381 Summary of Schedules] or over \$144,462...and that does not take into account all the money saved on their total credit card debt of \$98,092 [SCtA.381 Schedule F] that given their over 230 late payments would otherwise be charged annual compound interest at the delinquent rate of over 23%.

¹ See also http://Judicial-Discipline-Reform.org/US_writ/1DrCordero-SCt_petition_3oct8.pdf>US:2442§IX.

4. Others too can make lots of money. A standing trustee is appointed under 28 U.S.C. §586(b) for cases under Chapter 13 and is a federal agent inasmuch as her performance is dictated and supervised by a U.S. trustee, who in turn is under the general supervision of the Attorney General, §586(c). However, the standing trustee earns part of her compensation from ‘a percentage fee of the payments made under the repayment plan of each debtor’, §586(e)(1)(B) and (2).
5. After receiving a petition, the trustee is supposed to investigate the debtor’s financial affairs to determine the veracity of his statements, 11 U.S.C. §1302(b)(1) and §704(4) and (7). If satisfied that he deserves bankruptcy relief from his debt burden, the trustee approves the repayment plan of the debtor, who can count with the trustee’s support when the plan is submitted to the court for confirmation, §1325(b)(1). A confirmed plan generates a stream of payments from which the trustee takes her fee. But even before confirmation, money begins to roll in because the debtor must commence to make payments to the trustee within 30 days after filing his plan and the trustee must retain those payments, §1326(a).
6. If the plan is not confirmed, which is likely if the trustee opposes its confirmation, the trustee must return the money paid, less certain deductions, to the debtor, §1326(a)(2). This provides the trustee with an incentive to approve the plan and get it confirmed by the court because no confirmation means no further stream of payments and, hence, no fees for her. To insure her take, she might as well rubberstamp every petition and do what it takes to secure the confirmation of its plan by any judge or any other officer or entity that can derail confirmation, §1325(b)(1)(A).
7. The trustee would be compensated for her investigation of the petition -if at all, for there is no specific provision therefor- only to the extent of “the actual, necessary expenses incurred”, 28 U.S.C. §586(e)(2)(B)(ii); cf. 11 U.S.C. §330(a) and (c). Now, an investigation of the debtor that allows the trustee to require him to pay his creditors another \$1,000 will generate a percentage fee for the trustee of \$100 (in most cases, §586(e)(1)(B)(i)). Such a system creates a perverse incentive for the debtor to make the trustee skip any investigation in exchange for an unlawful fee of, let’s say, \$300, which nets her three times as much as if she had sweated over the petition and supporting documents. For his part, the debtor saves \$700. Even if the debtor has to pay \$600 to make available money to get also other officers to go along with his plan, he still comes \$400 ahead. To avoid a criminal investigation for bankruptcy fraud, a debtor may well pay more than \$1,000. After all, it is not necessarily as if he were broke and had no money.
8. Add the corruptive power of money to the corruptive power of judicial power that escapes any effective control and discipline system, let alone any investigation, and the end product is a morally corrosive mix. It can dissolve the will to abide by the oath of office already weakened by a “sense of inequity [over unadjusted judicial compensation that] erodes the morale of our judges”, para. 1 above. In contact with such mix, due process ends up severely deteriorated.

Addendum²: In FY08, 1,043,993 new bankruptcy cases were filed. This represented a 30% increase over the 801,269 in FY07. Yet the number of such type of case filed in the regional circuit courts of appeals decreased 9% from 845 to 773. This means that bankruptcy judges disposing of \$10s of bls. annually were all but sure that whatever they decided would stand since only 0.07% of all bankruptcy cases went to the appeals courts or only 1 in every 1,351 cases. Yet, 61,104 appeals were filed in those courts. Moreover, since bankruptcy judges are appointed by circuit judges, the former are further assured that the latter will not overturn their rulings on appeal, for that would call into question their capacity to appoint competent bankruptcy judges. Judges that dispose of \$10s of bls. however they want with no adverse consequences have the most powerful incentive to engage in wrongdoing: riskless enormous profit under cover of their colleagues.

² See http://Judicial-Discipline-Reform.org/US_writ/2DrCordero-SCT_rehear_23apr9.pdf >US:2521§III.

STATEMENT OF FACTS FROM

http://Judicial-Discipline-Reform.org/US_writ/1DrCordero-SCt_petition_3oct8.pdf

Case no. 08-8382

IN THE

SUPREME COURT OF THE UNITED STATES

Dr. Richard Cordero, Petitioner

v.

David and Mary Ann DeLano, Respondents

docket no. 06-4780-bk in

the United States Court of Appeals
for the Second Circuit

and

James Pfuntner

v.

Trustee Kenneth Gordon et al.

sub nom. *In re Premier van*, docket no. 03-5023 in
the United States Court of Appeals
for the Second Circuit

On Petition for a Writ of Certiorari to

The United States Court of Appeals
for the Second Circuit

Petition for a Writ of Certiorari

October 3, 2008

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IX. STATEMENT OF FACTS

A. The DeLanos, inherently suspicious debtors in bankruptcy, and other scheming insiders of the bankruptcy system

1. The DeLanos are exceptional bankrupts, for Mr. DeLano was at the time of filing the bankruptcy petition on January 27, 2004, a 39-year career financial and banking officer (Transcript, page 15 Line 17 to pg 16 L15=Tr:15/17-16/15) and Mrs. DeLano was a Xerox technician, a person experienced in thinking methodically along a series of technical steps. Both knew exactly what moves to make to prepare for a debt-free asset-loaded golden retirement by filing a voluntary petition although their assets of \$263,456 far exceeded their liabilities of \$185,462. (D:29) Indeed, when they filed their petition, Mr. DeLano was and continued to be employed as an officer in precisely the bankruptcy department of a major bank, M&T Bank, with \$65 billion in assets at the end of 2007. Hence, they filed their petition in the U.S. Bankruptcy Court, WBNY, under 11 U.S.C. Chapter 13 "Adjustment of debts of an individual with regular income", thus avoiding liquidation under Chapter 7. Together with the petition they filed a plan for debt repayment to their creditors for the minimum of 3 years, at the end of which Mr. DeLano, 62, would be 65 and could collect a 100% of his social security pension. Timing matters.
2. An insider of the bankruptcy system, Mr. DeLano had learned during his 39-year long career how to keep people afloat with financial advice and how to sink them with stories of their wrongdoing with one of the two most insidious corruptors: *Money!* Mr. DeLano's petition came as a farewell wish list before Bankruptcy Judge John C. Ninfo, II, WBNY (D:317, 325, 327).
3. Judge Ninfo too was exceptional: "At the time of his appointment to the bench in 1992 he was a partner in the law firm of Underberg and Kessler in Rochester [where] from 1970 until 1992 he engaged in private law practice". (http://www.nywb.uscourts.gov/about_judge_ninfo_46.php, Add:636) That firm represents M&T Bank and Banker DeLano in *Pfuntner* (Add:531), which is pending before the Judge. Mr.

DeLano mishandled the bankruptcy concerned in that case, thus harming Dr. Cordero, a defendant in *Pfuntner*, who impleaded him as a third party defendant (Add:785); so arose the claim there that later became at stake in *DeLano*. Judge Ninfo handled the other most insidious corruptor: *Power!* Judicial power over people's property, liberty, and even life that is in practice unaccountable becomes absolute power...and corrupts absolutely.

4. The DeLanos listed Dr. Cordero among their unsecured creditors in their voluntary bankruptcy petition. (D:40) They submitted it and their debt repayment plan for evaluation to the chapter 13 trustee, who is supposed to represent unsecured creditors. (Revision Notes and Legislative Report on 11 U.S.C. §704, 1978 Acts, 2nd para.; D:882§II) That Trustee was George Reiber, Esq.
5. Trustee Reiber too is especial: According to PACER, he had 3,907 *open* cases before Judge Ninfo out of his 3,909 *open* cases. After his evaluations, he depends on Judge Ninfo to have his recommendations for bankrupts' plans approved so that he may keep his 10% fee of every payment made through him under the plan to the creditors. (28 U.S.C. §586(e)(1)(B)(ii)(I)) His frequent appearances before the Judge and his financial interest in the Judge's goodwill toward him have developed a modus operandi between them that has led the Trustee's loyalties to run to the Judge, not to one-time creditors, much less to non-local ones who live hundreds of miles away from Rochester, NY, such as Dr. Cordero, a resident of NY City. When the Trustee and the Judge rubberstamp petitions smoothly, so flows the enormous amount of money that they control ...in just this one case the whereabouts of \$673,657 of the DeLanos' are still unknown. (CA:1654)
6. It was Assistant U.S. Trustee Kathleen Dunivin Schmitt, Trustee Reiber's supervisor, who allowed him to amass such an unmanageable number of cases. So much so that since he could not be at the same time in all places where he was needed, she let him conduct the meeting of creditors (11 U.S.C. §341: D:23) of the DeLanos on March 8, 2004, not only in a room connected to her office, but also unlawfully by his attorney, James Weidman, Esq. For a trustee not to conduct a

meeting of creditors personally is such a serious violation of his duty that it is listed in 28 CFR §58.6(10) among the causes for removal. (SApp:1689) On that occasion, Trustee Reiber was taking care of business, of all places, downstairs in Judge Ninfo's courtroom. In a well coordinated scheme everybody has to pitch in. Trustee Schmitt's friendly next door neighbor is the local office of the U.S. Department of Justice in the cozily small federal building in Rochester.

7. Accompanying the DeLanos to the meeting were their one of a kind attorneys (D:79¶3): Christopher Werner, Esq., had brought 525 cases before Judge Ninfo, according to PACER, and at the time had spent 28 years in the business. (D:217) Michael J. Beyma, Esq., is also a partner in Underberg & Kessler, the same law firm in which Judge Ninfo was a partner at the time of his appointment by CA2 under 28 U.S.C. §152 to his first 14-year term as bankruptcy judge. He represents both Mr. DeLano and his employer, M&T Bank. (Add:531, 532, 778, 784, 811). Mr. Beyma "was a founding partner of Boylan, Brown LLP in 1974", the law firm in which Mr. Werner is a partner. (<http://www.underberg-kessler.com/Attorneys/Detail/?ID=30>) It is better when everything remains in the family. (law firm addresses at US:2466 infra)

B. The meeting of creditors of the DeLanos confirms that the insiders knew that they had committed bankruptcy fraud

8. Att. Weidman knew perfectly well what was going on with the DeLanos and the other co-schemers. At that meeting of creditors, he examined the DeLanos under oath while being officially recorded on an audio-tape. After examining the DeLanos, Mr. Weidman asked whether any of their creditors were in the audience. Dr. Cordero was the only one present. He identified himself and stated his desire to examine them. Mr. Weidman asked him to fill out an appearance form (D:68) and to state what he objected to. Dr. Cordero submitted to him and Mr. Werner copies of his Objection to Confirmation of the DeLanos' Plan of Debt Repayment (D:63). No

sooner had he asked Mr. DeLano to state his occupation –he answered ‘a bank loan officer’- and then how long he had worked in that capacity -he said 15 years, but see Tr:15/17-16/15- than Mr. Weidman unjustifiably asked Dr. Cordero whether and, if so, how much he knew about the DeLanos’ having committed fraud. When Dr. Cordero would not reveal what he knew, Att. Weidman put an end to the meeting even though Dr. Cordero had asked only two questions! (D:79§§I-III; Add:889§II)

9. Later that afternoon at the confirmation hearing before Judge Ninfo in the presence of Trustee Reiber and Att. Weidman and without being contradicted, Dr. Cordero brought to the Judge’s attention how that Attorney had prevented him from examining the Debtors. Rather than uphold the law and Dr. Cordero’s right thereunder, Judge Ninfo faulted Dr. Cordero for applying the Bankruptcy Code too strictly and thereby missing “the local practice”. He stated that Dr. Cordero should have phoned to find out what that practice was and, if he had done so, he would have learned that the trustee would not allow a creditor to go on asking questions. (D:99§C) Thereby the Judge protected the co-scheming “locals” from the law of the land of Congress, which provides for not one, but rather a series of meetings where creditors can engage in a very wide-scope examination of the debtors. (11 U.S.C. §341; FRBkrP 2004(b); D:283¶¶a-b, 98§II; SApp:1659 4th para. et seq.; D:362§2; Add:891§III)

10. For months thereafter, the DeLanos continued to treat Dr. Cordero as a creditor, pretending to be obtaining the documents that he had requested through Trustee Reiber. (D:63, 151, 73, 74, 103, 111, 116, 117, 120, 122, 123, 128, 138, 149, 153, 159, 160, 162, 165, 189, 203) They also pretended to be available for an adjourned meeting of creditors where those documents would be used to examine them under oath. (CA:1731¶25) But the documents only trickled in. Worse yet, the documents that they produced during the dragged-on period were incomplete, even missing pages! (D:194§II) Would Mr. DeLano have lasted 39 years in banking if his performance in

producing his own documents had been a reflection of his competency to obtain the documents necessary for his employer, M&T Bank, to decide on its clients' financial applications?

11. The DeLanos' production of documents was so objectionable that Trustee Reiber himself moved to dismiss the petition "for unreasonable delay which is prejudicial to creditors, or to convert to a Chapter 7 proceeding", that is, liquidation. (D:164) This was only for show, or for other purpose, given that the Trustee never asked the DeLanos, despite Dr. Cordero's requests, to produce documents as obviously pertinent to determine the good faith of any petition (11 U.S.C. §1325(a)(3)) as their bank account statements, which they have not produced to date. Neither Trustee Schmitt nor her superior, U.S. Trustee for Region 2, Deirdre A. Martini, required Trustee Reiber or the DeLanos to produce those documents. Yet, it was the trustees' duty to obtain that type of documents of each bankrupt to determine their compliance with the Bankruptcy Code and to meet the request of a party in interest. (11 U.S.C. §§1302(b)(1), 704(a)(4) and (7)) Those trustees had especial reasons to do so in the case of the DeLanos: Their petition contained a statement of financial affairs so intrinsically incongruous and implausible as to give rise to probable cause to suspect that it was a vehicle of concealment of assets and evasion of debts.

C. The DeLanos' intrinsically incongruous and implausible statement of financial affairs

12. The DeLanos stated in Schedules A-J, the Statement of Financial Affairs, the Plan for Debt Repayment, and various Declarations accompanying the petition (all referred to herein as the petition):
 - a. that their total assets were \$263,456 while their total liabilities were only \$185,462, yet they proposed to repay only 22¢ on the dollar (D:29, 23);
 - b. that they had in cash and on account only \$535 (D:31), although they declared that their

excess income after subtracting from their monthly income their monthly living expenses was \$1,940 (D:45), and that in just the three fiscal years preceding their bankruptcy filing they had earned \$291,470 (D:47; 2001-03 1040 IRS forms at D:186-188);

c. that they owed \$98,092 on 18 credit cards (D:38), while they valued their household goods at only \$2,810 (D:31), less than their \$3,880 excess income in only two months and less than even 1% of the \$291,470 that they had earned in the previous three years! Even couples in urban ghettos end up with goods in their homes of greater value after having accumulated them over their worklives of more than 30 years;

d. that their only real property was their home, appraised two months before their filing at \$98,500, as to which their mortgage was still \$77,084 and their equity only \$21,416 (D:30)...after making mortgage payments for 30 years! and having received during that period at least \$382,187 through a string of eight known mortgages! (D:341-354) *Mind-boggling!* For each of those mortgages they had to pay closing costs. For example, just for the last known mortgage they had to pay \$3,444. (D:351, 354 lines 1400 and 1602) None of the trustees or any of the judges that had the duty to review the facts could have either competently or honestly believed that Career Banker DeLano would waste on closing costs for eight mortgages more money than the equity he ended up with in his home. They had to ask: “What did you do with all that money received from eight mortgages?”

13. None did despite their power to do so (11 U.S.C. §521(a)(4)) and Dr. Cordero’s request that they do it. (D:77, 492) Far from it, Trustee Reiber was ready to recommend after that meeting of creditors the confirmation by Judge Ninfo of the DeLanos’ debt repayment plan without either of them having checked the underlying bankruptcy petition against any supporting documents. Only Dr. Cordero’s Objection (D:63) stopped their rubberstamping the plan; otherwise, they would have given the DeLanos a retirement gift at the expense of the creditors and gotten insurance for

themselves by avoiding that the denial of the petition as fraudulent and the indictment of the DeLanos could have led Mr. DeLano to plea bargain by trading up his stories about the officers' role in the fraud scheme against leniency for the couple.

D. To stop Dr. Cordero from proving a bankruptcy fraud scheme, the DeLanos used the artifice of a motion to disallow his claim as creditor and Judge Ninfo staged a sham evidentiary hearing, for which both denied him *every single document* that he requested and at which the Judge disregarded Mr. DeLano's testimony and disallowed Dr. Cordero's claim for failure to introduce documents

14. Dr. Cordero continued analyzing the petition intrinsically and extrinsically for its consistency with the few documents produced. (D:63, 165-188) In a written statement submitted to Judge Ninfo (D:193), he showed that the DeLanos had concealed assets, a violation of 18 U.S.C. §152(1), and thereby committed bankruptcy fraud. That crime is punishable by up to 20 years in prison and a fine of up to \$500,000 under 18 U.S.C. §§152-157, 1519, and 3571 (D:46).
15. Only thereafter, in July 2004, after the DeLanos had treated Dr. Cordero as creditor for six months, did they come up with the idea of a motion to disallow his claim. (D:218) They did not cite any authority at all for challenging the presumption of validity of a creditor's claim. (D:256§VII) Moreover, their challenge had become barred by waiver and laches. (D:255§VI) Indeed, they themselves had listed in Schedule F (D:40) Dr. Cordero's claim against them in *Pfuntner* precisely because Mr. DeLano had been aware for more than a year and a half that in November 2002, he had been brought into *Pfuntner* as a third party defendant by Dr. Cordero (Add:785). In addition, months before his motion, in May 2004, he had been reminded thereof by Dr. Cordero filing his proof of claim (D:142) with relevant excerpts of his third party complaint in *Pfuntner* (D:250§I). What is more, in April 2004 the DeLanos had raised the objection,

already untimely after treating Dr. Cordero as their creditor for months, that he “is not a proper creditor in this matter”. (D:118) Less than 10 days later, Dr. Cordero countered their objection. (D:128) Then they dropped the issue...for months. Their conduct shows that their motion to disallow was a desperate attempt to get rid of Dr. Cordero and his overt charge of their commission of bankruptcy fraud as part of the bankruptcy fraud scheme. (D:253§V)

16. Judge Ninfo came through to assist Co-schemer DeLano with his disallowance motion artifice. Sua sponte, he called in his order of August 30, 2004, for an evidentiary hearing to determine the motion. (D:272) He required that thereat Dr. Cordero introduce evidence to establish his claim against Mr. DeLano in *Pfuntner*, that is, in isolation from all the other parties, their claims and defenses, and issues. Dr. Cordero realized that he was being set up to try piecemeal in *DeLano* one claim severed from *Pfuntner*. So he moved in CA2 to quash the Judge’s order. (D:441) CA2 merely “Denied” with no explanation the motion to disallow. (D:312) Thereby it covered up for his use of a process-abusive motion and encouraged him to engage in even more abuse.
17. Judge Ninfo got the message and resorted to even more egregious abuse, knowing that he would soon be rewarded with his reappointment to a second 14-year term bankruptcy judgeship, as he was in 2006, and that for Dr. Cordero to complain about him to CA2 would prove useless, as it already had before (D:425; SApp:1655, 1657; CA:1721, 1859 fn.5). So he required that discovery for the evidentiary hearing be completed by December 15, 2004, when he would set its date. (D:278¶3) On the strength of that order, Dr. Cordero requested documents from the DeLanos, including those to which he was entitled not only as a creditor, but also as a mere party in interest and as a party to *Pfuntner*. (D:287) But the DeLanos and Mr. Werner, the attorney who had brought 525 cases before Judge Ninfo, denied him *every single document*, self-servingly characterizing all as irrelevant. (D:313, 314) Dr. Cordero moved Judge Ninfo to order the DeLanos to comply with the discovery provisions of his order and respect his right to

discovery under FRBkrP 7026-7037 and FRCivP 26-37. (D:320§II) Disregarding his own order and showing contempt for the rules, Judge Ninfo aided and abetted the DeLanos' blatant violation of the right to discovery (D:325) and denied him *every single document!* (D:327) In December, he scheduled the evidentiary hearing for March 1, 2005. (D:332)

18. Having no documents to introduce, Dr. Cordero examined Mr. DeLano at the evidentiary hearing. Judge Ninfo acted as Mr. DeLano's Chief Advocate, as if he still were a partner in the law firm of his other attorney, Mr. Beyma, who was there and had entered his appearance. (Tr:2) The Judge objected on behalf of Mr. DeLano to Dr. Cordero's questions, warned him about how to answer them, and engaged Dr. Cordero in an adversarial discussion. (Pst:1266§E)
19. Although Judge Ninfo reduced Atts. Beyma and Werner to deferential second chairs, they were not inactive at all. Far from it. So confident did they feel in the presence of Mr. Beyma's old buddy John and Mr. Werner's frequent trier of 525 cases that they signaled answers to Mr. DeLano while he was on the stand being examined under oath by Dr. Cordero. When the latter protested in each of several occasions, Judge Ninfo ludicrously pretended that he had not seen them do so even though the attorneys were only a few feet in front of him and near Dr. Cordero's table in the well. (Beyma Tr.28/13-29/4, 75/8-76/3; Werner: 141/20-143/16; Pst:1289§f). No doubt, their experience with the Judge had assured them that they could suborn perjury right in front of his eyes with no adverse consequences for themselves or Career Banker-Insider DeLano.
20. Indeed, Mr. Werner felt so confident that the Judge would grant his motion to disallow Dr. Cordero's claim against Mr. DeLano that neither of them had read the complaint containing it (Add:785) or the proof of claim (D:142) or even brought a copy of either to the hearing. So in the middle of it, Mr. Werner asked Dr. Cordero to lend them his copy! (Tr.49/13-50/25; Pst:1288§e)
21. What prompted Atts. Werner and Beyma's effort to suborn perjury was that the testimony that Mr. DeLano was giving confirmed Dr. Cordero's claim against him in *Pfuntner*. (Pst:1285¶70)

So Judge Ninfo explicitly disregarded Mr. DeLano's testimony against self-interest as "confused", although it concerned his own handling of the bankruptcy at stake in *Pfuntner*, and found that Dr. Cordero had not introduced any documents to prove his claim, the very same ones that they had taken care to deny him during discovery. Then he entered the predetermined disallowance of Dr. Cordero's claim and deprived him of standing to participate in *DeLano* anymore. (Pst:1281.d) Judge Ninfo can be "heard" as the partisan, leading voice of the schemers in the transcript. (Pst:1255§E). Dr. Cordero had in fact been set up.

22. Does the use of a disallowance motion as an artifice to conceal incriminating documents and of a sham evidentiary hearing to eliminate a troublesome party that could blow the cover of a bankruptcy fraud scheme seem to you to have anything to do with due process, the rule of law, fairness, or equity? Or are they means of coordinated wrongdoing used by bankruptcy system insiders to escape detection? Will you too condone their fraud scheme without qualms because it involves peers and friends or condemn it with outrage because it offends justice and the conscience?

E. District Judge Larimer in coordination with court clerks tried to keep Dr. Cordero from obtaining incriminating transcripts and denied him *every single document* that he requested

23. On appeal from the disallowance of the claim against the DeLanos, District Judge David G. Larimer, WDNY, covered up for Judge Ninfo, his peer downstairs, by denying *every single document* that Dr. Cordero requested (Add:951, 1021; Pst:1307), including the transcripts of the initial and the adjourned meetings of creditors (D:333; Pst:1262¶¶13-21). He even maneuvered together with Bankruptcy clerks, trustees, and Court Reporter Mary Dianetti to prevent the incriminating transcript of the evidentiary hearing from being incorporated into the record on appeal by being sent the record from the Bankruptcy clerk before it was complete, in violation of

FRBkrP 8006 and 8007 (Add:679), and repeatedly scheduling Dr. Cordero's brief before the Reporter had even had time to respond to his letter requesting the transcript (Add: 692, 695, 831, 836, 839). It cost Dr. Cordero seven month's worth of effort and money (Add:870, 911, 991, 993, 1019; Pst:1264 ¶22-26) to thwart their maneuver and have that transcript produced so that he could use it to write and support his appellate briefs to the District Court and eventually to CA2 and this Court. (Add:1027, 1031; CA1735§1)

24. Despite the transcript, Judge Larimer affirmed the disallowance in a conclusory order (SApp:1501) that did not make even one reference to it or to Dr. Cordero's brief. What is more, he did not use once the term 'fraud' even though it and 'a bankruptcy fraud scheme' were the express key notions of the four questions presented on appeal (Pst:1257§C; CA:1749§2) and permeated the brief. Actually, Judge Larimer did not address even one of those questions. On the contrary, he committed the gross mistake of stating that the "preserved, appellate issues" had been "set forth" by the DeLanos' attorneys'. (SApp:1502 2nd para.) However, those attorneys never filed a cross appeal and thereby could not present any issues on appeal at all. (CA:1746§1) The issues that Judge Larimer went on to name were those "set forth" by those attorneys in their response to Dr. Cordero's brief. (Pst:1365) Yet, he did not engage in any legal analysis of even those issues. (CA:1756§4) In fact, to write his order Judge Larimer need not have read Dr. Cordero's brief at all; he only needed to skim over the DeLanos'. (Pst:1361, 1398§§II-III, 1409§V)

25. Judge Larimer showed blatant partiality. (CA:1752§3) He refused to take notice of the controversy that was put to him by Appellant Dr. Cordero, thus denying him opportunity to be heard while confirming Judge Ninfo's taking of his property right for the benefit of the schemers. Consequently, Judge Larimer denied Dr. Cordero due process of law and did so intentionally as part of coordinated wrongdoing aimed at covering up and running a bankruptcy fraud scheme.

F. CA2 denied *every single document* that Dr. Cordero requested as an exercise of his right to discovery and that CA2 itself needed to discharge its duty both to know the facts so as to determine which properly stated rule of law to apply and to exercise its supervisory power to safeguard the integrity of judicial process in the circuit from its corruption by judges participating in a bankruptcy fraud scheme

26. CA2 docketed the appeal in *DeLano* (06-4780-bk) on October 25, 2006 (Sapp:1571), and the following day entered Dr. Cordero's Statement of Issues (SApp:1508).
27. On 12 occasions, (Table at US:2484 *infra*) during the appeal, Dr. Cordero requested that CA2 order the production of the documents listed in his proposed order of production. But CA2 denied him *every single document*, doing so summarily, with no explanation, only an expedient circling around the option "Denied", as opposed to "Granted", on the Motion Information Sheet.
28. When even that proved to be too demanding, CA2 resorted to another expedient way to get rid of motions. On July 18, 2007, Dr. Cordero raised a "Motion suggesting en banc consideration of the 3 denials of the motions for document production; and if denied, for the Court to disqualify itself due to conflict of interests and refer the case to the Attorney General under 18 U.S.C. §3057(a)" (CA:1945) In its disposition on August 9, CA2 "ordered that this motion and all further motions filed by Dr. Cordero are referred to the panel assigned to hear this appeal". (CA:2079) By referring en bulk all of Dr. Cordero's future motions to the panel, CA2 signaled that it would not even bother to take notice of the nature of his motions, which could very well deal with a matter other than a request for documents. In effect, CA2 denied Dr. Cordero any further access to it and did so discriminatorily, for the order expressly concerned only Dr. Cordero's motions. So when on August 29, Dr. Cordero moved "for oral argument on the motion of July 18 suggesting en banc consideration of the three denials of the motions for document production to be held before argument is heard on the case in chief" (CA:2081), CA2 simply "ordered that the motion is referred to the panel that will hear the merits" (CA:2087).
29. The proof of CA2's discriminatory attitude came when Trustee Reiber filed a motion to dismiss

the appeal on October 30. (CA:2101). The Trustee knew that CA2 could not order production of the documents requested by Dr. Cordero and thereby risk exposing the district and bankruptcy judges' involvement in the bankruptcy fraud scheme and as a result, being incriminated therein for having supported or tolerated it. Hence, the Trustee had not bothered for over a year even to file an appearance in the appeal. In fact, he had filed none in the District Court either. Yet, in Dr. Cordero's briefs in both courts he had been implicated in the scheme and his removal had been requested. (Pst:1306¶123.d; CA:1773¶f) Trustee Reiber did not bother to file any paper in opposition even though if such relief had been granted, he would have lost his livelihood.

30. Even before that, while still in Bankruptcy Court, Dr. Cordero had requested Judge Ninfo on July 9, 2004, to remove Trustee Reiber from the *DeLano* case. (D:201¶32) But the Trustee did not bother to respond. The Trustee went about his business and in July 2005 he submitted to Judge Ninfo an undated "Trustee's Findings of Fact and Summary of 341 Hearing" –never mind that there is no such proceeding as a '341 Hearing'–, and an untitled form in Pidgin English that began "I/We filed Chapter 13 for one or more of the following reasons", which was unsigned and undated too! (D:937-939) Although Dr. Cordero analyzed in detail such shockingly unprofessional and perfunctory scraps of papers (Add:953§I) -on which Judge Ninfo nevertheless relied to confirm the DeLanos' plan of debt repayment (Add:941)- and requested District Judge Larimer to remove Trustee Reiber (Add:974¶4), he did not bother to file even a yellow stick-it in opposition. The Trustee's conduct shows that he knew that the judges would not let any harm come to him. Would the Trustee have proceeded with the same arrogant indifference if the case had been before a judge that he did not know and a jury free to find him an accomplice in the fraud scheme?
31. CA2 was not that judge. The Trustee knew that it would suffice to cobble together a motion to dismiss and CA2 would take it from there. Dr. Cordero provided a detailed analysis of the motion's arrogant perfunctoriness (CA:2111, 2135; cf. US:2460§B *infra*). It was so accurate and

fair that even CA2 would subsequently admit that “Appellant’s argument that the Trustee’s motion is deficient may be correct”. (CA:2180) But instead of rejecting the motion as too deficient for its requested relief even to be considered, as Dr. Cordero urged the court to do, or even referring it to the panel just as CA2 had ordered regarding “all further motions filed by Dr. Cordero”, the court placed the Trustee’s motion on the substantive motion calendar for January 3, 2008 (CA:2143).

32. Dr. Cordero protested such placement as “arbitrary and discriminatory treatment that constitutes a denial of equal protection under law and a subterfuge for the Court to rid itself of this appeal and thus evade the conflict of interests with which it confronts the Court”. (CA:2152) To no avail.

33. As for the Trustee, he did not bother to file any statement in defense of such placement, much less to appear to defend his motion before the panel. He knew that it was a done deal. As did the DeLanos, who throughout all these legal events remained undisturbed sipping piña colada in their golden retirement. The Trustee had already authorized them to pay \$27,953 to their attorneys solely for the purpose of avoiding the production of the incriminating documents requested by Dr. Cordero (CA:1956¶20), which they knew that the DeLanos could pay since in their bankruptcy petition that the Trustee and the attorneys had approved, the DeLanos had declared they had only \$535 in hand and on account (D:31)...plus what they had not declared. Now it was somebody else’s turn. No doubt, in a bankruptcy fraud scheme everybody has to do his share of the dirty work.

34. The panel too knew that. So at the hearing, they allowed Dr. Cordero merely 5 minutes. A pro-forma hearing! But those five minutes were enough for the judges to reveal through their questions that they ignored even the basic facts of the case. They did not ask questions whether the dismissal motion being heard should be granted, as Dr. Cordero reasonably expected them to do. (CA:2178) Instead, they asked questions to educate themselves on whatever evidence Dr. Cordero had to support his charge of fraud. After all, why would the panel have invested time in

doing their homework when they knew that they could just wing it through those five minutes and that the Trustee's motion and the hearing were but a pretext to dismiss the appeal that could incriminate CA2 in a bankruptcy fraud scheme? The hearing was a farce.

35. No reference was made to it when CA2 dismissed the appeal on February 7, 2008, (CA:2180), just as none was made to any brief, any motion, or any document in the record. Nor did it even use the term fraud, let alone bankruptcy fraud, much less bankruptcy fraud scheme. It did not even mention any of the four issues presented. (CA:1719§V) It simply grabbed a summary order form and in a three-liner slapped together a doctrine of equitable mootness and two citations and without discussing any dismissed the case. (CA:2180)
36. Dr. Cordero timely filed a "Motion for panel rehearing and hearing en banc to determine the question of exceptional importance: To what extent is the Court's integrity compromised by supporting or tolerating a bankruptcy fraud scheme?" (CA:2191) CA2 did not address it if only to show that it cared about its appearance of integrity. Rather, it used the other form, the one for denying rehearing petitions, and attached to it the dismissal summary order reissued as the mandate on May 9, 2008. (CA:2209)
37. Dr. Cordero file a motion of May 23 to recall and stay the mandate (CA:2211) and another of May 24 to remove and stay *Pfuntner* (CA:2222). On June 12, CA2 denied both motions, with no statement of reasons whatsoever, of course. (CA:2232, 2233) To these two motions, the Trustee filed another perfunctory and untimely "Response in opposition to motion", dated June 11, 2008.(CA:2234; cf. FRAP 27(a)(3)(A) and 26(a)(1-3))

X.

**A. Coordinated Denial by Bankruptcy System Insiders and Courts
Running a Bankruptcy Fraud Scheme**

**of discovery rights under FRBkrP 7026 and 7034 & FRCP 26 and 34 and
the consequent intentional denial of due process of law**

How many people benefit from keeping the whereabouts of \$673,657 unknown?

	Officers and Courts that disregarded or denied Creditor's right to have the DeLano Debtors produce financial documents or testimony to account for their income and mortgage proceeds of at least \$673,657	DeLano, 04-20280, WBNY, & 05-6190, WDNY Requests for, and denials of, production of document to verify the Debtors inherently incongruous, implausible, and suspicious bankruptcy petition (US:2442§A)
1.	Chapter 13 Trustee George Reiber	D:63, 94¶80a, d; 112, 124, 147, 161, 283, 298, 302, 311, 461, 492; Add:683
2.	Assistant U.S. Trustee Kathleen Dunivin Smith	D:94¶80a, f; 307, 470, 471, 474, 492; Add:685
3.	U.S. Trustee for Region 2 Deirdre A. Martini	D:94¶80g; 104, 137, 141, 158, 307, 330, 492, Add:682
4.	Christopher K. Werner, Esq., Debtors' attorney	D:94¶80b, 159, 287, 310, 473
5.	Bankruptcy Judge John C. Ninfo, II, WBNY	D:75, 136¶d, 199¶31 207, 208, 217, 243¶34a, 246, 278¶1, 323¶30a 327; Tr:188/2-189/22
6.	District Judge David G. Larimer, WDNY	Add:845, 885¶15d, 907, 951, 977, 1031; Pst:1307, 1418; Add:1022; SApp:1504

B. Document requests by Creditor Dr. Richard Cordero and denials by CA2

	Requests in <i>DeLano</i> , 06-4780, CA2		Denials	
	page #	date	page #	date
1.	CA:1606	December 19, 06	SApp:1623	January 24, 07
2.	CA:1618	January 18, 07	SApp:1634	February 1, 07
3.	CA:1637	February 15, 07	SApp:1678	March 5, 07
4.	CA:1777	March 17, 07	CA:2180	February 7, 08
5.	CA:1932	June 14, 07	CA:2180	February 7, 08
6.	CA:1975¶59a	July 18, 07	CA:2182	February 7, 08
7.	CA:2081¶c.1	August 29, 07	CA:2181	February 7, 08
8.	CA:2126¶e	November 8, 07	CA:2180	February 7, 08
9.	CA:2140¶e	November 27, 07	CA:2180	February 7, 08
10.	CA:2165¶33e	December 26, 07	CA:2180	February 7, 08
11.	CA:2179	January 3, 08	CA:2180	February 7, 08
12.	CA:2205¶25c	March 14, 08	CA:2209	May 9, 08

MANDATE

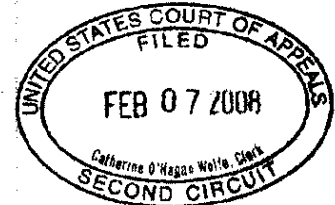
W.D.N.Y.
03 cv-6190
Larimer, J.

United States Court of Appeals FOR THE SECOND CIRCUIT

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

Present:

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



Dr. Richard Cordero,

Creditor-Appellant,

v.

06-4780-bk

David DeLano, Mary Ann DeLano,

Debtors-Appellees.

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

FOR THE COURT:

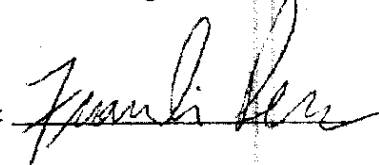
Catherine O'Hagan Wolfe, Clerk

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk

by


DEPUTY CLERK

By:



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

SAO-LB

ISSUED AS MANDATE: 5/16/08

**XI. WDNY LOCAL RULE 5.1(H) EXCEEDS THE LOCAL RULE-
MAKING POWER AND WAS ABUSED TO PROTECT
THE FRAUD SCHEMERS FROM RICO COUNTS**

47. WDNY Local Rule 5.1(h)¹ requires exceedingly detailed facts to file a RICO claim, thus violating notice pleading under FRCivP, impeding in practice its filing, and protecting bankruptcy fraud schemers, the secrecy of which is protected by Local Rule 83.5 banning cameras and recording devices from the Court and its ‘environs’.
48. The General Rules of Pleading of FRCivP 8(a)(2) ask only for “a short and plain statement of the claim showing that the pleader is entitled to relief”; and 8(e) adds that “each averment of a pleading shall be simple, concise, and direct”. For its part, FRCivP 83(a)(1) provides that “A local rule shall be consistent with –but not duplicative of– Acts of Congress and rules adopted under 28 U.S.C. §2072 and 28 U.S.C. §2075”¹. As stated in the Advisory Committee Notes on the 1985 Amendment to Rule 83, local rules shall “not undermine the basic objective of the Federal Rules”, which FRCivP 84 sets forth as “the simplicity and brevity of statement which the rules contemplate”. Thereby the national Rules aim at preventing that a local rule with “the sheer volume of directives may impose an unreasonable barrier”. (Advisory Committee Notes on

¹ http://Judicial-Discipline-Reform.org/Follow_money/Rule_impeding_RICO.pdf

the 1995 Amendments to Rule 83) In that vein, the court in *Stern v. U.S. District Court for the District of Massachusetts*, 214 F.3d 4 (1st Cir. 2000) stated that “Even if a local rule does not contravene the text of a national rule, the former cannot survive if it subverts the latter’s purpose”.

49. Yet such barrier is precisely what the District Court, WDNY, erects with its Local Rule 5.1(h) (Add:633), which requires a party to provide over 40 discrete pieces of factual information to plead a claim under RICO, 18 U.S.C. §1961. This contravenes the statement of the Supreme Court that to provide notice, a claimant need not set out all of the relevant facts in the complaint (*Atchison, Topeka & Santa Fe Ry. v. Buell*, 480 U.S. 557, 568 n.15, 107 S. Ct. 1410, 94 L. Ed. 2d 563 (1987)). On top of this quantitative barrier a qualitative one is erected because the required information is not only about criminal, but also fraudulent conduct. The latter, by its very nature, is concealed or disguised, so that it is all the harder to uncover it before even disclosure, not to mention discovery, has started under FRCivP 26-37 and 45.
50. Even the requirement of FRCivP 9(b) that fraud be pled with particularity is “relaxed in situations where requisite factual information is peculiarly within defendant’s knowledge or control”, *In re Rockefeller Ctr. Props., Inc. Secs. Litig.*, 311 F.3d 198, 216 (3d Cir. 2002). This means that even in fraud cases the purpose of the complaint is to put defendants on notice of the claim, not to allow the court to prevent the filing of the case or enable it to dismiss the claim on the pleadings.
51. Local Rule 5.1(h) refers to FRCivP 11 only to improperly replace its relative and nuanced standard of “to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances”, by the absolute and strict standard of “facts [that the party] shall state in detail and with specificity us[ing] the numbers and letters as set forth below in a separate RICO Case Statement filed contemporaneously with those papers first asserting the party’s RICO claim”. To require “facts...in detail and with specificity” is inconsistent with FRBkrP 9011(b)(3), which allows the pleading of “allegations and other factual contentions...likely to have evidentiary support after a reasonable opportunity for further investigation or discovery”.

Hence, the Court in *Devaney v. Chester*, 813 F2d 566, 569 (2d Cir. 1987) stated that “We recognize that the degree of particularity should be determined in light of such circumstances as whether the plaintiff has had an opportunity to take discovery of those who may possess knowledge of the pertinent facts”. By contrast, Local Rule 5.1(h) provides no opportunity for discovery, but instead requires such ‘numbered and lettered’ “detail and specificity” in the pleadings as to make it easier to spot any “failure” to comply and “result in dismissal”. This is the type of result unacceptable under the 1995 Amendments to FRCP 83 where “counsel or litigants may be unfairly sanctioned for failing to comply with a directive”.

52. It is suspicious that Local Rule 5.1(h) singles out RICO and blatantly hinders the filing, let alone the prosecution, of a claim under it. It is particularly suspicious that it does so by erecting at the outset an evidentiary barrier that so starkly disregards and defeats the Congressional Statement of Findings and Purpose that “organized crime continues to grow because of defects in the evidence-gathering process of the law inhibiting the development of the legally admissible evidence necessary to bring criminal and other sanctions or remedies to bear the unlawful activities of those engaged in organized crime”. Hence, Pub.L. 91-451 §904 provided that RICO “shall be liberally construed to effectuate its remedial purpose”.
53. Given the bankruptcy fraud scheme supported by people doing business in the same cozily small federal building housing the bankruptcy and district courts and the Offices of the U.S. Trustees, the U.S. Attorneys, and the FBI, why would a Local Rule be adopted that forestalls any RICO claim? It smacks of a pre-emptive strike carried out against any potential RICO claim through the abusive exercise of the local rulemaking power. In so doing, that Rule contravenes its enabling provision and is void. Moreover, it causes injury in fact to Dr. Cordero inasmuch as it erects an insurmountable barrier at the outset to his bringing a RICO count against the schemers, thus depriving him of the protection and vindication of his rights under that federal law.
54. The pre-emptiveness of Local Rule 5.1(h) is strengthened by its companion Rule 83.5, which bans all cameras and recording devices from the court and its “environs”. (SApp:1695) This defeats

the public policy expressed by the Judicial Conference “to promote public access to information”, which provides the rationale for setting up the systems for electronic public access to case information and court records, such as PACER and CM/ECF (28 U.S.C. §1914). Defying logic, such devices may be allowed “for non-judicial hearings or gatherings”, that is, for inconsequential activities in terms of the business of the Court as well as for the “informal procedures” of arbitration, where the District Court by Local Rule 16.2(a) and (g)(7) permits “a transcript or recording to be made” as a matter of course. However, a litigant is forbidden to bring a recording device to make a transcript of a ‘formal proceeding’, where matters that could support a RICO claim would be formally discussed.

55. In the context of the totality of circumstances surrounding the bankruptcy fraud scheme, Local Rule 83.5 reveals its insidious purpose of as a means to ensure secrecy and concealment of evidence of the scheme and the identify the schemers. Indeed, it is tailor-made to prevent the recording of prohibited ex-parte communications (D:433§D, 434¶¶22-24); conduct, such as lawyers signaling answers to their client on the stand before a complicit judge (Pst:1289§f); and items, such as documents, including the exposure of the inaccuracy, incompleteness, and tampered-with condition of a transcript by comparing it with the recording of an evidentiary hearing (Add:911, 991, 993, 1019).

...

Dated: October 3, 2008
59 Crescent Street
Brooklyn, NY 11208

Dr. Richard Cordero, Esq.
Dr. Richard Cordero, Esq.
tel. (718) 827-9521

CERTIFICATE OF SERVICE

Dr. Richard Cordero v. David and Mary Ann DeLano, 06-4780-bk, CA2
Pfuntner v. Trustee Kenneth Gordon et al., 02-2230, WBNY

I, Dr. Richard Cordero, Esq., certify that I mailed or e-mailed to the parties listed below a copy of my petition to U.S. Supreme Court for a writ of certiorari to the Court of Appeals for the Second Circuit concerning the above captioned cases,

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

Solicitor General of the United States
Department of Justice, Room 5614
950 Pennsylvania Ave., N.W.
Washington, DC 20530-0001.

Kathleen Dunivin Schmitt, Esq.
Assistant United States Trustee
Office of the United States Trustee
100 State Street, Room 609
Rochester, NY 14614
tel. (585)263-5812, fax (585) 263-5862

Ms. Diana G. Adams
U.S. Trustee for Region 2
Office of the United States Trustee
33 Whitehall Street, 21st Floor
New York, NY 10004
tel. (212) 510-0500; fax (212) 668-2255

Kenneth W. Gordon, Esq.
Chapter 7 Trustee, in *Pfuntner v. Gordon et al.*
Gordon & Schaal, LLP
1099 Monroe Ave., Ste 2
Rochester, NY 14620-1730
tel. (585)244-1070

Ms. Mary Dianetti
Bankruptcy Court Reporter
612 South Lincoln Road
East Rochester, NY 14445
tel. (585)586-6392

Trustee George M. Reiber
Chapter 13 Trustee, in *DeLano*
South Winton Court, 3136 S. Winton Road
Rochester, NY 14623
tel. (585) 427-7225; fax (585)427-7804
trustee13@roch13.com

for Mr. David DeLano and M&T Bank
Michael J. Beyma, Esq.
Underberg & Kessler, LLP
300 Bausch & Lomb Place
Rochester, NY 14604
tel. (585)258-2800; fax (585)258-2821
breed@underbergkessler.com

for Mr. James Pfuntner
David MacKnight, Esq.
Lacy, Katzen, Ryen & Mittleman, LLP
The Granite Building
130 East Main Street
Rochester, NY 14604-1686
tel. (585)454-5650; (585) 269-3077
dmacknight@lacykatzen.com

for Mr. David Dworkin and Jefferson
Henrietta Associates
Karl S. Essler, Esq.
Fix Spindelman Brovitz & Goldman, P.C.
295 Woodcliff Drive, Suite 200
Fairport, NY 14450
tel. (585) 641-8000; fax (585)641-8080
kessler@fixspin.com

Mr. David Palmer
1829 Middle Road
Rush, NY 14543

Dated: October 3, 2008
59 Crescent Street
Brooklyn, NY 11208

Dr. Richard Cordero, Esq.

Dr. Richard Cordero, Esq.
tel. (718) 827-9521

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

LOCAL RULES OF CIVIL PROCEDURE

RULE 5.1

FILING CASES

(h) Any party asserting a claim, cross-claim or counterclaim under the Racketeer Influenced & Corrupt Organizations Act (“RICO”), 18 U.S.C. § 1961 et seq., shall file and serve a “RICO Case Statement” under separate cover as described below. This statement shall be filed contemporaneously with those papers first asserting the party’s RICO claim, cross-claim or counterclaim, unless, for exigent circumstances, the Court grants an extension of time for filing the RICO Case Statement. A party’s failure to file a statement may result in dismissal of the party’s RICO claim, cross-claim or counterclaim. The RICO Case Statement must include those facts upon which the party is relying and which were obtained as a result of the reasonable inquiry required by Federal Rule of Civil Procedure 11. In particular, the statement shall be in a form which uses the numbers and letters as set forth below, and shall state in detail and with specificity the following information.

(1) State whether the alleged unlawful conduct is in violation of 18 U.S.C. §§ 1962(a), (b), (c) and/or (d).

(2) List each defendant and state the alleged misconduct and basis of liability of each defendant.

(3) List the alleged wrongdoers, other than the defendants listed above, and state the alleged misconduct of each wrongdoer.

(4) List the alleged victims and state how each victim was allegedly injured.

(5) Describe in detail the pattern of racketeering activity or collection of unlawful debts alleged for each RICO claim. A description of the pattern of racketeering shall include the following information:

(A) List the alleged predicate acts and the specific statutes which were allegedly violated;

(B) Provide the dates of the predicate acts, the participants in the predicate acts, and a description of the facts surrounding the predicate acts;

(C) If the RICO claim is based on the predicate offenses of wire fraud, mail fraud, or fraud in the sale of securities the “circumstances constituting fraud or mistake shall be stated with particularity.” Fed. R. Civ. P. 9(b). Identify the time, place and contents of the alleged misrepresentations, and the identity of persons to whom and by whom the alleged misrepresentations were made;

(D) State whether there has been a criminal conviction for violation of each predicate act;

(E) State whether civil litigation has resulted in a judgment in regard to each predicate act;

(F) Describe how the predicate acts form a “pattern of racketeering activity”; and

(G) State whether the alleged predicate acts relate to each other as part of a common plan. If so, describe in detail.

(6) Describe in detail the alleged enterprise for each RICO claim. A description of the enterprise shall include the following information:

(A) State the names of the individuals, partnerships, corporations, associations, or other legal entities, which allegedly constitute the enterprise;

(B) Describe the structure, purpose, function and course of conduct of the enterprise;

(C) State whether any defendants are employees, officers or directors of the alleged enterprise;

(D) State whether any defendants are associated with the alleged enterprise;

(E) State whether you are alleging that the defendants are individuals or entities separate from the alleged enterprise, or that the defendants are the enterprise itself, or members of the enterprise; and

(F) If any defendants are alleged to be the enterprise itself, or members of the enterprise, explain whether such defendants are perpetrators, passive instruments, or victims of the alleged racketeering activity.

(7) State and describe in detail whether you are alleging that the pattern of racketeering activity and the enterprise are separate or have merged into one entity.

(8) Describe the alleged relationship between the activities of the enterprise and the pattern of racketeering activity. Discuss how the racketeering activity differs from the usual and daily activities of the enterprise, if at all.

