

List of Orders

written by District Judge David G. Larimer, WDNY,
in *Cordero v. Trustee Gordon, - v. Palmer, and - v. DeLano*
showing a pattern of disregard for the law, gross mistakes of facts,
and laziness that denies due process; as of April 10, 2007

by

Dr. Richard Cordero

A. In *Cordero v. Trustee Gordon, no. 03cv6021, WDNY* (dkt. at A:458)

(cf. i. Letter of Bankruptcy Court Case Administrator Karen S.

Tacy of January 14, 2003, to Dr. Cordero setting January 27 as
the due date for filing his designation of items in his appeal
from Judge Ninfo's dismissal of his cross-claims against
Trustee Kenneth Gordon in *Pfuntner v. Trustee Gordon et al.*, no.
02-2230, WBNY, (dkt. at A:1551), at the hearing on December 18,
2002

C:1107

1. District Judge David G. Larimer's scheduling order of **January 16, 2003**, in *Cordero v. Trustee Gordon, no. 03cv6021L, WDNY*, setting a **deadline 20 days** hence for Dr. Cordero to file his appellate brief; however, the record at that time consisted only of his notice of appeal (A:153), his designation of items was not even due yet, and the transcript had been requested but Court Reporter Mary Dianetti had not yet filed it either (FRBkrP 8006-8007; ToEC:47>Comment)..... C:1108
2. District Judge Larimer's scheduling order of **January 22, 2003**, stating that Dr. Cordero's response to Trustee Gordon's January 17 motion to dismiss his appeal must be filed with the District Court by February 14, 2003; thus showing that: C:1274
 - a. Judge Larimer scheduled on January 16 Dr. Cordero's appellate brief before Trustee Gordon filed his motion on January 17;
 - b. hence, the filing of that motion had no bearing whatsoever on either the unwarranted transfer of the incomplete record from Bankruptcy Court to District Court on January 14 or the Judge's January 16 brief scheduling order, not to mention that under FRBkrP 8007(c) the record could only be transferred at the request of a party after the latter's designation of the parts to be transferred and such request was neither made by Trustee Gordon, nor recorded by the Bankruptcy Court, nor notified to Dr. Cordero; and
 - c. in light of subsequent actions by Bankruptcy Reporter Dianetti and the Bankruptcy Court as well as decisions by District Judge Larimer,

the transfer occurred as a coordinated maneuver between those parties and Judge Larimer to require Dr. Cordero to file his appellate brief before he had an opportunity to receive the transcript of the December 18 hearing and take into account in writing such brief the transcript of Judge Ninfo's biased statements and disregard for the law at the December 18 hearing.

3. District Judge **Larimer's** order of **January 24, 2003**, in ***Cordero v. Trustee Gordon***, no. 03-CV-6021L, **vacating** the **January 16** order, which scheduled Dr. Cordero's appellate brief, "in view of the need to address Trustee Gordon's motion to dismiss before the appeal proceeds further", an order that was entered only at Dr. Cordero's instigation after his calling the District Court earlier on January 24 and requesting of Clerk Brian that he bring to Judge Larimer's attention that if Trustee Gordon's motion, which had no return date, let alone a date for Judge Larimer to rule on it, was granted and the case dismissed, Dr. Cordero would have been required to research and write his appellate brief for nothing.....C:1276
4. District Judge **Larimer's** decision and order of **March 12, 2003**, in ***Cordero v. Trustee Gordon*** granting the Trustee's motion to dismiss Dr. Cordero's notice of appeal as untimely; a decision that Judge Larimer wrote without taking into account, let alone discussing, any of the detailed legal and factual arguments that Dr. Cordero had developed in his February 12 brief (A:158) in opposition to the Trustee's motion to dismiss, but where the Judge instead made gross mistakes of fact (A:1536§1, 1655¶50)A:200
5. District Judge **Larimer's** order of **March 27, 2003**, in ***Cordero v. Trustee Gordon*** denying in all respects but without stating any reason at all Dr. Cordero's motion for rehearing of the grant of Trustee Gordon's motion to dismiss the notice of appeal.....A:211

