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**U.S. Bankruptcy Court
Western District of New York (Rochester)
Adversary Proceeding #: 2-02-02230-JCN**

Assigned to: Hon. John C. Ninfo II

Related BK Case: [01-20692](#)

Related BK Title: Premier Van Lines, Inc., a Corporation *Date Filed:* 09/27/02

Demand: \$20000

Nature of Suit: 456

Plaintiff

James Pfuntner

represented by **David D. MacKnight**
Lacy, Katzen etal
130 East Main St.
Rochester, NY 14604
(585) 454-5650
Email: dmacknight@lacykatzen.com
LEAD ATTORNEY

V.

Defendant

Kenneth W. Gordon, As Trustee
100 Meridian Centre Blvd.
Suite 120
Rochester, NY 14618
()

represented by **Kenneth W. Gordon**
Gordon & Schaal
1039 Monroe Avenue
Rochester, NY 14620
(585) 244-1070
Fax : 585-244-1085
Email: kengor@rochester.rr.com
LEAD ATTORNEY

Richard Cordero

**Rochester Americans Hockey
Club, Inc.**

M & T Bank

represented by **Michael J. Beyma**
Underberg & Kessler
1800 Lincoln First Tower
Rochester, NY 14604
(585) 258-2890
Email: mbeyma@underberg-kessler.com

LEAD ATTORNEY

3rd Party Plaintiff

Richard Cordero
59 Crescent Street
Brooklyn, NY 11208

V.

3rd Pty Defendant

David J. Palmer
SSN: xxx-xx-2753

David Dworkin

represented by **Karl S. Essler**
Fix, Spindelman, Brovitz, Turk,
Himelein
500 Crossroads Building
2 State Street
Rochester, NY 14614
(585) 232-1660
LEAD ATTORNEY

Jefferson Henrietta Associates

represented by **Karl S. Essler**
(See above for address)
LEAD ATTORNEY

David Delano

represented by **Michael J. Beyma**
(See above for address)
LEAD ATTORNEY

U.S. Trustee

U.S. Trustee's Office,
100 State St.
Room 6090
Rochester, NY 14614
(585) 263-5812
TERMINATED: 09/30/2004

Filing Date	#	Docket Text
09/27/2002	1	Complaint filed to (AP Dkt. 02-2230) James Pfunter vs. Kenneth W. Gordon, Trustee; Richard Cordero, Rochester Americans Hockey Club, Inc; and M&T Bank to obtain a declaratory judgment relating to any of foregoing causes of action [1-1]FEE NOT PAID, CALLED D. Macknight's office, and will send check on Monday. (KST) (Entered: 09/27/2002)
10/01/2002	2	Filing fee paid; Receipt No.: 22052838 [2-1] re: adversary proceeding. (KST) (Entered: 10/03/2002)
10/03/2002	3	Summons issued. [3-1] Answer due: 11/4/02 for M & T Bank, for Rochester Americans Hockey Club, Inc., for Richard Cordero, for Kenneth W. Gordon (KST) (Entered: 10/03/2002)
10/08/2002	4	Affidavit of Mailing re: summons [3-1], complaint to obtain a declaratory judgment relating to any of foregoing causes of action [1-1] [4-1] Clerk's Note: Defendant, M&T Bank was not served, per D. MacKnight's office, will serve and send in an Affidavit of Service. (KST) (Entered: 10/09/2002)
10/09/2002	5	Answer filed on behalf of Kenneth W. Gordon [5-1] by Kenneth W. Gordon, Esq. (KST) (Entered: 10/09/2002)
10/15/2002	6	Affidavit of Mailing re: summons [3-1], complaint to obtain a declaratory judgment relating to any of foregoing causes of action [1-1] [6-1]served on: M & T Bank, attn: David DeLano, Assistant Vice President. (PCF) (Entered: 10/16/2002)
10/17/2002	7	Letter [7-1]from Dr. Richard Cordero, advising that he has not yet been served in this matter. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 10/23/2002)
10/25/2002	8	Waiver of Service of Summons and Petition for Clarification of Richard Cordero, Pro Se [8-1] (KST) (Entered: 11/05/2002)
11/01/2002	9	Clerk's Note: Richard Cordero called to inquire when his answer was due; he was advised that the date certain is 11/4/02; he said that he will mail out his answer. Further on 10/31/02, Mr. Cordero was advised that an extension of time for the answer would need to be stipulated to, or a motion may be brought, but an extension of time to answer cannot be