(9) Describe what benefits, if any the alleged enterprise receives from the alleged pattern of racketeering.

(10) Describe the effect of the activities of the enterprise on interstate or foreign commerce.

(11) If the complaint alleges a violation of 18 U.S.C. § 1962(a), provide the following information:

(A) State who received the income derived from the pattern of racketeering activity or through the collection of an unlawful debt; and

(B) Describe the use or investment of such income.

(12) If the complaint alleges a violation of 18 U.S.C. § 1962(b), describe in detail the acquisition or maintenance of any interest in or control of the alleged enterprise.

(13) If the complaint alleges a violation of 18 U.S.C. § 1962(c), provide the following information:

(A) State who is employed by or associated with the enterprise; and

(B) State whether the same entity is both the liable “person” and the “enterprise” under § 1962(c).

(14) If the complaint alleges a violation of 18 U.S.C. § 1962(d), describe in detail the alleged conspiracy.

(15) Describe the alleged injury to business or property.

(16) Describe the direct causal relationship between the alleged injury and the violation of the RICO statute.

(17) List the damages sustained for which each defendant is allegedly liable.

(18) List all other federal causes of action, if any, and provide the relevant statute numbers.

(19) List all pendent state claims, if any.

(20) Provide any additional information that you feel would be helpful to the Court in processing your RICO claim.

Blank

United States Bankruptcy Court

04-20280

NOTICE OF CHAPTER 13 BANKRUPTCY CASE, MEETING OF CREDITORS, AND DEADLINES

You may be a creditor of the debtor(s). This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.
NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

Debtor(s) (name(s) and address): DAVID G DELANO 1262 SHOECRAFT ROAD WEBSTER, NY 14580		Date Case Filed(or Converted): January 27, 2004	Soc Sec/Tax Id Nos: 077-32-3894 091-36-0517
AKA:			
Joint: MARY ANN DELANO 1262 SHOECRAFT ROAD WEBSTER, NY 14580			

Individual debtors must provide picture identification and proof of social security number to the trustee at this meeting of creditors. Failure to do so may result in your case being dismissed.

Attorney for Debtor(s) (name and address): CHRISTOPHER K WERNER, ESQ BOYLAN BROWN, ET AL 2400 CHASE SQUARE ROCHESTER, NY 14604-0000 Telephone Number: (716) 232-5300	Bankruptcy Trustee (name and address): George M. Reiber 3136 South Winton Road Suite 206 Rochester, NY 14623 Telephone Number: (585) 427-7225
---	---

See Reverse Side For Important Explanations.

Meeting of Creditors:

DATE: March 08, 2004	Location: U.S. Trustees Office
TIME: 01:00 PM	6080 U.S. Courthouse
	100 State Street
	Rochester, NY 14614

Deadlines:

Papers must be received by the bankruptcy clerk's office by the following deadlines.

Deadline to File a Proof of Claim:

For all creditors (except a governmental unit): **June 07, 2004** For governmental units: **July 26, 2004**

Deadline to Object to Exemptions:

Thirty (30) days after the conclusion of the meeting of creditors.

Filing of Plan, Hearing on Confirmation of Plan

The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held:

DATE: March 08, 2004	Location: U. S. Bankruptcy Court
TIME: 03:30 PM	1400 U.S. Courthouse
	100 State Street
	Rochester, NY 14614

Creditors May Not Take Certain Actions:

The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor, debtor's property, and certain codebtors. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

The plan proposes payments to the Trustee of \$1,940.00 MO
 With unsecured claims to be paid 22 cents on the dollar.

PLEASE TAKE FURTHER NOTICE THAT ALL CLAIMS, INCLUDING THOSE CLAIMS PURPORTING TO BE A LIEN UPON REAL PROPERTY, MAY BE DEEMED TO BE UNSECURED UNLESS PROOF OF THE DEBT, THE PERFECTION OF THE LIEN AND THE VALUE OF THE SECURITY IS FILED WITH THE COURT AT OR BEFORE THE ABOVE MEETING OF CREDITORS.

A HEARING TO DETERMINE THE VALIDITY AND THE VALUE OF ANY CLAIMED SECURITY INTEREST IN PROPERTY OF THE DEBTOR, AND A HEARING TO DETERMINE VALIDITY OF ANY LIEN OR SECURITY INTEREST CLAIMED AGAINST EXEMPT PROPERTY COVERED BY SEC. 522 F, 11 USC WILL BE HELD AT THE HEARING ON CONFIRMATION.

WRITTEN OBJECTIONS TO CONFIRMATION MAY BE FILED WITH THE COURT AT ANY TIME PRIOR TO CONFIRMATION.

Address of the Bankruptcy Clerk's Office: U.S. Bankruptcy Court 100 State St. Rochester, NY 14614	Website: http://www.nywb.uscourts.gov Clerk of the Bankruptcy Court: PAUL R. WARREN DATED: February 03, 2004
--	--

Case filing information and deadline dates can be obtained free of charge by calling our Voice Case Information System: (716) 551-5311 or (800) 776-9578. Hours Open 8:00am to 4:30pm

Filing of Chapter 13 Bankruptcy Case	A bankruptcy case under Chapter 13 of the Bankruptcy Code (Title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts pursuant to a plan. A plan is not effective unless confirmed by the bankruptcy court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan [is included with this notice] or [will be sent to you later], and [the confirmation hearing will be held on the date indicated on the front of this notice] or [you will be sent notice of the confirmation hearing]. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business, if any, unless the court orders otherwise.
Creditors May Not Take Certain Actions	Prohibited collection actions against the debtor and certain codebtors are listed in the Bankruptcy Code §362 and §1301. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you may not be paid any money on your claim against the debtor in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. Do not file voluminous attachments to your proof of claim. Include only relevant excerpts which are clearly labeled as such. Full versions of excerpted documents must be made available upon request.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors; even if the debtor's case is converted to Chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side unless otherwise noted. You may inspect all papers filed, including the list of the debtor's property and debts and the list of property claimed as exempt, at the bankruptcy clerk's office.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.
Return Mail	The address of the debtor's attorney will be used as the return address for the Notice of Meeting of Creditors. For returned or undeliverable mailings, debtor's must obtain the intended recipient's correct address, resend the notice and file an affidavit of service with the Clerk's office. The Clerk's office will then update its records for future mailings. Failure to serve all parties with a copy of this notice may adversely affect the debtor.
---Refer To Other Side For Important Deadlines and Notices---	

CERTIFICATE OF MAILING

CASE: 0420280 TRUSTEE: 63 COURT: 146
 TASK: 02-02-2004.00111358.N13N02 DATED: 02/03/2004

Court	U.S. Bankruptcy Court	100 State St. Rochester, NY 14614
Trustee	George M. Reiber Suite 206	3136 South Winton Road Rochester, NY 14623
Debitor	DAVID G DELANO	1262 SHOECRAFT ROAD WEBSTER, NY 14580
Joint	MARY ANN DELANO	1262 SHOECRAFT ROAD WEBSTER, NY 14580
799	000001 CHRISTOPHER K WERNER, ESQ 2400 CHASE SQUARE	BOYLAN, BROWN, ET AL ROCHESTER, NY 14604-0000
001	000005 AT & T UNIVERSAL CARD	P O BOX 8217 S HACKENSACK, NJ 07606
014	000016 CITICARDS	P O BOX 8116 S HACKENSACK, NJ 07606
015	000018 CITICARDS	P O BOX 8116 S HACKENSACK, NJ 07606
018	000021 DR RICHARD CORDERO	59 CRESCENT STREET BROOKLYN, NY 11208-1515
011	000014 CHASE	P O BOX 1010 HICKSVILLE, NY 11802-0000
021	000023 HSBC BANK USA	SUITE 0627 BUFFALO, NY 14270-0627
020	000004 GENESEE REGIONAL BANK	3670 MT READ BLVD ROCHESTER, NY 14616
003	000007 BANK ONE	P O BOX 15153 WILMINGTON, DE 19886
004	000009 BANK ONE	P O BOX 15153 WILMINGTON, DE 19886
005	000010 BANK ONE	P O BOX 15153 WILMINGTON, DE 19886
022	000024 MBNA AMERICA	P O BOX 15137 WILMINGTON, DE 19886
023	000025 MBNA AMERICA	P O BOX 15137 WILMINGTON, DE 19886
024	000026 MBNA AMERICA	P O BOX 15102 WILMINGTON, DE 19886-0000
016	000019 DISCOVER CARD	P O BOX 15251 WILMINGTON, DE 19886-5251
019	000022 FLEET CREDIT CARD SERVICES	P O BOX 15368 WILMINGTON, DE 19886-5368
006	000008 BANK ONE/FIRST USA BANK RECOVERY DEPT	PO BOX 517 FREDERICK, MD 21705-0517
007	000011 CAPITAL ONE	P O BOX 85147 RICHMOND, VA 23285
008	000013 CAPITAL ONE	P O BOX 85147 RICHMOND, VA 23285
010	000012 CAPITAL ONE BANK	P O BOX 85167 RICHMOND, VA 23285-0000
017	000020 DISCOVER FINANCIAL SERVICES	P.O. BOX 8003 HILLIARD, OH 43026

AFFA

CERTIFICATE OF MAILING

CASE: 0420280 TRUSTEE: 63
TASK: 02-02-2004.00111358.N13N02

COURT: 146
DATED: 02/03/2004

025	000027	SEARS P O BOX 182149	PAYMENT CENTER COLUMBUS, OH 43218
026	000028	SEARS ATTN: BK DEPT	PO BOX 3671 DES MOINES, IA 50322- 000
002	000006	BANK OF AMERICA	P O BOX 531323 PHOENIX, AZ 85072-3132
012	000015	CHASE MANHATTAN BANK USA ATTN: PAYMENT PROCESSING	150 WEST UNIVERSITY DRIVE TEMPE, AZ 85281
013	000017	CITIBANK/CHOICE EXCEPTION PYMT PROCESSING	P O BOX 6305 THE LAKES, NV 88901-6305
027	000029	WELLS FARGO FINANCIAL	P O BOX 98784 LAS VEGAS, NV 89193
009	000003	CAPITAL ONE AUTO FINANCE	P O BOX 93016 LONG BEACH, CA 90809-3016

32 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 02/03/2004.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 02/03/2004 BY *F. Martini*

RCM - Indicates notice served via Certified Mail

FORM B1	United States Bankruptcy Court Western District of New York	Voluntary Petition
----------------	--	---------------------------

Name of Debtor (if individual, enter Last, First, Middle): DeLano, David G.	Name of Joint Debtor (Spouse) (Last, First, Middle): DeLano, Mary Ann
--	--

All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):
--	--

Last four digits of Soc. Sec. No. / Complete EIN or other Tax I.D. No. (if more than one, state all): xxx-xx-3894	Last four digits of Soc. Sec. No. / Complete EIN or other Tax I.D. No. (if more than one, state all): xxx-xx-0517
--	--

Street Address of Debtor (No. & Street, City, State & Zip Code): 1262 Shoecraft Road Webster, NY 14580	Street Address of Joint Debtor (No. & Street, City, State & Zip Code): 1262 Shoecraft Road Webster, NY 14580
--	--

County of Residence or of the Principal Place of Business: Monroe	County of Residence or of the Principal Place of Business: Monroe
---	---

Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
---	---

Location of Principal Assets of Business Debtor (if different from street address above):

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

<p>Type of Debtor (Check all boxes that apply)</p> <input checked="" type="checkbox"/> Individual(s) <input type="checkbox"/> Railroad <input type="checkbox"/> Corporation <input type="checkbox"/> Stockbroker <input type="checkbox"/> Partnership <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Other _____ <input type="checkbox"/> Clearing Bank	<p>Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)</p> <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input checked="" type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding
---	---

<p>Nature of Debts (Check one box)</p> <input checked="" type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business	<p>Filing Fee (Check one box)</p> <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only.) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.
---	--

<p>Chapter 11 Small Business (Check all boxes that apply)</p> <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)	
--	--

<p>Statistical/Administrative Information (Estimates only)</p> <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. <table style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Estimated Number of Creditors</td> <td style="text-align: center;">1-15</td> <td style="text-align: center;">16-49</td> <td style="text-align: center;">50-99</td> <td style="text-align: center;">100-199</td> <td style="text-align: center;">200-999</td> <td style="text-align: center;">1000-over</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <table style="width:100%; border-collapse: collapse;"> <tr> <td colspan="8" style="text-align: left;">Estimated Assets</td> </tr> <tr> <td style="text-align: center;">\$0 to \$50,000</td> <td style="text-align: center;">\$50,001 to \$100,000</td> <td style="text-align: center;">\$100,001 to \$500,000</td> <td style="text-align: center;">\$500,001 to \$1 million</td> <td style="text-align: center;">\$1,000,001 to \$10 million</td> <td style="text-align: center;">\$10,000,001 to \$50 million</td> <td style="text-align: center;">\$50,000,001 to \$100 million</td> <td style="text-align: center;">More than \$100 million</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <table style="width:100%; border-collapse: collapse;"> <tr> <td colspan="8" style="text-align: left;">Estimated Debts</td> </tr> <tr> <td style="text-align: center;">\$0 to \$50,000</td> <td style="text-align: center;">\$50,001 to \$100,000</td> <td style="text-align: center;">\$100,001 to \$500,000</td> <td style="text-align: center;">\$500,001 to \$1 million</td> <td style="text-align: center;">\$1,000,001 to \$10 million</td> <td style="text-align: center;">\$10,000,001 to \$50 million</td> <td style="text-align: center;">\$50,000,001 to \$100 million</td> <td style="text-align: center;">More than \$100 million</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-999	1000-over		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Estimated Assets								\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Estimated Debts								\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-999	1000-over																																																									
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<p>Voluntary Petition <i>(This page must be completed and filed in every case)</i></p>	<p>Name of Debtor(s): FORM B1, Page 2 DeLano, David G. DeLano, Mary Ann</p>
<p>Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)</p>	
<p>Location Where Filed: - None -</p>	<p>Case Number: _____ Date Filed: _____</p>
<p>Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)</p>	
<p>Name of Debtor: - None -</p>	<p>Case Number: _____ Date Filed: _____</p>
<p>District: _____</p>	<p>Relationship: _____ Judge: _____</p>
<p>Signatures</p>	
<p>Signature(s) of Debtor(s) (Individual/Joint) I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p><input checked="" type="checkbox"/> <u> /s/ David G. DeLano </u> Signature of Debtor David G. DeLano</p> <p><input checked="" type="checkbox"/> <u> /s/ Mary Ann DeLano </u> Signature of Joint Debtor Mary Ann DeLano</p> <p>_____ Telephone Number (If not represented by attorney)</p> <p><u> January 26, 2004 </u> Date</p>	<p>Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p> <hr/> <p>Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.</p> <p><input checked="" type="checkbox"/> <u> /s/ Christopher K. Werner, Esq. </u> <u> January 26, 2004 </u> Signature of Attorney for Debtor(s) Date Christopher K. Werner, Esq.</p> <hr/> <p>Exhibit C Does the debtor own or have possession of any property that poses a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No</p>
<p>Signature of Attorney <input checked="" type="checkbox"/> <u> /s/ Christopher K. Werner, Esq. </u> Signature of Attorney for Debtor(s) <u> Christopher K. Werner, Esq. </u> Printed Name of Attorney for Debtor(s) <u> Boylan, Brown, Code, Vigdor & Wilson, LLP </u> Firm Name <u> 2400 Chase Square </u> <u> Rochester, NY 14604 </u> Address <u> 585-232-5300 </u> Telephone Number <u> January 26, 2004 </u> Date</p>	<p>Signature of Non-Attorney Petition Preparer I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.</p> <p>_____ Printed Name of Bankruptcy Petition Preparer</p> <p>_____ Social Security Number (Required by 11 U.S.C. § 110(c).)</p> <p>_____ Address</p> <p>Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:</p> <p>_____ If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p><input checked="" type="checkbox"/> _____ Signature of Bankruptcy Petition Preparer</p> <p>_____ Date</p> <p>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.</p>
<p>Signature of Debtor (Corporation/Partnership) I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p><input checked="" type="checkbox"/> _____ Signature of Authorized Individual</p> <p>_____ Printed Name of Authorized Individual</p> <p>_____ Title of Authorized Individual</p> <p>_____ Date</p>	

**United States Bankruptcy Court
Western District of New York**

In re David G. DeLano,
Mary Ann DeLano

Debtors

Case No. _____

Chapter 13

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts from Schedules D, E, and F to determine the total amount of the debtor's liabilities.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	AMOUNTS SCHEDULED		
			ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	98,500.00		
B - Personal Property	Yes	4	164,956.57		
C - Property Claimed as Exempt	Yes	1			
D - Creditors Holding Secured Claims	Yes	1		87,369.49	
E - Creditors Holding Unsecured Priority Claims	Yes	1		0.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	4		98,092.91	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	Yes	1			4,886.50
J - Current Expenditures of Individual Debtor(s)	Yes	1			2,946.50
Total Number of Sheets of ALL Schedules		16			
Total Assets			263,456.57		
Total Liabilities				185,462.40	

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE A. REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. (See Schedule D.) If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
1262 Shoecraft Road, Webster (value per appraisal 11/23/03)	Fee Simple	J	98,500.00	77,084.49

Sub-Total > 98,500.00 (Total of this page)

Total > 98,500.00

(Report also on Summary of Schedules)

0 continuation sheets attached to the Schedule of Real Property

W:50

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE B. PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property."

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand		misc cash on hand	J	35.00
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		M & T Checking account	J	300.00
		M & T Savings	W	200.00
		M & T Bank Checking	W	0.50
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		Furniture: sofa, loveseat, 2 chairs, 2 lamps, 2 tv's 2 radios, end tables, basement sofa, kitchen table and chairs, misc kitchen appliances, refrigerator, stove, microwave, place settings; Bedroom furniture - bed, dresser, nightstand, lamps, 2 foutons, 2 lamps, table 4 chairs on porch; desk, misc garden tools, misc hand tools.	J	2,000.00
		computer (2000); washer/dryer, riding mower (5 yrs), dehumidifier, gas grill,	J	350.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		misc books, misc wall decorations, family photos, family bible	J	100.00
6. Wearing apparel.		misc wearing apparel	J	50.00
7. Furs and jewelry.		wedding rings, wrist watches	J	100.00
		misc costume jewelry, string of pearls	W	200.00

Sub-Total > 3,335.50
(Total of this page)

3 continuation sheets attached to the Schedule of Personal Property

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE B. PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
8. Firearms and sports, photographic, and other hobby equipment.		camera - 35mm snapshot cameras ((2) purchased for \$19.95 each new	J	10.00
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.		Xerox 401-K \$38,000; stock options \$4,000; retirement account \$17,000 - all in retirement account	W	59,000.00
		401-k (net of outstanding loan \$9,642.56)	H	96,111.07
12. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
13. Interests in partnerships or joint ventures. Itemize.	X			
14. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
15. Accounts receivable.		Debt due from son (\$10,000) - uncertain collectibility - unpaid even when employed but now laid off from Heidelberg/Nexpress	J	Unknown
16. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
17. Other liquidated debts owing debtor including tax refunds. Give particulars.		2003 tax liability expected	J	0.00
18. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	X			

Sub-Total > 155,121.07
(Total of this page)

Sheet 1 of 3 continuation sheets attached to the Schedule of Personal Property

W:52

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE B. PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
19. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
20. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
21. Patents, copyrights, and other intellectual property. Give particulars.	X			
22. Licenses, franchises, and other general intangibles. Give particulars.	X			
23. Automobiles, trucks, trailers, and other vehicles and accessories.		1993 Chevrolet Cavalier 70,000 miles	W	1,000.00
		1998 Chevrolet Blazer 56,000 miles (value Kelly Blue Book average of retail and trade-in - good condition)	H	5,500.00
24. Boats, motors, and accessories.	X			
25. Aircraft and accessories.	X			
26. Office equipment, furnishings, and supplies.	X			
27. Machinery, fixtures, equipment, and supplies used in business.	X			
28. Inventory.	X			
29. Animals.	X			
30. Crops - growing or harvested. Give particulars.	X			
31. Farming equipment and implements.	X			

Sub-Total > 6,500.00
(Total of this page)

Sheet 2 of 3 continuation sheets attached to the Schedule of Personal Property

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE B. PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
32. Farm supplies, chemicals, and feed.	X			
33. Other personal property of any kind not already listed.	X			

Sub-Total > 0.00
(Total of this page)
Total > 164,956.57

Sheet 3 of 3 continuation sheets attached
to the Schedule of Personal Property
W:54

(Report also on Summary of Schedules)

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE C. PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemptions to which debtor is entitled under:

[Check one box]

- 11 U.S.C. §522(b)(1): Exemptions provided in 11 U.S.C. §522(d). Note: These exemptions are available only in certain states.
- 11 U.S.C. §522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Market Value of Property Without Deducting Exemption
Real Property			
1262 Shoecraft Road, Webster (value per appraisal 11/23/03)	NYCPLR § 5206(a)	20,000.00	98,500.00
Household Goods and Furnishings			
Furniture: sofa, loveseat, 2 chairs, 2 lamps, 2 tv's 2 radios, end tables, basement sofa, kitchen table and chairs, misc kitchen appliances, refrigerator, stove, microwave, place settings; Bedroom furniture - bed, dresser, nightstand, lamps, 2 fountains, 2 lamps, table 4 chairs on porch; desk, misc garden tools, misc hand tools.	NYCPLR § 5205(a)(5)	2,000.00	2,000.00
Books, Pictures and Other Art Objects; Collectibles			
misc books, misc wall decorations, family photos, family bible	NYCPLR § 5205(a)(2)	100.00	100.00
Wearing Apparel			
misc wearing apparel	NYCPLR § 5205(a)(5)	50.00	50.00
Furs and Jewelry			
wedding rings, wrist watches	NYCPLR § 5205(a)(6)	100.00	100.00
Interests in IRA, ERISA, Keogh, or Other Pension or Profit Sharing Plans			
Xerox 401-K \$38,000; stock options \$4,000; retirement account \$17,000 - all in retirement account	Debtor & Creditor Law § 282(2)(e)	59,000.00	59,000.00
401-k (net of outstanding loan \$9,642.56)	Debtor & Creditor Law § 282(2)(e)	96,111.07	96,111.07
Automobiles, Trucks, Trailers, and Other Vehicles			
1993 Chevrolet Cavalier 70,000 miles	Debtor & Creditor Law § 282(1)	1,000.00	1,000.00

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE D. CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	Husband, Wife, Joint, or Community		C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION IF ANY
		H W J C	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN					
Account No. 5687652			2001					
Capitol One Auto Finance PO Box 93016 Long Beach, CA 90809-3016		J	auto lien 1998 Chevrolet Blazer 56,000 miles (value Kelly Blue Book average of retail and trade-in - good condition)				10,285.00	4,785.00
			Value \$ 5,500.00					
Account No.			fist mortgage					
Genesee Regional Bank 3670 Mt Read Blvd Rochester, NY 14616		J	1262 Shoecraft Road, Webster (value per appraisal 11/23/03)				77,084.49	0.00
			Value \$ 98,500.00					
Account No.								
			Value \$					
Account No.								
			Value \$					

0 continuation sheets attached

Subtotal
(Total of this page)

87,369.49

Total

87,369.49

(Report on Summary of Schedules)

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE E. CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether husband, wife, both of them or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotal" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Repeat this total also on the Summary of Schedules.

Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets.)

Extensions of credit in an involuntary case

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2).

Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$4,650* per person earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507 (a)(3).

Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

Certain farmers and fishermen

Claims of certain farmers and fishermen, up to \$4,650* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).

Deposits by individuals

Claims of individuals up to \$2,100* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6).

Alimony, Maintenance, or Support

Claims of a spouse, former spouse, or child of the debtor for alimony, maintenance, or support, to the extent provided in 11 U.S.C. § 507(a)(7).

Taxes and Certain Other Debts Owed to Governmental Units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C § 507(a)(8).

Commitments to Maintain the Capital of an Insured Depository Institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

*Amounts are subject to adjustment on April 1, 2004, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

0 continuation sheets attached

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community maybe liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C					DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.
Account No. 5398-8090-0311-9990 AT&T Universal P.O. Box 8217 South Hackensack, NJ 07606-8217		H				1,912.63
Account No. 4024-0807-6136-1712 Bank Of America P.O. Box 53132 Phoenix, AZ 85072-3132		H				3,296.83
Account No. 4266-8699-5018-4134 Bank One Cardmember Services P.O. Box 15153 Wilmington, DE 19886-5153		H				9,846.80
Account No. 4712-0207-0151-3292 Bank One Cardmember Services P.O. Box 15153 Wilmington, DE 19886-5153		H				5,130.80
Subtotal (Total of this page)						20,187.06

3 continuation sheets attached

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B R O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	A M O U N T O F C L A I M	
		H W J C					DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.
Account No. 4262 519 982 211 Bank One Cardmember Services P.O. Box 15153 Wilmington, DE 19886-5153		H	1990 and prior Credit card purchases			9,876.49	
Account No. 4388-6413-4765-8994 Capital One P.O. Box 85147 Richmond, VA 23276		H	2001- 8/03 Credit card purchases			449.35	
Account No. 4862-3621-5719-3502 Capital One P.O. Box 85147 Richmond, VA 23276		H	2001 - 8/03 Credit card purchases			460.26	
Account No. 4102-0082-4002-1537 Chase P.O. Box 1010 Hicksville, NY 11802		W	1990 and prior Credit card purchases			10,909.01	
Account No. 5457-1500-2197-7384 Citi Cards P.O. Box 8116 South Hackensack, NJ 07606-8116		W	1990 and prior Credit card purchases			2,127.08	
Sheet no. <u>1</u> of <u>3</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims						Subtotal (Total of this page)	23,822.19

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B T O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C					DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.
Account No. 5466-5360-6017-7176 Citi Cards P.O. Box 8115 South Hackensack, NJ 07606-8115	H		1990 and prior Credit card purchases			4,043.94
Account No. 6011-0020-4000-6645 Discover Card P.O. Box 15251 Wilmington, DE 19886-5251	J		1990 and prior Credit card purchases			5,219.03
Account No. Dr. Richard Cordero 59 Crescent Street Brooklyn, NY 11208-1515	H		2002 Alleged liability re: stored merchandise as employee of M&T Bank - suit pending US BK Ct.	X	X	Unknown
Account No. 5487-8900-2018-8012 Fleet Credit Card Service P.O. Box 15368 Wilmington, DE 19886-5368	W		1990 and prior Credit card purchases			2,126.92
Account No. 5215-3125-0126-4385 HSBC MasterCard/Visa HSBC Bank USA Suite 0627 Buffalo, NY 14270-0627	H		1990 and prior Credit card purchases			9,065.01
Sheet no. <u>2</u> of <u>3</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims					Subtotal (Total of this page)	20,454.90

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	A M O U N T O F C L A I M	
		H W J C					DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.
Account No. 4313-0228-5801-9530 MBNA America P.O. Box 15137 Wilmington, DE 19886-5137	W		1990 and prior Credit card purchases			6,422.47	
Account No. 5329-0315-0992-1928 MBNA America P.O. Box 15137 Wilmington, DE 19886-5137	H		1990 and prior Credit card purchases			18,498.21	
Account No. 749 90063 031 903 MBNA America P.O. Box 15102 Wilmington, DE 19886-5102	H		1990 and prior Credit card purchases			3,823.74	
Account No. 34 80074 30593 0 Sears Card Payment Center P.O. Box 182149 Columbus, OH 43218-2149	H		1990 - 10/99 Credit card purchases			3,554.34	
Account No. 17720544 Wells Fargo Financial P.O. Box 98784 Las Vegas, NV 89193-8784	H		8/03 Credit card purchases			1,330.00	
Sheet no. <u>3</u> of <u>3</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims						Subtotal (Total of this page)	33,628.76
						Total (Report on Summary of Schedules)	98,092.91

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE G. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser," "Agent," etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described.

NOTE: A party listed on this schedule will not receive notice of the filing of this case unless the party is also scheduled in the appropriate schedule of creditors.

Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code,
of Other Parties to Lease or Contract

Description of Contract or Lease and Nature of Debtor's Interest.
State whether lease is for nonresidential real property.
State contract number of any government contract.

0 continuation sheets attached to Schedule of Executory Contracts and Unexpired Leases

W:62

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE H. CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. In community property states, a married debtor not filing a joint case should report the name and address of the nondebtor spouse on this schedule. Include all names used by the nondebtor spouse during the six years immediately preceding the commencement of this case.

Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
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0 continuation sheets attached to Schedule of Codebtors

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE I. CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status: Married	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP None.	AGE
EMPLOYMENT:	DEBTOR	SPOUSE
Occupation	Loan officer	
Name of Employer	M & T Bank	unemployed - Xerox
How long employed		
Address of Employer	PO Box 427 Buffalo, NY 14240	

	DEBTOR	SPOUSE
INCOME: (Estimate of average monthly income)		
Current monthly gross wages, salary, and commissions (pro rate if not paid monthly)	\$ 5,760.00	\$ 1,741.00
Estimated monthly overtime	\$ 0.00	\$ 0.00
SUBTOTAL	\$ 5,760.00	\$ 1,741.00
LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$ 1,440.00	\$ 435.25
b. Insurance	\$ 414.95	\$ 0.00
c. Union dues	\$ 0.00	\$ 0.00
d. Other (Specify) <u>Retirement Loan (to 10/05)</u>	\$ 324.30	\$ 0.00
	\$ 0.00	\$ 0.00
SUBTOTAL OF PAYROLL DEDUCTIONS	\$ 2,179.25	\$ 435.25
TOTAL NET MONTHLY TAKE HOME PAY	\$ 3,580.75	\$ 1,305.75
Regular income from operation of business or profession or farm (attach detailed statement)	\$ 0.00	\$ 0.00
Income from real property	\$ 0.00	\$ 0.00
Interest and dividends	\$ 0.00	\$ 0.00
Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	\$ 0.00	\$ 0.00
Social security or other government assistance (Specify)	\$ 0.00	\$ 0.00
	\$ 0.00	\$ 0.00
Pension or retirement income	\$ 0.00	\$ 0.00
Other monthly income (Specify)	\$ 0.00	\$ 0.00
	\$ 0.00	\$ 0.00
TOTAL MONTHLY INCOME	\$ 3,580.75	\$ 1,305.75
TOTAL COMBINED MONTHLY INCOME	\$ 4,886.50	

(Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

Wife currently on unemployment thru 6/04. Age 59 - re-employment not expected. Reduces net income by \$1,129/month.

W:64

Retirement Loan was made to son, who was to re-pay @\$200/mon. but has been unable to do so as employed at \$10/hr. Potentially uncollectible - due to recent Kodak acquisition of Heidelberg - Nexpress.

Husband will retire in three years at end of plan (extended beyond age 65 to complete three year plan.)

D:44

The DeLanos Ch. 13 bankruptcy petition with Schedules A-J & Statement of Financial Affairs

In re David G. DeLano,
Mary Ann DeLano

Case No. _____

Debtors

SCHEDULE J. CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

Rent or home mortgage payment (include lot rented for mobile home)	.....	\$	<u>1,167.00</u>
Are real estate taxes included?	Yes <u>X</u> No _____		
Is property insurance included?	Yes _____ No <u>X</u>		
Utilities: Electricity and heating fuel	.....	\$	<u>168.00</u>
Water and sewer	.....	\$	<u>30.00</u>
Telephone	.....	\$	<u>40.00</u>
Other <u>Cell Phone \$62 (req. for work); cable \$55; Internet \$23.95</u>	.....	\$	<u>140.95</u>
Home maintenance (repairs and upkeep)	.....	\$	<u>50.00</u>
Food	.....	\$	<u>430.00</u>
Clothing	.....	\$	<u>60.00</u>
Laundry and dry cleaning	.....	\$	<u>5.00</u>
Medical and dental expenses	.....	\$	<u>120.00</u>
Transportation (not including car payments)	.....	\$	<u>295.00</u>
Recreation, clubs and entertainment, newspapers, magazines, etc.	.....	\$	<u>107.50</u>
Charitable contributions	.....	\$	<u>50.00</u>
Insurance (not deducted from wages or included in home mortgage payments)			
Homeowner's or renter's	.....	\$	<u>0.00</u>
Life	.....	\$	<u>0.00</u>
Health	.....	\$	<u>0.00</u>
Auto	.....	\$	<u>110.00</u>
Other	.....	\$	<u>0.00</u>
Taxes (not deducted from wages or included in home mortgage payments)			
(Specify) _____	.....	\$	<u>0.00</u>
Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan.)			
Auto	.....	\$	<u>0.00</u>
Other <u>reserve for auto</u>	.....	\$	<u>50.00</u>
Other <u>Parking</u>	.....	\$	<u>58.05</u>
Other _____	.....	\$	<u>0.00</u>
Alimony, maintenance, and support paid to others	.....	\$	<u>0.00</u>
Payments for support of additional dependents not living at your home	.....	\$	<u>0.00</u>
Regular expenses from operation of business, profession, or farm (attach detailed statement)	.....	\$	<u>0.00</u>
Other <u>family gifts - Christmas/Birthdays</u>	.....	\$	<u>20.00</u>
Other <u>Haircuts and personal hygiene</u>	.....	\$	<u>45.00</u>
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)	.....	\$	<u>2,946.50</u>

[FOR CHAPTER 12 AND 13 DEBTORSONLY]

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income	.....	\$	<u>4,886.50</u>
B. Total projected monthly expenses	.....	\$	<u>2,946.50</u>
C. Excess income (A minus B)	.....	\$	<u>1,940.00</u>
D. Total amount to be paid into plan each <u>Monthly</u>	.....	\$	<u>1,940.00</u>

(interval)

**United States Bankruptcy Court
Western District of New York**

In re David G. DeLano
Mary Ann DeLano
Debtor(s)

Case No. _____
Chapter 13

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 17 sheets [total shown on summary page plus 1], and that they are true and correct to the best of my knowledge, information, and belief.

Date January 26, 2004

Signature /s/ David G. DeLano
David G. DeLano
Debtor

Date January 26, 2004

Signature /s/ Mary Ann DeLano
Mary Ann DeLano
Joint Debtor

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

**United States Bankruptcy Court
Western District of New York**

In re David G. DeLano
Mary Ann DeLano
Debtor(s)

Case No. _____
Chapter 13

STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs.

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. **If the answer to an applicable question is "None," mark the box labeled "None."** If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

DEFINITIONS

"In business." A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within the six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101.

1. Income from employment or operation of business

None State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE (if more than one)
\$91,655.00	2002 joint income
\$108,586.00	2003 Income (H) \$67,118; (W) \$41,468

2. Income other than from employment or operation of business

None State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE
--------	--------

3. Payments to creditors

- None a. List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within **90 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
Genesee Regional Bank 3670 Mt Read Blvd Rochester, NY 14616	monthly mortgage \$1,167/mon with taxes and insurance	\$5,000.00	\$77,082.49
Capitol One Auto Finance PO Box 93016 Long Beach, CA 90809-3016	monthly auto payment \$348/mon	\$1,044.00	\$10,000.00

- None b. List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENT	AMOUNT PAID	AMOUNT STILL OWING
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4. Suits and administrative proceedings, executions, garnishments and attachments

- None a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATION	STATUS OR DISPOSITION
In re Premier Van Lines, Inc; James Pfuntner / Ken Gordon Trustee v. Richard Cordero, M & T Bank et al v. Palmer, Dworkin, Hefferson Henrietta Assoc and Delano	(As against debtor) damages for inability of Cordero to recover property held in storage	US Bankruptcy Court, Western District of NY	pending

- None b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY
--	-----------------	-----------------------------------

5. Repossessions, foreclosures and returns

- None List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
--	--	-----------------------------------

6. Assignments and receiverships

None a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
------------------------------	-----------------------	-----------------------------------

None b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND LOCATION OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY
----------------------------------	--	------------------	--------------------------------------

7. Gifts

None List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
---	-----------------------------------	--------------	----------------------------------

8. Losses

None List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case**. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS
--------------------------------------	--	--------------

9. Payments related to debt counseling or bankruptcy

None List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of the petition in bankruptcy within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
Christopher K. Werner 2400 Chase Square Rochester, NY 14604	Nov - Dec 2003	\$1,350 plus filing fee

10. Other transfers

None List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
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11. Closed financial accounts

None List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
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12. Safe deposit boxes

None List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
M & T Bank Webster Branch	debtors	Personal papers	

13. Setoffs

None List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF
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14. Property held for another person

None List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY
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15. Prior address of debtor

None If the debtor has moved within the **two years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY
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16. Spouses and Former Spouses

None If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the **six-year period** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

17. Environmental Information.

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law

- None a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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- None b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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- None c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF GOVERNMENTAL UNIT	DOCKET NUMBER	STATUS OR DISPOSITION
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18 . Nature, location and name of business

- None a. If the debtor is an individual, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional within the **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the **six years** immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

NAME	TAXPAYER ID. NO. (EIN)	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES
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- None b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME	ADDRESS
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The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within the **six years** immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or otherwise self-employed.

*(An individual or joint debtor should complete this portion of the statement **only** if the debtor is or has been in business, as defined above, within the six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)*

19. Books, records and financial statements

None a. List all bookkeepers and accountants who within the **two years** immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS DATES SERVICES RENDERED

None b. List all firms or individuals who within the **two years** immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME ADDRESS DATES SERVICES RENDERED

None c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME ADDRESS

None d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued within the **two years** immediately preceding the commencement of this case by the debtor.

NAME AND ADDRESS DATE ISSUED

20. Inventories

None a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY INVENTORY SUPERVISOR DOLLAR AMOUNT OF INVENTORY
(Specify cost, market or other basis)

None b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above.

DATE OF INVENTORY NAME AND ADDRESSES OF CUSTODIAN OF INVENTORY RECORDS

21 . Current Partners, Officers, Directors and Shareholders

None a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS NATURE OF INTEREST PERCENTAGE OF INTEREST

None b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

NAME AND ADDRESS TITLE NATURE AND PERCENTAGE OF STOCK OWNERSHIP

22 . Former partners, officers, directors and shareholders

- None a. If the debtor is a partnership, list each member who withdrew from the partnership within **one year** immediately preceding the commencement of this case.

NAME	ADDRESS	DATE OF WITHDRAWAL
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- None b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS	TITLE	DATE OF TERMINATION
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23 . Withdrawals from a partnership or distributions by a corporation

- None If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

NAME & ADDRESS OF RECIPIENT, RELATIONSHIP TO DEBTOR	DATE AND PURPOSE OF WITHDRAWAL	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
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24. Tax Consolidation Group.

- None If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within the **six-year period** immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION	TAXPAYER IDENTIFICATION NUMBER
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25. Pension Funds.

- None If the debtor is not an individual, list the name and federal taxpayer identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within the **six-year period** immediately preceding the commencement of the case.

NAME OF PENSION FUND	TAXPAYER IDENTIFICATION NUMBER
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DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date <u>January 26, 2004</u>	Signature <u>/s/ David G. DeLano</u> David G. DeLano Debtor
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Date <u>January 26, 2004</u>	Signature <u>/s/ Mary Ann DeLano</u> Mary Ann DeLano Joint Debtor
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Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571

**United States Bankruptcy Court
Western District of New York**

In re David G. DeLano
Mary Ann DeLano

Debtor(s)

Case No. _____
Chapter 13

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept.....	\$	<u>1,350.00</u>
Prior to the filing of this statement I have received.....	\$	<u>1,350.00</u>
Balance Due.....	\$	<u>0.00</u>

2. The source of the compensation paid to me was:

Debtor Other (specify):

3. The source of compensation to be paid to me is:

Debtor Other (specify):

4. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- [Other provisions as needed]

Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.

6. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceeding.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: January 26, 2004

/s/ Christopher K. Werner, Esq.

Christopher K. Werner, Esq.
Boylan, Brown, Code, Vigdor & Wilson, LLP
2400 Chase Square
Rochester, NY 14604
585-232-5300

**United States Bankruptcy Court
Western District of New York**

In re David G. DeLano
Mary Ann DeLano
Debtor(s)

Case No. _____
Chapter 13

VERIFICATION OF CREDITOR MATRIX

The above-named Debtors hereby verify that the attached list of creditors is true and correct to the best of their knowledge.

Date: January 26, 2004

/s/ David G. DeLano
David G. DeLano
Signature of Debtor

Date: January 26, 2004

/s/ Mary Ann DeLano
Mary Ann DeLano
Signature of Debtor

AT&T Universal
P.O. Box 8217
South Hackensack, NJ 07606-8217

Bank Of America
P.O. Box 53132
Phoenix, AZ 85072-3132

Bank One
Cardmember Services
P.O. Box 15153
Wilmington, DE 19886-5153

Capital One
P.O. Box 85147
Richmond, VA 23276

Capitol One Auto Finance
PO Box 93016
Long Beach, CA 90809-3016

Chase
P.O. Box 1010
Hicksville, NY 11802

Citi Cards
P.O. Box 8116
South Hackensack, NJ 07606-8116

Citi Cards
P.O. Box 8115
South Hackensack, NJ 07606-8115

Citibank USA
45 Congress Street
Salem, MA 01970

Discover Card
P.O. Box 15251
Wilmington, DE 19886-5251

Dr. Richard Cordero
59 Crescent Street
Brooklyn, NY 11208-1515

Fleet Credit Card Service
P.O. Box 15368
Wilmington, DE 19886-5368

Genesee Regional Bank
3670 Mt Read Blvd
Rochester, NY 14616

HSBC MasterCard/Visa
HSBC Bank USA
Suite 0627
Buffalo, NY 14270-0627

MBNA America
P.O. Box 15137
Wilmington, DE 19886-5137

MBNA America
P.O. Box 15102
Wilmington, DE 19886-5102

Sears Card
Payment Center
P.O. Box 182149
Columbus, OH 43218-2149

Wells Fargo Financial
P.O. Box 98784
Las Vegas, NV 89193-8784

Blank

**United States Bankruptcy Court
Western District of New York**

In re David G. DeLano
Mary Ann DeLano

Debtor(s)

Case No.

Chapter

13

CHAPTER 13 PLAN

1. **Payments to the Trustee:** The future earnings or other future income of the Debtor is submitted to the supervision and control of the trustee. The Debtor (or the Debtor's employer) shall pay to the trustee the sum of \$1,940.00 per month for 5 months, then \$635.00 per month for 25 months, then \$960.00 per month for 6 months.
Total of plan payments: \$31,335.00
2. **Plan Length:** This plan is estimated to be for 36 months.
3. Allowed claims against the Debtor shall be paid in accordance with the provisions of the Bankruptcy Code and this Plan.
 - a. Secured creditors shall retain their mortgage, lien or security interest in collateral until the amount of their allowed secured claims have been fully paid or until the Debtor has been discharged. Upon payment of the amount allowed by the Court as a secured claim in the Plan, the secured creditors included in the Plan shall be deemed to have their full claims satisfied and shall terminate any mortgage, lien or security interest on the Debtor's property which was in existence at the time of the filing of the Plan, or the Court may order termination of such mortgage, lien or security interest.
 - b. Creditors who have co-signers, co-makers, or guarantors ("Co-Obligors") from whom they are enjoined from collection under 11 U.S.C. § 1301, and which are separately classified and shall file their claims, including all of the contractual interest which is due or will become due during the consummation of the Plan, and payment of the amount specified in the proof of claim to the creditor shall constitute full payment of the debt as to the Debtor and any Co-Obligor.
 - c. All priority creditors under 11 U.S.C. § 507 shall be paid in full in deferred cash payments.
4. From the payments received under the plan, the trustee shall make disbursements as follows:

a. Administrative Expenses

- (1) Trustee's Fee: 10.00%
- (2) Attorney's Fee (unpaid portion): NONE
- (3) Filing Fee (unpaid portion): NONE

b. Priority Claims under 11 U.S.C. § 507

Name	Amount of Claim	Interest Rate (If specified)
-NONE-		

c. Secured Claims

(1) Secured Debts Which Will Not Extend Beyond the Length of the Plan

Name	Proposed Amount of Allowed Secured Claim	Monthly Payment (If fixed) Prorata	Interest Rate (If specified)
Capitol One Auto Finance	5,500.00		6.00%

(2) Secured Debts Which Will Extend Beyond the Length of the Plan

Name	Amount of Claim	Monthly Payment	Interest Rate (If specified)
-NONE-			

d. Unsecured Claims

(1) Special Nonpriority Unsecured: Debts which are co-signed or are non-dischargeable shall be paid in full (100%).

Name	Amount of Claim	Interest Rate (If specified)
-NONE-		

(2) General Nonpriority Unsecured: Other unsecured debts shall be paid 22 cents on the dollar and paid pro rata, with no interest if the creditor has no Co-obligors, provided that where the amount or balance of any unsecured claim is less than \$10.00 it may be paid in full.

5. The Debtor proposes to cure defaults to the following creditors by means of monthly payments by the trustee:

Creditor	Amount of Default to be Cured	Interest Rate (If specified)
-NONE-		

6. The Debtor shall make regular payments directly to the following creditors:

Name	Amount of Claim	Monthly Payment	Interest Rate (If specified)
Genesee Regional Bank	77,084.49	0.00	0.00%

7. The employer on whom the Court will be requested to order payment withheld from earnings is:
NONE. Payments to be made directly by debtor without wage deduction.

8. The following executory contracts of the debtor are rejected:

Other Party	Description of Contract or Lease
-NONE-	

9. Property to Be Surrendered to Secured Creditor

Name	Amount of Claim	Description of Property
-NONE-		

10. The following liens shall be avoided pursuant to 11 U.S.C. § 522(f), or other applicable sections of the Bankruptcy Code:

Name	Amount of Claim	Description of Property
-NONE-		

11. Title to the Debtor's property shall revert in debtor on confirmation of a plan.

12. As used herein, the term "Debtor" shall include both debtors in a joint case.

13. Other Provisions:

Date January 26, 2004

Signature /s/ David G. DeLano
David G. DeLano
Debtor

Date January 26, 2004

Signature /s/ Mary Ann DeLano
Mary Ann DeLano
Joint Debtor



CREDIT FILE : May 8, 2004

Confirmation # 4129001647

Mrs. Delano's Equifax credit bureau report of May 8, 2004, produced with missing pages

Personal Identification Information (This section includes your name, current and previous addresses, and any other identifying information reported by your creditors.)

Name On File: Mary Ann Delano
Social Security # 091-36-0517 Date of Birth: September 21, 1944
Current Address: 1262 Shoecraft Rd, Webster, NY 14580
Last Reported Employment: Product Specialist; Xerox;

Please address all future correspondence to:



www.investigate.equifax.com



Equifax Information Services LLC
PO Box 740256
Atlanta, GA 30374



Phone: (800) 290-8749
M - F 9:00am to 5:00pm in your time zone.

In order to speak with a Customer Service Representative regarding the specific information contained in this credit file, you must call **WITHIN 60 DAYS** of the date of this credit file **AND** have a copy of this credit file along with the confirmation number.