B. In *Cordero v. Palmer*, no. 03mbk6001, WDNY (dkt. at A:462)

6. District Judge **Larimer's** order of **March 11, 2003**, in ***Cordero v. Palmer*** **accepting** Judge **Ninfo's** **recommendation not to enter against** David **Palmer the default** judgment applied for by Dr. Cordero in his application of December 26, 2002 (A:290); and instead requiring the conduct of "an inquest concerning damages before default judgment is appropriate", without providing any legal basis whatsoever for any such "inquest", or reading his peer's recommendation carefully so as not to make gross mistakes of fact (A:1324§B, 1340¶54, 1367¶¶130-131), or even acknowledging the filing of Dr. Cordero's March 2 motion (A:311, 312) in favor of entering such default judgment, where Dr. Cordero discussed FRCivP 55 as its basis and noted that Palmer had been defaulted by Bankruptcy Clerk Paul Warren back on February 4 (A:303)A:339

7. District Judge Larimer’s order of **March 27, 2003**, in *Cordero v. Palmer*, no. 03-MBK-6001L, **denying**, again in all respects and not only **without** providing any legal basis, but also **without** engaging in **any discussion at all**, Dr. Cordero’s March 19 motion for rehearing (A:342) of the Judge’s March 11 decision denying entry of default judgment against David Palmer, which indicates that Judge Larimer disposed of Dr. Cordero’s briefs and motions without bothering even to read them, despite being required to read them (28 U.S.C. §157(c)(1); cf. A:1655¶¶51-53), a pattern confirmed by his lazy and perfunctory orders in *DeLano*A:350

C. In Cordero v. DeLano, no. 05cv6190, WDNY (dkt. at Pst:1181)

(cf. ii. Dr. Cordero’s letter of April 18, 2005, to Bankruptcy Court Reporter Mary Dianetti requesting that she state “the number of stenographic packs and the number of folds in each pack that you used to record that hearing and that you will be using to prepare the transcript” and on that basis indicate the cost of transcribing her own recording of the evidentiary hearing in *In re DeLano*, no. 04-20280, WBNY (dkt. at D:496) on March 1, 2005, of the motion of Debtors David Gene and Mary Ann DeLano to disallow Dr. Cordero’s claim against Mr. DeLano, whom Dr. Cordero had brought (A:82, 87) into *Pfuntner v. Trustee Gordon et al.* (i above) as a third-party defendant Add:681)

(iii. Cover letter of Bankruptcy Court Case Administrator Karen S. Tacy of April 22, 2005, to Dr. Cordero accompanying her transmittal forms to the District Court of his appeal from the disallowance by Bankruptcy Judge John C. Ninfo, II, of his claim in *DeLano* and informing him that the District Court Civil Case Number for *Cordero v. DeLano* is 05cv6190L (L for District Judge David G. Larimer)..... Add:686)

(iv. Bankruptcy Court transmittal form of April 21, 2005, addressed to District Court Clerk Rodney C. Early; marking as transmitted Dr. Cordero’s April 9 “Notice of Appeal” (D:1) and April 18 “Statement of Issues and Designated Items of Appellant(s)” (Di); while marking as missing documents the “Statement of Issues and/or Designated items of Appellee(s)” Add:687)

8. District Judge Larimer’s order of **April 22, 2005**, informing Dr. Cordero that his appeal was docketed on that date and that he is **scheduled** “to file and serve his **brief** within twenty (**20**) **days** after entry of this order on the docket”Add:692

a. whereby again (¶2 above) in a coordinated maneuver with the Bankruptcy Court, which once more violated FRBkrP 8007 by transmitting an incomplete record that did not even include the