		done ex-parte. 9-1] (KST) (Entered: 11/05/2002)
11/06/2002	10	Answer filed on behalf of Richard Cordero, Defendant. Filed by R. Cordero, pro se defendant. [10-1] by , Esq. (KST) (Entered: 11/06/2002)
11/06/2002	11	Answer filed on behalf of M & T Bank [11-1] by Michael J. Beyma, Esq. (KST) (Entered: 11/06/2002)
11/12/2002	12	Plaintiff's Reply to Richard Cordero's Counterclaim, filed by David MacKnight, Atty. [12-1] (KST) (Entered: 11/12/2002)
11/12/2002	13	Affidavit of Mailing re: Reply filed by D. MacKnight, Atty. [12-1] [13-1] (KST) (Entered: 11/12/2002)
11/18/2002		Third Pary Complaint and Crossclaim filed to (AP Dkt. 02-2230)James Pfunter, Plaintiff vs. Kenneth Gordon, Tr., Richard Cordero, Rochester Americans Hockey Club, Inc., M&T Bank, defendants, cross-defendants; Richard Cordero, defendant and third party plaintiff, vs. David Palmer, David Dworkin, Jefferson Henrietta Associates and David Delano. [0-0] (KST) (Entered: 11/21/2002)
11/19/2002	14	Third Party Summons issued. [14-1] Answer due: 12/19/02 for David Delano, for Jefferson Henrietta Associates, for David Dworking, for David J. Palmer (KST) (Entered: 11/21/2002)
11/25/2002	17	Affidavit of Mailing re: [17-1]third party complaint and summons. Served on essential parties. (KST) (Entered: 12/09/2002)
11/25/2002	18	Amended Answerwith cross-claims filed by Richard Cordero, Pro Se Defendant. [18-1] (KST) (Entered: 12/09/2002)
12/02/2002	19	Copy of Appeal filed with the U.S. Trustee's office by Richard Cordero, Pro Se Defendant. [19-1] (KST) (Entered: 12/09/2002)
12/05/2002	15	Notice of Motion for dismissal of cross-claim against trustee in an adversary proceeding [15-1] Hearing date and time: 9:30 12/18/02 at Rochester Courtroom Filed by: Kenneth Gordon, Esq. Affidavit of service: filed (PCF) (Entered: 12/06/2002)
12/06/2002	16	Letter [16-1]dated 12/5/02 from David MacKnight, Esq. to the Court that it might be helpful that the Trustee provide a listing from the debtors records of whose property debtor placed in the Henrietta location and whose property debtor placed in the Avon property. SEE LETTER FOR

		MORE DETAILS. (PCF) (Entered: 12/06/2002)
12/09/2002	20	Letter [20-1] to Plaintiff's attorney to expedite prosecution of AP; matter will be set on trial calendar for 9:00 1/22/03 Deadline to file documents: 12/19/02 ; (KST) (Entered: 12/09/2002)
12/10/2002	21	Letter [21-1]from K. Gordon, Tr., re:records of stored property by debtor. SEE LETTER FOR FURTHER TERMS AND CONDITIONS. (KST) (Entered: 12/11/2002)
12/12/2002	22	Memorandum of Law in opposition, filed by Dr. Richard Cordero, Defendant, and Third Party Plaintiff(Pro Se) [22-1] re: motion for dismissal of cross-claim against trustee in an adversary proceeding [15-1] . (KST) (Entered: 12/12/2002)
12/13/2002	23	Letter [23-1]from Amber Barney, Atty.,advising that Underberg & Kessler will not be representing David Dworkin a party in this action, but are requesting an extension of time to answer from Dr. Cordero. (KST) (Entered: 12/16/2002)
12/17/2002	24	Answer filed on behalf of M&T Bank David Delano, Third Party Defendant [24-1] by Michael J. Beyma, Esq. (KST) (Entered: 12/18/2002)
12/17/2002	26	Letter [26-1]from K. Gordon to Dr. Cordero, advising that he does not consent to an adj. in this matter. (KST) (Entered: 12/18/2002)
12/18/2002	25	Notice of Pre-trial Conference: [25-1] 10:00 1/10/03 at Rochester - Judge's Chambers; sent to David MacKnight, Atty; Kenneth Gordon, Tr.; Michael Beyma, Atty; Richard Cordero, Pro Se; Raymond Stilwell, Atty., and U.S. Trustee. (KST) (Entered: 12/18/2002)
12/18/2002	27	Minutes [27-1] re: motion for dismissal of cross-claim against trustee in an adversary proceeding - granted. The Court finds that Mr. Gordon's letters were not defamatory and that he was not negligent. Order to be submitted. NOTICE OF ENTRY TO BE ISSUED. Appearances: Kenneth Gordon, Trustee/Defendant; and in opposition: Dr. Richard Cordero, Pro Se Third Party Plaintiff (by telephone). (KST) (Entered: 12/19/2002)
12/19/2002	28	Copy of Letter from Dr. Cordero to Underberg and Kessler, conditionally granting extension of time to file answer to 12/31/02, on behalf of David Dworkin and Jefferson Henrietta Associates, third party defendants,