Credit Account Information
(For your security, the last 4 digits of account number(s) have been replaced by *) (This section includes open and closed accounts reported by credit grantors)

Account Column Title Descriptions:

- | | |
|---|--|
| Account Number - The Account number reported by credit grantor | Amount Past Due - The Amount Past Due as of the Date Reported |
| Date Acct. Opened - The Date that the credit grantor opened the account | Date of Last Paymnt - The Date of Last Payment |
| High Credit - The Highest Amount Charged | Actual Pay Amt - The Actual Amount of Last Payment |
| Credit Limit - The Highest Amount Permitted | Sched Pay Amt - The Requested Amount of Last Payment |
| Terms Duration - The Number of Installments or Payments | Date of Last Actvty - The Date of the Last Account Activity |
| Terms Frequency - The Scheduled Time Between Payments | Date Maj Delq Rptd - The Date the 1st Major Delinquency Was Reported |
| Months Reviewed - The Number of Months Reviewed | Charge Off Amt - The Amount Charged Off by Creditor |
| Activity Description - The Most Recent Account Activity | Deferred Pay Date - The 1st Payment Due Date for Deferred Loans |
| Creditor Class - The Type of Company Reporting The Account | Balloon Pay Amt - The Amount of Final(Balloon) Payment |
| Date Reported - The Month and Year of the Last Account Update | Balloon Pay Date - The Date of Final(Balloon) Payment |
| Balance Amount - The Total Amount Owed as of the Date Reported | Date Closed - The Date the Account was Closed |

Account History	1 : 30-59 Days Past Due	5 : 150-179 Days Past Due	J : Voluntary Surrender
Status Code	2 : 60-89 Days Past Due	6 : 180 or More Days Past Due	K : Repossession
Descriptions	3 : 90-119 Days Past Due	G : Collection Account	L : Charge Off
	4 : 120-149 Days Past Due	H : Foreclosure	

Assoc/Citibank SD

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
541931041019*	06/1992	\$2,500				67						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
07/1998	\$0					04/1995						

Current Status - Pays As Agreed ; Type of Account - Revolving ; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Paid/Zero Balance ;

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(Continued On Next Page)

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Mrs. DeLano's Equifax credit bureau report of May 8, 2004, produced with missing pages

1 **Capital One** PO Box 85520 Internal Zip 12030-016 Richmond, VA 23265-5520

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
486236226671*	11/2002	\$32				18						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
05/2004	\$0		02/2004			02/2004	03/2004					

Current Status - Included in Wage Earner Plan ; Type of Account - Revolving ; Type of Loan - Credit Card ; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Involved in Chapter 13 Debt Adjustment ;

2 **Chussears**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
348007430*	08/1982		\$3,140			78						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
05/2004	\$0		10/2003			12/2003						

Current Status - 60 - 89 Days Past Due ; Type of Account - Revolving ; Type of Loan - Charge Account ; Whose Account - Authorized User;

Account History 02/2004 01/2004 11/1997 10/1997
with Status Codes 2 1 1 1

3 **Chase Na** 100 Duff Ave Hicksville NY 11801-3639 (800) 327-2782

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
410200824002*	06/1983	\$11,651	\$7,600		Monthly	99						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
04/2004	\$11,651	\$1,392	11/2003	\$450	\$233	12/2003	02/2004					

Current Status - Included in Wage Earner Plan ; Type of Loan - Credit Card ; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Involved in Chapter 13 Debt Adjustment ; Account Involved in Chapter 13 Debt Adjustment ;

Account History 03/2004 02/2004 01/2004 12/2003 04/2003 12/2000 07/1999 06/1999 05/1999 04/1999 03/1999 02/1999 01/1999 09/1998 07/1998 06/1998 05/1998 11/1997 09/1997
with Status Codes 4 3 2 1 1 1 1 1 1 1 1 1 1 1 2 1 1 1 1

4 **Discover Financial Services**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
601100204000*	12/1988	\$5,755			Monthly	99						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
04/2004	\$0		10/2003	\$112		09/2003	04/2004					

Type of Account - Revolving ; Type of Loan - Credit Card ; Whose Account - Joint Account; ADDITIONAL INFORMATION - Account Closed At Consumers Request ;

Account History 12/2003 11/2003 11/2001 09/2001 10/2000 07/1999 11/1998 08/1998 07/1998 01/1998 10/1997
with Status Codes 2 1 1 1 1 1 1 1 1 1 1

FCNB Preferred Charge

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
800491*	05/1994	\$400				27						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
09/1996	\$0					11/1995						

Current Status - Pays As Agreed ; Type of Account - Revolving ; Whose Account - Individual Account;

(Continued On Next Page)

CREDIT-FILE : May 8, 2004

Confirmation # 4129001647

Mrs. DeLano's Equifax credit bureau report of May 8, 2004, produced with missing pages

5 Fleet National Bank												
Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
548789002018*	02/1993		\$4,200		Monthly							
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
04/2004	\$2,184	\$297	10/2003	\$172	\$47	12/2003	04/2004	\$2,184				
Current Status - Charge Off ; Type of Account - Revolving ; Type of Loan - Credit Card ; Whose Account - Individual Account ;												
Account History with Status Codes												
02/2004	01/2004	10/2001	04/1999	02/1999	12/1998	12/1997	09/1997					
2	1	1	1	1	1	1	2					

9 GMAC												
Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
052-1504-1*	07/1995	\$10,326				44						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
03/1999	\$0				\$191	02/1999						
Current Status - Pays As Agreed ; Type of Account - Installment ; Whose Account - Joint Account ; ADDITIONAL INFORMATION - Account Paid/Zero Balance ; Auto ;												

14 GMAC												
Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
052-3036-0*	02/1993	\$10,793				47						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
02/1997	\$0				\$224	02/1997						
Current Status - Pays As Agreed ; Type of Account - Installment ; Whose Account - Maker ; ADDITIONAL INFORMATION - Account Paid/Zero Balance ;												

JC Penney / Monogram Credit												
Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
-080246*	10/1980	\$569	\$200		Monthly	80						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
05/2004	\$57		04/2004	\$41	\$15	05/2004						
Current Status - Pays As Agreed ; Type of Account - Revolving ; Type of Loan - Charge Account ; Whose Account - Joint Account ;												
Account History with Status Codes												
07/1998	01/1998	10/1997	09/1997									
1	1	2	1									

JC Penney / Monogram Credit												
Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
-010699*	10/1980											
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
05/2004						05/2004						
Current Status - Card Is Lost Or Stolen ; Type of Loan - Charge Account ;												

Kaufmann's												
Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
25243*	09/1985	\$928			Monthly	99						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
04/2004	\$0		05/1999			05/1999						
Current Status - Pays As Agreed ; Type of Account - Revolving ; Type of Loan - Charge Account ; Whose Account - Joint Account ;												

(Continued On Next Page)

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8 **M.B.N.A Amer** PO Box 15026 Wilmington DE 19850-5026 (800) 421-2110

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
43130229975*	01/1994					99						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
04/2004						10/2003	02/2004					

Current Status - Account Included in Bankruptcy ; Type of Loan - Credit Card ; Whose Account - Individual Account;

Account History with Status Codes	03/2004	02/2004	01/2004	10/2003	05/2003	12/2002	06/2002	05/2002	03/2002	01/2002	11/2001	10/2001	07/2001	05/2001	04/2001	12/2000	11/2000	10/2000	08/2000	06/2000	02/2000
	3	2	1	1	1	1	2	1	1	1	1	1	1	1	1	3	2	1	1	1	1
	12/1999	09/1999	06/1999	02/1999	10/1998	08/1998	03/1998	09/1997													
	1	1	1	1	1	1	1	1													

9 **Manufacturers & Traders Trust**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
738920*	03/1988	\$59,000				10						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
05/1999	\$0				\$723	04/1999						

Current Status - Pays As Agreed ; Type of Account - Installment ; Whose Account - Joint Account; ADDITIONAL INFORMATION - Account Paid/Zero Balance ;

10 **ONONDAGA Bank/Overdraft**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
195882002*	03/1988	\$59,000				15						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
04/1998	\$0				\$733	02/1998						

Current Status - Pays As Agreed ; Type of Account - Installment ; Whose Account - Joint Account; ADDITIONAL INFORMATION - Account Transferred or Sold ;

11 **Primus Automotive**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
626*	02/1997	\$6,719		48 Months		27						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
05/1999	\$0					04/1999						

Current Status - Pays As Agreed ; Type of Account - Installment ; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Paid/Zero Balance ; Auto ;

The Bon Ton

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
8601*	12/1995	\$280	\$500			99						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
04/2004	\$0			02/1997		02/1997						

Current Status - Pays As Agreed ; Type of Account - Revolving ; Type of Loan - Charge Account ; Whose Account - Joint Account;

Inquiries that display to companies (may impact your credit score)
 This section lists companies that requested your credit file. Credit grantors may view these requests when evaluating your credit worthiness.

Company Information	Inquiry Date(s)
Genesee Regional Bank	09/2003 06/2003
The Credit Bureau:3301 ONTARIO NATIONA	08/2002

CREDIT FILE : May 8, 2004

Inquiries that do not display to companies (do not impact your credit score)
 (This section includes inquiries which display only to you and are not considered when evaluating your credit worthiness. Examples of this inquiry type include a pre-approved offer of credit, insurance, or periodic account review by an existing creditor.)

Company Information - Prefix Descriptions:

PRM - Inquiries with this prefix indicate that only your name and address were given to a credit grantor so they can provide you a firm offer of credit or insurance. (PRM inquiries remain for twelve months)
 AM or AR - Inquiries with these prefixes indicate a periodic review of your credit history by one of your creditors. (AM and AR inquiries remain for twelve months)
 Equifax or EFX - Inquiries with these prefixes indicate Equifax's activity in response to your contact with us for a copy of your credit file or a research request.
 ND - Inquiries with this prefix are general inquiries that do not display to credit grantors. (ND inquiries remain for twelve months)

Company Information	Inquiry Date(s)											
Equifax	05/2004											
AR-Assoc/Citibank SD	04/2004	02/2004	01/2004	12/2003	11/2003	10/2003	09/2003	08/2003	07/2003	07/2003	06/2003	
PRM-At&T Wireless	03/2004 01/2004											
PRM-First Premier Bank Promo	02/2004											
AR-Capital One	02/2004	01/2004	12/2003	11/2003	10/2003	09/2003	08/2003	07/2003	07/2003	05/2003		
PRM-At&T Wireless Services	02/2004 06/2003											
AR-MBNA	12/2003 05/2003											
PRM-Evergreen Acceptance Corp.	10/2003											
PRM-Direct Lending Source Inc	10/2003 09/2003											
PRM-DM Services, Inc.	09/2003 07/2003											
PRM-Household Bank	05/2003											
PRM-Assoc Fin Ser Cons Div Promo	05/2003											

Mrs. Delano's Equifax credit bureau report of May 8, 2004, produced with missing pages

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For the year Jan 1 - Dec 31, 2001, or other tax year beginning _____, 2001, ending _____, 20

Label (See instructions.)
 Your First Name MI Last Name
David G DeLano
 Your Social Security Number
077-32-3894

If a Joint Return, Spouse's First Name MI Last Name
Mary Ann DeLano
 Spouse's Social Security Number
091-36-0517

Home Address (number and street). If You Have a P.O. Box, See Instructions. Apartment No.
1262 Shoecraft Rd
 City, Town or Post Office. If You Have a Foreign Address, See Instructions. State ZIP Code
Webster NY 14580

▲ Important! ▲
 You must enter your social security number(s) above.

Presidential Election Campaign (See instructions.)
 Do you, or your spouse if filing a joint return, want \$3 to go to this fund? Yes No Yes No

Filing Status
 1 Single
 2 Married filing joint return (even if only one had income)
 3 Married filing separate return. Enter spouse's SSN above & full name here
 4 Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here ▶
 5 Qualifying widow(er) with dependent child (year spouse died ▶). (See instructions.)

Exemptions
 6a Yourself. If your parent (or someone else) can claim you as a dependent on his or her tax return, do not check box 6a
 b Spouse
 c Dependents:
 (1) First name Last name (2) Dependent's social security number (3) Dependent's relationship to you (4) if qualifying child for child tax credit (see instrs)
 No. of boxes checked on 6a and 6b **2**
 No. of your children on 6c who:
 • lived with you
 • did not live with you due to divorce or separation (see instrs)
 Dependents on 6c not entered above
 Add numbers entered on lines above ▶ **2**

Income
 7 Wages, salaries, tips, etc. Attach Form(s) W-2 **7 90,790.**
 8a Taxable interest. Attach Schedule B if required **8a 427.**
 b Tax-exempt interest. Do not include on line 8a **8b**
 9 Ordinary dividends. Attach Schedule B if required **9 12.**
 10 Taxable refunds, credits, or offsets of state and local income taxes (see instructions) **10**
 11 Alimony received **11**
 12 Business income or (loss). Attach Schedule C or C-EZ **12**
 13 Capital gain or (loss). Attach Schedule D if required. If not required, check here **13**
 14 Other gains or (losses). Attach Form 4797 **14**
 15a Total IRA distributions **15a** b Taxable amount (see instrs) .. **15b**
 16a Total pensions & annuities **16a 3,257.** b Taxable amount (see instrs) .. **16b 0.**
 17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E .. **17**
 18 Farm income or (loss). Attach Schedule F **18**
 19 Unemployment compensation **19**
 20a Social security benefits **20a** b Taxable amount (see instrs) .. **20b**
 21 Other income **21**
 22 Add the amounts in the far right column for lines 7 through 21. This is your total income. ▶ **22 91,229.**

Adjusted Gross Income
 23 IRA deduction (see instructions) **23**
 24 Student loan interest deduction (see instructions) **24**
 25 Archer MSA deduction. Attach Form 8853 **25**
 26 Moving expenses. Attach Form 3903 **26**
 27 One-half of self-employment tax. Attach Schedule SE **27**
 28 Self-employed health insurance deduction (see instructions) .. **28**
 29 Self-employed SEP, SIMPLE, and qualified plans **29**
 30 Penalty on early withdrawal of savings **30**
 31a Alimony paid b Recipient's SSN **31a**
 32 Add lines 23 through 31a **32**
 33 Subtract line 32 from line 22. This is your adjusted gross income **33 91,229.**

BAA For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see instructions. Form 1040 (2001)

Label (See instructions.)

Use the IRS label. Otherwise, please print or type.

Presidential Election Campaign (See instructions.)

For the year Jan 1 - Dec 31, 2002, or other tax year beginning , 2002, ending , 20
Your first name MI Last name David G DeLano
If a joint return, spouse's first name MI Last name Mary Ann DeLano
Home address (number and street). If you have a P.O. box, see instructions. 1262 Shoecraft Road
City, town or post office. If you have a foreign address, see instructions. Webster NY 14580
OMB No. 1545-0074
Your social security number 077-32-3894
Spouse's social security number 091-36-0517
Important! You must enter your social security number(s) above.

Note: Checking 'Yes' will not change your tax or reduce your refund. Do you, or your spouse if filing a joint return, want \$3 to go to this fund? You [] Yes [X] No Spouse [] Yes [X] No

Filing Status

Check only one box.

- 1 [] Single
2 [X] Married filing jointly (even if only one had income)
3 [] Married filing separately. Enter spouse's SSN above & full name here
4 [] Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here
5 [] Qualifying widow(er) with dependent child (year spouse died ...). (See instructions.)

Exemptions

If more than five dependents, see instructions.

6a [X] Yourself. If your parent (or someone else) can claim you as a dependent on his or her tax return, do not check box 6a
6b [X] Spouse
c Dependents:
(1) First name Last name (2) Dependent's social security number (3) Dependent's relationship to you (4) [X] if qualifying child for child tax credit (see instrs)
d Total number of exemptions claimed 2

Income

Attach Forms W-2 and W-2G here. Also attach Form(s) 1099-R if tax was withheld.

If you did not get a W-2, see instructions.

Enclose, but do not attach, any payment. Also, please use Form 1040-V.

Table with 2 columns: Description and Amount. Rows include: 7 Wages, salaries, tips, etc. Attach Form(s) W-2 (91,655); 8a Taxable interest. Attach Schedule B if required (204); 8b Tax-exempt interest. Do not include on line 8a; 9 Ordinary dividends. Attach Schedule B if required; 10 Taxable refunds, credits, or offsets of state and local income taxes; 11 Alimony received; 12 Business income or (loss). Attach Schedule C or C-EZ; 13 Capital gain or (loss). Att Sch D if reqd. If not reqd, ck here; 14 Other gains or (losses). Attach Form 4797; 15a IRA distributions; 15b Taxable amount (see instrs); 16a Pensions and annuities; 16b Taxable amount (see instrs); 17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E; 18 Farm income or (loss). Attach Schedule F; 19 Unemployment compensation; 20a Social security benefits; 20b Taxable amount (see instrs); 21 Other income; 22 Add the amounts in the far right column for lines 7 through 21. This is your total income (91,859).

Adjusted Gross Income

Table with 2 columns: Description and Amount. Rows include: 23 Educator expenses (see instructions); 24 IRA deduction (see instructions); 25 Student loan interest deduction (see instructions); 26 Tuition and fees deduction (see instructions); 27 Archer MSA deduction. Attach Form 8853; 28 Moving expenses. Attach Form 3903; 29 One-half of self-employment tax. Attach Schedule SE; 30 Self-employed health insurance deduction (see instructions); 31 Self-employed SEP, SIMPLE, and qualified plans; 32 Penalty on early withdrawal of savings; 33a Alimony paid b Recipient's SSN; 34 Add lines 23 through 33a; 35 Subtract line 34 from line 22. This is your adjusted gross income (91,859).

Label (See instructions.)

Use the IRS label. Otherwise, please print or type.

Presidential Election Campaign (See instructions.)

For the year Jan 1 - Dec 31, 2003, or other tax year beginning , 2003, ending , 20
Your first name MI Last name David G DeLano
If a joint return, spouse's first name MI Last name Mary Ann DeLano
Home address (number and street). If you have a P.O. box, see instructions. 1262 Shoecraft Road
City, town or post office. If you have a foreign address, see instructions. Webster NY 14580

Note: Checking 'Yes' will not change your tax or reduce your refund. Do you, or your spouse if filing a joint return, want \$3 to go to this fund? You Yes No Spouse Yes No

Filing Status

Check only one box.

1 Single 2 Married filing jointly (even if only one had income) 3 Married filing separately. Enter spouse's SSN above & full name here 4 Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here 5 Qualifying widow(er) with dependent child. (See instructions.)

Exemptions

If more than five dependents, see instructions.

6a Yourself. If your parent (or someone else) can claim you as a dependent on his or her tax return, do not check box 6a
b Spouse
c Dependents: (1) First name Last name (2) Dependent's social security number (3) Dependent's relationship to you (4) if qualifying child for child tax credit (see instrs)
d Total number of exemptions claimed 2

Income

Attach Forms W-2 and W-2G here. Also attach Form(s) 1099-R if tax was withheld.

If you did not get a W-2, see instructions.

ROLLOVER

Enclose, but do not attach, any payment. Also, please use Form 1040-V.

7 Wages, salaries, tips, etc. Attach Form(s) W-2 7 96,821.
8a Taxable interest. Attach Schedule B if required 8a 17.
b Tax-exempt interest. Do not include on line 8a 8b
9a Ordinary dividends. Attach Schedule B if required 9a
b Qualified divs (See instrs) 9b
10 Taxable refunds, credits, or offsets of state and local income taxes (see instructions) 10
11 Alimony received 11
12 Business income or (loss). Attach Schedule C or C-EZ 12
13a Capital gain or (loss). Att Sch D if reqd. If not reqd, ck here 13a
b If box on 13a is checked, enter post-May 5 capital gain distributions 13b
14 Other gains or (losses). Attach Form 4797 14
15a IRA distributions 15a b Taxable amount (see instrs) 15b
16a Pensions and annuities 16a 519. b Taxable amount (see instrs) 16b 0.
17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E 17
18 Farm income or (loss). Attach Schedule F 18
19 Unemployment compensation 19 810.
20a Social security benefits 20a b Taxable amount (see instrs) 20b
21 Other income 21
22 Add the amounts in the far right column for lines 7 through 21. This is your total income 22 97,648.

Adjusted Gross Income

23 Educator expenses (see instructions) 23
24 IRA deduction (see instructions) 24
25 Student loan interest deduction (see instructions) 25
26 Tuition and fees deduction (see instructions) 26
27 Moving expenses. Attach Form 3903 27
28 One-half of self-employment tax. Attach Schedule SE 28
29 Self-employed health insurance deduction (see instrs) 29
30 Self-employed SEP, SIMPLE, and qualified plans 30
31 Penalty on early withdrawal of savings 31
32a Alimony paid b Recipient's SSN 32a
33 Add lines 23 through 32a 33
34 Subtract line 33 from line 22. This is your adjusted gross income 34 97,648.

BAA For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see instructions.

(as of 8/19/7)

**The DeLanos' String of Eight Known Mortgages
and the Valuation of their Only Real Property
and its Real Market Value**

David Gene DeLano, born on September 1, 1941, and his wife, Mary Ann DeLano, born on September 21, 1944, bought on July 16, 1975, the property on 1262 Shoecraft Road, Town of Penfield, by taking out a mortgage for \$26,000. That was the first of eight known mortgages that the DeLanos took on that same property and through which they obtained a known total of \$382,187.

Preparing for retirement, they filed a bankruptcy petition on January 27, 2004, when Mr. DeLano was a 39-year veteran of the banking and financing industries, working precisely as an officer in the bankruptcy department of M&T Bank, and Ms. DeLano was a Xerox technician. They listed that property in [Schedule A](#) as their only real property, had it appraised two months earlier at \$98,500, and declared that their mortgage was still \$77,084 and their equity only \$21,416...after making monthly mortgage payments for 30 years!

Question 1: Where did \$382,187, the proceeds of those eight mortgages, and their mortgage payments go, particularly since the DeLanos listed in [Scheduled B](#) that they had in cash and on account only \$535, although they reported in their [Statement of Financial Affairs](#) and their [1040 IRS forms](#) for the three years preceding their filing that they had earned \$291,470? Were assets concealed and, if so, which and where?

Moreover, a public record obtained through [WestLaw](#) puts the value of the same property at 1262 Shoecraft Road, Webster, NY 14580-8954, assessed by the County of Monroe and updated as of May 4, 2007, at \$116,000.

Question 2: How could that property increase in value in 3.5 years by \$17,500, i.e., 18%, in a market going down for years? Was the valuation declared in Schedule A fraudulent?

The DeLanos have submitted some [mortgage documents](#), though incomplete. They can be found below together with their [bankruptcy petition](#), their [1040 IRS forms](#), the [WestLaw](#) public record, and an [Equifax credit report](#) concerning what are deemed to be two of the eight mortgages. The most salient data on these documents is presented on the [table](#) of their income, receipts, and borrowings below.

Nevertheless, those documents contain with respect to both that property and the mortgages some technical references that may be useful in searching the property records to find the answer to the above questions. A summary of those references is as follows: (D:# is the page number of the documents in this file.)

1. (D:345) property on Shoecraft Road, Liber 3679 of Deeds, page 489;
2. (D:342) sold by the Church of the Holy Spirit of Penfield, NY, to David Gene and Mary Ann DeLano by warranty deed on July 16, 1975, Liber 4865 of Deeds, page 122;
3. (D:342) mortgaged on July 16, 1975, Liber 4000 of Mortgages, page 196;
4. (D:343, 345) mortgaged on November 30, 1977, Liber 4488 of Mortgages, pages 152;
5. (D:346-347) mortgaged on March 29, 1988, Liber 8682 of Mortgages, page 81, Mortgage # CE033444;
6. (D:176/9) the DeLanos borrowed \$59,000 in March 1988 from Manufacturers & Traders Trust Bank;
7. (D:176/10) the DeLanos obtained \$59,000 in March 1988 from ONODAGA Bank/Overdraft;
8. (D:348) mortgaged on September 13, 1990, Liber 10363 of Mortgages, page 38, Mortgage # CH016334;
9. (D:348) mortgage assigned on November 26, 1991, Liber 893 of Assignment of Mortgages, page 402;
10. (D:349) mortgaged on December 13, 1993, Liber 12003 of Mortgages, page 507, Mortgage # CK039604;
11. (D:350-352) mortgaged on April 23, 1999, Liber 14410 of Mortgages, page 132, Mortgage # CQ002917
12. (D:353-354) involvement of the U.S. Department of Housing and Urban Development in a settlement dated April 23, 1999

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Mrs. DeLano's Equifax credit bureau report of May 8, 2004, produced with missing pages

8 **M.B.N.A Amer** PO Box 15026 Wilmington DE 19850-5026 (800) 421-2110

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
43130229975*	01/1994					99						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
04/2004						10/2003	02/2004					

Current Status - Account Included in Bankruptcy ; Type of Loan - Credit Card ; Whose Account - Individual Account;

Account History with Status Codes	03/2004	02/2004	01/2004	10/2003	05/2003	12/2002	06/2002	05/2002	03/2002	01/2002	11/2001	10/2001	07/2001	05/2001	04/2001	12/2000	11/2000	10/2000	08/2000	06/2000	02/2000
	3	2	1	1	1	1	2	1	1	1	1	1	1	1	1	3	2	1	1	1	1
	12/1999	09/1999	06/1999	02/1999	10/1998	08/1998	03/1998	09/1997													
	1	1	1	1	1	1	1	1													

9 **Manufacturers & Traders Trust**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
738920*	03/1988	\$59,000				10						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
05/1999	\$0				\$723	04/1999						

Current Status - Pays As Agreed ; Type of Account - Installment ; Whose Account - Joint Account; ADDITIONAL INFORMATION - Account Paid/Zero Balance ;

10 **ONONDAGA Bank/Overdraft**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
195882002*	03/1988	\$59,000				15						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
04/1998	\$0				\$733	02/1998						

Current Status - Pays As Agreed ; Type of Account - Installment ; Whose Account - Joint Account; ADDITIONAL INFORMATION - Account Transferred or Sold ;

11 **Primus Automotive**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
626*	02/1997	\$6,719		48 Months		27						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
05/1999	\$0					04/1999						

Current Status - Pays As Agreed ; Type of Account - Installment ; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Paid/Zero Balance ; Auto ;

The Bon Ton

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mths Revd	Activity Description	Creditor Classification				
8601*	12/1995	\$280	\$500			99						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Pp'd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Start Date	Date Closed
04/2004	\$0			02/1997		02/1997						

Current Status - Pays As Agreed ; Type of Account - Revolving ; Type of Loan - Charge Account ; Whose Account - Joint Account;

Inquiries that display to companies (may impact your credit score)
 This section lists companies that requested your credit file. Credit grantors may view these requests when evaluating your credit worthiness.

Company Information	Inquiry Date(s)
Genesee Regional Bank	09/2003 06/2003
The Credit Bureau:3301 ONTARIO NATIONA	08/2002

February 16, 2005

George M. Reiber, Esq.
3136 South Winton Road
Rochester, New York 14623

Re: David G. and Mary Ann DeLano, Case No. 04-20280

Dear Mr. Reiber:

Pursuant to your request at the adjourned 341 Hearing, enclosed please find a copy of the relevant portion of Mr. and Mrs. DeLano's Abstract of Title for the period of the purchase of their home at 1262 Shoecraft Road, Penfield, New York in 1975, through their Lyndon Guaranty refinance of April 23, 1999. We also enclose the HUD-1 Settlement Statement, together with their attorney's Closing Statement.

It appears that the 1999 refinance paid off the existing M&T first mortgage and home equity mortgage and provided cash proceeds of \$18,746.69 to Mr. and Mrs. DeLano. Of this cash, \$11,000.00 was used for the purchase of an automobile, as indicated. Mr. DeLano indicates that the balance of the cash proceeds was used for payment of outstanding debts, debt service and miscellaneous personal expenses. He does not believe that he has any details in this regard, as this transaction occurred almost six (6) years ago.

Please advise what, if anything, further you require.

Very truly yours,

**BOYLAN, BROWN,
CODE, VIGDOR & WILSON, LLP**


Christopher K. Werner

CKW/trm
Enclosures

cc: Richard Cordero (w/ enclosures)

4. Church of the Holy Spirit
of Penfield New York

Warranty Deed

-To-

Dated July 16, 1975
Ack. same day
Rec. same day at 12:18 P.M.

David G. DeLano and
Mary Ann DeLano, his wife
(2nd parties not certified)

Liber ~~4865~~¹²² of Deeds, page ~~188~~

Conveys same as #1 with same interest in and to
Shoecraft Road and subject to same easements, covenants
and restrictions.

Being the same premises conveyed to first party by
Liber 3679 of Deeds, page 489.

This deed executes pursuant to a court order signed
by Hon. Joseph G. Fritsel, Justice of the Supreme Court on
July 15, 1975 and filed in Monroe County Clerk's Office
July 16, 1975.

Contains Lien Fund Clause.

Revenue Stamps for \$35.75 affixed.

Note: Order of the Supreme Court dated July 15,
1975 is recorded herewith.

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5. David G. DeLano and ~~Mortgage~~ to secure \$26,000.00
Mary Ann DeLano, his wife ~~Part Purchase Price~~

CORRECTLY DISCHARGED OF RECORD
6-13-88 1418 Dis 320

-To-

Dated July 16, 1975
Ack. same day
Rec. same day at 12:18 P.M.

Columbia Bank and Loan Association
and Loan Association

COLONY ABSTRACT CORP
PER CAS

Liber ~~4000~~ of Mortgages, page 196

Conveys same as #1 together with same interest
in Shoecraft Road and subject to same easements, covenants
and restrictions.

ma
3/10/88

6.

David G. DeLano

Mortgage to secure \$7,467.18

Mary Ann DeLano

CORRECTLY DISCHARGED OF RECORD

Dated November 30, 1977

-To- 6-14-88 1419 Dis 142

Ack. same day

BY Mtse

Rec. December 1, 1977 at 10:39 AM

Columbia Banking, Saving
and Loan Association

COLONY ABSTRACT CORP

Liber 4488 of Mortgages, page 152

PER CAB

Conveys same premises as No. 1.

Subject to all covenants, easements and restrictions of record, if any, affecting said premises.

Being the same premises conveyed to the first parties by deed recorded in Monroe County Clerk's Office in Liber 4865 of Deeds, page 122.

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3/10/88*

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PUBLIC ABSTRACT CORPORATION

A corporation duly established under the Laws of the State of New York, in consideration of one or more dollars to it paid, hereby Certifies to the record owners of an interest in or specific lien upon the premises hereinafter referred to or described that it has examined the Grantor and Mortgagor Indexes to the Records in the office of the Clerk of the County of Monroe, in the State of New York, for Deeds of Conveyance, Wills, Powers of Attorney and Revocations thereof, Mortgages, Indexes for General Assignments, Affidavits of Foreclosure, assignments of Mortgages, Sheriff's Certificates of Sales, Homestead Exemptions, Lien Book of Welfare Commissioners, Miscellaneous Records, Orders Appointing Receivers, Mortgage Book of Loan Commissioners of the United States Deposit Fund, Leases, Contracts, Notices of Pendency of Action, State Criminal Surety Bond Liens, Individual Surety Bond Lien Docket and Index of Incompetencies, and also the indexes to estates in the office of the Surrogate of said County, against the names of the parties appearing in the foregoing Abstract of Title as owning or having an interest in the premises hereinafter described, during the record period

of such ownership respectively from and including the date October 5, 1965.....
.....
to the date hereof.

And that it finds the items set forth in the foregoing Abstract of Title, and nothing more, and that said items are correctly set forth, and that there is nothing more in said indexes which appears to affect the premises or any part thereof, described in Liber 3679.....
of Deeds....., at page 489..... in said Clerk's Office, set forth in said Abstract of Title in No. 1..... on the margin hereof (except liens or incumbrances correctly discharged of record.)

3..... NUMBERS.

And **PUBLIC ABSTRACT CORPORATION** further Certifies that no judgment appears upon the docket books to have been docketed during the last 10 years, and no Collector's Bond filed and indexed during the last 20 years, and no Financing Statements affixed to Real Property indexed during the last 5 years, and no Federal Tax Lien filed and indexed during the last six years and one month, Lien or Lien Bond filed and indexed during the last year, in said Clerk's Office, against any of the persons who appear from the foregoing Abstract of Title to have held any title to said premises during said periods, which is a lien on said premises, except as correctly set forth in said Abstract of Title; that the items set forth in the foregoing Abstract of Title, including those taken from the records and files of the office of the Surrogate of Monroe County, are correctly abstracted.

and also Certified for
Mechanics' Liens indexed
during the past year.

In Witness Whereof, the Corporation has caused these presents to be signed by an Authorized Officer, this 10th day of June..... 19 75 at 8:59 o'clock A. M.

PUBLIC ABSTRACT CORPORATION

No. 13735.....
By Donald Nastasi Authorized Officer
Abstracted by D. Nastasi.....

Continued by B.J. Fischette..... for premises at
No. 1 with Nos. 4 and 5 added......

and redated July 16,..... 19 75 at 12:18P. M..... and re-issued.

Bernard J. Fischette Authorized Officer

(over)

ABSTRACT OF TITLE

-TO-

PART LOT #45

TOWNSHIP 13, RANGE 4

EAST SIDE SHOECRAFT ROAD

TOWN OF PENFIELD

MAPS:

Hopkins Atlas, Volume 5, Plate 13

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1.

David G. DeLano and Mary Ann DeLano Mortgage to secure \$7,467.18

CORRECTLY DISCHARGED OF RECORD

-To- 6-14-88 1419 Dis 142 Dated November 30, 1977
Ack. same day
Rec. December 1, 1977

BY M. J. Jell
Columbia Banking and Loan Association, Saving and Loan Association
COLONY ABSTRACT CORP Liber 4488 of Mortgages, page 152

Conveys ~~PER 1 that tract or parcel~~ of land situate in the Town of Penfield, County of Monroe and State of New York, being a part of Lot No. 45, Township 13, Range 4, commencing at a point on the east street line of Shoecraft Road a distance of 1085.36 feet northerly from a point where the north street line of State Road intersects the east street line of Shoecraft Road; thence in an easterly direction making an interior angle of 90° with the east street line of Shoecraft Road, a distance of 200 feet; thence in a southerly direction making an interior angle of 90° with the last described course, a distance of 100 feet; thence in a westerly direction making an interior angle of 90° with the last described course a distance of 200 feet to the east line of Shoecraft Road; thence in a northerly direction along the east street line of Shoecraft Road a distance of 100 feet to the point and place of beginning. X

Also hereby intending to mortgage any and all interest that the mortgagor may have in and to the bed of Shoecraft Road.

Subject to all covenants, easements and restrictions of record if any affecting said premises.

Being the same premises conveyed to the mortgagors herein by Deed dated July 16, 1975 and recorded in Monroe County Clerk's Office on July 16, 1975 in Liber 4865, page 122.

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David G. DeLano
Mary Ann DeLano, his wife

to

Columbia Banking Federal
Savings and Loan Association

Mortgage to secure \$59,000.00

Dated: March 29, 1988

Ack: same day

Rec: same day @ 4:14 PM

Liber 8682 of Mortgages, page
81

Conveys same premises as #1.

Subject to covenants, easements and restrictions of record.

Being same premises conveyed by deed recorded in Monroe County Clerk's Office in Liber 4865 of Deeds, page 122.

#33516

ABSTRACT OF TITLE

- TO -

LOT #9

ROMAN CREST SUBDIVISION

1262 SHOECRAFT ROAD

TOWN OF PENFIELD

MAPS: HOPKINS ATLAS, VOLUME 5, PLATE 13

FOUR CORNERS ABSTRACT CORPORATION

1.

David G. DeLano
Mary Ann DeLano,
husband and wife

- TO -

Columbia Banking Federal
Savings and Loan Association

Mortgage
To Secure: \$59,000.00
Dated: March 29, 1988
Ack: Same Date
Rec: March 29, 1988
Liber 8682 of Mortgages, page 81
Mortgage#: CE033444

Covers [^]ALL THAT TRACT OR PARCEL OF LAND, situate in the
Town of Penfield, _vCounty of Monroe, and State of New York, being a part of
Lot No. 45, Township 13, Range 4, commencing at a point on the east street line
of Shoecraft Road a distance of 1085.36 feet northerly from a point where the
north street line of State Road intersects the east street line of Shoecraft Road;
thence in an easterly direction making an interior angle of 90° with the east street
line of Shoecraft Road, a distance of 200 feet; thence in a southerly direction
making an interior angle of 90° with the last described course, a distance of 100
feet; thence in a westerly direction making an interior angle of 90° with the last
described course a distance of 200 feet to the east line of Shoecraft Road; thence
in a northerly direction along the east street line of Shoecraft Road a distance of
100 feet to the point and place of beginning. _x

Subject to all covenants, easements and restrictions of record, if any, affecting said premises.

Being the same premises conveyed to the Mortgagors herein by Deed dated July 16, 1975 and recorded in the Monroe County Clerk's Office in Liber 4865 of Deeds, page 122.

2.

David G. DeLano
Mary Ann DeLano

Mortgage
To Secure: \$29,800.00
Dated: September 13, 1990
Ack: Same Date
Rec: September 14, 1990
Liber 10363 of Mortgages, page 38
Mortgage#: CH016334

- TO -

Central Trust Company
~~BY~~ *dlb*
FOUR CORNERS ABSTRACT
BY *dlb* Covers same as #1.

FOUR CORNERS ABSTRACT CORPORATION

3.

Columbia Banking Federal
Savings and Loan Association

Assignment of Mortgage
Dated: November 26, 1991
Ack: Same Date
Rec: December 27, 1991
Liber 893 of Assignments of Mortgages,
page 402
Mortgage#: N/A

- TO -

Federal Home Loan Mortgage
Corporation

Assigns mortgage at #1.

4.

David G. DeLano
Mary Ann DeLano

- TO -

Manufacturers and Traders Trust
Company

Mortgage
To Secure: \$46,920.60
Dated: December 13, 1993
Ack: Same Date
Rec: December 27, 1993
Liber 12003 of Mortgages, page 507
Mortgage#: CK039604

Covers same as #1.

FOUR CORNERS ABSTRACT CORPORATION

5.

David G. Delano and
Mary Ann Delano

- TO -

Lyndon Guaranty Bank of New
York

Mortgage
To Secure: \$95,000.00
Dated: April 23, 1999
Ack: Same Date
Rec: April 28, 1999 @ 10:31 a.m.
Liber 14410 of Mortgages, page 132
Mortgage#: CQ002917

Covers same as #1.

FOUR CORNERS ABSTRACT CORPORATION

MORTGAGE CLOSING STATEMENT

Date: April 23, 1999

File No: LYN05-0125

Property: 1262 Shoecraft Road, Town of Penfield

Mortgagors: David G. Delano and Mary Ann Delano

Amount of Mortgage: \$95,000.00

Rate: 8.5%

LOAN CLOSING EXPENSES

To: Lyndon Guaranty Bank of New York

Interest for 4/28/99 - 4/30/99	\$ 67.29
Flood Certification Fee	22.50
Tax Service Fee	75.00
Tax and Insurance Escrow	1,527.24

\$1,692.03

To: Monroe County Clerk

Mortgage Tax	\$ 687.50*
Record Mortgage	55.00
Record Discharge of Mortgages (3)	49.50

\$ 792.00

To: Four Corners Abstract

Title Insurance	\$ 485.00
Redate Abstract	75.00

\$ 560.00

To: Gullace & Weld

Attorney fees	\$ 400.00
---------------	-----------

(2)

To: M&T Bank	
Payoff Home Equity #23764242001	\$20,032.14
To: M&T Mortgage Corp.	
Mortgage Payoff #920182-3	<u>\$52,777.14</u>
	TOTAL
	\$76,253.31

We Acknowledge Receipt of the Proceeds of said Loan and direct that they be disbursed as follows:

<u>As above</u>	\$76,253.31
<u>David G. Delano and Mary Ann Delano</u>	<u>18,746.69</u>
TOTAL	<u><u>\$95,000.00</u></u>

David G. Delano

Mary Ann Delano

***Mortgagee Tax \$237.50**

**U.S. Department of Housing and Urban Development
Optional Form for Transactions without Sellers**

Name & Address of Borrower: DAVID G. DELANO MARY ANN DELANO 1262 SHOECRAFT ROAD WEBSTER, NY 14580	Name & Address of Lender: LYNDON GUARANTY BANK OF NEW YORK 3670 MT. READ BOULEVARD ROCHESTER NY 14616
Property Location: (if different from above) 1262 SHOECRAFT ROAD PENFIELD, NY 14580	Settlement Agent: GULLACE & WELD Place of Settlement: 1800 MAR MDLND PLZ ROCHESTER, NY 14604
Loan Number:	Settlement Date: APRIL 23, 1999

L. Settlement Charges	M. Disbursement to Others
800. Items Payable In Connection with Loan	
801. Loan Origination Fee 0.000 %	1501. M&T BANK - PAYOFF MO 52,777.14
802. Loan Discount 0.000 %	1502. M&T BANK - HOME EQUI 20,032.14
803. Appraisal Fee to \$ (POC)	1503.
804. Credit Report to \$ (POC)	1504.
805. Lender's Inspection Fee to:	1505.
806. Mortgage Insurance Application Fee to:	1506.
807. Assumption Fee	1507.
808. Tax Service Contract to: 75.00	1508.
809. Underwriting Fee	1509.
810. Administration Fee	1510.
811. Application Fee 0.00	1511.
812. Commitment Fee	1512.
813. Warehouse Fee/Interest Differential	1513.
814. Yield Spread Premium \$ (POC)	1514.
815. Service Release Premium \$ 0.00 (POC)	1515.
816. Origination Fee Due Broker 0.00	1520. TOTAL DISBURSED (enter on line 1603) 72,809.28
817. FHA Upfront MIP/VA Funding Fee	
818. FLOOD CERTIFICATION FEE 22.50	
819.	
820.	
821.	
822.	
823.	
824.	
825.	
900. Items Required by Lender to be Paid in Advance	
901. Interest from 4/28/99 to 4/30/99 @ \$ 22.43 per day 67.29	
902. Mortgage Ins. Premium for months to	
903. Hazard Ins. Premium for year(s) to	
904. Flood Ins. Premium for year(s) to	
905.	
1000. Reserves Deposited with Lender	
1001. Hazard Insurance 2 months @ \$ 29.92 per month 59.84	
1002. Mortgage Insurance months @ \$ per month	
1003. City Property Taxes months @ \$ per month	
1004. County Property Taxes 7 months @ \$ 77.88 per month 545.16	
1005. Annual Assessments months @ \$ per month	
1006. Flood Insurance months @ \$ 0.00 per month 0.00	
1007. SCHOOL 10 months @ \$ 138.38 per month 1,383.80	
1008. months @ \$ per month	
1009. Aggregate Analysis Adjustment -461.56	
1100. Title Charges	
1101. Settlement or Closing Fee to	
1102. Abstract or Title Search to FOUR CORNERS ABST 75.00	
1103. Title Examination to	
1104. Title Insurance Binder to	
1105. Document Preparation to	
1106. Notary Fees to	
1107. Attorney's Fees to GULLACE & WELD 400.00	
1108. Title Insurance to FOUR CORNERS ABSTRACT 485.00	
1109. Lender's Coverage \$	
1110. Owner's Coverage \$	
1111.	
1112.	
1200. Government Recording and Transfer Charges	
1201. Recording Fees; Deed \$;Mtg \$ 55.00 ; Rel \$ 49.50 104.50	
1202. City/County Tax/Stamps; Deed \$;Mtg \$	
	N. NET SETTLEMENT

818. FLOOD CERTIFICATION FEE	22.50		
819.		1510.	
820.			
821.		1511.	
822.			
823.		1512.	
824.			
825.		1513.	
900. Items Required by Lender to be Paid in Advance			
901. Interest from 4/28/99 to 4/30/99 @ \$ 22.43 per day	67.29	1514.	
902. Mortgage Ins. Premium for months to			
903. Hazard Ins. Premium for year(s) to		1515.	
904. Flood Ins. Premium for year(s) to			
905.		1520. TOTAL DISBURSED (enter on line 1603)	72,809.28
1000. Reserves Deposited with Lender			
1001. Hazard Insurance 2 months @ \$ 29.92 per month	59.84		
1002. Mortgage Insurance months @ \$ per month			
1003. City Property Taxes months @ \$ per month			
1004. County Property Taxes 7 months @ \$ 77.88 per month	545.16		
1005. Annual Assessments months @ \$ per month			
1006. Flood Insurance months @ \$ 0.00 per month	0.00		
1007. SCHOOL 10 months @ \$ 138.38 per month	1,383.80		
1008. months @ \$ per month			
1009. Aggregate Analysis Adjustment	-461.56		
1100. Title Charges			
1101. Settlement or Closing Fee to			
1102. Abstract or Title Search to FOUR CORNERS ABST	75.00		
1103. Title Examination to			
1104. Title Insurance Binder to			
1105. Document Preparation to			
1106. Notary Fees to			
1107. Attorney's Fees to GULLACE & WELD	400.00		
1108. Title Insurance to FOUR CORNERS ABSTRACT	485.00		
1109. Lender's Coverage \$			
1110. Owner's Coverage \$			
1111.			
1112.			
1200. Government Recording and Transfer Charges			
1201. Recording Fees; Deed \$;Mtg \$ 55.00;Rel\$ 49.50	104.50		
1202. City/County Tax/Stamps: Deed \$;Mtg \$		N. NET SETTLEMENT	
1203. State Tax/Stamps: Deed \$;Mtg \$ 687.50	687.50		
1204.		1600. Loan Amount	95,000.00
1300. Additional Settlement Charges			
1301. Survey to		1601. Plus Cash/Check from Borrower	\$ 0.00
1302. Pest Inspection to			
1303. Architectural/engineering services to		1602. Minus Total Settlement Charges (line 1400)	\$ 3,444.03
1304. Building Permit to			
1305.		1603. Minus Total Disbursements to Others (line 1520)	72,809.28
1306.	0.00		
1307.		1604. Equals Disbursements to Borrower (after expiration of any applicable rescission period required by law)	\$ 18,746.69
1308 WEBSTER	0.00		
1400. Total Settlement Charges (enter on line 1602)	3,444.03		

Borrower(s) Signature(s)
 x David P. DeLano

[Handwritten signature]

x May Grudle-Lano

Form HUD-1A (2/95)
 ref. RESPA

Dr. Richard Cordero

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street
Brooklyn, NY 11208-1515
tel. (718) 827-9521; CorderoRic@yahoo.com

February 22, 2005

Mr. George M. Reiber
Chapter 13 Trustee
South Winton Court
3136 S. Winton Road, Suite 206
Rochester, NY 14623

Re: Documents produced by Att. Werner for DeLanos, dkt. no. 04-20280

Dear Trustee Reiber,

I received a copy of the cover letter of 16 instant that Att. Christopher Werner sent you together with some documents. The latter failed to answer the question that was asked at the adjourned 341 meeting on 1 February and that the DeLanos were supposed to answer through document production, namely:

If the DeLanos obtained a mortgage loan of \$32,000 from Monroe Bank in 1976; and another mortgage loan of \$59,000 from M&T Bank in 1988 as well as another mortgage loan of \$59,000 from ONONDAGA Bank in 1988; and yet another mortgage loan for \$95,000 from Genesee Regional Bank, and as stated by them, they made all their installment payments, how is it that they end up 29 years later having a home equity of only \$21,416 and still owe a mortgage debt of \$77,084, as they declared in Schedule A of their petition?

The table below presents the information discussed at the 341 meeting:

The DeLanos' Mortgages

	Source of data	Account holder	Lender	Account no.	Year loan		Amount borrowed
					taken	refinanced	
1.	DeLanos at 341 meeting on 1 Feb 05	D=David D Mary D=M	Monroe Bank	?	1976	1985	\$32,000
2.	Equifax 7/23/4; pg 6	M	M&T Bank	7389 20	03/1988	last activity April 99	\$59,000
3.	Equifax 7/23/4; pg 6	M	ONONDAGA Bank Overdraft:	1958 8200 02	03/1988	last activity Feb 98	\$59,000
4.	Equifax 7/23/4;pg 6	D	Genesee Regional Bank	7732 3892 0006 0002	April 1999	\$70K+ still outstanding	\$95,000

Where did all the money paid go or is?

Far from answering this question, the documents produced only raise many more questions. To begin with, those documents are incomplete, just as were the documents that Att. Werner produced on behalf of the DeLanos on June 14, 2004. In fact, Att. Werner admits their incompleteness when in his cover letter he states that he has produced only "a copy of the *relevant portion* of Mr. DeLano and Mrs. DeLano's Abstract of Title" (emphasis added). Since he is the one making the production and is presumed to know the best evidence rule of Rule 1002 of

the Federal Rules of Evidence, he should know better than to try to prove anything with writings that not only are not the originals, but are also not complete. Consider the following:

1. The first document in the stapled bundle is untitled and begins with "4. Church of the Holy Spirit of Penfield New York". Thus, it is referred to here as the Church document. It bears the words "Public Abstract Corporation" printed vertically on its left margin. On a second page there is paragraph 6, after which there are no signatures or any other indication that that page is the last one of the document. One can reasonably expect that if the mortgagee wants to enforce this document against the mortgagors, the former would require the latter to sign it somewhere. What this document shows is that somebody wrote the names of the DeLanos on two sheets of paper. This document can hardly be complete. In addition, note that:
 - a) The relation of the Church of the Holy Spirit to the mortgages referred to in paragraphs 5 and 6 is not stated. This is particularly intriguing because paragraph 4 states that "This deed executes pursuant to a court order signed by Hon. Joseph G. Fritsel, Justice of the Supreme Court on July 15, 1975". Why was a court involved in this transaction and what kind of transaction does this document bear witness to? Where is that court order and what are its terms?
 - b) In paragraph 4 it is printed "Dated July 16, 1975", but in the left margins of this and the following page it is handwritten "ona 3/10/88". To add more confusion, in paragraph 6 it is printed "Dated November 30, 1977". When was this document first and last used and what was it used for?
 - c) Paragraph 5 states "Mortgage to secure \$26,000.00 Part Purchase Price Dated July 16, 1975", and the other part? , that is, what is the whole of which this is a part? Was there a down payment and, if so, what was its amount and where did the money come from?
 - d) Moreover, paragraph 6 states "Mortgage to secure \$7,467.18 Dated November 30, 1977". It is quite obvious that paragraphs 5 and 6 refer to two different transactions that took place more than two years apart. Hence, paragraph 5 refers to "Liber 4000 of Mortgages, page 196", while paragraph 6 refers to "Liber 4488 of Mortgages, page 152". In addition, how was a mortgage amount arrived at that includes 18¢?
 - e) While at the 341 meeting on February 1, Mr. De Lano stated that it was Monroe Bank that lent the \$32,000 of the mortgage taken in 1976, paragraphs 5 and 6 of this document refers to Columbia Bank, Saving, and Loan Association, yet another party that had never been mentioned previously. So what was the role of Monroe Bank in all these transactions and since when?
2. The document titled "Public Abstract Corporation" –PAC herein after- states at the bottom "over" but the back of that page is empty and its continuation is nowhere else. That document is incomplete too.
 - a) PAC refers to "Liber 3679 of Deeds, at page 489". This is the reference found in paragraph 4 of the Church document, which concerns a "Warranty Deed" and involves the Church of the Holy Spirit. However, there is no express relationship between these two documents.
 - b) This lack of relationship becomes even more pronounced upon noting that PAC was signed on July 16, 1975, while there is written in the margins of the Church document "ona 3/10/88".

- c) PAC states at the bottom of its single page “for premises at No. 1 with Nos. 4 and 5 added”. What are the premises at No. 1? Where are presumably paragraph “No. 1” and Nos. 2 and 3?
- d) Moreover, since paragraph 6 of the Church document refers to a mortgage “Dated November 30, 1977” and PAC was signed on July 16, 1975, where are paragraph 6 and who knows what other paragraphs of the Church document as it stood all the way to its end on that date of 1975? What kind of mix and match of incomplete documents is this?!
3. There is another document whose first printed line is “U.S. Department of Housing and Urban Development”. It is referred to here as the HUD document and appropriately enough, for how did HUD the institution become involved in any of these mortgages at all? That cannot be fathomed from this document, whose first sequential section is “L. Settlement Charges” and its last is “N. Net Settlement”. This document most likely forms part of something else which was not produced. As a matter of fact, it is titled “Optional Form for Transactions without Sellers”. “Optional” in what kind of standard “Transactions”? Hence, this document is incomplete. It is nonetheless very interesting.
- a) Indeed, the HUD document introduces yet another party that was not mentioned at the 341 meeting, to wit, Lyndon Guaranty Bank of New York, as lender. So when and how did the present holder of the mortgage contract, Genesee Regional Bank, as stated in Schedule D of the DeLanos’ petition, come into the picture? If Genesee was formerly known as Lyndon, where is the document that attests to that change of name so as to exclude that there was a refinancing by Genesee of a mortgage loan originally made by Lyndon?
- b) Something else comes in through the HUD document, for the box “Name & Address of Borrower:” is filled in thus:

David G. DeLano
 Mary Ann DeLano
 1262 Shoecraft Road
 Webster, NY 14580

However, the box “Property Location: (if different from above)” is filled in differently:

David G. DeLano
 Mary Ann DeLano
 1262 Shoecraft Road
Penfield, NY 14580 (emphasis added)

It is reasonable to ask how the DeLanos live in Webster but the property that is the subject of the mortgage is located in Penfield. This brings to mind the Church document, whose first line is “4. Church of the Holy Spirit of Penfield New York”.