DeLanos' statement or designation,

- b. Judge Larimer required on April 22 Dr. Cordero to file his appellate brief by a date certain before Reporter Dianetti had even had a chance to respond to his April 18 letter concerning the transcript, thus ensuring that Dr. Cordero would not be able either to take it into account when writing his brief or incorporate it in the record for any subsequent appeal to the Court of Appeals or the Supreme Court, and
- c. thus protecting Judge Larimer's peer, namely, Judge Ninfo, who sits downstairs in the same small federal building so propitious for the development of a web of personal relationships (Stat. of Facts ¶4 et seq.), from the transcript becoming available
- d. given that such transcript would contain:
 - 1) not only incriminating evidence of Judge Ninfo's bias and disregard for the law at the March evidentiary hearing (Pst:1255, 1266§§E.1.-e),
 - 2) but also the testimonial evidence provided by Mr. DeLano, the only witness to take the stand and the only source of evidence after he (D:313, 325) and Judge Ninfo (D:327) denied Dr. Cordero *every single document* that he had requested (D:287, 317) to rebut the motion to disallow his claim (D:218; cf. Pst:1257¶¶4-5) against Mr. DeLano (cf. Pst:1259¶9), who under examination by Dr. Cordero made statements corroborating the latter's contentions on that claim (Pst:1281§d),
 - 3) as well as the account of the events at the hearing (Pst:1288§§e-f) showing that the DeLanos' motion to disallow was a subterfuge supported by Judge Ninfo in order to disallow Dr. Cordero's claim and thereby strip him of standing to participate in *DeLano* before he could prove that the DeLanos had engaged in concealment of assets (D:193, 370§C) as part of a bankruptcy fraud scheme supported by Judge Ninfo and other members of the web of personal relationships;
- e. so that Judge Larimer, the Bankruptcy Court, and Reporter Dianetti tried to suppress the transcript lest it reveal the evidentiary hearing as a process-abusive sham! and expose Judge Ninfo as a biased judicial officer involved in wrongdoing (cf. Pst:1290§§g-j)...just as they had tried to do in connection with the transcript of the hearing of December 18, 2002 (¶¶1-2 above), and as Judge Larimer continued trying in his orders following that of April 22, 2005 (see below). (Cf. under 18 U.S.C. §1961(5) of the Racketeer Influenced and Corrupt Organization Act, two predicate acts committed within 10

years are sufficient to constitute a “pattern of racketeering activity”).)

9. District Judge **Larimer’s** order of **May 3, 2005, rescheduling** Dr. Cordero’s appellant’s **brief for June 13** without making any reference to, much less discussing, any of Dr. Cordero’s legal and practical arguments (Add:695) for not scheduling the brief until after the filing of the transcript, whose preparation was not yet even in sight due to Reporter Dianetti’s failure to provide the requested information (C:1155-1165)Add:831
10. District Judge Larimer’s rescheduling order of May 17, 2005, pretending that “Appellant requested additional time within which to file and serve his brief”, and requiring that “Appellant shall file and serve his brief within twenty (20) days of the date that the transcript of the bankruptcy court is filed with the Clerk of the Bankruptcy Court”, and thus without referring to or discussing Dr. Cordero’s arguments (Add:836) for the Judge to comply with FRBkrP 8007Add:839
11. District Judge **Larimer’s** order of **September 13, 2005**, stating that Dr. **Cordero’s** motion (Add:911) “**to refer** a bankruptcy court **reporter** to the Judicial Conference **for an “investigation” is denied in all respects**” because “The prolix submissions might lead one to believe that this is a significant problem. It is not. It is a tempest in a teapot” and with nothing more, let alone a legal argument to justify as “a tempest in a teapot” Reporter Dianetti’s refusal to certify, as requested by Dr. Cordero, that her transcript would be accurate, complete and free of tampering influence (C:1163-1165), to which Dr. Cordero objected as an impairment of the transcript’s reliability and a self-indictment of her professional responsibility (28 U.S.C. §753(a) 3rd¶)), the Judge went on to order that “The matter must be resolved as follows”, where he required Dr. Cordero to request in writing the Reporter to prepare the transcript because he “has no right to “condition” his request in any manner” (but see Add:1004§IV), and prepay her fee of \$650Add:991
12. Judge **Larimer’s** order of **October 14, 2005**, a) stating that “The motion for reconsideration [Add:993] is in all respects denied”, with not a single argument indicating that the Judge had even read it or noticed that it was returnable on November 18, whereby his premature order deprived the other parties of the right to write a paper or be heard on it, and revealed that he assumed or knew that they would not exercise such right and that even if they did, it would not matter because he had already predetermined that the motion was to be denied; and b) then **directing** Dr. Cordero to **request the transcript within 14 days** and pay the \$650 fee lest he be found to have failed to perfect his appeal and have it dismissedAdd:1019
13. District Judge Larimer’s order of October 17, 2005, “den[ying] in their entirety” Dr. Cordero’s three pending motions [Add:851, 881, 951] but referring to not even one of his legal arguments if only to show that the Judge had bothered to read the motions before expediently getting them out of the