		subject to certain conditions required by Dr. Cordero. [28-1] (KST) (Entered: 12/20/2002)
12/23/2002	29	Letter [29-1]from Raymond Stilwell, Atty., advising that he is unable to attend the 1/10/03 pretrial as he has a conflict. Mr. Stilwell further advises that his appearance may not be necessary. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 12/24/2002)
12/23/2002	30	Order [30-1] granting motion for dismissal of cross-claim against trustee in an adversary proceeding, and that Dr. Cordero's cross-claims against the Trustee are hereby dismissed. [15-1]Notice of Entry Issued To: Kenneth Gordon, Atty; Dr. Richard Cordero, Defendant/Third Party Plaintiff; and U.S. Trustee. (KST) (Entered: 12/30/2002)
12/26/2002	51	Affidavit of Mailing re: [51-1]Default Judgment in a Non-Core Matter. Filed by Dr. Richard Cordero. (KST) (Entered: 02/04/2003)
12/30/2002	31	Answer filed on behalf of David Dworkin, Jefferson Henrietta Associates [31-1] by Karl S. Essler, Esq. (KST) (Entered: 12/30/2002)
12/30/2002	32	Letter [32-1]from Dr. Cordero, requesting that he appear by telephone for the 1/10/03 pretrial(submitted the pre-trial option form). (KST) (Entered: 12/30/2002)
12/30/2002	33	Letter [33-1] from Michael Beyma, Atty., advising that he does not have an objection to Dr. Cordero appearing by telephone for the 1/10/03 pretrial. (KST) (Entered: 12/30/2002)
01/02/2003	34	Clerk's Note: Advised R. Stilwell, Atty., that his appearance will not be necessary at the 1/10/03 Pretrial. [34-1] (KST) (Entered: 01/02/2003)
01/02/2003	35	Affidavit of Mailing re: [35-1]filed by Dr. Richard Cordero, Defendant/Third Party Plaintiff, re: pt option form and application to enter a default judgment against David Palmer. (KST) (Entered: 01/03/2003)
01/03/2003	36	Order [36-1], that Dr. Richard Cordero, Defendant and Third Party Plaintiff may appear by telephone for the 1/10/03 pretrial (KST) (Entered: 01/06/2003)
01/06/2003	37	Pre-Trial option form Order of 1/3/03 was mailed to Dr. Richard Cordero, Defendant; Michael Beyma, Esq. Kenneth Gordon, Esq.; David MacKnight, Esq., and delivered to the U.S. Trustee. [37-1] (KST)

		(Entered: 01/06/2003)
01/06/2003	38	Copy of Letter [38-1]from K. Gordon, Tr., to Dr. Cordero, Defendant/Third Party Defendant, advising that he has no objection to Dr. Cordero appearing by telephone re: the pretrial. (KST) (Entered: 01/06/2003)
01/13/2003	39	Notice of appeal Richard Cordero re: order of 12/23/02. [30-1] . Receipt No.: 22055167 (KST) (Entered: 01/13/2003)
01/13/2003	40	Civil Cover Sheet filed. [40-1] (KST) (Entered: 01/13/2003)
01/14/2003	41	Letter [41-1]to Dr. Richard Cordero, Defendant/Third Party Plaintiff, advising him that his designation of items on appeal are due on or before 1/27/03. Copy of letter served on essential parties. (KST) (Entered: 01/14/2003)
01/15/2003	42	Notice of Appeal and Certified copy transmitted to District Court. Civil Case #03-cv-6021L [42-1] (KST) (Entered: 01/17/2003)
01/27/2003	43	Apellant's designation by Richard Cordero of Contents for Inclusion in Record on Appeal. (KST) (Entered: 01/29/2003)
01/27/2003	54	Letter [54-1]from Dr. Richard Cordero, re: transcript of hearing of 12/18/02. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 02/05/2003)
01/29/2003	44	Affidavit of Mailing re: appellant designation [43-1] by Richard Cordero [44-1] (KST) (Entered: 01/29/2003)
01/30/2003	47	Notice of Motion to extend time to of time to file Notice of Appeal [47-1] Hearing date and time: 9:30 2/12/03 at Rochester Courtroom Filed by: Richard Cordero, Defendant Affidavit of service: not filed (KST) (Entered: 02/03/2003)
01/31/2003	45	Letter [45-1]from Dr. Cordero re: his available travel dates to come to Rochester to inspect his property in storage. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 01/31/2003)
02/03/2003	46	Letter [46-1]from Dr. Richard Cordero, Defendant, Third Party Plaintiff, re: entry of a default judgment. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 02/03/2003)