- c) The HUD document also shows a quite strange 3.75” square of white space in the middle of the right column. What was that space left empty for? Was it always empty?
- d) The HUD document concerns a loan for \$95,000. Financial institutions, however, rarely make a mortgage loan for 100% of the value of the property that secures it; rather, they make it for less, and depending on the credit rating of the borrower and other debts, even for considerably less. Given the deplorable credit history of the DeLanos as portrayed by each of the credit bureau reports already produced, at what value was this property located in Penfield appraised for this “Settlement” dated “April 23, 1999”?

- e) In this vein, what was being 'settled' by this HUD document?
- f) Neither the HUD document nor the other documents make any reference to the loan of \$59,000 from ONONDAGA Bank.

The above analysis should suffice to show that the documents produced are incomplete. Why their production was made thus needs to be investigated and determined. Obviously, the DeLanos must produce the missing parts; but this time not just as photocopies of what Attorney Werner considers "relevant". Rather, the whole **originals** of the documents bearing on mortgages on, and title to, any and all of their real property must be produced and then we make the copies.

The other two documents in the stapled bundle, one by Colony Abstract Corporation consisting of two pages and the other by Four Corners Abstract Corporation with four pages; and the single loose page document titled "Mortgage Closing Statement" raise many more questions. However, the evidence shows that you are neither willing nor able to find the answer to them.

The fact is that for weeks you pretended to be investigating the DeLanos while, as it turned out undisputedly, you were not and first asked for documents by your letter of April 20, 2004, sent at my instigation. You allowed the DeLanos not to produce any documents for months and then conveniently moved to dismiss on June 15, 2004. You have refused to subpoena any documents and have even claimed that you do not know whether you have power to subpoena. When the DeLanos untimely moved to disallow my claim in a transparent attempt to eliminate me from the case, you gave your tacit approval, for handling this case would be so much easier for you too if I were not around requesting that you investigate it, as you are required to do and I am entitled to request that you do under 11 U.S.C. §§704(4) and (7).

When Judge John C. Ninfo, II, suspended every other court proceeding in the case until the DeLanos' motion to disallow is determined and all its appeals are resolved, you pretended to have been thereby forbidden to conduct the adjourned 341 meeting. It took me a lot of effort, time, and money to appeal to all your superiors to get you to agree to hold it; yet you wanted to limit it to one hour, thus disregarding the series of meetings implied by §341. Nor did you object to Judge Ninfo's court proceedings suspension, although it not only lacks any basis in law, but also redounds to the detriment of each and all the other 20 creditors in this case, whose interests you are supposed to represent. Were you true to your duty to them, you would be advocating for me to remain on the case because through my efforts the other creditors stand the chance of being paid 100% of their claims if assets concealed by the DeLanos are found, while without me the creditors will at best get the meager 22¢ on the dollar that the DeLanos propose to pay under their debt repayment plan, with which you are satisfied, for a saving to them of \$144,660 plus all the interest that will not accrue and that they will not have to pay. On whose side are you?

That question is warranted by your attitude at the 341 meeting. There the DeLanos were supposed to be examined by answering the questions of the creditors. Instead, you allowed Attorney Werner to force himself to be heard as much as both of the DeLanos, although neither he nor you could provide any basis in law for such conduct, let alone for his micromanaging the meeting under the threat of walking out of it together with the DeLanos if I did not limit myself to shooting questions at the pace he wanted. Nonetheless, you must know, as certainly as Attorney Werner does, that a 341 meeting is neither a deposition nor a court proceeding subject to the Federal Rules applicable to an examination in court, nor is it a "341 Hearing", as he mistakenly but revealingly calls it in his February 16 letter.

In fact, creditors are mostly lay people that know little and are not required to know anything about the Federal Rules to attend and participate in such a meeting. They are there just to ask questions as they would in any other setting, except that they are legally entitled to distrust the debtors and treat them as if they had committed fraud. As for you, who are supposed to work “for the benefit of general unsecured creditors whom the trustee represents”, as stated under §704 and its Legislative Report, you were required to adopt that inquisitorial attitude toward the debtors, as is unequivocally provided under §343 in its Statutory Note thus:

The purpose of the examination is to enable creditors and **the trustee** to determine if assets have improperly been disposed of or concealed or if there are grounds for objection to discharge.
(emphasis added)

Far from adopting that legally required attitude, you once more allowed Att. Werner to refuse to produce any documents to account for the scores of thousands of dollars that the DeLanos have charged since “1990 and prior card purchases”, a phrase that they used 15 times in their Schedule F. Incidentally, the word “purchase” is normally used when one buys goods rather than when one pays for services. Since the DeLanos stated that they have not taken a vacation in two years and anyway do not go on expensive vacations or eat out expensively, it is all the more pertinent to ask what goods they bought and where they are. It sounds like a question that stands to reason. They can answer it by producing their credit card statements for the period that they themselves put in play. But you refused my request that they produce them.

Nor is your curiosity as a trustee that must look for ‘improperly disposed of or concealed assets’ any better. It is not piqued by even the fact that for over 15 years the DeLanos have made such credit card purchases without restraint and accumulated a credit card debt of a whopping \$98,092, but at the end of their two worklives, including Mr. DeLano’s 32 years as a bank officer and, as stated in Schedule I, currently as a *loan* officer at M&T Bank, who as such is an expert in managing borrowed money, they claimed in Schedule B that their household goods are worth just \$2,810! That claim defies common sense and should have intrigued you enough to investigate. It is even ludicrous given that the DeLanos earned more than 100 times that amount in just three years, that is, \$291,470 in the 2001-03 fiscal years, according to their petition and the 1040 IRS forms that they produced. Nonetheless, you would not ask them to produce checking and savings account statements of even those recent years to determine their earnings’ whereabouts. You refused my request although to day many banks make account statements for the last few years available online and some even accompany them with the images of the cancelled checks, so that it would have been quite easy for the DeLanos to produce and for you to obtain them, not to mention that they have an obligation to keep the statements that they have received.

What is more, you allowed Att. Werner to say repeatedly at the meeting that if I want any such documents, I have to subpoena them myself. However, it is patently obvious that since the DeLanos are petitioning to be permitted to escape having to pay all their debts to the detriment of the creditors, it is their obligation, not the creditors’, to prove that they deserve that permission because their claims in the petition are true and supportive of bankruptcy relief. In addition, it is not my legal responsibility to conduct any investigation of the debtors. It is yours. And how could you have failed to take issue with Att. Werner’s admission that he destroyed documents that the DeLanos provided him for the preparation of their petition? That is a felony so serious that under 18 U.S.C. §1519 it carries a maximum sentence of 20 years in prison! Is it because he destroyed documents that he cannot produce them now?

Likewise, you accepted uncritically the testimony of the DeLanos at the 341 meeting that at present they have only one credit card, namely, the one issued by First Premier Bank that Mr. DeLano uses every three months to pay for his medication, whereas Mrs. DeLano has none at all. However, for more than 15 years they have had scores of credit cards and have used them in a skip and pay pattern so that they have failed to make their minimum payments a staggering 279 times at least. It is highly unlikely that people like them would all of a sudden give up their habit of using credit cards as means of payment, let alone that Mrs. DeLano now pays cash for all her expenses. The implausibility of those statements is corroborated by the facts: The last credit bureau reports requested on July 23 and 26, 2004, show that as of that very month the DeLanos made payments on more than one credit card.

Credit Cards on Which the DeLanos Made Payments Between Just January and July 2004

	Credit reporting agency	Date of report	Person reported on	Credit card issuer	Credit card account no.	Date of last payment & amount if stated in the report
1.	Equifax	July 23, 04	David D.=D	Capital One	4388 6413 4765*	January 2004
2.				Capital One Bank	4862 3621 5719*	February 2004
3.			D	Genesee Regional Bank		June 2004
4.	Equifax	July 23,04	Mary D.=M	Capital One	4862 3622 6671*	February 2004
5.	Experian	July 26, 04	D	Bank of Ohio	4266 8699 5018	May 2004: \$197
6.			D	Bk I TX	4712 0207 0151...	May 2004: \$205
7.			D	Fleet M/C	5487 8900 2018...	May 2004: \$172
8.			D	HSBC Bank USA	5215 3170 0105...	February 04: \$160
9.			D	MBGA/JC Penney	80246...	July 2004: \$57
10.			D	First Premier Bank	4610 0780 0310...	July 2004: \$48
11.	Experian	July 26, 04	M	Fleet M/C	5487 8900 2018...	May 2004: \$172
12.			M	MBGA/JC Penney	80246...	July 2004: \$57
13.	TransUnion	July 26, 04	M	JC Penney/MBGA	1069 9076 5	July 2004

Given that the stay that became effective upon the DeLanos filing their petition in January 2004, barred the credit card issuers from undertaking collection efforts, there would be no reason for the DeLanos to pay old charges. They must have made those payments to their credit cards to keep them current so that they can continue using them.

Now Att. Werner submits these documents, though **1)** incomplete due to his self-serving determination of their relevancy; **2)** incapable of explaining the flow of mortgages over the years and their sediment of equity in the DeLanos' home; and **3)** at odds with information provided by the DeLanos previously. He too should have known better than to submit them, for according to his own statement at the hearing on July 19, 2004, he 'has been in this business for 28 years'. By the same token, he should know that he is subject to the constraints of FRBkrP Rule 9011(b) and to the NY Code of Professional Responsibility: Canons and Disciplinary Rules, in particular DR 7-102, all the time.

So what could possibly have led Att. Werner to think that these documents would pass muster with you, Trustee Reiber? Did he know that you just humored me at the 341 meeting on February 1, but that in the end you would not make on him any requirement other than what could be met with this pretense of a document production? Is he aware that you have a conflict of interests, for on March 8, 2004, you vouched in open court for the good faith of the DeLanos' petition before you ever requested them any supporting document, and now you would incriminate yourself if you were to conduct a proper investigation that demonstrated that the DeLanos have committed fraud, particularly concealment of assets, and that you could have suspected that if only you had read critically their petition, let alone requested of them proof for their implausible and intriguing claims?

If you can assess the character and determination of a person, you must know that, if you do not, I will find evidence for my assertions. It will indict your competency and due diligence, to begin with. This is the moment for you to cut your losses; otherwise, you will dig yourself into a deeper hole from which you will be unable to come out. Therefore, I respectfully request that you:

1. recuse yourself from this case so that an independent trustee, unrelated to the parties, unfamiliar with the case, unhampered by any conflict of interest, and capable of conducting a zealous, competent, and expeditious investigation of the DeLanos be appointed; if you refuse to do so,
2. hire under 11 U.S.C. §327 a highly reputed title search, appraisal, and accounting firm (s) that are unrelated to the parties and with whom neither you nor your attorney, James Weidman, Esq., have ever worked, to investigate the DeLanos' mortgages and real and personal property in order to **a)** establish a chronologically unbroken title to any such property; **b)** determine the value of their equity and outstanding debts; and **c)** *follow the money!*, from the point of its being earned by each of the DeLanos since "1990 and prior credit card purchases" to date;
3. use your power of subpoena, cf. F.R.Bkr.P. Rules 9016 and 2004(a) and (c), and F.R.Civ.P. Rule 45, to subpoena from the respective institutions the following documents:
 - a) current reports from each of the three credit reporting bureaus, namely, Equifax, Experian, and TransUnion; and
 - b) the monthly statements of the DeLano's checking, savings, and debit card accounts, their current balances, and copies of their cancelled checks;
4. request that the DeLanos:
 - a) produce a list of their checking, savings, and debit card accounts since '1990 and prior years' to date, the period that they put in play in Schedule F,
 - b) state the name of the appraiser that appraised their home in November 2003, and his or her address and phone number;
 - c) attend a 341 meeting in the afternoon of Monday, February 28, or the morning of March 1, where they must produce the originals of all the title and mortgage documents that they have and answer questions about those that Att. Werner produced. Please note that the evidentiary hearing on the motion to disallow is scheduled for March 1, at 1:30 p.m.

I would appreciate it if you would call me as soon as possible to discuss this letter and let me know where you stand on the issues raised here and the requests that I have made.

Sincerely,

Dr. Richard Cordero

GEORGE M. REIBER
CHAPTER 13 TRUSTEE
SOUTH WINTON COURT
3136 SOUTH WINTON ROAD
ROCHESTER, NEW YORK 14623

GEORGE M. REIBER
JAMES W. WEIDMAN

February 24, 2005

585-427-7225
FAX 585-427-7804

Christopher K. Werner, Esq.
2400 Chase Square
Rochester, NY 14604

Dear Mr. Werner,

Re: David & Mary Ann Delano BK #04-20280

Thank you for sending me the Abstract information regarding the debtors' property. I note that the 1988 mortgage to Columbia, which later ended up with the government, is not discharged of record or mentioned in any way, shape or form concerning a payoff. What ever happened to that mortgage? According to the Schedules, the only mortgage in existence is the Lyndon mortgage.

Thank you for your cooperation and consideration.

Very truly yours,

GEORGE M. REIBER

GMR/mb
XC: Dr. Richard Cordero (FAX)

March 10, 2005

George M. Reiber, Esq.
3136 South Winton Road
Rochester, New York 14623

Re: David G. and Mary Ann DeLano, Case No. 04-20280

Dear Mr. Reiber:

In response to your letter dated February 24, 2005, we enclose herewith the County Clerk's records of discharge of Columbia Banking mortgages as filed June 13, 1988 and June 14, 1998, together with Discharges of Mortgage by M&T Bank filed April 28, 1999, September 1, 1999 and April 10, 2000, to the extent they may also be relevant.

I have not reviewed the actual documents themselves, but only the electronic records index with the County Clerk. If you think it's necessary, a complete title search will have to be obtained to establish the outstanding liens. Please advise.

Very truly yours,

BOYLAN, BROWN,
CODE, VIGDOR & WILSON, LLP


Christopher K. Werner

CKW/trm
Enclosures

cc: David G. and Mary Ann DeLano
Mr. Richard Cordero

Dr. Richard Cordero

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street
Brooklyn, NY 11208-1515
tel. (718) 827-9521; CorderoRic@yahoo.com

March 19, 2005

Christopher K. Werner, Esq.
Boylan, Brown, Code, Vigdor & Wilson, LLP
2400 Chase Square
Rochester, NY 14604

Re: David and Mary Ann DeLano, Bkr. dkt. no. 04-20280

Dear Mr. Werner,

I have received a copy of your letter to Trustee George Reiber of 10 instant. However, I did not receive the enclosures. I trust you remember what Trustee Reiber told you in his letter to you of June 16, 2004:

I notice that you did not copy Dr. Cordero in on your correspondence. I will be forwarding him copies of everything you have sent me. In the future, please make sure Dr. Cordero is copied on everything. I do not intend to be a conduit for information being passed between parties in interest.

It is appropriate to note that:

- 1) you refused for months to provide the Trustee and me any documents concerning the DeLanos, so much so that he moved to dismiss "for unreasonable delay";
- 2) subsequently, you failed to produce all the documents requested by Trustee Reiber, as I showed in Table 1 of my letter to you of September 29, 2004;
- 3) you also failed to produce the documents that I requested from you pursuant to his letter to both of us of March 12, 2004; and
- 4) you refused to provide me with even a single document that I requested to defend against your motion to disallow my claim against Mr. DeLano.

Do you think that an objective observer informed of all the facts may find it reasonable to be concerned that you may still be reluctant and even fail to provide me with a copy of all the documents that you or the DeLanos have or that you send to the Trustee?

In this vein, it is appropriate to ask you whether you think that an impartial trier of facts may deem your failure to copy me in on enclosures to the Trustee despite his express instruction for you to do so as evidence that you might not copy your clients on correspondence that I send you.

Therefore, I respectfully request that you send me a list of all the documents that you have sent to Trustee Reiber in connection with his request at the examination of the DeLanos on February 1, including those referred to in the above-mentioned letter to him of March 10, and that you also send me a copy of all such documents themselves.

Sincerely,

Dr. Richard Cordero

March 24, 2005

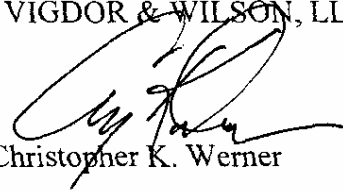
Dr. Richard Cordero
59 Crescent Street
Brooklyn, New York 11208

Re: David G. and Mary Ann DeLano, Case No. 04-20280

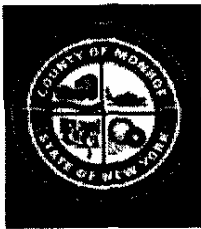
Dear Dr. Cordero:

Enclosed please find copies of the enclosures to our letter to Trustee Reiber of March 10, 2005, which were apparently omitted from your copy of the correspondence. These documents are also a matter of public record and are accessible to the public at the website indicated at the bottom of the documents.

BOYLAN, BROWN,
CODE, VIGDOR & WILSON, LLP


Christopher K. Werner

CKW/trm
cc: David G. and Mary Ann DeLano



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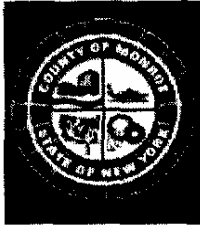
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Select one of the options below to Process Information

Name	Party Desc	Party Type	RECORD DT	Refers To	More Entries	View Image/Purcha	Reference #1	Reference #2	C
COLUMBIA BANKING FEDERAL SAVIN	DSCHARGOR	1	19880614	N	N				
Doc Description	Doc Type	Pages	Book/Page	VER?	CHG?				
DSCHG OF MTG	S04	1	S014190142	Y					

DeHano



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Name	Party Desc	Party Type
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DELANO DAVID G	DSCHARGE	2
DELANO MARY ANN	DSCHARGE	2

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Prop Type	Description
4	* L4488 P152



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Name	Party Desc	Party Type	RECORD DT			Reference #1	Reference #2
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Doc Description	Doc Type	Pages	Book/Page	VER?	CHG?		
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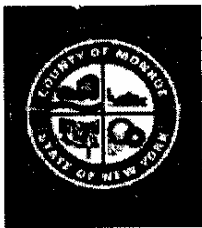
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Name	Party Desc	Party Type
COLUMBIA BANKING FEDERAL SAVIN	DSCHARGOR	1
<u>DELANO DAVID G</u>	DSCHARGE	2
DELANO MARY ANN	DSCHARGE	2

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4	* L 4000 P 196



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		Parties	Property	Notations	Refers To	More Entries	View Image/Purcha
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DELANO MARY ANN	DSCHARGE	2
MANUFACTURERS AND TRADERS TRUS T COMPANY	DSCHARGOR	1

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Property Information Results

Prop Type	Description
1	00WYC 19990428



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Parties		Property	Notations	Refers To	More Entries	View Image/Purcha	
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MANUFACTURERS AND TRADERS TRUS T COMPANY	DSCHARGOR	1	20000410	N	N	M#CK 039604	
Doc Description	Doc Type	Pages	Book/Page	VER?	CHG?		
DSCHG OF MTG	S04	2	S024240500	Y	N		



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DELANO MARY ANN	DSCHARGE	2
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Prop Type	Description
1	00LAC 20000410



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Parties		Property	Notations	Refers To	More Entries	View Image/Purcha		
Name	Party Desc	Party Type	RECORD DT			Reference #1	Refe #	
MANUFACTURERS AND TRADERS TRUST COMPANY	DSCHARGOR	1	19990901	N	N	M#CE 033444		
Doc Description	Doc Type	Pages	Book/Page	VER?	CHG?			
DSCHG OF MTG	S04	2	S023780187	Y	N			



COUNTY CLERK'S OFFICE

Electronic Records Indexing

25 Feb 2005

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Property Information Results

Prop Type	Description
1	00WYC 19990901

<http://www.clerk.co.monroe.nv.us/CGI-BIN/DB2WWW/NHOME.MBR/DEFAULT?SES...> 2/25/2005

Att. Werner's useless printouts of screenshots of electronic records indexing of Monroe Co. Clerk's office D:491

Dr. Richard Cordero

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street
Brooklyn, NY 11208-1515
tel. (718) 827-9521; CorderoRic@yahoo.com

March 29, 2005

Trustee George M. Reiber
South Winton Court
3136 S. Winton Road, Suite 206
Rochester, NY 14623

faxed to 585-427-7804

Re: David and Mary Ann DeLano, Bkr. dkt. no. 04-20280

Dear Trustee Reiber,

I received a copy of the letter that Christopher Werner, Esq., sent you on 10 instant. However, he failed to send me the enclosures. So I wrote to him on March 19 and let him know that by not sending them to me, he had disregarded what you had told him in your letter to him of June 16, 2004:

I notice that you did not copy Dr. Cordero in on your correspondence. I will be forwarding him copies of everything you have sent me. In the future, please make sure Dr. Cordero is copied on everything. I do not intend to be a conduit for information being passed between parties in interest.

Now I have received a letter from him, dated March 24, containing 14 printouts of screenshots of index pages on the website of the Monroe County Clerk's Office, of which I am sending you a copy. I can only assume that they represent a copy of everything in the enclosures that he sent you. But even Att. Werner can realize that they have neither beginning nor ending dates of a transaction, nor transaction amounts, nor property location, nor current status, nor reference to the involvement in the mortgage of the U.S. Department of Housing and Urban Development (HUD), etc. They are useless to prove anything!

Mr. Werner may have realized it, which would explain why he wrote in his letter to you:

I have not reviewed the actual documents themselves, but only the electronic records index with the County Clerk.

That statement does not secure for Att. Werner plausible deniability. What he did send show that those documents are objectively incapable of providing the information that you requested from him. Indeed, in your letter of last February 24 you wrote to him thus:

Thank you for sending me the Abstract information regarding the debtors' property. I note that the 1988 mortgage to Columbia, which later ended up with the government, is not discharged of record or mentioned in any way, shape or form concerning a payoff. What ever happened to that mortgage? According to the Schedules, the only mortgage in existence is the Lyndon mortgage. Thank you for your cooperation and consideration.

In light of your concerns thus expressed, how could Att. Werner think that by not checking the documents and instead sending useless screenshots he was making a reasonably calculated effort to provide the necessary information to put your concerns to rest? Did he expect you to do his homework for him by going to the County Clerk's website to look for "the actual documents themselves" and determine whether they contained the information concerning the mortgage to Columbia and HUD's involvement?

Hence, it is most intriguing that you did not protest to Att. Werner for having sent you those useless screenshots. Did you even look at the documents that he sent you? Did you ever intend to look at them when you expressed your concerns about the DeLanos' mortgages? The foundation for these questions is that **1)** only after I faxed to you my letter of February 22 where I pointed out the insufficiency of the documents that Att. Werner had produced with his letter of February 16 did you write to him to express those concerns on February 24; **2)** only after I stated my objections of March 4, 2004, to the confirmation of the DeLanos' debt repayment plan and had to keep insisting on the basis of 11 U.S.C. §704(4) and (7) that you obtain supporting documents from them did you ask Att. Werner for any documents whatsoever in your letter of April 20, months after they had filed their petition of January 26, 2004; **3)** only after I had to appeal all the way to the Trustees' Office in Washington, D.C; to exercise my right to examine the DeLanos did you give up your refusal to hold such examination; etc. There is a pattern here: Only if I keep pushing you to obtain information do you ask for it. Would it appear to a reasonable person informed of all the circumstances that you rubberstamped the DeLanos' petition and now are asking for documents just to humor me but with no intention to find out what their financial situation is? Are you wasting my effort, time, and money by dragging me through a charade?

These circumstances beg the question whether Att. Werner sent you but not me those documents on March 10 because he expected you not to look at them, let alone notice their uselessness, while he knew that I would. This is supported by the fact that it was I who raised the question about mortgages at the examination of the DeLanos on February 1, 2005, in your office. Then you asked for documents from them and Att. Werner. Mr. DeLano stated that he had those documents at home. You gave them two weeks to produce them. So why do they take two months not to produce them? Why did they send you useless screenshots when they could have sent you copies of the documents that Mr. DeLano admitted he had at home? The answer is that this is part of their pattern of refusal to produce documents and so much so that months after you requested, at my instigation, documents from them and received none, you moved for dismissal on June 15, 2004, for "unreasonable delay".

By now it should be obvious to you too that the delay is not just unreasonable, it is intentional. If the DeLanos were in real financial difficulty so as to justify their filing for bankruptcy and they could establish the good faith of their petition by producing documents that they even admit having at home, it would be irrational for them to be throwing away thousands of dollars in legal fees to have Att. Werner for more than a year withhold those documents and others that you have requested, not to mention all those that I have requested. Their conduct, however, is rational if those documents are so incriminating that out of self-preservation they feel they must conceal them. In so doing, they are only managing to violate time and again the provision at 18 U.S.C §152(8) on 'the concealment or destruction of documents in contemplation of or after filing a bankruptcy petition and relating to the financial affairs of the debtor'.

Just as the DeLanos have chosen to keep compounding their initial fraud in what they chose to state in their petition rather than cut their losses by admitting what they did and bargain for a plea, you, Trustee Reiber, must choose your stance toward the indisputable fact of their concealment of documents. Therefore, I ask once more the same question that I asked at the examination last February:

If the DeLanos obtained a mortgage loan of \$32,000 from Monroe Bank in 1976; and another mortgage loan of \$59,000 from M&T Bank in 1988 as well as another mortgage loan of \$59,000 from ONONDAGA Bank in 1988; and yet another mortgage

loan for \$95,000 from Genesee Regional Bank, and as stated by them, they made all their installment payments, how is it that they end up 29 years later having a home equity of only \$21,416 and still owe a mortgage debt of \$77,084, as they declared in Schedule A of their petition?

The answer is in the documents that they are so intent on not producing. However, the answering documents are not just those relating to mortgages, but also those that show the whereabouts of the money that the DeLanos have earned for so many years, including the \$291,470 in the 2001-03 fiscal years alone, and that today should be reflected in their all but 100% equity in their home at 1262 Shoecraft Road in Webster. If in the 29 years since their 1976 mortgage they have barely managed to acquire ownership of one fifth of their home appraised at \$98,500 in November 2003, what else have they instead managed to acquire?

Therefore, I respectfully request that you:

1. hire under 11 U.S.C. §327 a highly reputed title search, appraisal, and accounting firm(s) that is unrelated to the parties and with which neither you nor your attorney, James Weidman, Esq., have ever worked, to investigate the DeLanos' mortgages and real and personal property in order to **a)** establish a chronologically unbroken title to **any** such property; **b)** determine the value of their equity and outstanding debts; and **c)** *follow the money!*, from the point of its being earned by each of the DeLanos since "1990 and prior credit card purchases" -the period that they put in play 15 times in Schedule F- to date;
2. request that the DeLanos:
 - a) produce a list of their checking, savings, and debit card accounts since '1990 and prior years' to date; and
 - b) state the name of the appraiser that appraised their home in November 2003, and his or her address and phone number;
3. use your power of subpoena, cf. F.R.Bkr.P. Rules 9016 and 2004(a) and (c), and F.R.Civ.P. Rule 45, to subpoena from the respective institutions the following documents:
 - a) the monthly statements of the DeLano's checking, savings, and debit card accounts, their current balances, and copies of their cancelled checks; and
 - b) current reports from each of the three credit reporting bureaus, namely, Equifax, Experian, and TransUnion;
4. if you are not willing or able not just to ask for, but also obtain the necessary documents, including those already requested but still not produced, recuse yourself from this case so that an independent trustee, unrelated to the parties, unfamiliar with the case, unhampered by any conflict of interest, and capable of conducting a zealous, competent, and expeditious investigation of the DeLanos be appointed; and
5. send me copies of documents that Att. Werner may send you, without prejudice to his obligation to send them directly to me.

I look forward to receiving a written response from you at your earliest convenience.

Sincerely,

Dr. Richard Cordero

Dr. Richard Cordero

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street
Brooklyn, NY 11208-1515
tel. (718) 827-9521; CorderoRic@yahoo.com

April 19, 2005

Ms. Deirdre A. Martini
U.S. Trustee for Region 2
Office of the United States Trustee
55 Whitehall Street, 21st Floor
New York, NY 10004

faxed to (212) 668-2255

Re: David and Mary Ann DeLano, Bkr. dkt. no. 04-20280

Dear Trustee Martini,

Please find herewith a copy of my Designation of Items and a Statement of Issues relating to my appeal to the District Court from Judge Ninfo's decision of 4 instant in the DeLano case. Through the appellate process I will argue the suspicious circumstance that neither Judge Ninfo, Trustee Reiber, nor Trustee Schmitt wants to investigate Mr. David DeLano, a 32 year veteran of the banking industry and currently a loan officer who files for bankruptcy after earning together with his wife in just the 2001-03 fiscal years \$291,470, whose whereabouts nobody wants to find out. Must Mr. DeLano be protected lest he talk about compromising bankruptcy goings-on?

Now there is the issue of the DeLanos' mortgages, about which Trustee Reiber appears not to want to learn too much. Indeed, at the examination of the DeLanos, which took place only after overcoming the Trustee's opposition, I raised the following question:

If the DeLanos obtained a mortgage loan of \$32,000 from Monroe Bank in 1976; and another mortgage loan of \$59,000 from M&T Bank in 1988 as well as another mortgage loan of \$59,000 from ONONDAGA Bank in 1988; and yet another mortgage loan for \$95,000 from Genesee Regional Bank, and as stated by them, they made all their installment payments, how is it that they end up 29 years later having a home equity of only \$21,416 and still owe a mortgage debt of \$77,084, as they declared in Schedule A of their petition?

Only at my instigation did Trustee Reiber ask for clarification after the DeLanos' attorney provided incomplete mortgage information. His response was even more unsatisfactory: printouts of 14 screenshots of index pages on the website of the Monroe County Clerk's Office that have neither beginning nor ending dates of a transaction, nor transaction amounts, nor property location, nor current status, nor an explanation for HUD's involvement in the mortgage, etc.

Despite my request, the Trustee has not commented on such useless documents, which I faxed to you on March 29. I am still entitled to an answer from him for the same reasons that he held the examination of the DeLanos last February although I was the only one to ask for and attend it: because I am a party in interest. Whatever Judge Ninfo determined as to my status as a creditor, which I am contesting on appeal, and as to my future participation in court proceedings, it does not affect how he, or for that matter you, as an officer of the Executive, not the Judicial, Branch, should treat me. Moreover, if a member of the public submitted to you evidence of bankruptcy fraud in a case in which he was not even a party in interest, you would still have to investigate it or have it investigated under 18 U.S.C. §3057(a). Not to do so would aid and abet fraud.

Thus, I respectfully request that you replace Trustee Reiber by a trustee capable of investigating this matter or report it under §3057 to the DOJ in Washington, not Rochester or Buffalo. Please let me know what you intend to do.

Sincerely,

Dr. Richard Cordero

Add:682

Dr. Cordero's letter of April 19, 2005, to Region 2 Trustee Martini

Dr. Richard Cordero

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street
Brooklyn, NY 11208-1515
tel. (718) 827-9521; CorderoRic@yahoo.com

April 21, 2005

Trustee George M. Reiber
South Winton Court
3136 S. Winton Road, Suite 206
Rochester, NY 14623

faxed to 585-427-7804

Re: David and Mary Ann DeLano, Bkr. dkt. no. 04-20280

Dear Trustee Reiber,

Please find herewith a copy of my Designation of Items and a Statement of Issues relating to my appeal to the District Court from Judge Ninfo's decision of 4 instant in the DeLano case.

By contrast, I have not received your response to my letter of March 29, where I requested that you comment on the submission to you at your request by Att. Werner of information about the DeLanos' mortgages. What he submitted with his letter of March 24 consisted of printouts of 14 screenshots of index pages on the website of the Monroe County Clerk's Office. If you are satisfied with his submission, I would like to know why, for those index pages, as I pointed out, have neither beginning nor ending dates of a transaction, nor transaction amounts, nor property location, nor current status, nor an explanation for HUD's involvement in the mortgage, etc. If, on the contrary, you are not satisfied, I would also like to know why and what you intend to do about securing the information that you requested when in your February 24 letter you asked him thus:

Thank you for sending me the Abstract information regarding the debtors' property. I note that the 1988 mortgage to Columbia, which later ended up with the government, is not discharged of record or mentioned in any way, shape or form concerning a payoff. What ever happened to that mortgage? According to the Schedules, the only mortgage in existence is the Lyndon mortgage. Thank you for your cooperation and consideration.

I am still entitled to an answer from you for the same reasons that you held the examination of the DeLanos last February although I was the only one to ask for and attend it: because I am a party in interest. Whatever Judge Ninfo determined as to my status as a creditor, which I am contesting on appeal, and as to my future participation in court proceedings, it does not affect how you, as an officer working on behalf of the Executive, not the Judicial, Branch, should treat me. Moreover, if a member of the public submitted to you evidence of bankruptcy fraud in a case in which he was not even a party in interest, you would still have to investigate it or have it investigated under 18 U.S.C. §3057. Not to do so would aid and abet fraud. In the DeLanos' case, there is evidence of their fraud, beginning with the \$291,470 that they earned in just the 2001-03 fiscal years and whose whereabouts nobody knows, particularly since you have refused to ask them for documents, such as bank account statements, that could show where that money is.

In addition, you have the question of their mortgages, which remains unanswered and as relevant to the issue of their concealment of assets, on which Judge Ninfo's decision has no bearing whatsoever, as it was when I asked it at the examination last February 1, to wit:

If the DeLanos obtained a mortgage loan of \$32,000 from Monroe Bank in 1976; and another mortgage loan of \$59,000 from M&T Bank in 1988 as well as another mortgage loan of \$59,000 from ONONDAGA Bank in 1988; and yet another mortgage

loan for \$95,000 from Genesee Regional Bank, and as stated by them, they made all their installment payments, how is it that they end up 29 years later having a home equity of only \$21,416 and still owe a mortgage debt of \$77,084, as they declared in Schedule A of their petition?

The facts contained in that question, which the DeLanos admitted at their February 1 examination or provided in their bankruptcy petition, and the fact that they have obstructed finding its answer by refusing to produce documents, so much so that you moved to dismiss their case, constitute credible evidence for the belief that they have committed bankruptcy fraud. That belief is strengthened by the fact that in the 29 years since their 1976 mortgage they have barely managed to acquire ownership of one fifth of their home appraised at \$98,500 in November 2003. So where have they put the hundreds of thousands of dollars that they have earned since?, a most pertinent question because at their examination they stated that they have lived a modest life, have not taken expensive vacations, eaten at fancy restaurants, or made luxury purchases.

Therefore, I respectfully request that you:

1. hire under 11 U.S.C. §327 a highly reputed title search, appraisal, and accounting firm(s) that is unrelated to the parties and with which neither you nor your attorney, James Weidman, Esq., have ever worked, to investigate the DeLanos' mortgages and real and personal property in order to **a)** establish a chronologically unbroken title to **any** such property; **b)** determine the value of their equity and outstanding debts; and **c)** *follow the money!*, from the point of its being earned by each of the DeLanos since "1990 and prior credit card purchases" -the period that they put in play 15 times in Schedule F- to date;
2. request that the DeLanos:
 - a) produce a list of their checking, savings, and debit card accounts since '1990 and prior years' to date; and
 - b) state the name of the appraiser that appraised their home in November 2003, and his or her address and phone number;
3. use your power of subpoena, cf. F.R.Bkr.P. Rules 9016 and 2004(a) and (c), and F.R.Civ.P. Rule 45, to subpoena from the respective institutions the following documents:
 - a) the monthly statements of the DeLano's checking, savings, and debit card accounts, their current balances, and copies of their cancelled checks; and
 - b) current reports from each of the three credit reporting bureaus, namely, Equifax, Experian, and TransUnion;
4. if you are not willing or able not just to ask for, but also obtain the necessary documents, including those already requested but still not produced, recuse yourself from this case so that an independent trustee, unrelated to the parties, unfamiliar with the case, unhampered by any conflict of interest, and capable of conducting a zealous, competent, and expeditious investigation of the DeLanos be appointed; and
5. send me copies of documents that Att. Werner may send you, without prejudice to his obligation to send them directly to me.

I look forward to receiving a written response from you at your earliest convenience.

Sincerely,

Dr. Richard Cordero

Add:684 Dr Cordero, 19apr5, to Tr Reiber: useless printouts & request for investigation of DeLanos' mortgages

Dr. Richard Cordero

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street
Brooklyn, NY 11208-1515
tel. (718) 827-9521; CorderoRic@yahoo.com

April 21, 2005

Kathleen Dunivin Schmitt, Esq.
Assistant U.S. Trustee
Federal Office Building
100 State Street, Room 6090
Rochester, NY 14614

faxed to (585) 2635862

Re: §341 examination of the DeLanos, dkt. no. 04-20280

Dear Trustee Schmitt,

I have not received your answer to my request in my letters to you of March 1, 10, and 21 that you state your position on my letter to Trustee Reiber of February 22. It is quite suspicious that neither you, Trustee Reiber, nor Judge Ninfo want to investigate Mr. David DeLano, a 32 year veteran of the banking industry and currently a bank loan officer who files for bankruptcy after earning together with his wife in just the 2001-03 fiscal years \$291,470, whose whereabouts nobody wants to find out. Must Mr. DeLano be protected lest he talk about compromising bankruptcy goings-on?

Now there is the issue of the DeLanos' mortgages, about which Trustee Reiber appears not to want to learn too much. Indeed, at the examination of the DeLanos, which took place only after overcoming Trustee Reiber's opposition, I raised the following question:

If the DeLanos obtained a mortgage loan of \$32,000 from Monroe Bank in 1976; and another mortgage loan of \$59,000 from M&T Bank in 1988 as well as another mortgage loan of \$59,000 from ONONDAGA Bank in 1988; and yet another mortgage loan for \$95,000 from Genesee Regional Bank, and as stated by them, they made all their installment payments, how is it that they end up 29 years later having a home equity of only \$21,416 and still owe a mortgage debt of \$77,084, as they declared in Schedule A of their petition?

Only at my instigation did Trustee Reiber ask for clarification after the DeLanos' attorney provided incomplete mortgage information. His response was even more unsatisfactory: printouts of 14 screenshots of index pages on the website of the Monroe County Clerk's Office that have neither beginning nor ending dates of a transaction, nor transaction amounts, nor property location, nor current status, nor an explanation for HUD's involvement in the mortgage, etc.

Despite my request, the Trustee has not commented on such useless documents, which I faxed to you on March 29. I am still entitled to an answer from him for the same reasons that he held the examination of the DeLanos last February although I was the only one to ask for and attend it: because I am a party in interest. Whatever Judge Ninfo determined as to my status as a creditor, which I am contesting on appeal, and as to my future participation in court proceedings, it does not affect how he, or for that matter you, as an officer of the Executive, not the Judicial, Branch, should treat me. Moreover, if a member of the public submitted to you evidence of bankruptcy fraud in a case in which he was not even a party in interest, you would still have to investigate it or have it investigated under 18 U.S.C. §3057(a). Not to do so would aid and abet fraud.

Hence, I respectfully request that you replace Trustee Reiber by a trustee capable of investigating this matter or report it under §3057 to the DoJ in Washington. Please do reply to this letter.

Sincerely,

Dr. Richard Cordero

TRUSTEE'S FINDINGS OF FACT AND SUMMARY OF 341 HEARING

1. Debtor(s) **DAVID G DELANO** Bk.# 04-20280
MARY ANN DELANO

2. Attorney **CHRISTOPHER K WERNER, ESQ** Filing Fees: \$ 185 Paid
 Plan:

A. Summary: \$ 1940 per month by wage order
 \$ 14145* annually **R**

Repayment to secured creditors \$ 6900
 Repayment to priority creditors \$ 16,655
 Repayment to unsecured creditors \$ 4646 ~5% **specific estimated**

Classification of unsecured creditors None
 Class _____ % \$ _____
 Class _____ % \$ _____

Rejection of executory contracts None

Other: * Payments decrease to \$635/month in July, 2004; then increase to \$1940/month in August, 2006. Plus proceeds of accounts receivable.

B. Feasibility: **why then returned loan paid**
 Total Indebtedness \$ 185462 including mortgages
 Monthly Income (net) \$ 4886.50 ~~2946.50~~ (gross) \$ 7501.
 Less Estimated Expenses \$ 2946.50
 Excess for Wage Plan \$ 1940.
 Duration of Plan 3 years

92,920 TOTAL

why End of Sec a Unemployment

Payments are not adequate to execute plan.

C. Valuation of secured claims and lease arrears:
 Interest rate unless otherwise stated: 8 1/4 %

Name of Creditor	Amount of Security	Security Claimed	Perfectured	341 Valuation	Disputed
Capital One Auto	\$ 10,285	198 Chevy Blazer	Yes	\$ 6900	STIP

3. Best interest of creditors test:

A. All assets were listed.

B. Total market value of assets: \$ 256,562

Less valid liens \$ 83,734

Less exempt property \$ 17,732

Available for judgment liens \$ 2,666

Less priority claims \$ 16,655

(Support \$)

C. Total available for unsecured creditors in liquidation \$ 1,976 0

D. Amount to be distributed to unsecured creditors \$ 4,646

E. Nature of major non-exempt assets:

4. Debtor(s) states that the plan is proposed in good faith with intent to comply with the law.

5. Debtor(s) states that to the best of his/her/their knowledge there are no circumstances that would affect the ability to make the payments under the plan.

6. (If a business) The Trustee has investigated matters before him relative to the condition of debtor's business, and has not discovered any actionable causes concerning fraud, dishonesty, incompetence, misconduct, mismanagement or irregularities in managing said business.

7. Objections to Confirmation: Trustee - disposable income - 1) IRA available; 2) loan payment available; 3) pension loan ends 10/35.

8. Debtor requests no wage order because, (+) 2 concerns (1)

9. Other comments: 1) Best Interest \$ 1255, Attorney fees (OK) AFIS BUT COURT REJECTED CONSENT CONFIRM ORDER

10. Converted from Chapter 7 because (2)

11. The Trustee recommends that this Plan not be confirmed.

ATTORNEY'S FEES: \$ 1350

Additional fees Anticipated? Yes \$ 16,655

GEORGE M. REIBER TRUSTEE

IN RE:

DeSousa David - MaryAnn

BK. #

04-20280

I/We filed Chapter 13 for one or more of the following reasons:

- Lost employment** *(Wife) Age 59*
- Hours or pay reduced** *(Husband 62) To delay retirement to complete plan*
- Matrimonial**
- Garnishments**
- Medical problems**
- To receive a Chapter 13 discharge**
- Filed a previous bankruptcy proceeding within six (6) years**
- Owe priority (example: tax) claims**
- Reconstruct credit rating**
- To pay back creditors as much as possible** *w/ 3 yrs prior to retirement*
- To stop creditor harassment**
- To stop foreclosure or other legal proceedings**
- To cram down secured liens**
- To avoid contracts**
- Overextension of credit**
- Decline in income from business, commissions or business failure**
- Overspending**
- Student loans**
- Children's college expenses** *pre-1990 when wages reduced \$30,000 → 19,000*
- Avoid Chapter 7 substantial abuse charge**
- Protect debtor's property**
- Others:** _____

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**
IN RE:

**ORDER TO EMPLOYER
TO PAY TRUSTEE**

**DAVID G. & MARY ANN DELANO,
Debtor(s),**

BK# 04-20280

**EMPLOYEE: DAVID G. DELANO
S.S. #xxx-xx-3894**

Upon representation of the Trustee or other interested party, the Court finds that:

The above-named debtor has pending in this Court a proceeding for the adjustment of debts by an individual with regular income under Chapter 13 of the Bankruptcy Code (Title 11 U.S.C.) and pursuant to the provisions of said statute and the debtor's plan the debtor has submitted all future earnings and wages to the exclusive jurisdiction of this Court for the execution of debtor's plan; and

That under the provisions of 11 U.S.C. §1306 this Court has exclusive jurisdiction of the earnings from service performed by the debtor during the pendency of this case and may require the employer of the debtor, upon the order of this Court, to pay over such portion of the wages or earnings of the debtor as may be needed to effectuate said plan, and that such an order is necessary and proper, now therefore,

IT IS ORDERED, that until further order of this Court the employer of said debtor:

M&T BANK

deduct from the earnings of said debtor the sum of **\$293.08 bi-weekly** to begin on the next payday following the receipt of this order and deduct a similar amount for each pay period there-after, including any period for which the debtor receives periodic or lump sum payment for or on account of vacation, termination, or other benefits arising out of present or past employment of the debtor, and to forthwith remit the sum so deducted to: **GEORGE M. REIBER, TRUSTEE, Chapter 13 Trustee, PO Box 490, Memphis, TN 38101-0490; (585)427-7225; (PLEASE INCLUDE THE DEBTOR'S FULL NAME AND CASE NUMBER ON THE CHECK REMITTED)** and

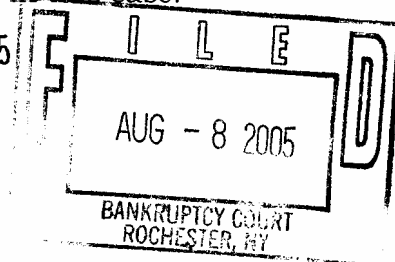
IT IS FURTHER ORDERED, that said employer notify said Trustee if the employment of said debtor be terminated and the reason for such termination; and

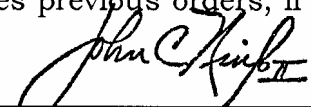
IT IS FURTHER ORDERED, that all earnings and wages of the debtor, except the amount required to be withheld by the provisions of any laws of the United States or laws of any State or political subdivision, or by an insurance, pension, pension loans, current maintenance or support payments or by the order of this Court, be paid to the aforesaid debtor in accordance with the employer's usual payroll procedures; and

IT IS FURTHER ORDERED, that no deductions for or on account of any garnishment, wage assignment, credit union or other purpose not specifically authorized by the Court be made from the earnings of said debtor; and

IT IS FURTHER ORDERED, that this order supersedes previous orders, if any, made to the debtor or employer in this case.

Dated: AUG - 8 2005




**HON. JOHN C. NINFO, II
BANKRUPTCY JUDGE**

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

IN RE:

**DAVID G. & MARY ANN DELANO,
Debtor(s),**

**ORDER CONFIRMING
CHAPTER 13**

BK #04-20280

**S.S. #xxx-xx-3894
#xxx-xx-0517**

A Petition was filed by Debtor(s) under Chapter 13 of the Bankruptcy Code, and a meeting of creditors conducted upon due notice pursuant to 11 U.S.C. §341 at which the Chapter 13 Trustee, Debtor(s), and attorney for Debtor(s) were present and creditors or representatives of creditors were afforded an opportunity to be heard.

A hearing on confirmation of the Plan has been held upon due notice pursuant to 11 U.S.C. §1324. The Court has heard and determined all objections to confirmation and to Debtor's Schedules and has considered the Plan as proposed or modified, the Trustee's Report and the testimony of Debtor.

THE COURT THEREFORE FINDS:

- (1) The Plan complies with the provisions of Chapter 13, Title 11, United States Code, and other applicable provisions of Title 11;
- (2) The contents of the plan comply with 11 U.S.C. Section 1322 where applicable;
- (3) The Plan represents the Debtor's reasonable effort and has been proposed in good faith and not by any means forbidden by law;
- (4) The Plan complies with the standards required by 11 U.S.C. Section 1325 for confirmation; and
- (5) Any objections to the plan have been disposed of, and there is presently pending no objection to confirmation of the instant Plan or Debtor's Schedules.

It is accordingly, ORDERED that

- (1) Debtor's Plan under Chapter 13 of the Bankruptcy Code, as proposed or modified, is confirmed.
- (2) Debtor is stayed and enjoined from incurring any new debts in excess of \$500.00 except such debts as may be necessary for emergency medical or hospital care without the prior approval of the Trustee or the Court unless such prior approval was impractical and therefore cannot be obtained.
- (3) Except as provided by specific order of this Court, all entities are and continue to be subject to the provisions of 11 U.S.C. §362 insofar as they are stayed or enjoined from commencing or continuing any proceeding or matter against Debtor, as the same is defined by §362, and subject to the provisions of 11 U.S.C. §1301 insofar as they are stayed or enjoined from commencing or continuing any proceeding or matter against a co-debtor, as the same is defined by §1301.

The provisions of the Plan bind the Debtor(s) and each creditor, whether or not such creditor has objected to, has accepted, or has rejected the plan.

The Debtor(s) shall forthwith and until further order of the Court pay to the Trustee in good funds the sum of **\$1940.00 per month by wage order. Payments decrease to \$635.00 monthly in July, 2004; then increase to \$960.00 monthly in August, 2006 when pension loan ends; plus proceeds of mother's annuity.**

(4) A fee of **\$18,005.00** is allowed the attorney for the debtor(s) herein for all services rendered in connection with this Plan, except as otherwise ordered and allowed by the Court.