way with once more the lazy and conclusory fiats that “there is no basis in law to support such relief”, “these motions are wholly without merit”, and “it completely lacks merit”Add:1021

14. District Judge **Larimer’s** order of **November 21**, 2005, a) granting in part Dr. Cordero’s November 15 motion [Add:1081] as if “Appellant requests an extension of time to file his brief”, rather than requests the District Court to comply with the FRBkrP on transcript docketing, appeal entering, and brief scheduling; b) confirming, as requested by Dr. Cordero, that “briefs are deemed filed the day of mailing”; and c) stating that “the remainder of the motion is denied” because “the appeal was docketed in April 2005 and all parties were notified...[and] it now appears that the record on appeal is complete”, whereby the Judge implicitly admitted that the record was incomplete when he issued his April 22 order *seven months earlier!* (Add:692) scheduling Dr. Cordero to file his brief within 20 days (cf. Add:695, 836)Add:1092
15. District Judge **Larimer’s** order of **December 19**, 2005, stating that “Appellant’s motion is **denied in all respects**” concerning Dr. Cordero’s December 7 motion (Add:1097) to withdraw *DeLano* and *Pfuntner* from Bankruptcy Court and nullify Judge Ninfo’s order [Add:1094] **denying** Dr. Cordero’s motion to **revoke** [Add:1038] due to fraud Judge Ninfo’s order of confirmation [Add:941] of the DeLanos’ plan [D:59]; and b) Judge Ninfo’s order **confirming** [Add:941] such plan despite the evidence that the DeLanos concealed assets (Add:1055§B, 1064) as part of a bankruptcy fraud scheme (Add:1095)Add:1155
16. District Judge **Larimer’s** order of **January 4**, 2006, **denying** Dr. Cordero’s **request** “that the Addendum in Support of Appellant’s Brief **be filed electronically...**” because it “exceeds 1,300 pages. Scanning this lengthy document into the system would be very time consuming and unnecessary”, without mentioning that the Addendum only runs from page Add:509 to 1155 and has ranges of page numbers reserved, i.e. Add:657-680, 697-710, 753-770, 846-850, etc., so that its actual page count is less than 590; and that the transcript of the evidentiary hearing on March 1, 2005, had been provided by Reporter Dianetti on paper as well as in a digital, PDF file on a CD at the request of Dr. Cordero, who in turn provided a copy of that file (Tr.1 et seq.) to the Judge together with PDF files of his appellate brief (Pst:1231), the Designation of Items (D:1 et seq.), and the Addendum (Add:509 et seq.), so that there was no need to do any scanning at all, which shows that Judge Larimer was disingenuous in disregarding and misrepresenting the facts (cf. Add:839, 925¶¶37-38) to the end of making those incriminating documents unavailable publicly on the World Wide Web, i.e., the Internet, through PACER (Public Access to Court Electronic Records) Pst:1214

(cf. List of Hearings and Decisions presided over or written by Judge Ninfo, in *Pfuntner* and *DeLano*, as of May 10, 2006 (D:496;

Add:531; Pst:1181)] C:1110)

17. District Judge **Larimer's** decision of **October 21, 2006, disposing of the appeal in *Cordero v. DeLano***, 05cv6190, WDNY, affirming in all respects the decision of WBNY Bankruptcy Judge John C. Ninfo, II, in *In re DeLano*, 04-20280, WBNY, of April 4, 2005App:1501