(6) All of the Debtor(s) wages and property, of whatever nature and kind and wherever located, shall remain under the exclusive jurisdiction of this Court; and title to all of the debtor's property, of whatever nature and kind and wherever located is hereby vested in the debtor during pendency of these Chapter 13 proceedings pursuant to the provisions of 11 U.S.C. §1327.

(7) From the Debtor(s) funds the Trustee is directed to make payments in the following order:

- a. Filing fee to the Clerk of the Court, U.S. Bankruptcy Court (if unpaid);
- b. Retain at all times sufficient funds to pay all other accrued administrative expenses;
- c. The unpaid balance of the above described fee to the debtor's attorney;
- d. Priority payments in full as allowed by the Court, except where priority claims are deferred until payment of the secured claims;
- e. Secured claims shall retain their liens as hereinafter set forth:

<u>CREDITOR</u>	<u>SECURITY</u> <u>VALUE</u>	<u>SECURITY</u>	<u>RATE</u>
Capital One Auto	\$6,900.00	'98 Chevy	8.25%

Until the secured claim is paid in full, the secured creditor shall retain its lien. After the secured claim has been paid in full, the Debtor(s) will be entitled to an immediate lien release. Any timely and properly filed claim which alleges a security interest and is filed subsequent to the Confirmation Hearing shall be allowed as unsecured only for purposes of payment under the plan, except as may otherwise be agreed to by the Debtor(s) and the Court.

f. The balance of funds not retained for administrative expenses or used for payment of secured or priority claims shall be accumulated and distributed to unsecured creditors, as follows.

g. Classified unsecured claims as hereinafter set forth:

<u>CREDITOR</u>	<u>AMOUNT</u>	<u>CLASSIFICATION</u>	<u>DIVIDEND</u>
NONE			

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK
IN RE:
DAVID G. & MARY ANN DELANO**

CHAPTER 13

BK 04-20280

ORDER DISCHARGING DEBTOR AFTER COMPLETION OF CHAPTER 13 PLAN

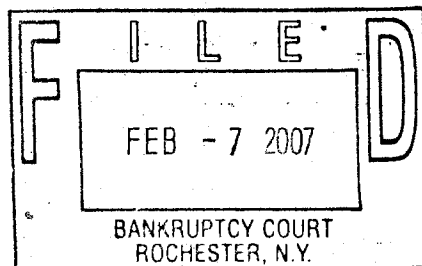
The Court finds that the debtor filed a petition under title 11, United States Code, on January 27, 2004, that the debtor's plan has been confirmed, and that the debtor has fulfilled all requirements under the plan.

IT IS ORDERED THAT:

1. Pursuant to 11 U.S. C. §1328(a), the debtor is discharged from all debts provided for by the plan or disallowed under 11 U.S.C. §502, except any debt:
 - a. provided for under 11 U.S.C. §1322(b)(5) and on which the last payment is due after the date on which the final payment under the plan was due;
 - b. in the nature of alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor in connection with a separation agreement, divorce decree or other order of a court of record, or property settlement agreement, as specified in 11 U.S. C. §523(a)(5);
 - c. for a student loan or educational benefit overpayment as specified in 11 U.S. C. §523 (a)(8) in a case filed on or after November 15, 1990; or
 - d. for a death or personal injury caused by the debtor's unlawful operation of a motor vehicle while intoxicated from using alcohol, a drug, or another substance, as specified in 11 U.S. C. §523(a)(9),
 - e. for restitution included in a sentence on the debtors conviction of a crime, in a case filed on or after November 15, 1990;
 - f. for a fine included in a sentence on the debtor's conviction of a crime, in a case filed on or after October 22, 1994.
2. Pursuant to 11 U.S. C. §1328(d), the debtor is not discharged from any debt based on an allowed claim filed under 11 U.S.C. §1305(a)(2) if prior approval by the trustee of the debtor's incurring such debt was practicable and was not obtained.
3. Notwithstanding the provisions of title 11, United States Code, the debtor is not discharged from any debt made non-dischargeable by 18 U.S. C. §3613(f), by certain provisions of titles 10,37,38,42 and 50 of the United States Code, or by any other applicable provision of law.
4. All creditors are prohibited from attempting to collect any debt that has been discharge in this case.

DATED: 2/7/07
Rochester, NY


**JOHN C. NINPO, II
BANKRUPTCY JUDGE**



D:508o

APN:264200-094-020-0001-012-000

REAL PROPERTY TAX ASSESSOR RECORD

Tax Roll Certification Date:07-01-2006
Owner Information Current Through:04-12-2007
County Last Updated:05-04-2007
Current Date:05/31/2007
Source:TAX AS-
SESSOR

MONROE, NEW YORK

OWNER INFORMATION

Owner(s): **DELANO DAVID G**
DELANO MARYANN
Property Address:**1262 SHOECRAFT RD**
WEBSTER, NY 14580-8954
Mailing Address:**1262 E SHOECRAFT S RD**
WEBSTER, NY 14580
Phone:585-671-8833

PROPERTY INFORMATION

County:MONROE
Assessor's Parcel Number:264200-094-020-0001-012-000
Property Type:SINGLE FAMILY RESIDENCE - TOWNHOUSE
Land Use:SINGLE FAMILY RESIDENCE
Zoning:2
Homestead Exempt:HOMEOWNER EXEMPTION
Lot Size (acres or square feet):20037
Lot Acreage:0.4600
Width Footage:100
Depth Footage:200
Municipality:PENFIELD
Legal Description:0045-13-04 ROMAN CR 1 L9
01360000000018162
Block Number:1
Lot Number:12

TAX ASSESSMENT INFORMATION

Tax Year:0000
Land Value:\$36,700.00
Improvement Value:\$79,300.00
Total Value:\$116,000.00
Valuation Method:ASSESSED
Tax Code Area:264200

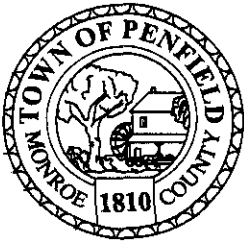
BUILDING/IMPROVEMENT CHARACTERISTICS

Number of Buildings:1
Year Built:1956
Living Square Feet:1249
Number of Bedrooms:3
Number of Bathrooms:1.00
Full Baths:1
Fireplace:YES
Garage Type:ATTACHED
Number of Stories:100
Style/Shape:RAN
Exterior Wall Type:ALUMINUM/VINYL
Electricity:TYPE UNKNOWN
Heat:HA0
Fuel:OIL
Water:COMMERCIAL
Sewer:PRIVATE

ADDITIONAL PROPERTIES POSSIBLY CONNECTED TO OWNER have been located. The owner's mailing address is associated with other properties as indicated by tax assessor records. Additional charges may apply.

Call Westlaw CourtExpress at 1-877-DOC-RETR (1-877-362-7387)
to order copies of documents related to this or other matters.
Additional charges apply.

END OF DOCUMENT



TOWN OF PENFIELD

Assessor's Office

1587 Jackson Road, Penfield, NY 14526

August 16, 2007

Dr. Richard Cordero, Esq.
59 Crescent Street
Brooklyn, NY 11208-1515

Dear Dr. Cordero:

Pursuant to our telephone conversation, I am sending you the information we have on file for 1262 Shoecraft Road, i.e.:

- the assessed value of the property is \$116,000 as of the 2005 town-wide revaluation
- the property sold April 23, 2007, for \$135,000

In reference to your questions (Nos. 1 through 12) regarding mortgages, we do not carry mortgage filing here. For that you will need to contact the County Clerk's Office:

Cheryl Dinolfo, County Clerk
101 County Office Building
39 West Main Street
Rochester, NY 14614

tel: (585) 753-1600
fax: (585) 753-1624

If you have any questions, please feel free to contact this office at (585) 340-8610.

Respectfully,

Ann Buck, IAO
Sole Assessor

AB:ja

cc: Cassie Williams, Town Clerk

July 7, 2005

George M. Reiber, Esq.
3136 South Winton Road
Rochester, New York 14623

Re: David G. and Mary Ann DeLano, Case No. 04-20280

Dear Mr. Reiber:

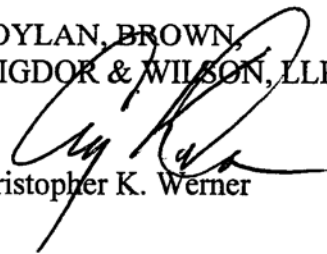
As per our prior correspondence, you have indicated that our application for payment of attorney's fees from the bankruptcy estate could be considered at the currently scheduled July 25, 2005 confirmation hearing at 3:30 p.m. at Bankruptcy Court. As you have suggested, we enclose herewith our statement for fees for the period of April 8, 2004 through the current date, with anticipated time for confirmation and continuation of the pending Cordero appeal. We have also forwarded a copy to Judge Ninfo so that the statement could be before him at the time of confirmation.

If you feel that a formal application for fees is in order, we would be happy to submit the same. However, you have indicated that it is common that such applications are considered by the Court simply as part of confirmation and have proceeded accordingly.

We look forward to the hearing on July 25th.

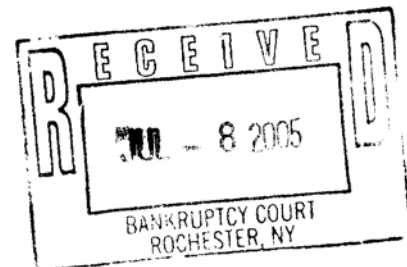
Very truly yours,

BOYLAN, BROWN,
CODE, VIGDOR & WILSON, LLP


Christopher K. Werner

CKW/trm
Enclosure

cc: Hon. John C. Ninfo, II ✓
David G. and Mary Ann DeLano





**BOYLAN, BROWN,
CODE, VIGDOR & WILSON, LLP**

ATTORNEYS AT LAW

2400 Chase Square
Rochester, NY 14604

June 23, 2005

David G. & Mary Ann DeLano
1262 Shoecraft Road
Webster, NY 14580

Invoice# 54731
Client# 030633
Billing through 06/23/2005

030633-00001 Chapter 13

PROFESSIONAL SERVICES

04/08/2004	CKW	Call with client; Correspondence re Cordero objection	0.50 hrs.
04/14/2004	CKW	Receive and review George Reiber's letter re adjourned examination date with Cordero; Call to client; Review Cordero motion (31 pages) and prepare notes for response	1.30 hrs.
04/15/2004	CKW	Response to Cordero objection	1.00 hrs.
04/16/2004	CKW	Receive and review additional motion and memo from Cordero; Revise statement in opposition; Call from Bankruptcy Court re application on submission	0.80 hrs.
04/19/2004	CKW	Receive and review Cordero fax to Reiber of 4/15/04	0.30 hrs.
04/22/2004	CKW	Call to client re document demands in response to 4/20 letter from George Reiber; Correspondence	0.40 hrs.
04/26/2004	CKW	Receive and review Cordero's letter of 4/23; Appear in Bankruptcy Court on adjournment; Review claims register	1.60 hrs.
04/28/2004	CKW	Receive and review Cordero reply to statement in opposition; Receive and review Cordero letter to U.S. Trustee Martini	0.50 hrs.
05/05/2004	CKW	Receive and review credit report and letters to credit card companies	0.40 hrs.
05/10/2004	CKW	Receive and review Cordero letter to D. Martini re list of creditors	0.20 hrs.
05/19/2004	CKW	Receive and review Cordero claim; Call from client re claim objection and status of creditor inquiry	0.40 hrs.
06/14/2004	CKW	Document analysis; Call to claimants; Revise trustee correspondence; Call with Dave DeLano re HSBC authorization	2.30 hrs.
06/15/2004	CKW	Call to Discover and fax document request; Call with client; Receive and response to Trustee motion to dismiss	0.30 hrs.
06/16/2004	CKW	Call re Trustee's Motion to Dismiss/Convert; Review fax to HSBC authorizing release of records	0.40 hrs.
06/18/2004	CKW	Correspondence to credit card companies for statements; Call with Mike Beyma re status of adversary proceeding	0.50 hrs.
07/02/2004	CKW	Calls to HSBC and emails to client and Trustee re copy costs; Call from Kim at HSBC	0.50 hrs.

Add:872 Att. Werner's list of 6/23/05 of services mostly for DeLanos not to produce documents to Dr. Cordero

030633	DeLano, David G. & Mary Ann	Invoice# 54731	Page 2
07/07/2004	CKW	Receive and review account statements from 2 MBNA accounts; Copy and forward to Trustee	0.50 hrs.
07/09/2004	CKW	Correspondence to Trustee and motion in opposition; Calls to creditors	1.70 hrs.
07/12/2004	CKW	Complete correspondence to Reiber; Opposition to Court; Receive and review Cordero opposition to Trustee's Motion	0.80 hrs.
07/19/2004	CKW	Prepare Subpoenas for Discover, HSBC, Chase and Bank One (3 accounts); Appear on Trustee's Motion; Prepare Objection to Claim; Email to client to produce credit reports and account statements; Correspondence to Cordero and to client	4.30 hrs.
07/20/2004	CKW	Receive and review Cordero Order; Revise and prepare correspondence to Cordero and Court; Assemble; Call to client; Complete Objection to Claim	1.80 hrs.
07/21/2004	CKW	Call with client re document demands; Call with Mike Beyma - leave message	0.30 hrs.
08/16/2004	CKW	Receive and review Cordero 8/15 fax - Motion for Removal and Referral	0.20 hrs.
08/19/2004	CKW	Receive and review Cordero Reply to claim objection; Review and organize file and account statements obtained; Dictate response to Reply	1.50 hrs.
08/20/2004	CKW	Emails with Trustee re need to appear for 1st Meeting; Review account records	0.20 hrs.
08/23/2004	CKW	Receive and review Cordero Motion for sanctions; Appear on Cordero Motion to remove George Reiber; Call to HSBC re status of Subpoena response	1.80 hrs.
08/24/2004	CKW	Call with client re results of 8/23 motion	0.20 hrs.
08/25/2004	CKW	Appear in Bankruptcy Court on Cordero Claim objection; Call to report to client	2.50 hrs.
09/02/2004	CKW	Receive and review Interlocutory Order	0.30 hrs.
09/09/2004	CKW	Receive and review Chase account statements and forward same to Trustee and Cordero	0.30 hrs.
09/16/2004	CKW	Receive and review Cordero Motion to Second Circuit	0.30 hrs.
09/23/2004	CKW	Receive and review Cordero correspondence to Trustee re examination dates	0.30 hrs.
09/27/2004	CKW	Correspondence to Trustee	0.30 hrs.
09/28/2004	CKW	Receive and review Cordero letter to Second Circuit re discovery; Letter re exam dates	0.20 hrs.
10/14/2004	CKW	Receive and review Cordero discovery demands and correspondence to Reiber	0.40 hrs.
10/20/2004	CKW	Receive and review Cordero letter to Reiber re letter to Second Circuit	0.30 hrs.
10/21/2004	CKW	Call with Dave DeLano re discovery demand and response to Premier Van Liens related questions	0.20 hrs.
10/22/2004	CKW	Call with Richard Cordero; Dictate response to discovery demand of 9/29; Review discovery demand re relevance with JEM	1.50 hrs.
10/25/2004	CKW	Receive and review Cordero letter to Trustee Schmitt re Trustee's refusal to hold meeting	0.20 hrs.

030633	DeLano, David G. & Mary Ann	Invoice# 54731	Page 3
10/27/2004	CKW	Receive and review DeLano fax; Complete discovery response	0.30 hrs.
10/28/2004	CKW	Complete and send discovery response; Receive and review 10/27/04 letter from Cordero	0.30 hrs.
11/03/2004	CKW	Receive and review Cordero letter to Reiber re 341 meeting	0.30 hrs.
11/08/2004	CKW	Receive and review Cordero discovery motion; Dictate response	1.10 hrs.
11/09/2004	CKW	Review and revise response to Cordero motion	0.40 hrs.
11/10/2004	CKW	Receive and review Court's Interlocutory Order	0.30 hrs.
11/12/2004	CKW	Receive and review Cordero Motion to 2nd Circuit	0.30 hrs.
11/18/2004	CKW	Receive and review Reiber correspondence re retirement account; Correspondence to Trustee	0.40 hrs.
11/19/2004	CKW	Call re retirement supplement per Trustee's letter; Discuss withdrawal of Chapter 13; Status of Cordero objection	0.40 hrs.
12/15/2004	CKW	Appear in bankruptcy callendar call; Email to client; Call to client	0.90 hrs.
12/20/2004	CKW	Call with Dave DeLano re March 1 trial date; Review transactions with Cordero	0.30 hrs.
12/28/2004	CKW	Email from Trustee re 2/1 or 2/2 meeting; Email to client	0.30 hrs.
12/31/2004	CKW	Receive and review letter from Chapter 13 Trustee re adjourned 341 Hearing	0.20 hrs.
01/21/2005	CKW	Call to client re receipt of son's mobile home proceeds; Correspondence to Trustee; Discuss anticipated 341 Hearing on 2/1/05 and 3/1/05 trial	0.60 hrs.
01/24/2005	CKW	Correspondence to Trustee re sale proceeds and best interest test; Receive and review Cordero Petition for Cert.	1.10 hrs.
02/01/2005	CKW	Prepare for adjourned 341; Attend adjourned 341 with Trustee Reiber	7.20 hrs.
02/10/2005	CKW	Initial review of abstract and mortgage closing documents	0.40 hrs.
02/15/2005	CKW	Email to client re use of cash proceeds of mortgage; Correspondence to Trustee	0.40 hrs.
02/22/2005	CKW	Receive and review Cordero motion for Judge Ninfo recusal	0.40 hrs.
02/28/2005	CKW	Call to client preliminary to hearing on objection to Cordero claim	0.50 hrs.
03/01/2005	CKW	Hearing on Cordero claim objection and preparation	6.50 hrs.
03/02/2005	CKW	Repeat review of Cordero docs and claim	0.30 hrs.
03/09/2005	CKW	Receive and review March 3, 4 & 5 letters from Cordero; Correspondence to clients and Cordero; Call with client	1.30 hrs.
04/04/2005	CKW	Receive and review Cordero decision; Call to client	0.50 hrs.
04/14/2005	CKW	Email to George Reiber re confirmation hearing and fee application; Call with client	0.40 hrs.
04/22/2005	CKW	Receive and review record on appeal; Conference with DLP; Receive and review Court notices on appeal	1.00 hrs.
04/22/2005	DLP	Extended work conference and personal review of record regarding Appeal filed by Dr. Cordero.	1.30 hrs.
05/02/2005	CKW	Review statement re record on appeal of DLP	0.40 hrs.
05/02/2005	DLP	Review of file, review of Dr. Cordero's record on Appeal,	3.90 hrs.

		dictated, revised and finalized our Record. Filed with Court.	
05/03/2005	CKW	Receive and review Cordero motion to reconsider and review order of denial	0.40 hrs.
05/05/2005	DLP	Finalized Record on Appeal	0.80 hrs.
05/09/2005	CKW	Receive and review civil cover sheet on appeal from Cordero	0.30 hrs.
05/10/2005	CKW	Call with client re: status	0.20 hrs.
05/12/2005	CKW	Receive and review Cordero letter	0.20 hrs.
05/16/2005	DLP	Review of filings of Dr. Cordero on appeal.	0.50 hrs.
05/19/2005	CKW	Receive and review Motion to Strike Order for brief within 20 days and Diannetti letter	0.40 hrs.
05/20/2005	DLP	Review of further filings by Dr. Cordero	0.40 hrs.
05/31/2005	CKW	Receive and review Cordero letter to Mary Dianetti, court reporter, re: estimated cost of transcript	0.20 hrs.
06/08/2005	CKW	Email from trustee re: confirmation dates and telephone call to client	0.30 hrs.
06/09/2005	CKW	Email to trustee re: 7/25 confirmation hearing and issue of payment of loan proceeds	0.40 hrs.
06/23/2005	CKW	(7/25/05 - anticipated) Confirmation hearing	1.50 hrs.
06/23/2005	CKW	(Estimated) Cordero appeal	5.00 hrs.

\$16,294.50

EXPENSES

Federal Express	13.84
Copy Charges	346.32
	<hr/> \$360.16

BILLING SUMMARY

Total professional services	\$16,294.50
Total expenses incurred	\$360.16

TOTAL NEW CHARGES FOR THIS INVOICE

\$16,654.66

TOTAL BALANCE NOW DUE

\$16,654.66

Trust account beginning balance	\$6,706.66
Trust account remaining balance	\$6,706.66

TRUSTEE'S FINDINGS OF FACT AND SUMMARY OF 341 HEARING

1. Debtor(s) **DAVID G DELANO** Bk.# 04-20280
MARY ANN DELANO

2. Attorney **CHRISTOPHER K WERNER, ESQ** Filing Fees: \$ 185 Paid
 Plan:

A. Summary: \$ 1940 per month by wage order
 \$ 14145* annually **R**

Repayment to secured creditors \$ 6900
 Repayment to priority creditors \$ 16,655
 Repayment to unsecured creditors \$ 4646 ~5% specific estimated

Classification of unsecured creditors None
 Class _____ % \$ _____
 Class _____ % \$ _____

Rejection of executory contracts None

Other: * Payments decrease to \$635/month in July, 2004; then increase to \$1940/month in August, 2006. Plus proceeds of accounts receivable.

B. Feasibility: **Why then returned loan paid**
 Total Indebtedness \$ 185462 including mortgages
 Monthly Income (net) \$ 4886.50 ~~2946.50~~ (gross) \$ 7501
 Less Estimated Expenses \$ 2946.50
 Excess for Wage Plan \$ 1940
 Duration of Plan 3 years

92,920 TOTAL

Why End of Sec a Unemployment

Payments are not adequate to execute plan.

C. Valuation of secured claims and lease arrears:
 Interest rate unless otherwise stated: 8 1/4 %

Name of Creditor	Amount of Security	Security Claimed	Perfectured	341 Valuation	Disputed
Capital One Auto	\$ 10,285	198 Chevy Blazer	Yes	\$ 6900	STIP

3. Best interest of creditors test:

A. All assets were listed.

B. Total market value of assets: \$ 256,562

Less valid liens \$ 83,734

Less exempt property \$ 17,732

Available for judgment liens \$ 2,666

Less priority claims \$ 16,655

(Support \$)

C. Total available for unsecured creditors in liquidation \$ 1,976 0

D. Amount to be distributed to unsecured creditors \$ 4,646

E. Nature of major non-exempt assets:

4. Debtor(s) states that the plan is proposed in good faith with intent to comply with the law.

5. Debtor(s) states that to the best of his/her/their knowledge there are no circumstances that would affect the ability to make the payments under the plan.

6. (If a business) The Trustee has investigated matters before him relative to the condition of debtor's business, and has not discovered any actionable causes concerning fraud, dishonesty, incompetence, misconduct, mismanagement or irregularities in managing said business.

7. Objections to Confirmation: Trustee - disposable income - 1) IRA available; 2) loan payment available; 3) pension loan ends 10/35.

8. Debtor requests no wage order because, (+) 2 concerns (1)

9. Other comments: 1) Best Interest \$ 1255, Attorney fees (OK) AFIS BUT COURT RECALCULATED COMMITMENT CONFIRM ORDER

10. Converted from Chapter 7 because (2)

11. The Trustee recommends that this Plan not be confirmed.

ATTORNEY'S FEES: \$ 1350

Additional fees Anticipated? (Yes) \$ 16,655 (no)

GEORGE M. REIBER TRUSTEE

IN RE:

DeLana David - MaryAnn

BK. #

04-20280

I/We filed Chapter 13 for one or more of the following reasons:

- Lost employment *(Wife) Age 59*
- Hours or pay reduced *(Husband 62) To delay retirement to complete plan*
- Matrimonial
- Garnishments
- Medical problems
- To receive a Chapter 13 discharge
- Filed a previous bankruptcy proceeding within six (6) years
- Owe priority (example: tax) claims
- Reconstruct credit rating
- To pay back creditors as much as possible *w/ 3 yrs prior to retirement*
- To stop creditor harassment
- To stop foreclosure or other legal proceedings
- To cram down secured liens
- To avoid contracts
- Overextension of credit
- Decline in income from business, commissions or business failure
- Overspending
- Student loans
- Children's college expenses *pre-1990 when wages reduced \$30,000 → 19,000*
- Avoid Chapter 7 substantial abuse charge
- Protect debtor's property
- Others: _____

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

IN RE:

**DAVID G. & MARY ANN DELANO,
Debtor(s),**

**ORDER CONFIRMING
CHAPTER 13**

BK #04-20280

**S.S. #xxx-xx-3894
#xxx-xx-0517**

A Petition was filed by Debtor(s) under Chapter 13 of the Bankruptcy Code, and a meeting of creditors conducted upon due notice pursuant to 11 U.S.C. §341 at which the Chapter 13 Trustee, Debtor(s), and attorney for Debtor(s) were present and creditors or representatives of creditors were afforded an opportunity to be heard.

A hearing on confirmation of the Plan has been held upon due notice pursuant to 11 U.S.C. §1324. The Court has heard and determined all objections to confirmation and to Debtor's Schedules and has considered the Plan as proposed or modified, the Trustee's Report and the testimony of Debtor.

THE COURT THEREFORE FINDS:

- (1) The Plan complies with the provisions of Chapter 13, Title 11, United States Code, and other applicable provisions of Title 11;
- (2) The contents of the plan comply with 11 U.S.C. Section 1322 where applicable;
- (3) The Plan represents the Debtor's reasonable effort and has been proposed in good faith and not by any means forbidden by law;
- (4) The Plan complies with the standards required by 11 U.S.C. Section 1325 for confirmation; and
- (5) Any objections to the plan have been disposed of, and there is presently pending no objection to confirmation of the instant Plan or Debtor's Schedules.

It is accordingly, ORDERED that

- (1) Debtor's Plan under Chapter 13 of the Bankruptcy Code, as proposed or modified, is confirmed.
- (2) Debtor is stayed and enjoined from incurring any new debts in excess of \$500.00 except such debts as may be necessary for emergency medical or hospital care without the prior approval of the Trustee or the Court unless such prior approval was impractical and therefore cannot be obtained.
- (3) Except as provided by specific order of this Court, all entities are and continue to be subject to the provisions of 11 U.S.C. §362 insofar as they are stayed or enjoined from commencing or continuing any proceeding or matter against Debtor, as the same is defined by §362, and subject to the provisions of 11 U.S.C. §1301 insofar as they are stayed or enjoined from commencing or continuing any proceeding or matter against a co-debtor, as the same is defined by §1301.

The provisions of the Plan bind the Debtor(s) and each creditor, whether or not such creditor has objected to, has accepted, or has rejected the plan.

The Debtor(s) shall forthwith and until further order of the Court pay to the Trustee in good funds the sum of **\$1940.00 per month by wage order. Payments decrease to \$635.00 monthly in July, 2004; then increase to \$960.00 monthly in August, 2006 when pension loan ends; plus proceeds of mother's annuity.**

(4) A fee of **\$18,005.00** is allowed the attorney for the debtor(s) herein for all services rendered in connection with this Plan, except as otherwise ordered and allowed by the Court.

(6) All of the Debtor(s) wages and property, of whatever nature and kind and wherever located, shall remain under the exclusive jurisdiction of this Court; and title to all of the debtor's property, of whatever nature and kind and wherever located is hereby vested in the debtor during pendency of these Chapter 13 proceedings pursuant to the provisions of 11 U.S.C. §1327.

(7) From the Debtor(s) funds the Trustee is directed to make payments in the following order:

- a. Filing fee to the Clerk of the Court, U.S. Bankruptcy Court (if unpaid);
- b. Retain at all times sufficient funds to pay all other accrued administrative expenses;
- c. The unpaid balance of the above described fee to the debtor's attorney;
- d. Priority payments in full as allowed by the Court, except where priority claims are deferred until payment of the secured claims;
- e. Secured claims shall retain their liens as hereinafter set forth:

<u>CREDITOR</u>	<u>SECURITY</u> <u>VALUE</u>	<u>SECURITY</u>	<u>RATE</u>
Capital One Auto	\$6,900.00	'98 Chevy	8.25%

Until the secured claim is paid in full, the secured creditor shall retain its lien. After the secured claim has been paid in full, the Debtor(s) will be entitled to an immediate lien release. Any timely and properly filed claim which alleges a security interest and is filed subsequent to the Confirmation Hearing shall be allowed as unsecured only for purposes of payment under the plan, except as may otherwise be agreed to by the Debtor(s) and the Court.

f. The balance of funds not retained for administrative expenses or used for payment of secured or priority claims shall be accumulated and distributed to unsecured creditors, as follows.

g. Classified unsecured claims as hereinafter set forth:

<u>CREDITOR</u>	<u>AMOUNT</u>	<u>CLASSIFICATION</u>	<u>DIVIDEND</u>
NONE			

h . General unsecured creditors shall be paid a **pro rata share** of their claims as are finally determined by the Court; notwithstanding the above, the plan will not be deemed completed until the debtor(s) pay(s) three years worth of plan payments, unless allowed unsecured claims are paid in full. No claims shall be allowed unless the creditor shall file a proof of claim within 90 days of the first date set for the First Meeting of Creditors; payment to unsecured creditors as allowed by the Court will be made in monthly installments of not less than \$15.00. **Plan to run 3 years.**

i. Any temporary reduction in, or suspension of installment payments under this plan, for a period not to exceed ten (10) weeks may be granted upon application of the debtor, without notice to creditors, as the Court or Trustee deems proper.

(8) The debtor has rejected as burdensome the following executory contract(s) of the debtor:

NONE

Any claim timely and properly filed by a creditor arising from rejection of such executory contract(s) shall be allowed as if such claim had arisen before the date of the filing of the petition, subject to the right of the debtor or the Trustee to object to the amount of the claim.

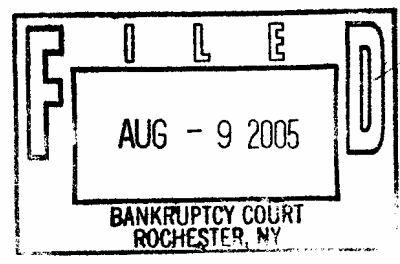
(9) The following secured creditors will be paid by the debtor directly. Said secured claims are either being paid pursuant to their original contract or pursuant to new agreements reached between the parties. To the extent that any such new agreements exist, the parties are hereby ordered to execute any and all documents necessary to reflect the new notes and obligations which exist between the parties. In the event of a dismissal of the plan, the secured creditors may reinstate the terms of the original obligations, subject to the further order of this court. All parties will promptly execute any and all documents necessary to be filed. To the extent that the new arrangements reflects an extension of the obligations secured by valid liens filed prior to the filing of the petition, said liens will continue in existence as of the date of the filing of the lien, and not as of the date of the new arrangement between the parties, unless this court orders otherwise or the parties so stipulate otherwise.

<u>CREDITOR</u>	<u>SECURED CLAIM</u>	<u>SECURITY</u>	<u>BASIC TERMS</u>
Genesee Regional	\$76,300.71	Mortgage	Original Contract

(10) Upon conversion of this case to a case under another chapter, the failure of the debtor to honor bad funds negotiated by the Chapter 13 Trustee shall be deemed a willful failure to obey an order of this Court.

Dated: *8/9/05*
Rochester, New York

[Signature]
HON. JOHN C. NINFO, II
BANKRUPTCY JUDGE



United States Bankruptcy Court

For The
Western District of New York

Date: 12/7/2005

Case No: 04-20280

IN RE: DAVID G DELANO
1262 SHOECRAFT ROAD
WEBSTER, NY 14580

MARY ANN DELANO
1262 SHOECRAFT ROAD
WEBSTER, NY 14580

SSN #1: XXX-XX-3894
SSN #2: XXX-XX-0517

MOTION TO ALLOW CLAIMS

Pursuant to 11 U.S.C. 704(5), the trustee has examined the proofs of claim filed in this case and objected to the allowance of such claims as appeared to be improper except where no purpose would have been served by such objection. After such examination and objections, if any, the trustee states that claims should be deemed allowed, or "not filed" as indicated below.

Claim #	Name and Address of Creditor	Amount	Forgive %	Classification
001	SHERMAN ACQUISITIONS LP / D/B/A/RESURGENT CAPITAL SERVI PO BOX 10587 / GREENVILLE, SC 29603	1,991.00	87.3900%	Unsecured
002	BANK OF AMERICA / P O BOX 970 NORFOLK, VA 23501	3,335.08	87.3900%	Unsecured
003	B-FIRST, LLC / % WEINSTEIN TREIGER & RILEY, P.S. 2101 FOURTH AVE., STE. 900 / SEATTLE, WA 98121	10,203.24	87.3900%	Unsecured
004	B-FIRST, LLC / % WEINSTEIN TREIGER & RILEY, P.S. 2101 FOURTH AVE., STE. 900 / SEATTLE, WA 98121	5,317.97	87.3900%	Unsecured
005	BANK ONE / CARD MEMBER SERVICE P O BOX 15153 / WILMINGTON, DE 19886-5153	None	87.3900%	Not Filed .00
006	BANK ONE/FIRST USA BANK / PO BOX 517 RECOVERY DEPT / FREDERICK, MD 21705-0517	None	87.3900%	Not Filed .00
007	CAPITAL ONE / P O BOX 85147 RICHMOND, VA 23285	None	87.3900%	Not Filed .00
008	CAPITAL ONE / P O BOX 85147 RICHMOND, VA 23285	None	87.3900%	Not Filed .00
009	CAPITAL ONE AUTO FINANCE / P O BOX 260848 PLANO, TX 75026	6,900.00	8.2500% From 07/25/2005	Secured
009	CAPITAL ONE AUTO FINANCE / P O BOX 260848 PLANO, TX 75026	3,853.28	87.3900%	Unsecured
010	CAPITAL ONE / C/O TSYS DEBT MANAGEMENT P.O. BOX 5155 / NORCROSS, GA 30091	None	87.3900%	Not Filed .00
011	ECAST SETTLEMENT CORPORATION / P.O. BOX 35480 NEWARK, NJ 07193-5480	11,616.06	87.3900%	Unsecured
012	CHASE MANHATTAN BANK USA / JP MORGAN CHASE 1820 E SKY HARBOR CIRCLE SOUTH / PHOENIX, AZ 85034-9701	None	87.3900%	Not Filed .00
013	CITIBANK/CHOICE / P O BOX 6305 EXCEPTION PYMT PROCESSING / THE LAKES, NV 88901-6305	None	87.3900%	Not Filed .00
014	ECAST SETTLEMENT CORPORATION / P.O. BOX 35480 NEWARK, NJ 07193-5480	2,227.57	87.3900%	Unsecured
015	SHERMAN ACQUISITIONS LP / D/B/A/RESURGENT CAPITAL SERVI PO BOX 10587 / GREENVILLE, SC 29603	4,170.45	87.3900%	Unsecured
016	DISCOVER FINANCIAL SERVICES / P.O. BOX 8003 HILLIARD, OH 43026	5,755.97	87.3900%	Unsecured
017	DISCOVER FINANCIAL SERVICES / P.O. BOX 8003 HILLIARD, OH 43026	None	87.3900%	Not Filed .00
018	DR RICHARD CORDERO / 59 CRESCENT STREET BROOKLYN, NY 11208-1515	None	87.3900%	Unsecured
019	ECAST SETTLEMENT CORPORATION / P.O. BOX 35480 NEWARK, NJ 07193-5480	2,137.64	87.3900%	Unsecured
020	GENESEE REGIONAL BANK / F/K/A LYNDON GUARANTY BANK 3380 MONROE AVE. / ROCHESTER, NY 14618			DirectPay 76,300.71
021	HSBC BANK USA / P.O. BOX 4215 BUFFALO, NY 14273-4215	9,447.80	87.3900%	Unsecured
022	ECAST SETTLEMENT CORPORATION / P.O. BOX 35480 NEWARK, NJ 07193-5480	6,812.31	87.3900%	Unsecured

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United States Bankruptcy Court

For The
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Date: 12/7/2005

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IN RE: DAVID G DELANO
1262 SHOECRAFT ROAD
WEBSTER, NY 14580

MARY ANN DELANO
1262 SHOECRAFT ROAD
WEBSTER, NY 14580

SSN #1: XXX-XX-3894
SSN #2: XXX-XX-0517

MOTION TO ALLOW CLAIMS

Pursuant to 11 U.S.C. 704(5), the trustee has examined the proofs of claim filed in this case and objected to the allowance of such claims as appeared to be improper except where no purpose would have been served by such objection. After such examination and objections, if any, the trustee states that claims should be deemed allowed, or "not filed" as indicated below.

Claim #	Name and Address of Creditor	Amount	Forgive %	Classification
023	ECAST SETTLEMENT CORPORATION / P.O. BOX 35480 NEWARK, NJ 07193-5480	19,272.56	87.3900%	Unsecured
024	ECAST SETTLEMENT CORPORATION / P.O. BOX 35480 NEWARK, NJ 07193-5480	3,931.23	87.3900%	Unsecured
025	CITI CARDS / PO BOX 20363 ATTN: BK DEPT / KANSAS CITY, MO 64195-0363	3,970.30	87.3900%	Unsecured
026	CITI CARDS / PO BOX 20363 ATTN: BK DEPT / KANSAS CITY, MO 64195-0363	None	87.3900%	Not Filed .00
027	WELLS FARGO FINANCIAL NY INC / 4137 121ST STREET URBANDALE, IA 50323	980.22	87.3900%	Unsecured
028	THE RAMSEY LAW FIRM / P.O. BOX 201347 ARLINGTON, TX 76006	None	87.3900%	Unsecured
029	GULLACE & WELD / 500 FIRST FEDERAL PLAZA ROCHESTER, NY 14614	None	87.3900%	Unsecured
030	BECKET AND LEE LLP / P.O. BOX 35480 NEWARK, NJ 07193	None	87.3900%	Unsecured
	Total	101,922.68		

CHRISTOPHER K WERNER, ESQ
BOYLAN, BROWN, ET AL
2400 CHASE SQUARE
ROCHESTER, NY 14604-0000

9,948.00

Debtor's Attorney

Your Trustee has examined the claims and recommends to the Court that they be deemed allowed for the amounts claimed, payable in the manner classified subject to the provisions of the plan and other Court orders.

WHEREFORE, the Trustee prays that the foregoing claims be allowed as set forth above.

/s/ George M. Reiber

George M. Reiber
Standing Chapter 13 Trustee

NOTICE

At Rochester, NY

PLEASE TAKE NOTICE that the above claims are allowed as recommended by the Trustee and payable as provided by the debtor's plan. The debtor and debtor's attorney of record are hereby advised that written application for modification of this notice must be made within 30 days from the date of the certificate of mailing of this notice. The motion to allow claims is deemed approved without a separate order of this Court, absent a written application for modification.

CLERK /s/ Paul R. Warren

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Notice was sent electronically or by ordinary US Mail, postage prepaid on _____ to the debtor and attorney for the debtor.

/s/

[Contact Information and Links to Items in the *DeLano Record*, useful for preparing to interview people that can provide documents and information for the *Follow the money!* investigation to expose a judicially run and tolerated bankruptcy fraud scheme]

Case no.

ATTORNEY GRIEVANCE REFEREES

APPOINTED BY THE APPELLATE DIVISION, FOURTH JUDICIAL DEPARTMENT
OF THE NEW YORK STATE SUPREME COURT

M. Dolores Denman Courthouse, 50 East Av., Rochester, NY 14604; (585) 530-3100 <http://courts.state.ny.us/ad4/>

Demand for Information and Evidence

1. Upon referral by the Appellate Division, Fourth Department, of an attorney grievance complaint about the conduct of several attorneys, the Referees appointed thereby exercise their power to investigate or act upon such conduct under the Rules of Professional Conduct¹ (Rules or Rule #), the Rules of the Appellate Division on the Attorney Grievance Committee², the referral order, and other applicable laws and rules, and issue this Demand for Information and Evidence(Demand) to demand and subpoena the following as set forth below.

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A. Duty To Comply With, And Addressees Of, The Demand

2. The Referees demand that the persons named below and others who possess knowledge or evidence concerning the subject matter of this Demand respond to it, as is their duty to do pursuant to a) the subpoena issued for the Referees, mutatis mutandis, under 22 NYCRR

¹ 22 NYCRR 1200; <http://www.courts.state.ny.us/rules/jointappellate/index.shtml>

² 22 NYCRR 1022.19 et seq.; <http://www.courts.state.ny.us/AD4/Court/Rules/Rules.htm>

1022.19(d)(1)(iv); b) the referral; and c) Rule 8, which provides thus: [emphasis added]

RULE 8.3: Reporting Professional Misconduct

- (a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer **shall report** such knowledge to a tribunal or other authority empowered to investigate or act upon such violation.
- (b) A lawyer who possesses knowledge or evidence concerning another lawyer or a judge shall not fail to **respond to a lawful demand for information** from a tribunal or other authority empowered to investigate or act upon such conduct.

RULE 8.4: Misconduct

A lawyer or law firm shall not:

- (a) violate or attempt to violate the Rules of Professional Conduct, **knowingly assist** or induce another to do so, or do so **through the acts of another**;
- (b) engage in illegal conduct that adversely reflects on the lawyer's honesty, trustworthiness or fitness as a lawyer;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (f) **knowingly assist a judge** or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;
- [(g) on discrimination]
- (h) engage in any other conduct that adversely reflects on the lawyer's fitness as a lawyer.

3. Named lawyers to whom this Demand is addressed:

- | | |
|--|---|
| 1) Kenneth W. Gordon, Esq.
Chapter 7 Trustee
Gordon & Schaal, LLP
1039 Monroe Avenue
Rochester, NY 14620
tel. (585)244-1070; fax (585)244-1085
kengor@rochester.rr.com
http://www.gordonandschaal.com/about-us.html | tel. (585)324-5724; fax (585)269-3047
dmacknight@lacykatzen.com
http://lacykatzen.com/bio-dmacknight.aspx |
| 2) David D. MacKnight, Esq.
Lacy, Katzen, Ryen & Mittleman, LLP
The Granite Building, 2nd Floor
130 East Main Street
Rochester, NY 14604-1686 | 3) George Max Reiber, Esq.
Chapter 13 Trustee; and
4) James W. Weidman, Esq.
Attorney for Trustee George Reiber
Winton Court
3136 Winton Road S., Suite 206
Rochester, NY 14623-2928
tel. (585)427-7225; fax (585)427-7804
trustee13@roch13.com |

- | | |
|--|---|
| <p>5) Christopher K. Werner, Esq. and
 6) Devin Lawton Palmer, Esq.
 Boylan, Brown, Code,
 Vigdor & Wilson, LLP
 2400 Chase Square
 Rochester, NY 14604
 tel. (585)232-5300; fax (585)232-3528
 cwerner@boylanbrown.com
 dpalmer@boylanbrown.com
 http://www.boylanbrown.com/attorneys.aspxn</p> <p>7) Michael J. Beyma, Esq.
 Underberg & Kessler, LLP
 300 Bausch & Lomb Place
 Rochester, NY 14604
 tel. (585)258-2890; fax (585)258-2821;
 mbeyma@underbergkessler.com, &
 assistant breed@underbergkessler.com
 http://www.underbergkessler.com/Attorneys/Detail/?ID=30</p> <p>8) Kathleen Dunivin Schmitt, Esq.
 Assistant United States Trustee
 Office of the United States Trustee
 100 State Street, Room 609
 Rochester, NY 14614
 tel. (585)263-5812, fax (585)263-5862
 http://www.justice.gov/ust/r02/rochester.htm</p> <p>9) Ms. Diana G. Adams
 [incumbent] U.S. Trustee for Region 2</p> <p>10) Ms. Deirdre A. Martini and
 11) Ms. Carolyn S. Schwartz
 Former U.S. Trustees for Region 2
 Office of the United States Trustee
 33 Whitehall Street, 21st Floor
 New York, NY 10004
 tel. (212)510-0500; fax (212)668-2255
 http://www.justice.gov/ust/r02/</p> | <p>12) Paul R. Warren, Esq.
 Clerk of Court
 U.S. Bankruptcy Court
 1220 U.S. Courthouse
 100 State Street
 Rochester, NY 14614
 tel. (585)613-4200
 http://www.nywb.uscourts.gov/</p> <p>13) Raymond C. Stilwell, Esq.
 Adair Law Firm, LLP
 300 Linden Oaks, Suite 220
 Rochester, NY 14625-2883
 tel. (585)419-9000, fax (585)248-4961
 http://www.adairlaw.com/
 rcstilwell@adairlaw.com</p> <p>14) Karl S. Essler, Esq.
 Principal, Fix Spindelman Brovitz & Goldman, P.C.
 295 Woodcliff Drive, Suite 200
 Fairport, NY 14450
 tel. (585)641-8000, ext. 242; fax (585)641-2702;
 kessler@fixspin.com; http://fixspin.com/
 http://fixspin.com/attorneys/karl-s-essler/</p> <p>15) William E. Brueckner, Esq.
 Attorney for Trustee Kenneth Gordon in <i>In re Premier Van Lines, Inc.</i>, 01-20692, WBNY;
 at the time at:
 Ernstrom & Drete, LLP
 2000 Winton Road South
 Building One, Suite 300
 Rochester, NY 14618-3922;
 now at:
 Underberg & Kessler
 300 Bausch & Lomb Place
 Rochester, NY 14604
 tel. (585)258-2892, fax (585)258-2821
 wbrueckner@underbergkessler.com
 http://www.underberg-kessler.com/Attorneys/Detail/?ID=78</p> |
|--|---|

4. Individuals and entities that may possess knowledge or evidence concerning this Demand and from whom the Referees demand that they provide information by stating such knowledge and producing such evidence include, but are not limited to, the following:

- a) Bankruptcy Judge John C. Ninfo, II
U.S. Bankruptcy Court

1220 U.S. Courthouse
100 State Street, Rochester, NY 14614
tel. (585)613-4200; <http://www.nywb.uscourts.gov/>

b) any and all current and former members of Judge Ninfo's staff, including, but not limited to:

- 1) Ms. Andrea Siderakis
Assistant to Judge Ninfo
courtroom tel. (585)613-4281, fax (585)613-4299
- 2) Mr. Todd M. Stickle
Deputy Clerk in Charge
tel. (585)613-4223, fax (585)613-4242
- 3) Case Administrator Karen S. Tacy
- 4) Case Administrator Paula Finucane
- 5) Court Directory:
http://www.nywb.uscourts.gov/rochester_court_directory_11004.php

c) U.S. District Judge David G. Larimer (Ret.)

U.S. District Court
2120 U.S. Courthouse
100 State Street, Rochester, N.Y. 14614
tel. (585)613-4000, fax (585)613-4035; <http://www.nywd.uscourts.gov/mambo/>

d) any and all current and former members of Judge Larimer's staff, including, but not limited to:

- 1) Rodney C. Early, Esq.
Former Clerk of Court

e) David J. Palmer
Owner of Premier Van Lines, Inc.
1829 Middle Road
Rush, NY 14543
tel. (585)292-9530

f) Auctioneer Roy Teitsworth
6502 Barber Hill Road
Geneseo, NY 14454
tel. (585)243-1563, fax (585)243-3311; www.teitsworth.com;
<http://www.auctionzip.com/NY-Auctioneers/13102.html>.

g) Bonadio & Co., LLP
Corporate Crossings
171 Sully's Trail, Suite 201
Pittsford, NY 14534-4557
tel. (585)381-1000; fax (585)381-3131; <http://www.bonadio.com/Profile/Locations/>

- h) Ms. Bonsignor
Court Reporter
Alliance Shorthand
183 East Main Street, Suite 1500
Rochester, NY 14604
tel. (585)546-4920
- i) Ms. Melissa L. Frieday
Contracting Officer for court reporters
U.S. Bankruptcy Court
Olympic Towers, 300 Pearl Street, Suite 250
Buffalo, NY 14242
tel. (716)362-3200, fax (716)551-5103
- j) The Circuit Judges of the Court of Appeals for the Second Circuit (CA2)
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY, 1007
Main tel. (212)857-8500; Clerk of Court tel. (212)857-8585
<http://www.ca2.uscourts.gov/>
- k) any and all members of the CA2 judges' and the Court's staff, including, but not limited to:
 - 1) Clerk of Court Catherine O'Hagan Wolfe
 - 2) Former Clerk of Court Roseann B. MacKechnie
 - 3) Court Directory: <http://www.ca2.uscourts.gov/clerk/navfiles/contact.htm>

5. An officer with authority to execute this Demand is hereinafter referred to as the Referees.

B. Subject Matter Of The Demand

6. The subject matter of this Demand includes, but is not limited to:
- a) the specific information or evidence demanded hereunder;
 - b) the complained-about conduct, including, but not limited to, fraud, bankruptcy fraud, toleration of or participation in a bankruptcy fraud scheme, racketeering, concealment or wrongful disposition of assets, wrongful hiring of bankruptcy professionals, wrongful payment or sharing of fees, wrongful trusteeship, violation of fiduciary or official duty, wrongful influencing a judge, bribery, perjury, conflict of interest, wrongful denial of discovery, wrongful docketing, wrongful transmission of the record, tampering with the preparation and filing of a transcript, ex-parte contacts, bias, prejudice, partiality, abuse of process, abuse of judicial power, denial of due process, and any violation of the Rules

or any other provision of law, whether the complained-about conduct was engaged in, or any such violation was committed by, the complained-against lawyers or the named judges or any other lawyer or judge;

c) the following cases, their progeny, and the parties thereto:

- 1) *In re Premier Van Lines, Inc.*, 01-20692, WBNY, (*Premier*);
http://Judicial-Discipline-Reform.org/dockets/1Premier_01-20692_15jan10.pdf
- 2) *James Pfuntner v. Trustee Kenneth Gordon et al.*, 02-2230, WBNY, (*Pfuntner*);
http://Judicial-Discipline-Reform.org/dockets/2Pfuntner_02-2230_15jan10.pdf
- 3) *Richard Cordero v. Kenneth Gordon, Esq.*, 03-cv-6021L, WDNY;
http://Judicial-Discipline-Reform.org/dockets/3Gordon_03cv6021_15may6.pdf
- 4) *Richard Cordero v. David Palmer*, 03-mbk-6001L, WDNY;
http://Judicial-Discipline-Reform.org/dockets/4Cordero_v_Palmer_03mbk6001L_19may3.pdf
- 5) *In re Premier Van*, 03-5023, CA2;
http://Judicial-Discipline-Reform.org/dockets/5Premier_03-5023_CA2_15may6.pdf
- 6) *Richard Cordero v. Kenneth W. Gordon, Trustee, et al.*, 04-8371, SCt;
http://Judicial-Discipline-Reform.org/dockets/6TrGordon_04-8371_SCt.pdf
- 7) *In re David and Mary Ann DeLano*, 04-20280, WBNY, (*DeLano*);
http://Judicial-Discipline-Reform.org/dockets/7DeLano_04-20280_WBNY_20jan9.pdf
- 8) *Cordero v. DeLano*, 05-cv-6190L, WDNY;
http://Judicial-Discipline-Reform.org/dockets/8DeLano_05cv6190_WDNY_27oct6.pdf
- 9) *Dr. Richard Cordero v. David and Mary Ann DeLano*, 06-4780-bk, CA2;
http://Judicial-Discipline-Reform.org/dockets/9DeLano_06-4780_CA2_20jan9.pdf
- 10) *Dr. Richard Cordero v. David and Mary Ann DeLano*, 08-8382, SCt
http://Judicial-Discipline-Reform.org/dockets/10DeLano_08-8382_SCt_6feb10.pdf

7. A reference to *Pfuntner* or *DeLano* includes its progeny, respectively, as reasonably applicable to obtain production of information and evidence as a means to investigate or act upon the complained-about conduct.

C. Instructions For Producing Information And Evidence

8. A lawyer shall:

- a) understand a reference to an individual named herein to include any and all members of such individual's staff, entity, partnership, group, or organization, whether incorporated or unincorporated;
- b) comply with the instructions stated herein and complete such compliance within 14 days of being served with this Demand unless a different deadline for compliance is stated in ¶15 infra;
- c) deem himself or herself served with this Demand as provided for, mutatis mutandis, under Rule 5(b)(2) of the Federal Rules of Civil Procedure (FRCP)⁴, whether service is made on the lawyer or the attorney last known to be representing the lawyer;
- d) compute time as provided for mutatis mutandis under FRCP 6 and understand a reference there to a court or a clerk's office to be a reference to the Referees; Rule 6(b)(2) does not apply;
- e) be held responsible for any non-compliance and subject to the continuing duty to comply with this Demand within the day each day after the applicable deadline is missed, under pain of being named the subject of a disciplinary proceeding.

9. A lawyer shall produce to the Referees upon its demand and volunteer to it:

- a) information concerning evidence herein identified, including, but not limited to, its author, existence, nature, condition, use, actual or likely whereabouts, person who is, is believed to be, is likely to be, or could be in possession or control of, or have access to, it;
- b) information and evidence without passing judgment on its degree of relevance or lack thereof relative to the subject of the Demand in recognition of the fact that the relevance of a piece of information or evidence may only become apparent in the broader context of information or evidence already gathered or yet to be gathered by the gathering entity; and
- c) information and evidence in application of the principle of honest compliance effort, i.e., "If in doubt, produce the information and evidence to the Referees and disclose the doubt".

10. A lawyer shall with respect to evidence herein demanded produce it, produce information about it, and issue a certificate, as defined in ¶14 infra, to the Referees whenever a reasonable person would who:

- a) acts in good faith, or with due diligence, or competently, or in an official or fiduciary

⁴ <http://www.uscourts.gov/rules/index.html> >Rules and Forms in Effect, Federal Rules of Civil Procedure

capacity or with the training or experience that is the same as, or equivalent to, that of a person in such official or fiduciary capacity;

- b) reasonably believes that at least one part of such evidence is herein demanded;
- c) produces the information or evidence demanded and discloses any doubt as to whether any part thereof is relevant; or
- d) believes that another person with an adversarial interest would want such information, evidence, or certificate or would find it of interest to the end of ascertaining whether an individual or entity:
 - 1) is a holder or an identifier, as defined in ¶¶11 and 12, respectively, infra; or
 - 2) has committed, covered up, or tolerated a violation of the Rules or any other applicable law, or engaged in complained-about conduct;

11. A lawyer who with respect to any evidence herein demanded has possession or control of, or access to, it is hereinafter referred to as a holder and shall on behalf of the Referees:

- a) produce the original or a true, correct, and complete copy thereof together with a certificate, as defined in ¶14 infra;
- b) if not complying for a legitimate reason under law with clause a) of this paragraph, certify that such holder holds the evidence and acknowledges the duty under this Demand to:
 - 1) hold it in a secure place, which the holder shall name;
 - 2) ensure its chain of custody; and
 - 3) produce it without delay once the legitimate reason no longer justifies non-compliance;

12. A lawyer who with respect to any evidence herein demanded knows its actual, likely, or possible whereabouts is referred to hereinafter as an identifier and shall on behalf of the Referees:

- a) identify the evidence of which the identifier knows the actual, likely, or possible whereabouts;
- b) name such whereabouts,
- c) identify the actual, likely, or possible holder of such evidence by stating his or her known, likely, or possible name, physical and electronic addresses, and telephone and fax numbers;
- d) send to the Referees a true, correct, and complete copy of such evidence or of any secondary evidence that concerns such evidence and that directly or indirectly was

received from, or generated by, the actual, likely, or possible holder of such evidence.

13. A lawyer shall produce all the parts of each piece of evidence herein demanded that state as to each transaction covered by such piece of evidence or, if not available each transaction, then for a set of such transactions:

- a) the time, place, amount, and currency or currency equivalent of each such transaction;
- b) the rates, including but not limited to, the normal, delinquent, introductory, preferential, promotional, special, and exchange rates, applied to the transaction;
- c) the description of the goods, goods seller, service, and service provider concerned by each transaction;
- d) the source or recipient of funds or the person or entity that made any charge or claim for funds;
- e) the opening and closing dates of the piece of evidence;
- f) the payment due date of the amount owing and such amount concerning each transaction;
- g) the good or delinquent standing of the account, agreement, or contract dealt with in the piece of evidence;
- h) the beneficiary of any payment;
- i) the surety, codebtor, or collateral for each transaction; and
- j) any other matter concerning the formulation of the terms and conditions of the transaction or relationship dealt with in the piece of evidence.

14. A lawyer shall certify in an affidavit or an unsworn declaration subscribed under penalty of perjury as provided for under 28 U.S.C. §1746 (hereinafter collectively referred to as a certificate), with respect to each piece of evidence produced that:

- a) it has not been the subject of any addition, deletion, correction, or modification of any type whatsoever; and
- b) it is the whole of the piece of evidence and consists of both all the parts requiring its production and all other parts without regard to their degree of relevance or lack thereof relative to the Demand for production; or
- c) the certificate required under clauses a) and b) of this paragraph cannot be made with respect to any part or the whole of any piece of evidence and the reason therefor and attach the available evidence to the certificate.

15. A lawyer shall produce evidence demanded herein pursuant to the following timeframes measured

from the time the Demand is served on such lawyer as provided for under ¶¶8c), d), e) supra:

- a) within 14 days with respect to evidence that a lawyer has possession or control of, or access to, it at home or other permanent or temporary dwelling; in the office or place of work or business; in a land, sea, or air vehicle; in a security box or storage place; or equivalent place;
- b) with respect to evidence that both does not fall within the scope of clause a) of this paragraph and must be requested from the third party (or parties) that has, is likely to have, or possibly has possession or control of, or access to, it:
 - 1) within 14 days send a request for such evidence to such third party and send a copy of such request to the Referees;
 - 2) within 10 days of receiving either such evidence or any communication concerning such request, send the evidence or a true, correct, and complete copy thereof to the Referees and, if such communication is not in writing, commit it to writing and send the resulting written communication to the Referees;
 - 3) proceed to obtain such evidence from the third party as a lawyer would who with due diligence makes a good faith and proactive effort to obtain on behalf of his or her client materially important evidence from a third party, including, but not limited to:
 - i) applying to a court of competent jurisdiction for an order of production addressed to such party;
 - ii) issuing a subpoena under FRCP 45 or equivalent state law provision;
 - iii) proceeding under the discovery rules of FRCP or equivalent state rules.
- c) within 14 days explain in writing to the Referees the lawyers' legitimate inability under law to comply with clauses a) and b) of this paragraph and continue to make an effort as described in clause b.3) of this paragraph to obtain and send to the Referees the evidence demanded.

D. Evidence In General, Production, And Certification

16. Evidence means information that already is or can be caused to be contained in a physical object and that relates to the subject of this Demand.

17. Information is the message that tells one entity something about another entity. It includes

knowledge in the mind of a person that can be conveyed to, and received by, another person.

18. Evidence identified with particularity or in general in this Demand is to be understood broadly to include a physical object that holds information in any form and format about something related to the subject of the Demand and can convey knowledge about it directly to a human being or indirectly through a machine.
19. The information may be in the form of text, symbols, graphics, data, clip art, pictures, sound, or video; the format may be handwritten, print, digital, electronic, or otherwise; and the physical object may be any of the following or similar objects, any of which may be referred to as a document when it contains information:
 - a) paper, carton, other paper pulp product; cloth, fabric, plastic, and similar materials;
 - b) graphic or photographic paper, photo or movie film, microfilm, and equivalent;
 - c) a removable storage device, such as a floppy disk; data tape; CD, DVD, Blue Ray, mini, or external hard disk; memory flash, stick, chip, or card; electronic memory strip, such as found on plastic cards, whether credit, debit, identity, security, medical cards and similar information-holding cards;
 - d) fixed storage device, such as an internal hard disk of a computer, server, mainframe, or recorder box;
 - e) an audio or video cassette, tape, or disk, such as used in a tape recorder, camcorder, telephone answering machine; surveillance or security system or device; phone switchboard or PBX; or central, control, or base unit that communicates with outside units, clients, and in-bound callers;
 - f) a wireless handheld digital device, such as an iPod, Blackberry, Palm, or smartphone.
20. A lawyer from whom evidence is demanded herein and who has only or also information about it shall cause that information to be contained in the physical object, such as those listed in ¶19 supra, that is reasonably calculated to be the best means of conveying it to the Referees.
21. A lawyer that has evidence is referred to herein as evidence producer, whether the lawyer:
 - a) is only in a position as a matter of fact rather than as a matter of law to produce such evidence but has not produced it yet;
 - b) is in the process of producing such evidence; or
 - c) has already produced such evidence.
22. Evidence includes information qualified by the evidence producer as:

- a) information believed by the evidence producer to be a fact;
- b) information reasonably believed by the evidence producer to be true but not known to be a fact;
- c) information qualified by the evidence producer as known to be false, likely to be false, or possibly false;
- d) information qualified by the evidence producer as hearsay, regardless of its admissibility in court.

23. Evidence may be produced in the form of:

- a) a written statement or affidavit composed to respond to this Demand;
- b) an object that already exists at the time the evidence producer becomes aware that it contains evidence an oral communication or testimony;
- c) an oral communication, such as a conversation, interview, deposition, or hearing, if such form of production is acceptable to the Referees; otherwise, it must be caused to be contained in a physical object, as described in ¶18 supra.

24. A reference herein to a specific piece of evidence includes the source evidence from which it was derived, such as through addition, deletion, merge, update, modification, correction, translation, transformation from one form to another, or rearrangement for inclusion in a database. Conversely, a demand for evidence that is the source from which other evidence was derived includes such derivative evidence.

E. Particular Evidence To Be Produced

25. A lawyer shall produce to the Referees the following and reasonably similar evidence:

1. Financial evidence

26. Evidence of any payment, compensation, or transfer of value, whether in cash or in kind and for any reason whatsoever, or offer, promise, or contingent arrangement for such payment, compensation, or transfer by any partner, officer, any other employee, service provider, or person in any way and to any degree related to Underberg & Kessler, LLP, to U.S. Bankruptcy Judge John C. Ninfo, II, WBNY, since January 1, 1992, to date or in future.

27. The documents that during the preparation for, and the course of, their bankruptcy proceedings until their discharge and thereafter, if related to such proceedings, were made available directly

or indirectly:

- a) by David Gene and Mary Ann DeLano or their children, Michael David and Jennifer, to Christopher Werner, Esq., Devin Lawton Palmer, Esq., any other members or employee of Boylan, Brown; Trustee George Reiber, Assistant U.S. Trustee Kathleen Dunivin Schmitt, U.S. Trustees for Region 2 Deirdre A. Martini and Diana G. Adams; any other panel or official trustee; Judge Ninfo and District Judge David Larimer and any other judge or court staffer;
- b) by David Palmer to Raymond C. Stilwell, Esq., Trustee Kenneth Gordon, U.S. Trustee Trudy Nowak, U.S. Trustee for Region 2 Carolyn Schwartz, and any other person mentioned by name or capacity in clause a) of this paragraph.

28. The documents obtained by Trustee Reiber in connection with *DeLano* and by Trustee Gordon in connection with *Premier* and *Pfuntner*, regardless of the source, up to the date of compliance with this Demand, whether such documents relate generally to the bankruptcy petition of the DeLanos or Mr. Palmer or his former moving and storage company, Premier Van Lines, Inc., or its successor; or particularly to the investigation of whether either or both of them committed fraud, regardless of whether such documents point to their joint or several commission of fraud or do not point to such commission but were obtained in the context of such investigation.

29. The financial documents in either or both of the names of:

- a) David Gene and Mary Ann DeLano;
- b) David Palmer and Premier; and
- c) third parties but concerning a financial matter under the total or partial control of either or both of them, respectively, whether either or both exercised or still exercise such control directly or indirectly through a third person or entity, and whether for their benefit or somebody else's.

30. The dates of the documents referred to in this §E.1. are:

- a) in the case of the DeLanos, since January 1, 1975, to date; and
- b) in the case of Mr. Palmer, since he began to work for, or do business as, or acquired partially or totally, or otherwise controlled, Premier to date.

31. The financial documents referred to in this §E.1. include the following:

- a) the ordinary, whether the interval of issue is a month or a longer or shorter interval, and extraordinary statements of account of each and all checking, savings, investment, retire-

- ment, pension, credit card, and debit card accounts at, or issued by, M&T Bank and any other entity, whether banking, financial, investment, commercial, or otherwise, in the world;
- b) the unbroken series of documents relating to the purchase, sale, or rental of any property or share thereof or right to its use, wherever in the world such property may have been, is, or may be located, by either or both of the DeLanos and Mr. Palmer/Premier, respectively, including, but not limited to:
- 1) real estate, including but not limited to the home and surrounding lot at 1262 Shoecraft Road, Webster (and Penfield, if different), NY 14580;
 - 2) Premier, any similar moving or storage company, or other business, whether incorporated or not incorporated;
 - 3) Premier's warehousing space at the warehouses at:
 - i) 2130 Sackett Road, Avon, NY, 14414, owned by Mr. James Pfuntner;
 - ii) Jefferson Henrietta Associates, 415 Park Avenue, Rochester, NY 14607;
 - iii) 10 Thruway Park Drive, West Henrietta, NY 14586;
 - 4) moving and storage equipment, including, but not limited to, vehicles, forklifts, crates, padding and packaging material; and
 - 5) personal property, including any vehicle, mobile home, or water vessel;
- c) mortgage documents;
- d) loan documents;
- e) title documents and other documents reviewing title, such as abstracts of title;
- f) prize documents, such as lottery and gambling documents;
- g) service documents, wherever in the world such service was, is being, or may be received or given; and
- h) documents concerning the college expenses of each of the DeLanos' children, Jennifer and Michael, including, but not limited to, tuition, books, transportation, room and board, and any loans extended or grant made by a government or a private entity or a parent or relative for the purpose of such education, regardless of whose name appears on the documents as the loan borrower or grant recipient.

2. Minutes, transcripts, and recordings

32. The minutes, transcript, stenographic packs and folds, audio tape, and any other recording of the status conference and pretrial hearing in *Pfuntner* requested by Trustee Schmitt on December 10,

2002, and held before Judge Ninfo on January 10, 2003.

33. The transcript and stenographic packs and folds of the hearings held before Judge Ninfo:

a) in *Pfuntner* on:

- | | | |
|----------------------|-------------------|---------------------|
| a. December 18, 2002 | d. April 23, 2003 | g. July 2, 2003 |
| b. February 12, 2003 | e. May 21, 2003 | h. October 16, 2003 |
| c. March 26, 2003 | f. June 25, 2003 | |

b) in *DeLano* on:

- | | | |
|--------------------|----------------------|----------------------|
| a. March 8, 2008 | d. August 25, 2004 | g. November 16, 2005 |
| b. July 19, 2004 | e. December 15, 2004 | |
| c. August 23, 2004 | f. July 25, 2005 | |

34. Trustee Schmitt and Trustee Reiber or their respective successors shall within 10 days of this Demand arrange for, and produce:

- a) the audio tape of the meeting of creditors of the DeLanos held on March 8, 2004, at the Office of the U.S. Trustee in Rochester, room 6080, and conducted by Att. James Weidman;
- b) its transcription on paper and as a PDF file on a floppy disc or CD; and
- c) the video tape shown at the beginning of such meeting and in which Trustee Reiber appeared providing the introduction to it.

35. The transcript of the meeting of creditors of the DeLanos held on February 1, 2005, at Trustee Reiber's office, made by Court Reporter Ms. Bonsignor of Alliance Shorthand, and kept by Trustee Reiber, shall be produced by him or his transferee on paper and as a PDF file on a floppy disc or CD.

36. The original stenographic packs and folds on which Reporter Dianetti recorded the evidentiary hearing of the DeLanos' motion to disallow Dr. Cordero's claim, held on March 1, 2005, in the Bankruptcy Court, shall be kept in the custody of the Bankruptcy Clerk of Court and made available upon demand to the Referees.

37. The statement reported in entry 134 of the docket of *DeLano* to have been read by Trustee Reiber into the record at the confirmation hearing on July 25, 2005, of the DeLanos' plan of debt repayment, of which there shall be produced a copy of the written version, if any, of such statement as well as a transcription of such statement exactly as read and the stenographic packs and folds used by the reporter to record it.

3. Court orders

38. The Clerk of the Bankruptcy Court shall produce certified copies of all the orders in *DeLano* and *Pfuntner*, including the following:

a) in *DeLano*:

- 1) July 26, 2004, for production of some documents by the DeLanos ;
- 2) August 30, 2004, severing Dr. Cordero's claim against Mr. DeLano from *Pfuntner*, and requiring Dr. Cordero to take discovery from Mr. DeLano to prove his claim against him while suspending all other proceedings until the DeLanos' motion to disallow Dr. Cordero's claim was finally determined;
- 3) November 10, 2004, denying Dr. Cordero all his requests for discovery from Mr. DeLano;
- 4) December 21, 2004, scheduling *DeLano* for an evidentiary hearing on March 1, 2005;
- 5) April 4, 2005, holding that Dr. Cordero has no claim against Mr. DeLano and depriving him of standing to participate in any future proceedings in *DeLano*;
- 6) August 8, 2005, ordering M&T Bank to pay part of Mr. DeLano's salary to Trustee Reiber;
- 7) August 9, 2005, confirming the DeLanos' debt repayment plan after hearing Trustee Reiber's statement and obtaining his "Trustee's Report", that is, his undated "Findings of Fact and Summary of 341 Hearing" and his undated and unsigned sheet titled "I/We filed Chapter 13 for one or more of the following reasons";
- 8) November 10, 2005, letter denying Dr. Cordero his request to appear by phone to argue his motion of November 5, 2005, to revoke the order of confirmation of the DeLanos' debt repayment plan;
- 9) November 22, 2005, denying Dr. Cordero's motion to revoke the confirmation of the DeLanos' debt repayment plan;
- 10) Notice of January 24, 2007, releasing Mr. DeLano's employer, M&T Bank, from the obligation to make any further payments to Trustee Reiber.
- 11) February 7, 2007, discharging the DeLanos after completion of their plan;
- 12) June 29, 2007, providing, among other things, for the allowance of the final account and the discharge of Trustee Reiber, the enjoinder of creditors from any attempt to collect any discharged debt, the closing of the DeLanos' estate, and the release of

their employer from the order to pay the Trustee;

b) in *Pfuntner*:

- 1) December 30, 2002, dismissing Dr. Cordero's cross-claims for defamation as well as negligent and reckless performance as trustee against Trustee Gordon;
- 2) February 4, 2003, transmitting to District Judge David Larimer, WDNY, the record in a non-core proceeding and findings of fact, conclusions of law, and the Recommendation not to grant Dr. Cordero's application for entry of default judgment against David Palmer;
- 3) Attachment of February 4, 2003, to the Recommendation of the Bankruptcy Court that the default judgment not be entered by the District Court ;
- 4) February 18, 2003, denying Dr. Cordero's motion to extend time to file notice of appeal;
- 5) July 15, 2003, ordering that a "discrete hearing" be held in Rochester on October 23, 2003, followed by further monthly hearings ;
- 6) October 16, 2003, Disposing of Causes of Action ;
- 7) October 16, 2003, denying Recusal and Removal Motions and Objection of Richard Cordero to Proceeding with Any Hearings and a Trial;
- 8) October 23, 2003, Finding a Waiver by Dr. Cordero of a Trial by Jury ;
- 9) October 23, 2003, setting forth a Schedule 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;
- 10) October 28, 2003, denying Dr. Cordero's Motion for a More Definitive Statement of the Court's Order and Decision.

4. Documents entered on dockets or publicly filed

39. The Bankruptcy Clerk shall produce certified copies of the following documents referred to on the docket of *Premier*, 01-20692, WBNY, or connected to that case:

a) Documents entered on the docket:

- 1) the monthly reports of operation for March through June 2001, entered as entries no. 34, 35, 36, and 47;
- 2) the reports for the following months until the completion of the liquidation of Premier;
- 3) the court order closing that case, which is the last but one entry, but bears no number;

- 4) the court order authorizing the payment of a fee to Trustee Gordon and indicating the amount thereof, which is the last docket entry, but bears no number.
- b) Documents that are only mentioned in other documents in *Premier*, but not entered themselves anywhere:
 - 1) the court order authorizing payment of fees to Trustee Gordon's attorney, William Brueckner, Esq., and stating the amount thereof; cf. docket entry no. 72;
 - 2) the court order authorizing payment of fees to Auctioneer Roy Teitsworth and stating the amount thereof; cf. docket entry no. 97;
 - 3) the financial statements concerning Premier prepared by Bonadio & Co., for which Bonadio was paid fees; cf. docket entries no. 90, 83, 82, 79, 78, 49, 30, 29, 27, 26, 22, and 16;
 - 4) the statement of M&T Bank of the proceeds of its auction of estate assets on which it held a lien as security for its loan to Premier; the application of the proceeds to set off that loan; and the proceeds' remaining balance and disposition; cf. docket entry no. 89;
 - 5) the information provided to comply with the order described in entry no. 71 and with the minutes described in entry no. 70;
 - 6) the Final report and account referred to in entry no. 67 and ordered filed in entry no. 62.

40. Judge Ninfo's and Judge Larimer's annual financial disclosure reports since 1992, required to be filed publicly under the Ethics in Government Act of 1978, 5 U.S.C. Appendix (Appendix 4 in West publications) shall be obtained from the Administrative Office of the U.S. Courts, One Columbus Circle, NE, Washington, D.C. 20544, tel. (202)502-2600, for the purpose of:

- a) comparing them with their salaries, made a public matter by 5 U.S.C. §5332, The General Schedule, Schedule 7–Judicial Salaries, and other declared and otherwise discovered sources of income;
- b) determining plausibility and compliance with the disclosure requirements; and
- c) facilitating asset tracking as necessary in the context of the Demand's subject matter.

for the Referees,
of the Appellate Division, 4th Department:

Date

http://Judicial-Discipline-Reform.org/NYS_att_complaints/14GC/DrRCordero-Referee_infoDemand.pdf

Judge Sotomayor

**earned \$3,773,824 since 1988 + received \$381,775 in loans = \$4,155,599
+ her 1976-1987 earnings, yet disclosed assets worth only \$543,903
thus leaving unaccounted for in her answers to the Senate Judiciary
Committee \$3,611,696 - taxes and the cost of her reportedly modest living
The similarity to the *DeLano* Case that she withheld from the Committee**

The Senate Judiciary Committee required Justice Nominee Judge Sonia Sotomayor to “Provide a complete, current financial net worth statement which itemizes in detail all assets [and] all liabilities”.¹ Judge Sotomayor was also under an independent duty under the Ethics in Government Act to file “full and complete” annual financial disclosure reports.² Her discharge of such obligations or failure to do so reflects her respect or lack thereof for the law applicable to her and thus, the law that she applies to others and the quality of justice that she dispenses to them. Hence, examining her handling of such obligations is warranted by the need to ascertain her personal and judicial integrity.

The following table and its endnotes show that Judge Sotomayor failed to disclose the whereabouts of her earnings, as summarized in the title above. Money does not simply disappear.³ It is either spent, donated, or saved.⁴ To some extent, how a person spends money can be determined from her appearance and public conduct. How she saves it, e.g., by investing it, requires mostly disclosure or subpoenas.⁵ Failure to disclose financial information when under a duty to do so is a violation of the law. Nondisclosure by a bankruptcy petitioner constitutes concealment of assets and perjury. It is a crime punishable by up to 20 years imprisonment and a fine of up to \$500,000.

In the *DeLano* case, 06-4780-bk, Judge Sotomayor, presiding(20), and her colleagues on a panel of the Court of Appeals, 2nd Circuit (CA2), issued a summary order⁶ to protect, not the rule of law, but rather their appointee to a bankruptcy judgeship⁷, Bkrp. Judge John C. Ninfo, II, WBNY. He had covered up the concealment of at least \$673,657 by the most unlikely of „bankrupts“: a 39-year veteran banker who at the time of filing for bankruptcy was and remained employed by a major bank, M&T Bank, precisely as a bankruptcy officer!⁸ Both M&T and Mr. DeLano are clients of the law firm, Underberg & Kessler, in which Judge Ninfo was a partner at the time of taking the bench.⁹ To protect such concealment of assets by a bankruptcy system insider and her bankruptcy appointee, Judge Sotomayor violated discovery rights¹⁰ by denying *every single document* in all creditor-requests,¹¹ which would have exposed a judicially run bankruptcy fraud scheme.¹²

Worse yet, by so doing, Judge Sotomayor failed to protect the most important Constitutional guarantee that a judge, let alone a Supreme Court justice, is required to safeguard: due process of law.¹³ Her gross partiality toward her own and blatant denial of due process to the creditor so indict her integrity that she withheld *DeLano* despite the Committee’s request for her to submit all her cases. Her conduct in, and handling of, that case has been brought to the Committee’s attention.¹⁴

The table aims to have Judge Sotomayor and *DeLano* investigated by the Committee, which is authorized to do so¹⁵, and journalists¹⁶. Their *Follow the Money!* investigation should determine whether she has been complying with her financial disclosure obligations and, if not, whether she reckoned that she too was protected by her peers, who are also above the law.¹⁷ The investigation should also expose her and other judges¹⁸ involvement in a bankruptcy fraud scheme that aggravates the misery of millions and the extent to which withholding *DeLano* was part of the cover-up. The ensuing public outrage should force Congress to adopt effective judicial accountability and discipline legislation that brings our legal system closer to the noble ideal of “Equal Justice Under Law”.

INCOME¹⁹

	Year	Federal, Outside, and Rental Income					Salary
1.	1976	The Equitable Life Assurance Society of the U.S. jun-aug1976					
		\$					
2.	1977	Office of the General Counsel, Yale U. jun-sep 77					
		\$					
3.	1977		The Graduate-Professional Center sep77-may78				
			\$				
4.	1978		\$	Paul, Weiss, Rifkind, Wharton & Garrison jun-aug78	Yale Law School Mimeo Room sep78-may79		
				\$	\$		
5.	1979	Assist. D.A. in NY County (Manhattan) D.A.'s Office sep79-mar84			\$		
		\$					
6.	1980	\$	Puerto Rican Legal Defense & Education Fund (now LatinoJustice PRLDEF) 1980-oct92				
			\$				
7.	1981	\$	\$				
8.	1982	\$	\$				
9.	1983	\$	\$	Sotomayor & Associates 1983-86			
				\$			
10.	1984	\$	\$	\$	Pavia & Harcourt: associate apr84-dec87		
					\$		
11.	1985		\$	\$	\$	Maternity Center Association 85-86	
						\$	
12.	1986		\$	\$	\$	\$	

13.	1987		\$		\$	State of New York Mortgage Agency 1987-oct92	
						\$	
14.	1988		\$	NY City Campaign Finance Board 88-oct92	partner 1jan88-30sep92 ²⁰	\$	
				\$	\$141,951 ²¹		141,951
15.	1989		\$	\$	\$145,920	\$	145,920
16.	1990		\$	\$	\$150,000	\$	150,000
17.	1991		\$	\$	\$154,080	\$	154,080
18.	1992	U.S. District Judge, SDNY 2oct92-12oct98	\$	\$	\$118,703 \$25,000 ²²	\$	215,469
		\$32,198 ²³					
19.	1993	133,600 ²⁴				Rental income from Brooklyn co- op apartment ²⁵	133,600
						\$1,100/month =\$13,200	
20.	1994	133,600 ²⁶				\$13,200	146,800
21.	1995	133,600 ²⁷				\$13,200	146,800
22.	1996	133,600 ²⁸				\$13,200	146,800
23.	1997	133,600 ²⁹				\$13,200	146,800
24.	1998	1Jan-12oct98				\$13,200	119,938
		106,738 ³⁰					
25.	1998	U.S. Circuit Judge, 2 nd Circuit 13oct-to date			Adjunct professor, NYU School of Law 1997-2007 ³¹		41,781
		31,781 ³²			\$10,000 ³³		
26.	1999	145,000 ³⁴	Lecturer-in-Law, Columbia University 1999-2009 ³⁵		\$10,000	\$13,200	168,200
			\$?				
27.	2000	149,900 ³⁶	\$10,000		\$12,000	\$13,200	185,100
28.	2001	153,900 ³⁷	\$10,000		\$10,000	\$13,200	187,100
29.	2002	159,100 ³⁸	\$10,000		\$13,500	\$13,200	195,800
30.	2003	164,000 ³⁹	\$10,000		\$14,600	\$13,200	201,800
31.	2004	167,600 ⁴⁰	\$10,000		\$13,205	\$13,200	204,005
32.	2005	171,800 ⁴¹	\$10,000		\$14,315	\$13,200	209,315
33.	2006	175,100 ⁴²	\$10,000		\$14,780	\$13,200	213,080
34.	2007	175,100 ⁴³	\$10,000	Trustee, Princeton University 2007-to date	\$14,780	\$13,200	213,080
				\$			
35.	2008	179,500 ⁴⁴	\$25,830	\$		\$13,200	218,530

36.	Jan-May 09	76,875 ⁴⁵	\$	\$		\$13,200 x 5/12= \$5,500	87,875
37.						Total earnings over time	\$3,773,824

ASSETS			LIABILITIES	
38.	31,985	Cash on hand and in banks ⁴⁶	Real estate mortgages payable ⁴⁷	381,775
39.	360,000	purchase price of Greenwich Village condo bought in 1998 ⁴⁸	Accounts and bills due	5,752
			Credit card bills	15,823
40.	43,000	interest in condominium	Dentist bill (estimate)	15,000
41.	108,918	Autos and other personal property		
42.	\$543,903	Total	Total	\$418,350

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Note: Click a link or copy & paste it into your browser’s address box, cut any blank space between characters, and go there.

- 1 **a)** U.S. Senate Committee on the Judiciary, Associate Justice of the U.S. Supreme Court – Sonia Sotomayor – Questionnaire; <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> >Committee Questionnaire, United States Senate Committee on the Judiciary, Questionnaire for Judicial Nominees, Public, pp. 167 -168; and
- b)** <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> >June 15, 2009 - Questionnaire Supplement, pp. 2-3;
- c)** also at http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_integrity/2SenJudCom_Questionnaire_JSotomayor.pdf >JS:167-168 and 317-318; this file collects the above two and several others in the Questionnaire and adds to them bookmarks useful for navigating through them.
- 2 The Ethics in Government Act of 1978 (5 U.S.C. Appendix (Appendix IV in West)) is one of the pieces of legislation adopted by Congress in the wake of the Watergate Scandal. It is made applicable to federal judges at §§101(f)(11) and 109(10), mandating that they file an annual financial disclosure report. Section 102(a) requires that they make “a full and complete statement with respect to...income,...gifts,...interest in property,... liabilities, ...purchase, sale or exchange...in real property...or...securities,...all positions held [in an entity],...any...future employment,...total cash value of any interest...in a qualified blind trust,...information...respecting the spouse or dependent child”. So it calls for very specific and detailed financial information. Judges must file their reports with the Administrative Office of the U.S. Courts (AO), where they are publicly available. For AO’s address, see <http://www.uscourts.gov/comment.html>. The Act, with added useful bookmarks, is at http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_14apr9.pdf. See http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_03-07_reports.pdf.

³ “Sotomayor, an avid Yankees fan, **lives modestly**, reporting virtually no assets despite her \$179,500 yearly salary. [Since January 1, 2009, her annual salary is \$184,500; ent. 45 infra.] On her financial disclosure report for 2007, she said her only financial holdings were a Citibank checking and savings account, worth \$50,000 to \$115,000 combined. During the previous four years, the money in the accounts at some points was listed as low as \$30,000. When asked recently how she managed to file such streamlined reports, Sotomayor, according to a source, replied, “When you don't have money, it's easy. There isn't anything there to report.” N.Y. Federal Judge Likely on Shortlist, Keith Richburg, *The Washington Post*, May 7, 2009; (emphasis added <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/06/AR2009050603762.html>); also at http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_integrity/13onJSotomayor.pdf.

Judge Sotomayor's statement quoted above is contradicted by the evidence. Her own answers to the Questionnaire show that she is reimbursed for her numerous travel to, and lodging and meals at, judicial conferences and other events at which she speaks; endnote 1a) and c) supra >11. Membership, p.15.c.; 165(c-f); and 1c) JS:307, entry for 6/16/95. If she spent her earnings minus taxes and the cost of living modestly neither to participate in such events nor acquire assets other than those listed on the table, which exclude capital appreciation, how did she spend, or in what else did she invest, them?

⁴ There are basically three ways of spending money: on goods, on services, or in charitable contributions.

1. It is unlikely that a public figure could have spent millions of dollars on services, such as eating at expensive restaurants or going on extravagantly luxurious vacations, without attracting attention.
2. It is likely that if a person gave away to charitable entities almost every penny that she earned, she or the entities would bring it to public attention, if only to persuade others to contribute to her cherished charitable causes.
3. If the money went to the purchase of goods, the latter are somewhere, that is, either in:
 - a) household goods, and she would have had to buy lots of, and have space for, them;
 - b) personal goods, such as designer clothes and sparkling jewels that everybody would have noticed; or
 - c) (i) investment goods, such as real property, which must be recorded in somebody's name in the county clerk's office, or
(ii) certificates of deposit, stock and bonds, and similar financial instruments, all of which have to be reported in the annual judicial financial disclosure reports required under the Ethics in Government Act of 1978. Endnote 2.

⁵ http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/6DrCordero-SenJudCom_subpoena.pdf

⁶ The summary order, scanty as such orders are just to get rid of the case, appears at CA:2180 in http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf; see there CA:1725§VII. Statement of Facts.

⁷ Bankruptcy judges are appointed by their respective circuit courts; 28 U.S.C. §152;

http://Judicial-Discipline-Reform.org/docs/28usc151-159_bkr_judges.pdf.

- ⁸ The Salient Facts of the *DeLano* Case; http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf >2.
- ⁹ http://www.nywb.uscourts.gov/about_judge_ninfo_46.php. Do you trust the impartiality and objectivity of a judge who was a partner in your opposing counsel's firm?; <http://www.underbergkessler.com/>. Judge for yourself; http://Judicial-Discipline-Reform.org/docs/transcript_DeLano_1mar5.pdf >Tr.28/13-29/4; 75/8-76/3; and 141/20-143/16; and http://Judicial-Discipline-Reform.org/docs/DrCordero_DeLano_WDNY_21dec5.pdf >Pst:1255§E.
- ¹⁰ Federal Rules of Civil Procedure 26 and 34, <http://www.uscourts.gov/rules/index.html>, are applied in bankruptcies by reference in Federal Rules of Bankruptcy Procedure 7026 and 7034, <http://www.uscourts.gov/redirects/cornellLaw.html> ><http://www.law.cornell.edu/rules/frbp/>.
- ¹¹ Table of Documents Requested by Dr. Cordero and Denied by CA2, at US:2484, in the appeal of *DeLano* to the Supreme Court on petition for certiorari to CA2, *Richard Cordero v. David DeLano et ux.*, docket 08-8382; http://Judicial-Discipline-Reform.org/US_writ/DrCordero-SCt_petition_3oct8.pdf. See there also US:2442§IX. Statement of Facts; and US:2456§X. Analysis of CA2's Order of Dismissal.
- ¹² http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf
The petition for panel rehearing and hearing en banc shows how the order was a perfunctory job intended to cover up the bankruptcy fraud scheme by disregarding the facts of the case, referring to cases unrelated with the law or the facts of the case, and evading the issues on appeal, id. CA:1719§V, and even the term explicitly made its key issue: fraud; http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_rehear.pdf
- ¹³ See the discussion of how Judge Sotomayor's and her colleagues' conduct gave "the appearance of impropriety" and constituted "improprieties" under the Code of Conduct for U.S. Judges; http://Judicial-Discipline-Reform.org/US_writ/2DrCordero-SCt_rehear_23apr9.pdf.
- ¹⁴ http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/11DrCordero-SenJudCom.pdf
- ¹⁵ Endnote 2 supra: Ethics in Government Act §101(a)...Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.
- ¹⁶ Synopsis of an Investigative Journalism Proposal: Has a Federal Judgeship Become a Safe Haven for Coordinated Wrongdoing?; endnote 8 supra >1.
- ¹⁷ The Choice: Judge Sotomayor's Ethnicity v. Equal Justice Under Law; http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_v_Equal_Justice.pdf > para. 4 and 5.
- ¹⁸ See the role of District Judge Larimer, WDNY, and Former CA2 Chief Judge Walker in the scheme in *Pfuntner v. Trustee Gordon et al.*, 02-2230, WBNY; http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf >N:66§IV and http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf >A:1642§B.

- 19 Endnote 1a) and c) supra >question 6. Employment Record.
- 20 “She reported making about \$150,000 in 1990, her last full year as a private lawyer in New York.” For a justice, Sonia Sotomayor is low on dough, Josh Gerstein, Politico, May 28, 2009; <http://www.politico.com/news/stories/0509/23045.html>; see “also at...” ent. 3 supra.

In her answer to 6. Employment Record, she stated: “Pavia & Harcourt, *Partner* 1/1/88 – 9/30/92”; endnote 1a) and c) supra >2. It can reasonably be assumed that she earned at least as much for the subsequent full year and pro rata for part of her last year there.

To estimate her earnings as a partner for those years as well as for the preceding ones, i.e., 1988-1989, the average Cost of Living Adjustment for judicial salaries for the available years, namely, 1992-2009, has been used. The justification for this is that COLA intends to reflect the pace of earning increases that judges would have received if they had remained in private practice. The Late Chief Justice Rehnquist had this to say on the subject: “[Judges] are only asking that the pay that was set some years ago be adjusted for increases in the cost-of-living since that time -- a benefit that many working people in the private sector, and almost all employees of the federal government, regularly expect and receive”. Supreme Court Year-End Report, 1996; <http://www.uscourts.gov/ttb/jan96ttb/1yearend.html>.

Average of the Percentage Increases in Judicial Salaries Between 1992 and 2009						
1992	129,500 dis. judge			2001	153,900	2.67
1993	133,600	3.17		2002	159,100	3.38
1994	133,600	0		2003	164,000	3.08
1995	133,600	0		2004	167,600	2.20
1996	133,600	0		2005	171,800	2.51
1997	133,600	0		2006	175,100	1.92
1998	136,700	2.32		2007	175,100	0
1999	145,000 cir. judge	0		2008	179,500	2.51
2000	149,900	3.38		2009	184,500	2.79
					Average	2.72

1990 earnings of \$150,000 – 2.72% = 1989 earnings of \$145,920

1989 earnings of \$145,920 - 2.72% = 1988 earnings of \$141,951

1990 earnings of \$150,000 + 2.72% = 1991 earnings of \$154,080

1991 earnings of \$154,080 + 2.72% = 1992 earnings of \$158,271/ ¾ of a year (1/1-9/1/92)= \$118,703

Whatever excess income may have been thus estimated for these years is vastly compensated by the fact that no income at all has been estimated for the years 1979-1987.

- 21 Values in *italics* are estimated.
- 22 “She said she was due about \$25,000 for her partnership interest in a small firm, Pavia & Harcourt. By contrast, when Chief Justice John Roberts left a major Washington law firm, Hogan & Hartson, in May 2003 to take a seat on the D.C. Circuit Court, he was paid more than \$1 million in salary and compensation for his partnership interest.” For

a justice, Sonia Sotomayor is low on dough, Josh Gerstein, Politico, May 28, 2009; <http://www.politico.com/news/stories/0509/23045.html>; see “also at ...” ent. 3 supra.

²³ **1992:** 5 U.S.C. §5332 The General Schedule, Schedule 7, Judicial Salaries; http://bulk.resource.org/courts.gov/juris/j0110_03.sgml. Salary as U.S. district judge from 2oct-31dec92= \$129,500/366 days= \$353.83 x 91 days= \$32,198.

²⁴ **1993:** http://bulk.resource.org/courts.gov/juris/j0113_03.sgml.

²⁵ “Kinzer and Cardi became Sotomayor's friends in the 1980s when Cardi was working as a legal aid lawyer and Sotomayor was a prosecutor in the Manhattan district attorney's office. Cardi persuaded Sotomayor to move to their neighborhood, Carroll Gardens in Brooklyn, when there was a vacant apartment next door. Sotomayor later bought her own condo down the block.... Sotomayor only reluctantly left the neighborhood when she became a judge in Manhattan, because rules stipulate that judges must live in the district to which they are assigned.” Friends Provide a Glimpse Into Sotomayor's 'Very Full Life', Keith B. Richburg, Robin Shulman and Nancy Trejos, *The Washington Post*, Sunday, May 31, 2009; <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/30/AR2009053002061.html?nav=emailpage>; see “also at...” ent. 3 supra.

“Papers submitted in connection with her nomination to the 2nd Circuit Court of Appeals in 1997 say she was earning \$1,100 a month in rent on a co-op apartment that she owned in Brooklyn. As recently as 2004, she reported less than \$30,000 in her two bank accounts. A source told *The Washington Post* earlier this month that Sotomayor once said that filling out her financial reports was a breeze. “When you don't have money, it's easy. There isn't anything there to report”, she was quoted as saying. Sotomayor is divorced and has no children.” For a justice, Sonia Sotomayor is low on dough, Josh Gerstein, Politico, May 28, 2009; <http://www.politico.com/news/stories/0509/23045.html>. The implication is obvious: What else did she spend her money on or where did she place it? The question is particularly pertinent since it is reported that she “lives modestly”; endnote 3 supra.

It is assumed that she still owns her rental property in Brooklyn and earns rent therefrom; otherwise, the proceeds of its sale are unaccounted for. To be conservative, the rent is stated at the same level for the past 11 years. By comparison, controlled rents increase in NY City on average 3.5% for a one-year lease and 7% for a two-year lease.

²⁶ **1994:** No Schedule 7 was found for the period beginning on or after January 1, 1994. However, since Schedule 7 for the preceding and the following years indicate that the salary for district judges was \$133,600, then it is absolutely certain that such was the salary also for 1994 given that Const., Art. III, Sec. 1, provides that “The Judges...shall...receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office”. http://Judicial-Discipline-Reform.org/docs/US_Constitution.pdf.

²⁷ **1995:** <http://www.gpoaccess.gov/uscode/search.html> >United States Coder (1994) >Search: 5usc5332> <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> > 5USC Sec. 5332. The General Schedule > Text: <http://frwebgate6.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=510554514834+0+1+0&WAISaction=retrieve>.

²⁸ **1996:** <http://www.gpoaccess.gov/uscode/search.html> >United States Coder (1994 suppl.

- 1) >Search: 5usc5332 > <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> > 5USC Sec. 5332. The General Schedule > Text: <http://frwebgate5.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=511085272174+0+1+0&WAISaction=retrieve>.
- ²⁹ **1997**: Photocopy of 5usc5332 in USC, v. 1994, suppl. 2. Cf. <http://www.gpoaccess.gov/uscode/search.html> >United States Code (1994 suppl. 2) >Search: 5usc5332> <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> > 5 USC Sec. 5332. The General Schedule > Text: <http://frwebgate5.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=610555377786+0+0+0&WAISaction=retrieve>.
- ³⁰ **1998**: 5 U.S.C. §5332; <http://www.gpoaccess.gov/uscode/search.html> >United States Code (1994 suppl. 3) Search: 5usc5332 ><http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> >Text, <http://frwebgate6.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=60606640734+0+1+0&WAISaction=retrieve>. Judge Sotomayor's salary as district judge from 1jan-12oct98 at \$136,700/365 days= \$374.52 x 285 days= \$106,738.
- ³¹ United States Senate Committee on the Judiciary, Questionnaire for Judiciary Nominees, Public, <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> >Committee Questionnaire >Question 19. Teaching, p. 164.
- ³² Endnote 30 supra. Judge Sotomayor's salary as U.S. circuit judge from 13oct-31dec98 = \$145,000/365 days= \$397.26 x 80 days= \$31,781.
- ³³ Note that there are limitations on the amount of earned income that federal judges can add to their federal salaries under the Ethics in Government Act, endnote 2 supra, (Titles I to V of Pub. L. 95-521) Title V. Government-wide Limitation on Outside Earned Income and Employment, §501. (1) [A judicial] officer... may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5 U.S.C., as of January 1 of such calendar year; <http://uscode.house.gov/pdf/2007/>.
To see 5 U.S.C. §5313 go to <http://www.gpoaccess.gov/> >2006 U.S. Code >Search: 5usc5313 ><http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> >5USC Sec. 5313. Positions at level II: PDF
- ³⁴ **1999**: 5 U.S.C. §5332; <http://www.gpoaccess.gov/uscode/search.html> >United States Code (1994 suppl. 4) Search: 5usc5332 ><http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> >Text, <http://frwebgate4.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=512498187600+0+1+0&WAISaction=retrieve>.
- ³⁵ Endnote 31 supra >165.
- ³⁶**2000**: 5 U.S.C. §5332;
<http://wyomcases.courts.state.wy.us/applications/oscn/DeliverDocument.asp?CiteID=185097>
- ³⁷ **2001**: 5 U.S.C. §5332; <http://www.gpoaccess.gov/uscode/search.html> >United States Code (2000) >Search: 5usc5332 > Text: <http://frwebgate4.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=509036228003+0+1+0&WAISaction=retrieve>.

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- 38 **2002**: 5 U.S.C. §5332; <http://www.gpoaccess.gov/uscode/search.html> >United States Code (2000 suppl. 1) >Search: 5usc5332 > Text: <http://frwebgate1.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=507570115300+0+1+0&WAISaction=retrieve>.
- 39 **2003**: 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> >107th Congress, 2d Session (2002) (2000 Edition and Supplement II) >Friday, April 09, 2004 4:28 PM 4494151 2002usc05.pdf
- 40 **2004**: 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> > [108th Congress, 1st Session](#) (2003) (2000 Edition and Supplement III) >Thursday, July 07, 2005 3:56 PM 4576090 2003usc05.pdf.
- 41 **2005**: 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> >108th Congress, 2d Session (2004) (2000 Edition and Supplement IV) > Thursday, April 06, 2006 3:21 PM 4753695 2004usc05.pdf.
- 42 **2006**: 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> >109th Congress, 1st Session (2005) (2000 Edition and Supplement V) > Tuesday, April 17, 2007 12:55 PM 5269282 2005usc05.pdf.
- 43 **2007**: 5 U.S.C. §5332; <http://www.gpoaccess.gov/> >2006 U.S. Code >5usc5332, <http://www.gpoaccess.gov/uscode/index.html>, Search: 5usc5332 <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi>, 5USC Sec. 5332 The General Schedule >PDF.
- 44 **2008**: 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> >110th Congress, 1st Session (2007) (2006 Edition and Supplement I) > Tuesday, April 14, 2009 5:02 PM 5343812 2007usc05.pdf.
Also at <http://uscode.house.gov/> > Search, <http://uscode.house.gov/search/criteria.shtml> >Title: 5, Section: 5332, <http://uscode.house.gov/uscode-cgi/fastweb.exe?search> >5 USC Sec. 5332 > <http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t05t08+468+0++%28%29%20%20AND%20%28%285%29%20ADJ%20USC%29%3ACITE%20AND%20%28USC%20w%2F10%20%285332%29%29%3ACITE%20%20%20%20%20%20%20%20%20%20>.
- 45 **2009**: The salary of circuit judges increased to $\$184,500/12=\$15,375 \times 5=\$76,875$. COLA for Federal Judges in 2009, The Third Branch, Newsletter of the Federal Courts, Mar 2009, vol. 41, num. 3; http://www.uscourts.gov/ttb/2009-03/article03.cfm?WT.cg_n=TTB&WT.cg_s=Mar09_article03_tableOfContents.
- 46 The Financial Statement Net Worth table of the Questionnaire, endnote 1a) and c) supra >186, requires that Judge Sotomayor “Provide a **complete, current** financial net worth statement which **itemizes in detail all assets** (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) **all liabilities** (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.” (emphasis added)
- 47 “The judge's reportable net worth has hardly changed at all since she was appointed to the bench in 1992, according to a source in a position to know. The modest increase in her

net worth in 2007 may be attributable to a home equity loan she took out to do some renovations, the source said. Disclosed assets may not tell the whole financial picture, as federal rules do not require judges to disclose the value of their personal residences. **Sotomayor has listed no outstanding loans or other liabilities in recent years, except for four credit cards.** Sotomayor brought in some extra income in 2007 by working as an adjunct professor at New York Law School and lecturing at Columbia Law School. Those jobs paid her nearly \$25,000 that year. She also has traveled frequently to conferences. In 2007, she reported being reimbursed for expenses related to six trips, such as a stint teaching at the University of Puerto Rico and a trip to a judicial clerkship institute at Pepperdine University.” Sotomayor Rose High, with Few Assets, Joe Stephens, *The Washington Post*, May 7, 2009; (emphasis added); http://voices.washingtonpost.com/44/2009/05/07/sotomayor_rose_high_with_few_a.html?sid=ST2009050702123; see “also at...” ent. 3 supra.

But see endnote 46 supra. See also, endnote 48 infra, where it is reported that “city records indicate two outstanding mortgages totaling \$450,000.” This inconsistency needs to be resolved.

It should also be found out the rate of interest of those mortgages and their closing costs. It is not apparent at all why a person would need to take those mortgages and incur those costs although the whereabouts of her earnings of \$3,577,024 plus those for 1976-1987 cannot be accounted for. A person with expertise in financial matters, let alone in real estate, who understands the basic concept of interest rate spreads, would not keep earnings in a savings account, where she would earn a low rate, only to take a mortgage and pay a high rate. However, those mortgages can represent the leveraging of undisclosed investments earning a higher rate or with a high potential for capital appreciation that would more than offset the mortgage rate.

Judge Sotomayor has real estate expertise and connections. To question “16. Legal Career ...a.ii. whether you practiced alone, and if so, the addresses and dates”, her answer was:

Yes, with Sotomayor & Associates, 10 3rd Street, Brooklyn, New York 11231, from 1983 to 1986, but this work was as a consultant to family and friends in their real estate, business, and estate planning decisions. If their circumstances required more substantial legal representation, I referred the matter to my firm, Pavia & Harcourt, or to others with appropriate expertise.” Endnote 1 supra >1a) & c) 143-144.

...

“From April 1984 as an associate, and from January 1988 until October 1992 as a partner [in Pavia & Harcourt], I was a general civil litigator involved in all facets of commercial work including, but not limited to, real estate, employment, banking, contract, distribution and agency law.” Id, p.145

...

[At] Pavia & Harcourt[, m]y typical clients were significant European companies doing business in the United States. My practice at that firm focused on commercial litigation...My work also involved advising clients on a wide variety of legal issues, including, but not limited to...banking, real estate, patents, employment, partnership, joint venture and shareholder laws...and franchising and licensing matters. Moreover, I conducted over fifteen arbitration hearings...involving banking, partnership, tire and fashion industry disputes.

She was a member of the board of directors of the State of New York Mortgage Agency from 1987 to October 1992.

“She was engaged in the 1990s to Peter White, who worked in construction and real estate, but they later broke up.” Friends Provide a Glimpse Into Sotomayor's 'Very Full Life', Keith B. Richburg, Robin Shulman and Nancy Trejos, *The Washington Post*, Sunday, May 31, 2009; <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/30/AR2009053002061.html?nav=emailpage>; see “also at...” ent. 3 supra.

Judge Sotomayor said this in her speech at her induction to the Court of Appeals:

“Before Peter, Marguerite and Tom moved me out of and settled me into every home I have ever had since I moved into the city. You don't know how hard that is.” p.39. “At Pavia [& Harcourt], I also met Alessandro and Fe Saracino of the Fendi family, who along with their parents have introduced me to the beauty of the international world. Every day for five years I spoke to Marta Fontanesi, Fendi's legal representative. We formed a bond that is so special that she has come from Italy to be here today. Her husband Daniel Valebrega and his parents, who could not be here, have not only given us friendship but they gave Peter and me the opportunity to buy our current home in the Village.” p.41 “Peter, it was you who convinced me to say yes when the President [Clinton] called about my nomination, and it was you who lifted my spirits each time I came close to giving up during this process. Four years ago, we committed to a life together. It is a commitment for life and it is the best thing that has ever happened to me. Thank you for all that you do for me, large and small, for all that we do together.” pp. 55-56;

http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/Sonia_Sotomayor-Questionnaire.cfm >November 6, 1998 - United States Court of Appeals for the Second Circuit, [Induction Speech](#).

- ⁴⁸ “Her personal financial disclosure form filed last year puts her sum total of investments at the end 2007 from \$50,001 to \$115,000. She reported only two assets: a checking account and a savings account — both at Citibank. The form does not require disclosure of the value of a judge’s personal residence. **But New York City records show that Sotomayor owns a Greenwich Village condo that she bought in 1998 for \$360,000.** It's now worth about \$1.4 million, according to Zillow.com. And **city records indicate two outstanding mortgages totaling \$450,000.** Papers submitted in connection with her nomination to the 2nd Circuit Court of Appeals **in 1997 say she was earning \$1,100 a month in rent on a co-op apartment that she owned in Brooklyn.** As recently as 2004, she reported less than \$30,000 in her two bank accounts. A source told *The Washington Post* earlier this month that Sotomayor once said that filling out her financial reports was a breeze. “When you don’t have money, it’s easy. There isn't anything there to report”, she was quoted as saying. Sotomayor is divorced and has no children. In 2007, Sotomayor supplemented her federal judicial salary with nearly \$25,000 from teaching at the Columbia and New York University law schools. She has missed out on the escalation in salaries and profits at major law firms in the past two decades.” For a justice, Sonia Sotomayor is low on dough, Josh Gerstein, Politico, May 28, 2009; (emphasis added); <http://www.politico.com/news/stories/0509/23045.html>; see “also at...” ent. 3 supra. Cf. http://Judicial-Discipline-Reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf

UNITED STATES COURT OF APPEALS
UNITED STATES COURTHOUSE
40 FOLEY SQUARE
NEW YORK, NY 10007

CHAMBERS OF
SONIA SOTOMAYOR
U.S. CIRCUIT JUDGE

(212) 857-2420
FAX (212) 857-2429

September 1, 2004

Mary M. Lisi
Chair
Judicial Conference Of The United States
Committee On Financial Disclosure
One Columbus Circle, N.E.
Washington, D.C. 20544

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SEP 8 11 03 AM '04
FINANCIAL
DISCLOSURE OFFICE

Dear M. Lisi:

In response to your letter of July 27, 2004, I note the following:

1. In Part III, lines 1 and 2 - I made a simple math error in calculating the 15% limit on my earned income for 2003. The error was partially attributable to the changes in cost of living adjustments that altered during the course of the year. By copy of the letter attached hereto, I am working out the details necessary to return the overpayment to New York University Law School.

2. In Part VII, page 1, line 1 - I have always had only two accounts at Citibank - a checking and savings account. In the past, represented by my 2002 report, I broke down my savings account into an interest component and a savings component. Since the interest and savings are generated in the same account, in the 2003 report I simply made one Citibank entry instead of two as I have done in the past.

If you have any further questions, please do not hesitate to contact me.

Very truly yours,


Sonia Sotomayor

SS/tb
Encl.

FINANCIAL DISCLOSURE REPORT

Calendar Year 2003

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (Last name, First name, Middle initial) Sotomayor, Sonia	2. Court or Organization US Court of Appeals 2 Circuit	3. Date of Report 5/4/2004
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) Active U.S.C.J.	5. Report Type (check appropriate type) <input type="radio"/> Nomination, <input type="radio"/> Initial <input checked="" type="radio"/> Annual <input type="radio"/> Final	6. Reporting Period 1/1/2003 to 12/31/2003
7. Chambers or Office Address United States Courthouse 40 Foley Square, Room 401 New York, New York 10007	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions)

NONE - (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Adjunct Professor	New York University Law School
2. Lecturer-in-law	Columbia University School of Law

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions)

NONE - (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	

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 FINANCIAL DISCLOSURE OFFICE

III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 17-24 of filing instructions)

NONE - (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>GROSS INCOME</u> (yours, not spouse's)
1. Present	Lecturer-in-Law - Columbia University School of Law	\$10,000.00
2. Present	Adjunct Professor - NYU Law School	\$14,600.00

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

Sotomayor, Sonia

Date of Report

5/4/2004

IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

 NONE - (No such reportable reimbursements.)

<u>SOURCE</u>	<u>DESCRIPTION</u>
1. Georgetown University Law Center, Washington DC	2/14 - 2/16 Marbury v. Madison Conference; travel, lodging and meals.
2. Indiana University School of Law, Indianapolis, Indiana	3/20 - 3/21 Gave student lectures; travel, lodging and meals.
3. Women's Bar Association of New York, Syracuse University, Syracuse, NY	5/3 - 5/4 WBASNY Convention on Sentencing Guidelines; travel, lodging and meals.
4. Princeton University, Williamsburg, VA	6/19 - 6/22 Conference on Constitutional Principles in American History; travel, lodging and meals.
5. Buffalo Law School, Buffalo, New York	5/9 - 5/10 Commencement speech; travel, lodging and meals.

V. GIFTS. (Includes those to spouse and dependent children. See pp. 28-31 of instructions.) **NONE** - (No such reportable gifts.)

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.		
2.		
3.		

VI. LIABILITIES. (Includes those of spouse and dependent children. See pp. 32-34 of instructions.) **NONE** - (No reportable liabilities.)

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.		

FINANCIAL DISCLOSURE REPORT

Page 1 of 1

Name of Person Reporting
Sotomayor, Sonia

Date of Report
5/4/2004

VII. INVESTMENTS and TRUSTS -- income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g. div. rent. or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A- H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
1. Citibank, N.A.	A	savings <i>in trust</i>	J	T					
2. Citibank, N.A.	A	checking <i>interest</i>	J	T					
3.									
4.									

1. Income/Gain Codes:	A = \$1,000 or less	B = \$1,001-\$2,500	C = \$2,501-\$5,000	D = \$5,001-\$15,000	E = \$15,001-\$50,000
(See Columns B1 and D4)	F = \$50,001-\$100,000	G = \$100,001-\$1,000,000	HI = \$1,000,001-\$5,000,000	H2 = More than \$5,000,000	
2. Value Codes:	J = \$15,000 or less	K = \$15,001-\$50,000	L = \$50,001-\$100,000	M = \$100,001-\$250,000	
(See Columns C1 and D3)	N = \$250,000-\$500,000	O = \$500,001-\$1,000,000	P1 = \$1,000,001-\$5,000,000	P2 = \$5,000,001-\$25,000,000	
	P3 = \$25,000,001-\$50,000,000		P4 = \$More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash/Market	
W = 194 column C2)	U = Book Value	V = Other	W = Estimated		

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

Sotomayor, Sonia

Date of Report

5/4/2004

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS

(Indicate part of Report.)

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

Sotomayor, Sonia

Date of Report

5/4/2004

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature _____



Date _____

5/5/04

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

**FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004**

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (Last name, First name, Middle initial) Sotomayor, Sonia	2. Court or Organization US Court of Appeals 2 Circuit	3. Date of Report 5/11/2005
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) Active U.S.C.J.	5. Report Type (check appropriate type) <input type="radio"/> Nomination, <input type="radio"/> Date <input type="radio"/> Initial <input checked="" type="radio"/> Annual <input type="radio"/> Final	6. Reporting Period 1/1/2004 to 12/31/2004
7. Chambers or Office Address United States Courthouse 40 Foley Square, Room 401 New York, New York 10007	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions)

NONE - (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Adjunct Professor	New York University Law School
2. Lecturer-in-Law	Columbia University School of Law

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions)

NONE - (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	

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FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

Sotomayor, Sonia

Date of Report

5/11/2005

III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 17-24 of filing instructions)**A. Filer's Non-Investment Income** **NONE** - (No reportable non-investment income.)

	<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>GROSS INCOME</u> (yours, not spouse's)
1.	Present	Adjunct Professor - NYU Law School	\$13,205.00
2.	Present	Lecturer-in-Law - Columbia University School of Law	\$10,000.00

B. Spouse's Non-Investment Income - (If you were married during any portion of the reporting year, please complete this section. Dollar amount not required except for honoraria.) **NONE** - (No reportable non-investment income.)

	<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.		

IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

 NONE - (No such reportable reimbursements.)

	<u>SOURCE</u>	<u>DESCRIPTION</u>
1.	University of Illinois Law School, Champaign, Illinois	4/1 - 4/3 Moot Court Competition and Brown v. Board Conference; travel, lodging and meals.
2.	American Constitution Society, Washington, D.C.	ACS National Convention speaker; airfare and meals.

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

Sotomayor, Sonia

Date of Report

5/11/2005

V. GIFTS. (Includes those to spouse and dependent children. See pp. 28-31 of instructions.) **NONE** - (No such reportable gifts.)

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. Marge and Ralph Shishido	Travel, lodging & meals to Hawaii to conduct memorial service for daughter, a friend.	\$2,000

VI. LIABILITIES. (Includes those of spouse and dependent children. See pp. 32-34 of instructions.) **NONE** - (No reportable liabilities.)

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.		

FINANCIAL DISCLOSURE REPORT

Page 1 of 1

Name of Person Reporting
Sotomayor, Sonia

Date of Report
5/11/2005

VII. INVESTMENTS and TRUSTS -- income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g. div. rent. or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A- H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)									
1. Citibank, N.A.	A	savings	J	T					
2. Citibank, N.A.	A	checking	J	T					

1. Income/Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001-\$100,000	B = \$1,001-\$2,500 G = \$100,001-\$1,000,000	C = \$2,501-\$5,000 H1 = \$1,000,001-\$5,000,000	D = \$5,001-\$15,000 H2 = More than \$5,000,000	E = \$15,001-\$50,000
2. Value Codes: (See Columns C1 and D3)	J = \$15,000 or less N = \$250,000-\$500,000 P3 = \$25,000,001-\$50,000,000	K = \$15,001-\$50,000 O = \$500,001-\$1,000,000	L = \$50,001-\$100,000 P1 = \$1,000,001-\$5,000,000 P4 = \$More than \$50,000,000	M = \$100,001-\$250,000 P2 = \$5,000,001-\$25,000,000	
W: 200 Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash/Market	

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

Sotomayor, Sonia

Date of Report

5/11/2005

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS

(Indicate part of Report.)

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

Sotomayor, Sonia

Date of Report

5/11/2005

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature



Date

5/11/05

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2005

1. Person Reporting (<i>Last name, first, middle initial</i>) Sonia Sotomayor	2. Court or Organization US Court of Appeals Second Circuit	3. Date of Report 5/1/06
4. Title (<i>Article III judges indicate active or senior status; magistrate judges indicate full- or part-time</i>) Active US Circuit Judge	5a. Report Type (check appropriate type) ___ Nomination, Date _____ ___ Initial <u>X</u> Annual ___ Final	6. Reporting Period 1/1/2005 TO 12/31/05
	5b. ___ Amended Report	
7. Chambers or Office Address 40 Foley Square, Room 401 New York, NY 10007	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.

I. POSITIONS. (*Reporting individual only; see pp. 9-13 of Instructions.*)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
<input type="checkbox"/> NONE (No reportable positions.)	
1 Adjunct Professor	New York University School of Law
2 Lecturer-In-Law	Columbia Law School
3	

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II. AGREEMENTS. (*Reporting individual only; see pp. 14-16 of Instructions.*)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
<input checked="" type="checkbox"/> NONE (No reportable agreements.)	
1	
2	

III. NON-INVESTMENT INCOME. (*Reporting individual and spouse; see pp. 17-24 of Instructions.*)

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u>
A. Filer's Non-Investment Income		
<input type="checkbox"/> NONE (No reportable non-investment income.)		
1 Present	Adjunct Professor - New York University School of Law	\$ 14,315.00
2 Present	Lecturer-In-Lw - Columbia Law School	\$ 10,000.00
3		\$

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, please complete this section. (dollar amount not required except for honoraria)

<input checked="" type="checkbox"/> NONE (No reportable non-investment income.)
1
2

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting Sonia Sotomayor	Date of Report May 1, 2006
---	-------------------------------

IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment.
(Includes those to spouse and dependent children. See pp. 25-27 of Instructions.)

	<u>SOURCE</u>	<u>DESCRIPTION</u>
<input type="checkbox"/>	NONE (No such reportable reimbursements.)	
1	Duke Law School, Durham, NC	2/24/05 - 2/26/05. Moot Court Competition travel, lodging and meals.
2	Hispanic National Bar Association, Washington, DC	10/18/05. Panel Discussion travel and meals.
3		
4		
5		
6		
7		

V. GIFTS. (Includes those to spouse and dependent children. See pp. 28-31 of Instructions.)

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
<input checked="" type="checkbox"/>	NONE (No such reportable gifts.)		
1			\$
2			\$
3			\$
4			\$

VI. LIABILITIES. (Includes those of spouse and dependent children. See pp. 32-33 of Instructions.)

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE*</u>
<input checked="" type="checkbox"/>	NONE (No reportable liabilities.)		
1			
2			
3			
4			
5			

*Value Codes:	J=\$15,000 or less	K=\$15,001-\$50,000	L=\$50,001-\$100,000	M=\$100,001-\$250,000
	N=\$250,001-\$500,000	O=\$500,001-\$1,000,000	P1=\$1,000,001-\$5,000,000	P2=\$5,000,001-\$25,000,000
		P3=\$25,000,001-50,000,000	P4=\$50,000,001 or more	

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting Sonia Sotomayor	Date of Report May 1, 2006
--	--------------------------------------

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children. See pp. 34-60 of Instructions.)

A. Description of Assets (including trust assets) <i>Place "(X)" after each asset exempt from prior disclosure.</i>	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	Type (e.g., buy, sell, merger, redemption)	(2) Date: Month-Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> NONE (No reportable income, assets, or transactions.)									
1 Citibank, N.A.	A	Savings	E	T					
2 Citibank, N.A.	A	Checkin	D	T					
3									
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1	Income/Gain Codes: A=\$1,000 or less (Sec Col. B1, D4) F=\$50,001-\$100,000	B=\$1,001-\$2,500 G=\$100,001-\$1,000,000	C=\$2,501-\$5,000 H1=\$1,000,001-\$5,000,000	D=\$5,001-\$15,000 H2=More than \$5,000,000	E=\$15,001-\$50,000
2	Value Codes: (See Col. C1, D3) J=\$15,000 or less N=\$250,001-\$500,000 P3=\$25,000,001-\$50,000,000	K=\$15,001-\$50,000 O=\$500,001-\$1,000,000	L=\$50,001-\$100,000 P1=\$1,000,001-\$5,000,000 P4=More than \$50,000,000	M=\$100,001-\$250,000 P2=\$5,000,001-\$25,000,000	
3	Value Method Codes: (See Col. C2) Q=Appraisal U=Book value	R=Cost (real estate only) V=Other	S=Assessment W=Estimated	T=Cash/Market	

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting Sonia Sotomayor	Date of Report
---	----------------

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353 and Judicial Conference regulations.

Signature 

Date 5/1/06

NOTE: ANY INFORMATION REPORTED HEREIN THAT IS UNTRUE, MISLEADING, OR WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104.)

FILING INSTRUCTIONS:

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the
United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2006

*Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)*

1. Person Reporting (last name, first, middle initial) Sotomayor, Sonia	2. Court or Organization US Court of Appeals Second Cir	3. Date of Report 05/09/2007
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Active US Circuit Judge	5a. Report Type (check appropriate type) <input type="checkbox"/> Nomination, Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final	6. Reporting Period 01/01/2006 to 12/31/2006
7. Chambers or Office Address 500 Pearl Street, Room 610 New York, NY 10007	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
IMPORTANT NOTES: <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.</i>		

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of instructions.)*

NONE *(No reportable positions.)*

	<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1.	Adjunct Professor	New York University School of Law
2.	Lecturer-In-Law	Columbia Law School
3.		
4.		
5.		

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of instructions.)*

NONE *(No reportable agreements.)*

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

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 FINANCIAL DISCLOSURE OFFICE

FINANCIAL DISCLOSURE REPORT

Page 2 of 7

Name of Person Reporting

Sotomayor, Sonia

Date of Report

05/09/2007

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of instructions.)*

A. Filer's Non-Investment Income

NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. Present	Adjunct Professor New York University School of Law	\$ 14,780.00
2. Present	Lecturer-In-Law Columbia Law School	\$ 10,000.00
3.		
4.		
5.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.
(Dollar amount not required except for honoraria.)*

NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	
5.	

IV. REIMBURSEMENTS - *transportation, lodging, food, entertainment.*

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>
1. Pricewaterhouse Coopers, Scottsdale, Arizona	Leadership Forum/Judicial Clerkship Institute - Travel, lodging, meals.
2. Pepperdine University Law School, Malibu, California	Judicial Clerkship Institute - Travel, lodging, meals.
3. University of Puerto Rico School of Law, San Juan, Puerto Rico	Guest Speaker Law Review Event - Travel, lodging, meals.
4. Yale Law School, New Haven, Connecticut	Recipient Public Service Award - Lodging.
5. Hofstra University School of Law, Hempstead, New York	Commencement Speaker - Travel, lodging.

FINANCIAL DISCLOSURE REPORT

Page 4 of 7

Name of Person Reporting Sotomayor, Sonia	Date of Report 05/09/2007
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V. GIFTS. *(Includes those to spouse and dependent children. See pp. 28-31 of instructions.)*

NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.		
2.		
3.		
4.		
5.		

VI. LIABILITIES. *(Includes those of spouse and dependent children. See pp. 32-33 of instructions.)*

NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.		
2.		
3.		
4.		
5.		

FINANCIAL DISCLOSURE REPORT

Page 5 of 7

Name of Person Reporting Sotomayor, Sonia	Date of Report 05/09/2007
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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of the spouse and dependent children. See pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g. div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

1. Citibank, N.A. Savings	A	Interest							
2. Citibank, N.A. Checking	A	Interest							
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	P3 = \$25,000,001 - \$50,000,000 Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	P4 = More than \$50,000,000 S = Assessment W = Estimated	T = Cash Market	

FINANCIAL DISCLOSURE REPORT


Page 7 of 7

Name of Person Reporting	Date of Report
Sotomayor, Sonia	05/09/2007

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature _____  Date 5/9/07

NOTE: ANY INDIVIDUAL WHOSE NAME APPEARS ON THIS REPORT WHO HAS NOT FILED THIS REPORT OR WHOSE REPORT IS UNTRUE OR FALSIFIED OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2007

*Report Required by the Ethics
in Government Act of 1978,
(5 U.S.C. app. §§101-111)*

1. Person Reporting <i>(Last name, first, middle initial)</i> Sotomayor, Sonia	2. Court or Organization US Court of Appeals Second Circuit	3. Date of Report 5/6/08
4. Title <i>(Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</i> Active US Circuit Judge	5a. Report Type (check appropriate type) ___ Nomination, Date _____ ___ Initial <input checked="" type="checkbox"/> Annual ___ Final	6. Reporting Period 1/1/07 - 12/31/07
7. Chambers or Office Address 500 Pearl Street, Room 610 New York, NY 10007	5b. Amended Report ___	
8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____		

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of Instructions.)*

NONE (No reportable positions.)

	<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1.	Lecturer-In-Law	Columbia Law School
2.	Adjunct Professor	New York Law School
3.		

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of Instructions.)*

NONE (No reportable agreements.)

	<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.		
2.		

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DISCLOSURE OFFICE

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of Instructions.)*

A. Filer's Non-Investment Income

NONE (No reportable non-investment income.)

	<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u>
1.	Present	Lecturer-In-Law Columbia Law School	\$ 10,000.00
2.	2007	Adjunct Professor New York Law School	\$ 14,780.00
3.			\$

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, please complete this section (dollar amount not required except for honoraria).

NONE (No reportable non-investment income.)

1.		
2.		

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

Sonia Sotomayor

Date of Report

5/6/08

IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment. (Includes those to spouse and dependent children. See pp. 25-27 of Instructions.)

NONE (No such reportable reimbursements.)

	<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PROVIDED OR PAID</u>
1.	Univ. Of PR	1/13/2007	San Juan, PR	Visiting Professor 2007 Winter Term	Travel, lodging and meals.
2.	Federal Judicial Center	2/14- 2/16/2007	Washington, DC	Roundtable - Effective Uses of IT for Judges	Travel, lodging and meals.
3.	Northeastern University	5/25/07	Boston, MA	To receive Honorary Doctor of Law Degree	Travel, meals.
4.	Court Admin. And Case	6/18 - 6/21/2007	Orcas Island, Orcas, WA	CACM June 2007 Committee Meeting	Travel, lodging and meals.
5.	Court Admin. And Case Mgmt.	11.13 - 11/14/200	Washington, DC	CACM November 2007 Committee Meeting	Travel, lodging and meals.
6.	Pepperdine University	3/15 - 3/17/2007	Malibu, CA	Byrne Judicial Clerkship Institute	Travel, meals.
7.					

V. GIFTS. (Includes those to spouse and dependent children. See pp. 28-31 of Instructions.)

X NONE (No such reportable gifts.)

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.		555	\$
2.			\$
3.			\$
4.			\$

VI. LIABILITIES. (Includes those of spouse and dependent children See pp. 32-33 of Instructions.)

NONE (No reportable liabilities.)

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	American Express	Retail Credit Card	J
2.	Discover	Retail Credit Card	J
3.	Visa	Retail Credit Card	J
4.	Master Card	Retail Credit Card	J
5.			

*Value Codes: J=\$15,000 or less K=\$15,001-\$50,000 L=\$50,001-\$100,000 M=\$100,001-\$250,000
 N=\$250,001-\$500,000 O=\$500,001-\$1,000,000 P1=\$1,000,001-\$5,000,000
 P2=\$5,000,001-\$25,000,000 P3=\$25,000,001-\$50,000,000 P4=\$50,000,001 or more

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting Sonia Sotomayor	Date of Report 5/6/08
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VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children. See pp. 34-60 of Instructions.)

A. Description of Assets (including trust assets) <i>Place "(X)" after each asset exempt from prior disclosure.</i>	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	Type (e.g., buy, sell, merger, redemption)	(2) Date: Month- Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions.)									
1 Citibank, N.A. Savings	A	Interest	L	T					
2 Citibank, N.A. Checking	A	Interest	J	T					
3									
4									
5									
6									
7									
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10									
11									
12									
13									
14									
15									
16									
17									

1	Income/Gain Codes: (See Col. B1, D4)	A=\$1,000 or less F=\$50,001-\$100,000	B=\$1,001-\$2,500 G=\$100,001-\$1,000,000	C=\$2,501-\$5,000 H1=\$1,000,001-\$5,000,000	D=\$5,001-\$15,000 H2=More than \$5,000,000	E=\$15,001-\$50,000
2	Value Codes: (See Col. C1, D3)	J=\$15,000 or less N=\$250,001-\$500,000 P3=\$25,000,001-\$50,000,000	K=\$15,001-\$50,000 O=\$500,001-\$1,000,000	L=\$50,001-\$100,000 P1=\$1,000,001-\$5,000,000 P4=More than \$50,000,000	M=\$100,001-\$250,000 P2=\$5,000,001-\$25,000,000	
3	Value Method Codes: (See Col. C2)	Q=Appraisal U=Book value	R=Cost (real estate only) V=Other	S=Assessment W=Estimated	T=Cash/Market	

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
Sonia Sotomayor	5/6/08

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353 and Judicial Conference regulations.

Signature _____



NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104.)

FILING INSTRUCTIONS:

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the
United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

Dr. Richard Cordero, Esq.

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street, Brooklyn, NY 11208
Dr.Richard.Cordero.Esq@gmail.com
tel. (718) 827-9521

July 14, 2009

Senator Patrick J. Leahy
Chairman
Senate Judiciary Committee
Hart Senate Office Building, Washington, D.C. 20510

Senator Jeff Sessions
Ranking Member
Senate Judiciary Committee

Dear Senator Leahy and Senator Sessions,

I hereby bring to your attention evidence of three instances of substantial wrongdoing on the part of Judge Sotomayor. This evidence is all the more compelling because it has to do with objective matters based on facts; as such, they rely on neither her judicial philosophy and its subjective appreciation, nor her gender nor ethnicity. The facts are those of her conduct, through which she has compromised her integrity and impartiality.

Below is a summary of my more detailed statements, i.e. a letter, a table, and a proposed subpoena, all of which are supported by links to sources referred to in numerous notes; the statements can be retrieved through the corresponding links. In brief, the statements show that Judge Sotomayor:

- [letter] 1. withheld from the Committee the *DeLano* Case, which reveals her participation in a cover-up of concealment of assets as part of a judicially run bankruptcy fraud scheme¹;
- [table] 2. earned \$3,773,824 since 1988 + received \$381,775 in loans = \$4,155,599 + her 1976-1987 earnings, yet disclosed assets worth only \$543,903, thus leaving unaccounted for in her answers to the Senate Judiciary Committee \$3,611,696 - taxes + the cost of her reportedly modest living²; and
- [proposed subpoena] 3. acted with partiality by condoning the systematic dismissal of misconduct complaints against her peers³ and *denying 100% of petitions to review* them⁴

I first emailed the letter [1.] to each of you and to other Committee members on Saturday, July 4. Then on Monday, July 6, I faxed it to every member on the Committee both to their offices in Washington, D.C., and to their several offices in their respective states.

Moreover, on Tuesday, July 7, I mailed to each member in individually addressed manila envelopes the set of the letter [1.] together with the table [2.] of Judge Sotomayor's known earnings and her only disclosed assets and liabilities as well as a proposed subpoena [3.] containing a list of contact information entries and documents to be requested by the Committee as part of its *Follow the money!* investigation of her financial affairs and of the similarly non-disclosed assets in the *DeLano* case.

Four of those sets, two for each of the Committee leaders, were augmented by the addition of a large number of the supporting materials cited in the copious notes.⁵ The box with

¹ http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/11DrCordero-SenJudCom.pdf

² http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf

³ http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/6DrCordero-SenJudCom_subpoena.pdf

⁴ The evidence of the denial of 100% of review petitions is at http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf >N:51¶¶1-4 & N:39.

⁵ http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/7DrCordero-SenJudCom_docs.pdf

all these envelopes was delivered by UPS to the Hart Senate Office Building on Wednesday, July 8, at 10:21 a.m.

Nevertheless, as of today, a week and a half later, none of these statements has been posted to the Committee's webpage 'Letters and Materials'.⁶

By contrast, other letters of individuals and organizations were posted on the same date as they were dated. For instance, the five letters bearing the date of July 10, 2009, were posted late on July 10.

Hence, I respectfully request that you:

- (a) let me know what accounts for the failure to post any of my statements;
- (b) ensure the posting on the Committee's "Letters and Materials" webpage of the letter, the table, and the proposed subpoena, all of which are contained in [1.], as well as the supporting documents, which are retrievable through the link in footnote 4; and
- (c) cause the Committee to invite me to present at the hearings the evidence of Judge Sotomayor's compromised integrity and impartiality.

It is obviously in my interest to respond to any email that you may send me. If you do not receive a response from me within 12 hours, then I have not received your email. In that event, please call me at (718) 827-9521.

It so happens that on this and previous occasions when I have widely emailed statements with evidence of wrongdoing in the federal judiciary, my four email accounts have stopped receiving any emails at all or emails responsive to them, even though statistically somebody would respond to them, not to mention likeminded people with whom I frequently exchange emails. That is an impossible coincidence that warrants inclusion in the proposed *Follow the money!* investigation.

I look forward to hearing from you.

Sincerely, *Dr. Richard Cordero, Esq.*

⁶ <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Letters.cfm>

Dr. Richard Cordero, Esq.

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street, Brooklyn, NY 11208
Dr.Richard.Cordero.Esq@gmail.com
tel. (718) 827-9521

July 3, 2009

Senator Patrick J. Leahy
Chairman
Senate Judiciary Committee
Dirksen Senate Office Building, Washington, D.C. 20515

Senator Jeff Sessions
Ranking Member
Senate Judiciary Committee

Dear Senator Leahy and Senator Sessions,

I hereby bring to your attention and explain the significance for the assessment of the integrity and impartiality of Justice Nominee Judge Sonia Sotomayor of a case that she withheld from you and your Committee. Indeed, the latter requested in its Questionnaire for Judicial Nominees that she “13.c. Provide citations to all cases in which you were a panel member, but did not write an opinion” and “13.f. Provide a list of all cases in which certiorari was requested or granted”.¹ Although the Judge referred you to the Appendix² for her answer and stated in her letter to you of June 15 that “In responding to the Committee Questionnaire, I thoroughly reviewed my files to provide all responsive documents in my possession”, she neither included that case in the Appendix nor in either of the supplements with her letters to you of June 15 or 19³ following your requests for more precise answers.

The case that Judge Sotomayor withheld from you is *Dr. Richard Cordero v. David Gene and Mary Ann DeLano*, 06-4780-bk.⁴ She knows that case, for she was the presiding judge on the panel that heard oral argument on January 3, 2008, and received the written statement that I also filed with her on that occasion.⁵ By then she had been made aware of the importance of the case by the motions judge referring to the panel many of the 12 substantive motions that I filed in that case.⁶ She was also the first judge listed on the order dismissing the case the following February 7.⁷ She had to further handle the case because I filed a petition for panel rehearing and hearing en banc on March 14.⁸ Moreover, after she and her colleagues denied both on May 9 by reissuing the order as the mandate (attached hereto), I filed an application with Justice Ginsburg⁹ on June 30, and then with all the Justices for injunctive relief and a stay of the order on August 4.¹⁰ Thereafter I filed a petition for certiorari on October 3.¹¹ What is more, I also filed a petition for rehearing on April 23, 2009, of the denial of certiorari, which was denied last June 1.¹²

All these proceedings were exceedingly sufficient to make the case stand out in Judge Sotomayor’s mind. Nonetheless, she had to deal with it once more after I filed with the Judicial Council of the Second Circuit, of which she is a member, a petition for review of the dismissal by Chief Judge Dennis Jacobs of my judicial misconduct complaint for bias, prejudice, and abuse of judicial power, 02-08-90073-jm.¹³ The complaint’s subject was, not just any judge, but rather her and her colleagues’ appointee to a bankruptcy judgeship, i.e., Bkpt. Judge John C. Ninfo, II, WBNY. This could only have made her all the more aware of the need to submit *DeLano* too to your Committee. However, the risk for her of your reviewing it was too high because what is at stake is a cover-up of a judicially supported bankruptcy fraud scheme involving lots of money.¹⁴

The cover-up aimed to keep concealed from creditors at least \$673,657 in just one of the unmanageable 3,907 *open* cases as of April 2, 2004, according to PACER¹⁵, brought by the same trustee, George Reiber, before Judge Ninfo. To that end, Judge Sotomayor condoned her Appointee’s denial of, and denied me herself, *every single document* that I ever requested to defend my claim from the motion to disallow it and evidentiary hearing concocted by the DeLanos and J. Ninfo.¹⁶ That constituted a blatant denial of the right to discovery under FRBkRP 7026 and 7034 and FRCivP 26 and 34. By so doing, she showed contempt for the most important constitutional guarantee that any judge, let alone a Supreme Court justice, must safeguard: due process of law.

The cover-up began when Judge Ninfo protected the most unlikely of ‘bankrupts’, Mr. DeLano, a 39-year veteran banker who at the time of filing for bankruptcy was and remained employed by a major bank, M&T Bank, as a bankruptcy officer! M&T, with \$65 billion in assets at the end of 2008¹⁷, is an important client of the law firm, Underberg & Kessler, in which J. Ninfo was a partner at the time of taking the bench. Both M&T and Mr. DeLano were represented by another partner in that firm, Michel Beyma, Esq., in the case from which *DeLano* arose, i.e., *Pfuntner v. Trustee Kenneth Gordon et al.*, 02-2230, WBNY,^{cf. 30} and in which their liability to me had to be determined. As for Trustee Gordon, he had 3,382 cases before Judge Ninfo out of his 3,383 as of June 26, 2004.¹⁸ So, when it came time for Mr. DeLano to prepare his debt-free retirement to a golden pot, he filed together with his wife a bankruptcy petition in which they listed me as a creditor. Hardly randomly did their case land before Judge Ninfo.

However much the expertise and position of a professional like Mr. DeLano rendered his bankruptcy inherently suspicious, Judge Ninfo did not review his petition for bankruptcy relief at all. Rather, he denied my request for production by the DeLanos of even their bank account statements. So did Judge Sotomayor, impervious to how much common sense, never mind review with due diligence, requires that such statements be produced by anyone claiming lack of money to pay his debts, particularly if still employed and earning an above average salary. She could not in good faith have considered that the DeLanos had no duty whatsoever to produce a single document to support their otherwise self-serving declarations in their petition; or that a creditor facing the loss of his claims on them had no right under any legal or equitable theory to obtain a single document from the self-portrayed bankrupts and was reduced to taking their declarations at face value. It is absolutely impossible to imagine that she, “a wise woman with the richness of her experiences” as a former member of the board of directors of the State of New York Mortgage Agency, financial counselor in her own firm of Sotomayor and Associates, and corporate litigator at Pavia & Harcourt for high-end clients, such as Ferrari, Fendi, and Bulgari, did not suspect that something was wrong and required close scrutiny. She had stronger grounds for suspicion due to the petition’s incongruousness and implausibility, which I pointed out to her.¹⁹

In fact, in their bankruptcy petition²⁰, the DeLanos declared, inter alia, that **1)** they had earned \$291,470 in the preceding three years, were still on their jobs, and had a monthly excess income of \$1,940, yet claimed that they only had \$535 in hand and on account; **2)** their only real property was their home, appraised at \$98,500, yet their mortgage was still \$77,084 and their equity only \$21,416...after making payments on it for 30 years and receiving during that time at least \$382,187 through a string of *eight mortgages!*; and **3)** they owed \$98,092 on credit cards, spread thinly over 18 of them so that no issuer would have a stake high enough to deem litigation cost-effective, yet they valued their household goods at only \$2,810 and described their life style as modest, but they had at last count \$27,953 to pay the legal fees of their bankruptcy attorney, Christopher Werner, Esq., who had 525 cases before Judge Ninfo²¹, to defend against my document production motions.²² They simply could not risk producing them, for those documents would have proved that they had engaged in bankruptcy fraud through concealment of assets.

Judge Sotomayor could not risk ordering them produced either, because the ensuing domino effect incriminations could topple her too. The documents would have made it possible to track at least \$673,657 of the DeLanos’ known salary and mortgage receipts to their hidden stash. After finding the latter, the DeLanos could be indicted for bankruptcy fraud. Facing up to 20 years imprisonment and up to up to \$500k in fines²³, Mr. DeLano would deem it in his interest to plea bargain for leniency for himself and/or his wife in exchange for his incriminating testimony

of what he had learned during his long banking career about the involvement of Judge Ninfo, trustees, lawyers, court staff, and other bankruptcy system insiders like himself in a bankruptcy fraud scheme. Any one of them could in turn incriminate higher ups in the judiciary who, like Judge Sotomayor, at least had reason to suspect the scheme's existence, but rather covered it up and enabled its continued operation. Confronted with a conflict of interests between saving herself and her colleagues through collegial complicity and discharging her duty to ensure due process and denounce bankruptcy fraud²⁴, Judge Sotomayor compromised her integrity. She showed gross partiality toward her colleagues and other insiders by dismissing the appeal without addressing even one of the issues presented or using the term that explicitly linked them all: fraud.⁴

Thus covering for Appointee Ninfo is standard practice for Judge Sotomayor and her Council colleagues. In the 12-year period 1oct96-30sep8, they have *denied 100% of all petitions* for review of dismissed misconduct complaints, as the official statistics show.²⁵ The egregiousness of the complained-about conduct was no bar for her participation in such systematic denial: After having 'heard' it in *DeLano*, Judge Sotomayor 'heard' again in the complaint from the mouth of Judge Ninfo himself, as recorded in the transcript of the evidentiary hearing on March 1, 2005, how he, over my outraged objections, repeatedly allowed Mr. Beyma, the partner in the same firm as his, and Mr. Werner, the frequent insider in his court, to signal answers with their arms to their client, Mr. DeLano, as he was on the stand responding under oath to my examination!²⁶ Will she defend at the hearings his or her conduct, which showed contempt for due process and an Act of Congress²⁷ and no "empathy" for the complainants left at the mercy of complained-against judges? Why does she hold judges unaccountable: Judges Above the Law?

So she holds herself. Just as she let the DeLanos disregard their duty to disclose their financial affairs, Judge Sotomayor has failed to perform her duty under the Questionnaire to "Provide a complete, current financial net worth statement which itemizes in detail all assets [and] all liabilities".²⁸ This results from her own answers to your Committee and publicly available documents. Based thereon, a table²⁹ with links to those sources shows that from January 1988 to May 2009, she earned at least \$3,773,824 plus took out loans worth at least \$381,775. Yet, the total of \$4,155,599 minus taxes and the cost of her reportedly modest living³⁰ cannot by any means be accounted for by assets worth only \$543,903, excluding capital appreciation. Unlike a discussion of her judicial philosophy, which turns on a matter of opinion, her handling of her and her colleagues' money is a matter of fact that concerns two qualifications which all agree are indispensable for confirmation: her integrity and impartiality. Public outrage at the President's nomination of tax evaders Tim Geithner, Tom Daschel, and Nancy Killefer attests to that.

Therefore, I respectfully request that your Committee **1)** ascertain why Judge Sotomayor withheld from you *DeLano* as well as any other requested cases; **2)** conduct a *Follow the money!* investigation of her financial affairs as well as of the DeLanos' concealed assets and of the parties to *Pfuntner*³¹ in order to expose the bankruptcy fraud scheme³²; **3)** investigate the impossible coincidence that on several occasions my four email accounts stopped receiving emails a day after I widely emailed articles with evidence of CA2's scheme cover-up³³; and **4)** invite me to be heard at the hearings on Judge Sotomayor's confirmation so that I may provide a firsthand account of her participation in the cover-up and its reflection on her integrity and impartiality³⁴.

To *Follow the money!* to a judicially run bankruptcy fraud scheme before journalists do and determine how much it aggravates the misery of millions of debtors and creditors are worthy tasks for a principled national politician who wants to become the Sam Ervin of our generation.

Sincerely, *Dr. Richard Cordero, Esq.*

-
- 1 **a)** <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> >Committee Questionnaire > p.88§c and 98§f;
- 2 **b)** with added bookmarks useful for navigating the file containing the materials relating to cases and financial affairs submitted by Judge Sotomayor in response to the Questionnaire, also at http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_integrity/2SenJudCom_Questionnaire_JSotomayor.pdf
- 3 <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> > Committee Questionnaire - Appendix; and endnote 1.b) supra.
- 4 <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm>; and endnote 1.b) supra >JS:304 and 313.
- 5 http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf
- 6 http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_oralarg.pdf
- 7 http://Judicial-Discipline-Reform.org/US_writ/1DrCordero-SCT_petition_3oct8.pdf >US:2484. Table: Document requests by Dr. Cordero and denials by CA2.
- 8 Endnotes 4 and 6 supra >CA:2180; attached hereto after reissuance as mandate.
- 9 http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_rehear.pdf
- 10 http://Judicial-Discipline-Reform.org/SCT_chambers/2injunctive_relief/DrCordero_JGinsburg_injunction_30jun8.pdf
- 11 http://Judicial-Discipline-Reform.org/SCT_chambers/8application_injunction_stay/1DrRCordero-SCTJustices_4aug8.pdf
- 12 Endnote 6 supra.
- 13 http://Judicial-Discipline-Reform.org/US_writ/2DrCordero-SCT_rehear_23apr9.pdf
- 14 http://Judicial-Discipline-Reform.org/JNinfo/21review_petition/2DrCordero_JudCoun_10nov8.pdf; cf. endnote 25 infra.
- 15 http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf
- 16 http://Judicial-Discipline-Reform.org/docs/Trustee_Reiber_3909_cases.pdf
- 17 Endnote 4 supra >CA:1732§2. Cf. endnote 26 infra and corresponding paragraph.
- 18 <https://www.mtb.com/aboutus/Pages/WhoIsMT.aspx>
- 19 http://Judicial-Discipline-Reform.org/docs/TrGordon_3383_as_trustee.pdf
- 20 Endnote 4 supra >CA:1725§III.A. Statement of Facts of *DeLano*.
- 21 http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >§V
- 22 http://Judicial-Discipline-Reform.org/docs/Werner_525_before_Ninfo.pdf
- 23 The Salient Facts of the DeLano Case, http://Judicial-Discipline-Reform.org/Follow-money/DrCordero_journalists.pdf >2.
- 24 18 U.S.C. §§152-157, 1519, 1957 and 3571, concealing assets and money laundering in a bankruptcy setting; http://Judicial-Discipline-Reform.org/docs/18usc_bkrp_crimes.pdf
- 25 18 U.S.C. §3057(a) Any judge, receiver, or trustee having reasonable grounds for *believing* that any violation under chapter 9 of this title [18 U.S.C. §§152-157 on

bankruptcy crimes] or other laws of the United States relating to insolvent debtors, receiverships or reorganization plans [e.g. 18 U.S.C. §1519 on destruction of bankruptcy records; §3284 on concealment of bankrupt's assets] has been committed, or that an investigation should be had in connection therewith, *shall* report to the appropriate United States attorney all the facts and circumstances of the case, the names of the witnesses and the offense or offenses *believed* to have been committed ... [emphasis added: just a belief, not hard evidence, triggers the duty, which was disregarded]

- ²⁵ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf >N:51¶¶1-4 and N:39, which collects on one table the statistical complaint tables of the Administrative Office of the U.S. Courts and provides links thereto. See also N:146, which describes how its Director, James Duff, refused to discharge his “self-explanatory” duty under Rule 22(e) of the Rules for Judicial Conduct and Disability Proceedings to “distribute the petition [for review of the Judicial Council’s mishandling of the complaint against Judge Ninfo] to the members of the Committee [on Judicial Conduct and Disability] for their deliberation”. http://Judicial-Discipline-Reform.org/docs/Rules_complaints.pdf
- ²⁶ http://Judicial-Discipline-Reform.org/docs/transcript_DeLano_1mar5.pdf >Tr.28/13-29/4; 75/8-76/3; and 141/20-143/16. Endnote 13 supra >JC:18¶17.
- ²⁷ Judicial Conduct & Disability Act, <http://Judicial-Discipline-Reform.org/docs/28usc351-364.pdf>
- ²⁸ Ent. 1.a supra >167; and ent. 3 >June 15 letter, Supp., p.2; also at 1.b>JS:167 and 317
- ²⁹ http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf
- ³⁰ N.Y. Federal Judge Likely on Shortlist, Keith Richburg, The Washington Post, May 7, 2009; <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/06/AR2009050603762.html>; Friends Provide a Glimpse Into Sotomayor's 'Very Full Life', Keith B. Richburg, Robin Shulman and Nancy Trejos, The Washington Post, May 31, 2009; <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/30/AR2009053002061.html?nav=emailpage>
- ³¹ The conduct in *Pfuntner* of J. Ninfo, District J. David Larimer, WDNY, and other judges who protected Trustee Gordon, ‘bankrupt’ David Palmer, owner of Premier Van Lines Moving & Storage, its lender M&T and Bankruptcy Officer DeLano, and Warehouse Pfuntner is just as outrageous and contemptuous of due process as that in *DeLano*, for it is intended to protect the same bankruptcy fraud scheme. Hence, the two cases must be investigated together. *Pfuntner* was appealed to CA2 sub nom. *In re Premier Van et al.*, 03-5023, http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_CA2.pdf; and to the Supreme Court as *Cordero v. Gordon*, 04-8371, http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCT.pdf.
- ³² Useful for the *Follow the money!* investigation: endnote 20 supra >data: W:1-3 personal, §§VI-VIII financial; §XIII [proposed subpoena](#) for key documents and contact information.
- ³³ Dr.Richard.Cordero.Esq@gmail.com; Dr.Richard.Cordero.Esq@Judicial-Discipline-Reform.org; CorderoRic@yahoo.com; and Cordero.Ric@hotmail.com
- ³⁴ The Choice: Judge Sotomayor’s Ethnicity v. Equal Justice Under Law; http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_v_Equal_Justice.pdf

**Table of the Key Documents
submitted to
the U.S. Senate Judiciary Committee
concerning Justice Nominee Judge Sotomayor and her withholding
of personal financial information and the DeLano Case, and
useful to conduct a *Follow the money!* investigation
of a judicially run and tolerated bankruptcy fraud scheme**

Links to retrieve referencessjc:i
I. Dr. Richard Cordero, Esq., to the Senate Judiciary Committee.....sjc:1
II. Summary order by Judge Sotomayor et al. dismissing DeLano on February 7, 2008.....sjc:6
III. Table of Judge Sotomayor’s known earnings that point to undisclosed assets despite her duty to provide a complete statement of assets and liabilities.....sjc:7
IV. Subpoena proposed for conducting the *Follow the money!* investigation to expose a judicially run and tolerated bankruptcy fraud scheme.....sjc:19
V. A. The Salient Facts of the *DeLano* Case.....sjc:37
B. The DeLanos' income, mortgages, and credit card borrowings.....sjc:38
C. Key data about the DeLanossjc:39
VI. How a bankruptcy fraud scheme works.....sjc:40
VII. D:23 The DeLanos' bankruptcy petition, 04-20280, WBNY, 27jan4.....sjc:43
D:29 Schedules A-J.....sjc:49
D:47 Statement of Financial Affairssjc:67
D:59 Chapter 13 Plan [for debt repayment].....sjc:79
D:167 Equifax credit report for Mrs. DeLano 8may4.....sjc:81
D:186 The DeLanos' 1040 IRS forms for 2001-03.....sjc:86
D:176 The DeLanos' string of eight mortgages between 1975-99.....sjc:89
D:478 Att. C. Werner's useless printouts of Electronic Records Indexing of the Monroe County Clerk’s office, accepted by Trustee George Reiber.....sjc:115
cf. D:30 The DeLanos' home sale: appraised at \$98,5K on 23nov3, sold for \$135K on 23apr7, a 37% gain in 3.5 yearssjc:136
Add:871 The DeLanos' legal fees of \$27,953sjc:142
VIII Add:937 Trustee Reiber’s shockingly unprofessional and perfunctory “Report” on the DeLanos’ repayment plan and acceptance by Judge Ninfosjc:155
IX Transcript of the evidentiary hearing on the DeLanos’ motion to disallow Dr. Cordero’s claim before Bkpt. Judge J. C. Ninfo, II, WBNY, on March 1, 2005sjc:163
X. Briefs in *DeLano*, 06-4780-bk, filed by Dr. Cordero and considered by J. Sotomayor et al.
A. Principal brief of March 17, 2007sjc:355
B. Petition for panel rehearing and hearing en banc of March 14, 2008sjc:443

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August 3, 2009

Senator Harry Reid
Senate Majority Leader
522 Hart Senate Office Building
Washington, D.C. 20510

Senator Mitch McConnell
Senate Minority Leader
361A Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Reid and Senator McConnell,

At the hearings, Judge Sotomayor stated that “Many senators have asked me about my judicial philosophy. It is simple: fidelity to the law.” However, you and the Senate have verifiable evidence that such statement is not factually correct. It consists of her answers to the Judiciary Committee’s Questionnaire and supplementary questions, the U.S. Code, court documents, and official judicial statistics. If your vote on her confirmation will be based on the evidence in the record rather than in disregard of it, then it behooves you to consider the evidence summarized herein and the linked documents with the references to the sources available to you. The evidence indicts her claim of fidelity to the law and ‘non-empathetic’, impartial application of it, for it shows that Judge Sotomayor withheld from the Committee and the public:

- a) material information about her finances, though the Committee required that she “itemize in detail all assets and all liabilities”, which if she had done would have exposed her failure to account for at least \$3,611,696 due to her repeated failure to comply with her duty under the Ethics in Government Act of 1978 to file a “full and complete” annual financial disclosure report; http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf
- b) the *DeLano* case, 06-4780-bk-CA2, where she was the presiding judge and covered up a similar concealment of assets to protect her fellow judges below involved in a bankruptcy fraud scheme due to “the absence of effective oversight” –Bankruptcy Abuse Prevention Act finding - by upholding their denial of, and denying in turn in 12 creditor-requests, *every single document*, thus denying all discovery rights and denying herself the facts to which to apply the law, whereby she denied due process of law and enabled the continued running of the scheme; and http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/11DrCordero-SenJudCom.pdf; infra 5
- c) her partiality toward all her fellow judges by participating, as a member of the 2nd Circuit Judicial Council, in exonerating 100% of complained-against judges from misconduct charges. http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf >N:51¶¶1-4; infra 6

In each of these patterns of conduct Judge Sotomayor showed ‘infidelity to the law’ and dispensed, not blind justice, but rather wide-eyed empathy for her peers and indifference to their victimized debtors, creditors, complainants, and the public, who bears their losses. At the hearings, though sworn to tell the whole truth, she allowed the misrepresentation to persist that she had elicited in her answers by writing that she had provided “all” information and cases requested. As for the Committee, it failed to post the evidence and confront her with it, although on July 3 I began filing it with each of its members by email, fax, and mail with many follow-up phone calls.

Hence, I respectfully request that you **1)** have the evidence posted and Judge Sotomayor address it publicly, assuming you believe that you and the public are entitled to pro and con evidence to assess her claim of fidelity to the law and impartiality before confirming her to public office for life with no oversight; and **2)** cause the Senate to launch a *Follow the money!* investigation, which can allow you to become a national Champion of Justice, like Senator Sam Ervin, chairman of the Senate Watergate Committee, by asking: What assets did the Judge and her *DeLano* peers conceal and why did they conceal them? I look forward to hearing from you.

Sincerely, *Dr. Richard Cordero, Esq.*

http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/26evidence/1DrCordero-Senate.pdf

1 of 6

August 3, 2009

**Summarizing Statement Filed With The Senate of Verifiable Evidence
of Material Information That Judge Sotomayor Withheld From
The Judiciary Committee and The Public That Indicts Her Claim to “Fidelity to
the Law” and ‘Non-empathetic’ Impartiality; and Request That Publicly The
Senate Post and Pursue the Evidence in a *Follow the money!* Investigation¹**

I hereby bring to the Senate’s attention evidence of three patterns of wrongful conduct of Justice Nominee Judge Sonia Sotomayor. This evidence is all the more compelling because it has to do with objective matters based on facts; as such, they rely on neither her judicial philosophy and its subjective appreciation, nor her gender nor ethnicity. The facts of her conduct indict her claim at the hearings to “fidelity to the law” and ‘non-empathetic’ impartiality.

This statement summarizes detailed ones that refer to their sources, to wit, the answers that Judge Sotomayor submitted to the Committee’s Questionnaire and supplementary questions; the U.S. Code; court documents and statistics; and articles of reputable newspapers, such as *The Washington Post*. The detailed statements can be retrieved through the links below. In brief, those statements show that Judge Sotomayor:

1. earned \$3,773,824 since 1988 + received \$381,775 in loans = \$4,155,599 + her 1976-1987 earnings, yet disclosed assets worth only \$543,903, thus leaving unaccounted for in her answers to the Senate Judiciary Committee \$3,611,696 - taxes + the cost of her reportedly modest living; http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf
2. withheld from the Committee the *DeLano* Case, which reveals her cover-up of similar concealment of assets to protect her peers below involved in a bankruptcy fraud scheme; and http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_integrity/11DrCordero-SenJudCom.pdf
3. showed similar partiality toward all her peers by condoning the systematic dismissal of complaints against them and participating in the *denial of 100% of petitions* to review such dismissals. http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf>N:51¶¶1-4 & N:39

1. EVADED HER DUTY TO DISCLOSE HER FINANCIAL AFFAIRS

The Senate Judiciary Committee required Judge Sotomayor to “Provide a complete, current financial net worth statement which itemizes in detail all assets [and] all liabilities”. She was also under an independent duty imposed by the Ethics in Government Act of 1978 (5 U.S.C. App.) to file publicly “full and complete” annual financial disclosure reports. Whether the Judge discharged such obligations reflects her respect or lack thereof for the law applicable to her. By the same token, such respect determines how she applies the law to others and the quality of blind or wide-eyed justice that she dispenses to them. Thus, examining her handling of such obligations is warranted by the need to ascertain her “fidelity to the law” in personal and judicial matters as an indispensable qualification to being confirmed as a justice...and to remaining a judge.

A table of her financial affairs where every figure is accompanied by a reference to its source in its 48 endnotes has been drawn up. In summary, it shows that:

- a) a financially savvy “wise woman with the richness of her experiences” as a
 - i) former member of the board of directors of the State of New York Mortgage Agency;
 - ii) financial counselor in her own firm of Sotomayor and Associates; and

¹ http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/26evidence/1DrCordero-Senate.pdf

- iii) corporate litigator at the boutique law firm of Pavia & Harcourt for high-end international clients, such as Ferrari, Fendi, and Bulgari;
- b) who studied on scholarships, thus avoiding otherwise necessary student loans;
- c) has no children;
- d) has had no catastrophic illness or disaster, either affecting herself or her family;
- e) reportedly lives a modest life;
- f) is reimbursed for all travel and boarding expenses relating to her professional trips;
- g) is given food for free at other local events;
- h) earned \$3,773,824 since 1988 + received \$381,775 in loans = \$4,155,599 (Why would she ever need a loan, particularly one said to be for home improvements?);
- i) whose average effective tax rate was well below the 1988-08 average top individual marginal tax rate of 36%;
- j) plus had earnings as a professional between 1976-1987:
 - i) part-time while a law student at an elite law school, i.e., Yale, between 1976-1979;
 - ii) during a summer at a top Manhattan law firm;
 - iii) full time as an Assistant D.A. at the NY County D.A.'s Office between 1979-1984;
 - iv) as an associate from 1984-1987 and a partner from 1988-1992 at Pavia & Harcourt,
- k) who disclosed assets worth only \$543,903, excluding capital appreciation;
- l) is likely not to have 'provided a full and complete statement' of her remaining \$3,611,696.

Money does not disappear. Earnings are spent, donated, or saved. Given the Judge's conspicuous public life and her inconspicuous spending, she must have saved them as assets, e.g., securities or real estate investments, but disregarded her duty to disclose them. She was nominated by the President, who also nominated tax evaders Tim Geithner, Tom Daschle, and Nancy Killefer.

2. WITHHELD FROM THE COMMITTEE *DELANO* TO COVER UP A BANKRUPTCY FRAUD SCHEME

The likelihood that Judge Sotomayor unlawfully did not disclose her assets is heightened by the fact that she withheld production to the Senate Judiciary Committee of one of her cases on the three principal and supplementary productions of cases through which she represented having discharged her duty to produce all of them. *DeLano*, 06-4780-bk, is the case that she withheld. She was the presiding judge on the panel of the Court of Appeals, 2nd Circuit (CA2), that heard my oral argument on it and disposed of it through the summary order of February 7, 2008. (p.5 infra) http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf

DeLano deals similarly with concealment of assets despite a duty to disclose. Her order protected, not the rule of law, but rather those who evaded such duty: i) her peer and CA2 appointee Bankruptcy Judge John C. Ninfo, II, WBNY, ii) the district judge, and iii) the one for whom they had covered up the concealment of at least \$673,657, Mr. DeLano, the most unlikely of 'bankrupts', a 39-year veteran banker who at the time of filing for bankruptcy was and remained employed by a major bank, M&T Bank, as a bankruptcy officer! M&T and Mr. DeLano are clients of the law firm, Underberg & Kessler, in which Judge Ninfo was a partner at the time of taking the bench. According to PACER, the *DeLano* case was one of the 3,907 *open* cases that trustee George Reiber had before Judge Ninfo, before whom Mr. DeLano's attorney had 525 cases. These are bankruptcy system insiders running a bankruptcy fraud scheme.

The finding of the concealed assets would have led to the indictment of Mr. DeLano for bankruptcy fraud, who in exchange for leniency could have incriminated other insiders, including Judge Ninfo, who could have given ‘bigger fish’. To forestall this domino effect, Judge Sotomayor condoned the denial below of, and denied in turn, *every single document* in all creditor requests: She violated discovery rights, denied herself the facts that she needed to find in order to apply the law to them, and denied due process of law in self and her peers’ interest. Her conduct in *DeLano* so incriminates her “fidelity to the law” that she withheld it from the Committee. She thus prevented its investigation, which would have exposed her cover-up of a scheme that involves lots of money and injures millions of debtors, creditors, and the public that sustains their pass-through losses. Cf. http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_v_Equal_Justice.pdf >¶¶4-6

3. WAS PARTIAL TO HER PEERS BY DENYING ALL PETITIONS TO REVIEW COMPLAINTS AGAINST THEM

Judge Sotomayor’s partiality toward those judges is part of her pattern of conduct. She has condoned the systematic dismissal by her peers, the successive CA2 chief judges, of complaints against fellow judges and participated, as member of the 2nd Cir. Judicial Council, in the latter’s 1oct96-30sep08 12-year period *denial of 100% of petitions* for review of such dismissals. (6 infra)

Those complaints and the petitions for review were filed under the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§351-364) by anybody trying to protect himself or the integrity of the legal system itself. Yet, Judge Sotomayor denied review regardless of the gravity of the judge’s alleged misconduct and disability, which included, according to CA2’s own classification, bias, prejudice, bribery, corruption, conflict of interests, abuse of power, incompetence, mental or physical disability preventing the discharge of official duties, etc.

By so doing, she abrogated in effect that Act of Congress. She also showed no “empathy” for all those complainants and litigants whom she left with no redress for the personal or systemic injury already sustained. On the contrary, she exposed them to the vindictiveness of judges who were sure that no matter how they mistreated anybody, she too would protect them from any adverse consequences of a subsequent complaint. Self-immunity from discipline and unaccountable power over lots of money explain their participation in a bankruptcy fraud scheme.

4. REQUESTED ACTION: PUBLIC PURSUIT OF THE EVIDENCE AND A *FOLLOW THE MONEY!* INVESTIGATION

Therefore, I respectfully request that the Senate:

- 1) require Judge Sotomayor to comment publicly on the evidence of her patterns of infidelity to the law and judicial class partiality by evading her financial disclosure duties, withholding *DeLano* to protect a similar concealment of assets by her peers, and exonerating 100% of complained-against peers; http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf
- 2) conduct a *Follow the money!* investigation of her financial affairs, *DeLano* as part of a bankruptcy fraud scheme, and her moral or material gain from exonerating 100% of her peers; to that end, hold public hearings and allow me to present the evidence thereon; and cf. http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/6DrCordero-SenJudCom_subpoena.pdf;
- 3) investigate the impossible coincidence that on several occasions my four email accounts stopped receiving emails a day after I widely emailed evidence of CA2’s scheme cover-up.

To *Follow the money!* to ascertain what assets Judge Sotomayor and her peers have concealed and why they have concealed them can turn a principled and ambitious senator into the Senator Sam Ervin of our generation and the national champion of those to whom they have denied Equal Justice Under Law.

August 3, 2009 *Dr. Richard Cordero, Esq.*

MANDATE

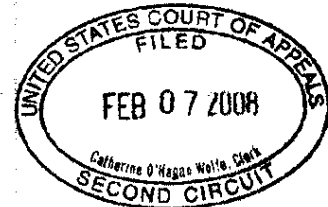
W.D.N.Y.
05 cv-6190
Larimer, J.

United States Court of Appeals FOR THE SECOND CIRCUIT

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

Present:

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



Dr. Richard Cordero,

Creditor-Appellant,

v.

06-4780-bk

David DeLano, Mary Ann DeLano,

Debtors-Appellees.

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

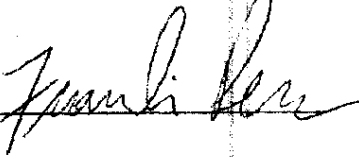
FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk

by


DEPUTY CLERK

By:



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

SAO-LB

ISSUED AS MANDATE: 5/16/08

2nd Circuit Judicial Council & J. Sotomayor's Denial of 100% of Petitions for Review of Systematically Dismissed Misconduct Complaints Against Their Peers & 0 Judge Disciplined in the Reported 12 Years

Table S-22 [previously S-23 & S-24]. Report of Complaints Filed and Action Taken Under 28 U.S.C. §351 for the 12-mth. Period Ended 30sep97-07 & 10may8. <http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf

Data of Judicial Council 2nd Cir. for AO; 28 U.S.C. §332(g)	96-97	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-5/8	96-5/8	Avg.
Complaints Pending on each September 30 of 1996-2008*	5	10	23	65	33	60	29	34	57	31	28	13	388	32
Complaints Filed	40	73	99	59	102	62	69	23	36	14	22	4	603	50
Complaint Type														
Written by Complainant	40	73	99	59	102	62	69	23	36	0	22	4	589	49
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	14	0	0	14	1.8
Officials Complained About**														
Judges														
Circuit	3	14	23	9	31	10	8	4	7	0	6	1	116	9.7
District	27	56	63	41	52	41	49	15	23	10	12	3	392	33
National Courts	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bankruptcy Judges	2	1	2	2	2	1	1	1	0	0	0	0	12	1
Magistrate Judges	8	8	11	7	17	10	11	3	6	4	4	0	89	7.5
Nature of Allegations**														
Mental Disability	1	9	26	2	5	4	6	3	3	1	1	1	62	5.2
Physical Disability	0	1	2	1	0	0	1	2	0	0	0	1	8	.7
Demeanor	2	2	2	3	14	3	4	6	0	0	0	0	36	3
Abuse of Judicial Power	25	30	7	29	28	57	20	6	3	0	1	1	207	17
Prejudice/Bias	32	36	34	28	24	40	20	35	43	28	30	5	355	30
Conflict of Interest	0	0	5	11	10	18	3	4	5	1	1	0	58	4.8
Bribery/Corruption	0	0	10	21	2	15	4	5	2	2	1	1	63	5.2
Undue Decisional Delay	0	4	0	11	6	15	9	5	8	2	3	3	66	5.5
Incompetence/Neglect	4	1	3	1	5	2	3	3	4	0	3	2	31	2.6
Other	0	11	3	5	0	0	4	33	80	38	47	14	235	20
Complaints Concluded	33	56	57	80	75	93	42	51	91	45	50	17	690	57
Action By Chief Judges														
Complaint Dismissed														
Not in Conformity With Statute	3	4	0	0	4	1	1	6	5	8	1	2	35	2.9
Directly Related to Decision or Procedural Ruling	12	19	19	29	17	23	14	18	46	15	10	9	231	19
Frivolous	0	1	19	0	13	9	7	3	1	3	2	1	59	4.9
Appropriate Action Already Taken	0	0	0	0	0	0	0	1	0	1	0	0	2	0.2
Action No Longer Needed Due to of Intervening Events	0	0	3	1	0	2	0	0	0	1	0	0	7	0.6
Complaint Withdrawn	0	0	0	0	0	2	0	1	2	0	0	0	5	0.4
Subtotal	15	24	41	30	34	37	22	29	54	28	13	12	339	28
Action by Judicial Councils														
Directed Chief Dis. J. to Take Action (Magistrates only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	18	32	16	50	40	56	20	22	37	17	37	6	351	29
Withdrawn	n/a	n/a	0	0	1	0	0	0	0	0	0	0	1	.08
Referred Complaint to Judicial Conference	0	0	0	0	0	0	n/a	0	0	n/a	0	0	0	0
Subtotal	18	32	16	50	41	56	20	22	37	17	37	6	352	29
Special Investigating Committees Appointed	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	1	0	2	.17
Complaints Pending on each 30sep of 1997-2008	12	27	65	44	60	29	56	6	2	0	0	0	301	25

*Revised. **Each complaint may involve multiple allegations against numerous judicial officers. Nature of allegations is counted when a complaint is concluded.

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N.Y. Federal Judge Likely on Shortlist

Backers Say She Meets Obama Requisites

By *Keith B. Richburg*
Washington Post Staff Writer
Thursday, May 7, 2009

NEW YORK -- George M. Pavia remembers being instantly impressed with the young woman he hired for his law firm in 1984. Sonia Sotomayor had graduated summa cum laude at Princeton, edited the Yale Law Journal in law school and had courtroom experience in the Manhattan prosecutor's office.



Sonia Sotomayor, who received an honorary degree from Pace University in 2003, is expected to be a reliable liberal vote if appointed to the high court. (Courtesy Of Pace University)

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She also spoke Spanish, which helped her understand Italian, and one of the firm's main client's was carmaker Fiat.

"She was just ideal for us in terms of her background and training," said Pavia, managing partner of Pavia & Harcourt.

What also impressed him, he said, was her personal story. Sotomayor, who is of Puerto Rican descent, had grown up in a public housing project in the Bronx, near the old Yankee Stadium. Her father died when she was a child, leaving her mother, a nurse, to instill in Sotomayor and her brother the idea that education was their path to a better life.

"She is, in a way, a counterpart of Obama himself," Pavia said. "It's the American dream -- anybody can make it."

Sotomayor, a judge on the U.S. Court of Appeals for the 2nd Circuit, appears by most accounts to be on the shortlist of Supreme Court nominees to replace retiring Justice David H. Souter. If appointed, she would be the third woman on the bench in the court's history and the first Hispanic.

Sotomayor presents a contradiction, say those who know her. Her detractors have said she can be short-tempered, tough on the bench and at odds with the amicability that President Obama has often sought in his appointments.

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But her supporters -- former Yale

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classmates, law firm colleagues and former clerks -- say she meets the definition of what Obama has said he is looking for: a qualified nominee with legal and real world experience, as well as an appreciation for the impact of court decisions on everyday life.

"I think her life experience gives her exactly the kind of perspective the court needs," said Robert H. Klonoff, dean of Lewis & Clark Law School in Portland, Ore., and a classmate and

friend of Sotomayor's from Yale Law School's class of 1979. "When I read [Obama's] description of what he thinks of as an ideal justice, she just fits it to a T." Besides her background, he said, "her credentials are unbelievable."

Among others mentioned as possible replacements for Souter are Elena Kagan, Obama's solicitor general and the former dean of Harvard Law School; Michigan Gov. Jennifer M. Granholm (D), a Harvard Law School graduate; Judge Diane P. Wood of the U.S. Court of Appeals for the 7th Circuit; and Leah Ward Sears, chief justice of the Georgia Supreme Court.

Sotomayor would probably be a reliably liberal vote on a court split into conservative and liberal blocs on many major issues. But her friends, colleagues and former clerks say she would not be reflexively liberal or "results-oriented" but would adhere to the law and the Constitution.

"More than anything, I would call her a legal purist," said Julia Tarver Mason, who clerked for Sotomayor a decade ago. "I think she defies categorization in that sense because she really does make the law based on the law, in a purist fashion."

"She appreciates the complexity of issues," said Stephen L. Carter, a Yale professor who edited a piece by Sotomayor for the Yale Law Journal in 1979 and who teaches some of her opinions in his classes. Confronted with a tough case, Carter said, "she doesn't leap at its throat but reasons to get to the bottom of issues."

Klonoff recalls seeing flashes of her toughness in their law school days. "She would stand up for herself and not be intimidated by anyone," he said. If she won the appointment to the high court, he said, "I think she'd be the kind of justice who could change some minds."

Many of her former clerks speak of a softer side. While setting a demanding work pace, they said, she became a mentor to them and cared about their personal lives. The divorced Sotomayor, who has no children of her own, has told friends that her clerks are like her children.

"She's one of the best mentors I've ever had," Mason said. "She's given me advice about working in the legal profession, advice about my career, and about my personal life, about relationships."

Another former clerk, Jenny Rivera, now a law professor at New York University, recalled how when her mother died not long ago, Sotomayor called her regularly and came to the funeral. "I know she's very close to her mother," Rivera said. "I really appreciated her sense of caring for me and my brother."

Sotomayor, an avid Yankees fan, lives modestly, reporting virtually no assets despite her \$179,500 yearly salary.

On her financial disclosure report for 2007, she said her only financial holdings were a Citibank checking and savings account, worth \$50,000 to \$115,000 combined.

During the previous four years, the money in the accounts at some points was listed as low as \$30,000.

When asked recently how she managed to file such streamlined reports, Sotomayor, according to a source, replied, "When you don't have money, it's easy. There isn't anything there to report."

Staff writers Joe Stephens in Washington and Robin Shulman in New York and staff researcher Madonna Lebling in Washington contributed to this report.

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SUPREME COURT

Sotomayor Rose High, with Few Assets

By Joe Stephens

Congressional staffers tend to begin the vetting process for Supreme Court nominees by looking for fatal flaws in their personal finances -- anything from shady business partners to holdings in corporations that might have business before the court. Experience has proven that financial holdings can prove fertile ground for digging.

Not so in the case of Sonia Sotomayor of New York, who is considered a front-runner to replace the retiring David H. Souter.

Although Sotomayor earns \$179,500 a year as a judge on the 2nd Circuit Court of Appeals in New York and worked for eight years as a private attorney in New York before joining the bench, in recent years she has reported having virtually no assets.

For 2007, Sotomayor, who is divorced, reported that she had no financial holdings that needed to be reported on her personal financial disclosure report, save for a checking account and a saving account with Citibank. Combined, the accounts were worth \$50,000 to \$115,000. That was more than she reported as assets during the previous four years, during which the value of the accounts at some points was listed as low as \$30,000.

Since at least 2003, she has reported owning no stocks and having no investments in real estate.

The judge's reportable net worth has hardly changed at all since she was appointed to the bench in 1992, according to a source in a position to know. The modest increase in her net worth in 2007 may be attributable to a home equity loan she took out to do some renovations, the source said.

Disclosed assets may not tell the whole financial picture, as federal rules do not require judges to disclose the value of their personal residences. Sotomayor has listed no outstanding loans or other liabilities in recent years, except for four credit cards.

Some of Sotomayor's disclosure forms appear incomplete or have included jumbled value codes. Sotomayor has filed at least one amended report to correct the problems, the source said, but that report was not immediately available to reporters and the public.

Experts on the federal judiciary said that a small but significant number of federal judges file reports as sparse as Sotomayor's.

"It's a little sad that someone at the top of the legal profession has so few reportable assets, but that's the reality of living on a federal judicial salary in Manhattan," said Doug Kendall of the nonprofit Constitutional Accountability Center.

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Sotomayor brought in some extra income in 2007 by working as an adjunct professor at New York Law School and lecturing at Columbia Law School. Those jobs paid her nearly \$25,000 that year. She also has traveled frequently to conferences. In 2007, she reported being reimbursed for expenses related to six trips, such as a stint teaching at the University of Puerto Rico and a trip to a judicial clerkship institute at Pepperdine University.

Junkets for judges have become a point of criticism in recent years, but Kendall said Sotomayor's trips appear to have come from reputable sources, and that Sotomayor may have exceeded disclosure requirements by including trips underwritten by the federal government.

Kendall added that any apparent glitches Sotomayor may have made on her reports appear, on the surface, to have been minor and fairly common place.

Posted at 11:15 AM ET on May 7, 2009 | Category: **Supreme Court**
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No, I think the "whisper campaign" was more along the lines of "she's lazy and hot-tempered."

Posted by: **JakeD** | May 8, 2009 11:45 AM

I suspect Judge Sotomayor has different priorities than many people who enter public life. She has chosen to focus on jurisprudence instead of attaining wealth or power.

Posted by: **query0** | May 8, 2009 5:47 AM

Isn't there some "whisper campaign" about her that the WaPo should be reporting on?

Posted by: **JakeD** | May 7, 2009 9:23 PM

Shouldn't the obvious question for reporters be "what's missing?" Where is her money going? Don't assume that the forms tell the whole story.

Posted by: **tomtildrum** | May 7, 2009 11:53 AM

As a financial adviser working in Newton, MA, I am sadly not surprised. The number of highly compensated, high responsibility professionals who have amassed no significant wealth through investing is shockingly high. The truth is that most Americans don't begin to save until their fifties. I would expect that that is even more true for minorities who tend to be less trusting of the

financial world.

Posted by: LeRiverend | May 7, 2009 11:49 AM

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For a justice, Sonia Sotomayor is low on dough

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By JOSH GERSTEIN | 5/28/09 12:13 PM EDT

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Sonia Sotomayor's personal financial disclosure puts her sum total of investments at the end of 2007 from \$50,001 to \$115,000.

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court judge. As an associate justice on the Supreme Court, she would make \$213,900. Both salaries went up 2.8 percent this year.

In 2007, Sotomayor supplemented her federal judicial salary with nearly \$25,000 from teaching at the Columbia and New York University law schools.

She has missed out on the escalation in salaries and profits at major law firms in the past two decades. She reported making about \$150,000 in 1990, her last full year as a private lawyer in New York. She said she was due about \$25,000 for her partnership interest in a small firm, Pavia & Harcourt.

By contrast, when Chief Justice John Roberts left a major Washington law firm, Hogan & Hartson, in May 2003 to take a seat on the D.C. Circuit Court, he was paid more than \$1 million in salary and compensation for his partnership interest.

If U.S. Appellate Court Judge **Sonia Sotomayor** is confirmed as the **Supreme Court's** newest justice, she would be among its poorest.

Her personal financial disclosure form filed last year puts her sum total of investments at the end 2007 from \$50,001 to \$115,000. She reported only two assets: a checking account and a savings account — both at Citibank.

The form does not require disclosure of the value of a judge's personal residence. But New York City records show that Sotomayor owns a Greenwich Village condo that she bought in 1998 for \$360,000. It's now worth about \$1.4 million, according to Zillow.com. And city records indicate two outstanding mortgages totaling \$450,000.

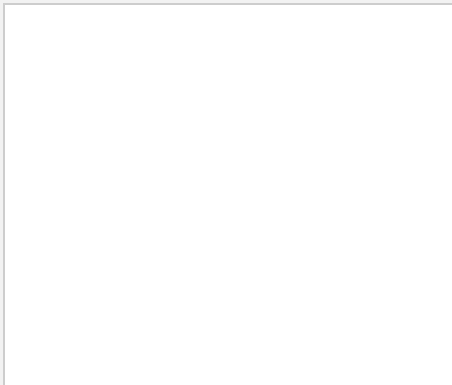
Papers submitted in connection with her nomination to the 2nd Circuit Court of Appeals in 1997 say she was earning \$1,100 a month in rent on a co-op apartment that she owned in Brooklyn. As recently as 2004, she reported less than \$30,000 in her two bank accounts.

A source told The Washington Post earlier this month that Sotomayor once said that filling out her financial reports was a breeze. "When you don't have money, it's easy. There isn't anything there to report," she was quoted as saying.

Sotomayor is divorced and has no children.

She now earns \$184,500 a year as a federal appeals

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Because disclosure forms list assets by a range of values, the precise values of justices' investments are unknown. But Justices Clarence Thomas and Anthony Kennedy appear to be the two poorest, according to their disclosures.

At the end of 2007, Thomas' investments were worth from \$150,001 to \$410,000. Justice Anthony Kennedy held investments worth from \$365,001 to \$765,000.

Despite his small-town ways and frugal reputation, the wealthiest justice is the one Sotomayor would replace: the retiring Justice David Souter. According to 2007 financial reports, he was worth at least \$6.1 million, due mainly to hugely successful investments in New Hampshire and Vermont banks.

Although his reported assets rank him as one of the poorest justices, Thomas has received nearly \$1.2 million from book publisher Harper Collins in recent years in connection with the publication of his memoir, "My Grandfather's Son," in 2007.

Exactly what has become of that money is unclear, though, since there's no indication in his financial disclosures of any increase in his investments.

Private investments have bedeviled the Supreme Court in recent years as recusals of justices have complicated the court's ability to hear cases involving large, publicly traded corporations.

Last year, for instance, the court passed up a case involving businesses that allegedly supported South Africa's apartheid government because three justices had investments which that have been affected by the case and one had a family connection to the matter.

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Friends Provide Glimpse Into Nominee's 'Very Full Life'

By *Keith B. Richburg, Robin Shulman and Nancy TrejosÁ*

Washington Post Staff Writers

Sunday, May 31, 2009

NEW YORK -- Last November, soon after Barack Obama was elected president, a close friend of Judge Sonia Sotomayor's was hospitalized on Long Island because of a series of strokes.



Judge Sonia Sotomayor, a nominee to the Supreme Court, owns a condominium in this Greenwich Village building in New York. (By Craig Ruttle -- Associated Press)

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Speculation was already swirling that the new president might make Sotomayor his first pick should a vacancy open on the Supreme Court. Sotomayor also had a full caseload she was balancing as a judge on the U.S. Court of Appeals for the 2nd Circuit in Manhattan.

But three or four times a week, Sotomayor would leave work around 7 p.m. to visit her friend. Ever the urbanite, Sotomayor would pick up some chicken soup, get in her white Saab convertible and wind through rush-hour traffic to Long Island to sit by the bedside of a woman who was often unconscious and unaware that Sotomayor was there. Finally, the trips came to an end in April -- not because of the pressures of the trip on her busy life, but because her friend died.

Those visits, recounted by several of Sotomayor's closest friends, provide a telling glimpse into the private life of the woman nominated last week by President Obama to be

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the next Supreme Court justice and the first Hispanic on the high court. The friends go on to describe her in laudatory, if predictable, ways: collegial, intensely loyal, a bedrock in crisis.

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But another portrait emerges as well in their descriptions, one that sets her far apart from the retiring justice she would succeed, David H. Souter. Souter is known as a bookish recluse, a loner who hates airplanes and prefers the solitude of his New Hampshire hamlet called Weare, and is said to have no interest in overseas travel.

Sotomayor is precisely the opposite. Hers is a life that rises and falls on urban rhythms.

"They couldn't be more different," said Ellen Chapnick, dean of the social justice program at Columbia Law School and a close Sotomayor friend. "Not talking about judicial philosophy -- talking about personality type and how they spend their time: They couldn't be more different."

If Sotomayor is confirmed and moves to Washington, Chapnick said, "She'll probably find parts of the city to enjoy that other people don't even know are there."

A 54-year-old divorced woman who never had children, Sotomayor is said to be a workaholic who fills her free time with a huge network of close friends, extended family members, colleagues, former classmates and just about anyone else who has entered her circle. They are judges and lawyers and also secretaries and a mail carrier. She has more godchildren than her friends can count.

She is a gregarious and social New Yorker who loves dinner parties -- in restaurants, at friends' homes or lechon de asado for large gatherings at her two-bedroom apartment in the West Village. She loves dancing; a few years ago, she and friends took salsa lessons at a Tribeca dance studio to improve their moves. She loves shopping. And she loves travel, vacationing with close friends such as Ken Kinzer and his wife, Dawn Cardi. A trip to the Netherlands. Sailing around the Caribbean. Sailing, canoeing and biking around North Carolina's Outer Banks.

A woman from a humble background -- the South Bronx projects -- who now lives on an appellate judge's salary of \$179,500, Sotomayor would be the court's poorest member. On financial disclosure forms, she lists her only assets as a Citibank checking and savings account worth combined \$50,000 to \$115,000, plus the equity in her Greenwich Village condo.

Nonetheless, friends consider her generous with whatever money she has. When Kinzer, who owns a Brooklyn dry cleaning business, got into financial problems in the early 1990s, Sotomayor offered him a loan of \$15,000. "We needed some funds right away. Sonia volunteered," he said. "I was taken aback, never expecting it. I've had family members say no to me."

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Friends Provide Glimpse Into Nominee's 'Very Full Life'

Kinzer and Cardi became Sotomayor's friends in the 1980s when Cardi was working as a legal aid lawyer and Sotomayor was a prosecutor in the Manhattan district attorney's office. Cardi persuaded Sotomayor to move to their neighborhood, Carroll Gardens in Brooklyn, when there was a vacant apartment next door. Sotomayor later bought her own condo down the block, and the friends got together almost every night. "Whether I cooked or ordered in, she was always there at the dinner table," Kinzer said.



Judge Sonia Sotomayor, a nominee to the Supreme Court, owns a condominium in this Greenwich Village building in New York. (By Craig Ruttle -- Associated Press)

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Sotomayor only reluctantly left the neighborhood when she became a judge in Manhattan, because rules stipulate that judges must live in the district to which they are assigned. Still, Cardi said, the dinners continued at Sotomayor's new apartment, where the women would kick off their shoes and order in Thai or Spanish food. Cardi and Sotomayor would also often go to Yankees games -- Sotomayor is a lifelong fan who grew up near Yankee Stadium -- but without Kinzer, a Mets fan.

Besides the Yankees and friendly poker nights with friends, Sotomayor also enjoys Broadway shows and dance -- Alvin Ailey or American Ballet Theatre. Sometimes, when she is too loaded down with work, she passes her tickets on to her clerks.

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And she often does work late, arriving home at 9:30 or 10 p.m. and placing a takeout order at Dallas Jones Bar-B-Q, a ribs-and-chicken joint near her apartment building. It's almost always the same order: the quarter chicken with two sides for \$8.95, said Sam Barry, the woman who owns the restaurant.

"I didn't even know she's a big shot -- just the next-door woman," Barry said. "I didn't know her name. I only knew her as Sonia." She said when friends told her about the appointment and she

saw the news photographers outside, she typed her regular client's name into the computer and saw it come up as Sonia Sotomayor.

Like most New Yorkers, Sotomayor eats out as much as at home. She's a regular on her block and in the neighborhood. Twice a week, between 11 a.m. and noon, she shows up at the Blue Ribbon Bakery on Bedford Street for three breadsticks, a decaf coffee and, sometimes, the sturgeon toast with whole-grain mustard, a few capers, olive oil, chives, sea salt and onions, said employee Milcar Cruz.

"When she comes here, we talk in Spanish, and we just talk about the weather sometimes, about how she's doing. She asks how we're doing. She's a great person. She's very humble," Cruz said.

Sotomayor also pops into a corner bodega for a Fresca and a neighborhood cheese shop for a favorite blue, and she sometimes takes her clerks on a walk across the Brooklyn Bridge to get a slice of Patsy's pizza in Brooklyn.

The huge circle of people in her life, from a diversity of backgrounds, perhaps speaks to her own modest beginnings. Several friends told a story of the ceremony held for Sotomayor when she was elevated to the Appeals Court from the District Court. In her speech, she singled out the janitors and security guards by name, and talked warmly about how they had become a part of her life.

Never particularly athletic as a child, Sotomayor has lately tried to exercise several times a week at the courthouse gym and has hired a personal trainer at the nearby Equinox gym. She has also become an avid bicyclist, sometimes going up the West Side of Manhattan and cycling back down the East.

On top of her busy courtroom docket, Sotomayor also teaches and speaks regularly at legal conferences and seminars.

She has been co-teaching a class at Columbia University since 1999, called the Federal Appellate Court Externship. Once a year, she teaches at the University of Puerto Rico, where she and her mother, who was born on the island, travel around visiting relatives.

"She reads, she dances, she's a normal person," Chapnick said. "She's a modern woman and leads a very full life."

Out of deference to her privacy, the one topic Sotomayor's friends won't discuss is her personal relationships. They said only that Sotomayor "does date."

She married her high school sweetheart, Kevin E. Noonan, in August 1976, and they divorced in 1983. She was engaged in the 1990s to Peter White, who worked in construction and real estate, but they later broke up.

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Sotomayor's personal assets top \$1M, far less than others Obama considered for court

Julie Hirschfeld Davis

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Sotomayor's personal assets top \$1M

WASHINGTON — Supreme Court nominee Sonia Sotomayor says her personal assets top \$1 million.

Her \$1.16 million in assets include her Greenwich Village condo, valued at \$997,500; a \$20,000 stake in another

condominium; and about \$109,000 in cars and other personal property. Her financial statement shows she has \$31,985 in the bank.

Sotomayor released details about her finances as part of a massive portfolio of documents she sent to the Senate Judiciary Committee Thursday in response to a questionnaire about her background and writings. It shows her personal assets amount to far less than others who President Obama considered nominating for the high court.

Sotomayor has \$418,350 in debts, most of it mortgage debt.

THIS IS A BREAKING NEWS UPDATE. Check back soon for further information. AP's earlier story is below.

WASHINGTON (AP) — Supreme Court nominee Sonia Sotomayor says the White House contacted her about serving on the high court four days before Justice David Souter announced that he would retire.

If she's confirmed by the Senate, Sotomayor replaces Souter on the high court.

The appeals court judge divulged the April 27 call from White House counsel Gregory Craig in a massive portfolio of documents she sent to the Senate Judiciary Committee. The committee had asked that she complete a questionnaire about her finances, background and writings.

Souter announced May 1 that he would retire this fall.

Sotomayor says no one ever asked her position during the selection process about any issue that could come before the Supreme Court.

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By JO BECKER
Published: June 5, 2009

When [John G. Roberts Jr.](#) was named to the [Supreme Court](#), he had a net worth of more than \$6 million, accumulated during his lucrative years in private practice. When [Samuel A. Alito Jr.](#) was appointed, he had a net worth of more than \$2 million, even though he had spent his entire professional career either in government or on the bench.

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So how is it that Judge [Sonia Sotomayor](#), nominated by [President Obama](#) to follow those two men onto the nation's highest court, reported a net worth of just \$740,000 this week, with no stocks or bonds and a savings account of \$31,985, just marginally more than she owes her dentist and credit card companies?

To start with, although Judge Sotomayor became a partner during her eight years at the New York law firm Pavia & Harcourt before becoming a federal district judge in 1992, her salary in her final year at the firm was \$151,761, a far cry from the \$776,000 that Justice Roberts reported pulling down in his last full year at the Washington-based law firm Hogan & Hartson.

Between her salary as a circuit court judge and the money she made as a lecturer at [Columbia University](#) Law School, Judge Sotomayor made \$205,330 last year. Still, the judge, divorced and with no children, does live in Greenwich Village, one of the more expensive neighborhoods in perhaps the most expensive city in the country. Just parking a car here — she drives a white Saab convertible — can cost hundreds of dollars a month.

Judge Sotomayor bought her four-room, 980-square-foot apartment in 1998 for \$360,000, records show — a price comparable to others sold in the building around that time.

Today, Judge Sotomayor values the apartment at just under \$1 million, but records show that after refinancing several times, she owes \$381,775 on her mortgage. In addition, the judge helps support her mother and her mother's husband, the White House said. For [estate](#)

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[planning](#) purposes, the White House said, Judge Sotomayor owns one-third of their Florida condominium, a stake she valued at \$20,000 in the questionnaire she submitted to the Senate this week.

Besides living in an expensive area of the country, Judge Sotomayor has a taste for nice things and is an avid traveler.

Her destinations have ranged from the Caribbean to the Galápagos Islands, and she has been known to stop in at a casino on vacation. Last year, she reported hitting an \$8,283 jackpot while visiting a Florida casino with her mother; a White House spokeswoman, [Stephanie Cutter](#), said the judge was not a regular gambler, though she added jokingly, "She is lucky."

Judge Sotomayor has been described in interviews as an interior decorating buff who loves to shop. And she is a frequent patron of Manhattan restaurants, sometimes picking up the tab for dinner with clerks in SoHo or at Chinatown places like Joe's Shanghai.

Her Christmas preparations have become legendary among friends and former clerks. Each year, according to the White House, she buys more than 60 presents for her nieces, nephews, god-children, friends' children and members of the court staff — including custodians and cafeteria workers — and avidly discusses with her clerks what items are popular with younger people.

Matthew Colangelo, who clerked for the judge in 2002-3, recalled her delight in finding the right gift, as well as the annual holiday party she used to give in the hallway near her office before it got too big. "Besides providing the food, and I think a D.J., she insisted that everyone come, not just the judges and the clerks but the deputies, marshals and building maintenance," he said.

Another former clerk, Charu Chandrasekhar, who worked for the judge in 2004-5, said, "It was a shock to me to see that her assets were as small as they were, just given the way that she always was so unstinting with everyone."

Despite her modest savings, Judge Sotomayor has a financial cushion — after 65, as a federal judge, she is entitled to a pension equal to her annual salary.

A version of this article appeared in print on June 6, 2009, on page A12 of the New York edition.

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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)

- I. [The web of personal relationships in WDNY](#) (Stat. of Facts 4¶14 et seq.) and the bkr fraud scheme (C:660)
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 - e) [Supreme Court of the United States](#)
 - i) [Judicial Conduct and Disability Act Study Committee](#)
 - f) [U.S. Congress Committees on the Judiciary](#)

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

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_{OE}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_{OE}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_{OE}C:>C:1108>Comment; C:1170,
1183, 1303§B, 1313, I)
- d) disregard for statutory duty to
investigate bkr fraud (T_{OE}C:111 Table
4; T_{OE}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)

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Rochester, NY 14614-1387
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(A:467a, 456, 460, 462, 1370§D)

d) Lawyers and law firms

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(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/>

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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)

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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 & T0EC:45>1060> Comment, >1064>Comment)
- e) out of his 575 cases, 525 before Judge Ninfo (T0EC: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_{OE}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_{OE}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

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
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tel. (716)843-5700, ext. 867;
fax (716)551-3052
(C:1560, 1561)

Bowman, Jennie
Executive Assistant to the US Attorney
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138 Delaware Center
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tel. (716)843-5700; fax (716)551-3051
(C:1559)

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(C:1512, 1513, 1546, 1547)

Resnik, Richard, Esq.
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620 Federal Building
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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
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(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, 2nd 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_oE:C:10>119>Comment; cf. C:169)
 - i) motion re J. Ninfo's bias (C:108)
- e) petition for rehearing (C:122, 394 & T_oE: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_oE:C:17>393>Comment)
- g) unavailability of CA2 misconduct orders (530, 533; T_oE: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_oE: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_oE:C:57>1317>Comment ; cf. T_oE: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_oE:C:10>119>Comment; cf. C:169)
- b) petition for rehearing (C:122, 394 & T_oE: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_oE:C:17>393>Comment)
- e) motion to refer to U.S. Att. Gen. re bkr fraud scheme (C:404; T_oE: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_oE: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 2nd 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, 2nd 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, 2nd 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, 2nd 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)

- a) statistics on judicial misconduct complaints (C:973 & ToEC:39>980.k-x and Comment thereunder; see also Judicial Conduct and Disability Act Study Committee)
- b) complaint v. court staff (C:685)

- c) petition for review of Judicial Council's denials re J. Ninfo and CJ Walker (C:859 & ToEC:34>859>Comment; cf. C:865 & 877)
- d) 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).

Rehnquist, W., SCt	Flaum, J., 7th Cir.
Ginsburg, R., SCt	Stadtmueller, J.
Boudin, M., 1st Cir.	Loken, J., 8th Cir.
Laffitte, H.,	Rosenbaum, J.
Walker, J, Jr., 2nd Cir.	Schroeder, M., 9th Cir.
Scullin, F., Jr.	Ezra, D.
Scirica, A., 3rd Cir.	Tacha, D., 10th Cir.
Vanaskie, T.	Russell, D.
Wilkins, W., 4th Cir.	Edmondson, J., 11th Cir.
Norton, D.	Forrester, J.
King, C., 5th Cir.	Ginsburg, D., CA DCC
Feldman, M.	Hogan, T.
Boggs, D., 6th Cir.	Mayer, H., CA FC
Zatkoff, L.	Restani, J., Int' Trade

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 &
TOEC: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_oE C: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_oE C: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.
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(cf. C:967-968)

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(cf. C:967-968; C:972 &
T_oE C:39>972>Comment)

Winter, Judge Ralph K., Jr. (see above)

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year-end reports (C:573 &
T_oE C:24>573>Comment; C:980.k &
T_oE C:40>980.x>Comment)

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re misconduct complaints (C:110; 855,
857)

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ToEC:>C:980.x>Comment; A:1601)

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http://www.supremecourtus.gov/publicinfo/press/pr_04-13-04.html

- a) announcement of first meeting (C:574)
- b) systematic complaint dismissal (C:973,
ToEC:980.k and Comment thereunder)
- c) no need of Study to know of complaint
dismissal (Stat. of Facts 10¶32)

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U.S. House of Representatives
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<http://judiciary.house.gov/>
www.house.gov/judiciary
(C:1354; T0EC>C:1352>Comment)

Sensenbrenner, Chairman F. James Jr.,
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U.S. House of Representatives
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(cf. C:574; C:576, 1352;
T0EC>C:1352>Comment)
www.house.gov/judiciary
U.S. Senate News Advisory, Contact:
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U.S. Senate
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224 Dirken Senate Office Building
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(C:1354; T0EC>C:1352>Comment)

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224 Dirksen Senate Office Building
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(C:1353, T0EC>C:1352>Comment)

The Dynamics of Institutionalized Corruption in the Courts

How judicial wrongdoing tolerated or supported in one instance gives rise to the mentality of judicial impunity that triggers generalized wrongdoing and weaves relationships among the judges of multilateral interdependency of survival where any subsequent unlawful act is allowed and must be covered up

A judge that engages in wrongdoing once and gets away with it because the other judges will not discipline him or her, will be more likely to do wrong again: The judge realizes that as a matter of practice wrongdoing is an easy or profitable way of handling judicial business and can be engaged in with impunity regardless of the harm caused to third parties. An example is set for fellow judges to follow. In time, everyone knows about the wrongdoing of the others, whether it be bias, abuse of power, or disregard for the law and the facts. Then they must cover for each other, for if one were allowed to be indicted, he or she could tell on another who could tell on another and with domino effect all would fall. This effect would take place even if the incriminated judge were low in the judicial hierarchy, for he or she could trade up in a plea bargain by incriminating those higher up, whether appellate judges or a chief judge, who knew about that one's wrongdoing, or though ignoring it, knew about the wrongdoing of other judges subject to the domino effect, but passively tolerated, or even actively supported them through a cover up or participation, despite their duty to safeguard the integrity of judicial process.¹

In a hierarchy where integrity is of the essence for the court's single business, that is, administrating justice in accordance with due process, the incrimination of a chief judge would give rise to a most threatening question, to wit, what else did he or she tolerate or support that impaired or denied due process in any other case or all other cases of the indicted judge and, by the same token, of any other judge and all the other judges of the court. In one single step, the trade up, the whole court would come under scrutiny and with it the validity-determinative due process element of the decision in every one of its cases.

This illustrates the dynamics of multilateral interdependency of survival in a practically closed and stable group of people, such as the federal judiciary, where no member, however low in the hierarchy, is expendable: If one judge falls, all fall, unless that one was the odd man out who went outside the group on a folly of his own and never became privy to the wrongdoing of the other judges. Once those dynamics are allowed to determine the relationships among judges, the mentality of everything goes develops, for another, even a more egregious, act of wrongdoing must be tolerated or supported. Were it not, a complaint that was investigated and led to disciplinary action would set a precedent that other complaints could cite in their support, each one of which could support other complaints, thus triggering a chain reaction and uncovering a pattern of wrongdoing that could lead to the fall of a court or the judiciary.

The everything goes mentality boosts a degenerative trend that leads from individual wrongdoing to institutionalized corruption. In the judiciary, even outsiders to the class of judges, whether it be court staff, parties frequently before the court, e.g. lawyers and bankruptcy trustees, and litigants, are allowed in the corruption in exchange for a material or moral benefit payable or receivable in the case at hand or in IOUs for future cases. By then, the force guiding the judges and their courts is not the law of Congress under the Constitution, but rather their interest in surviving and thriving. The courts become a racketeer influenced and corrupt organization.

¹ http://Judicial-Discipline-Reform.org/docs/SCt_knows_of_dismissals.pdf

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