02/03/2003	48	Letter [48-1]from K. Gordon, Tr., advising that he will not be attending the inspection of Dr. Cordero's personal property in storage in Avon, NY. (KST) (Entered: 02/03/2003)
02/04/2003	49	Clerk's Certificate of Default [49-1] (KST) (Entered: 02/04/2003)
02/04/2003	50	Affidavit of Dr. Richard Cordero [50-1] re:Non-Military Service. (KST) (Entered: 02/04/2003)
02/04/2003	52	Order [52-1], to Transmit Record to District Court, re: non-core default judgment, with attachment to Recommendation of th eBankruptcy Court The Default Judgment Not Be Entered By the District Court (KST) (Entered: 02/04/2003)
02/04/2003	53	Letter [53-1]to District Court enclosing the required Documents re: Non Core Default Application for Default. Clerk's Note: Proposed original order submitted to District Court. (KST) (Entered: 02/04/2003)
02/06/2003	55	Memorandum of Law [55-1] re: motion to extend time to of time to file Notice of Appeal [47-1] . (KST) (Entered: 02/06/2003)
02/12/2003	56	Minutes [56-1] re: motion to extend time to of time to file Notice of Appeal - denied; This motion was not filed timely as required by Rule 8002(a). Appearances: Dr. Richard Cordero, Defendant/Third Party Plaintiff(appeared by telephone); in opposition: Kenneth Gordon, Tr., Defendant. Mr. Gordon will submit Order. NOTICE OF ENTRY TO BE ISSUED. (KST) (Entered: 02/14/2003)
02/12/2003	58	Letter [58-1]from Raymond Stilwell, Atty., re: various issues in this matter, and that he does not represent David Palmer in this matter. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 02/19/2003)
02/18/2003	57	Order [57-1] denying motion to extend time to file Notice of Appeal [47-1]that the Notice of Appeal was filed in the Bankruptcy Court Clerk's Office on 1/13/03; and thereby not timely filed; that the provisions of Bankruptcy Rule 9006(e) and 9006(f) do not apply to extend the time limited for filing of the Notice of Appeal under Bankruptcy Rule 8002(a); that the last date for Richard Coredero, Defendant and Third Party Plaintiff, to file a motion seeking an extension under Bankruptcy Rule 8002(c) of his time to file his Notice of Appeal was 1/29/03; that the motion to extend was not filed with the Bankruptcy Court Clerk' until 1/30/03; and that a motion to dismiss the appeal is pending in the District Court. NOTICE OF ENTRY ISSUED TO: Dr. Richard Cordero, Third Party Plaintiff; Ken Gordon, Defendant and U.S. Trustee. (KST)

		(Entered: 02/18/2003)
02/21/2003	59	Letter [59-1]from M. Beyma, Atty., for M&T Bank, advising that M&T Bank has not yet decided whether someone from the bank will attend at the warehouse opening. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 02/24/2003)
02/27/2003	60	Notice of Motion for relief from order denying motion to extend time to file notice of appeal [60-1] Hearing date and time: 9:30 3/12/03 at Rochester Courtroom Filed by: Dr. Richard Cordero, Defendant Affidavit of service: filed. Clerk's Note: Advised Dr. Cordero that 3/12/03 is not a motion date, he will re-notice the motion for 3/19/03 or 3/26/03, and submit an amended affidavit of mail. (KST) (Entered: 03/04/2003)
03/04/2003	61	Letter of Opposition filed by K. Gordon, Defendant [61-1] re: motion for relief from order denying motion to extend time to file notice of appeal [60-1] Clerk's Note: Advised Mr. Gordon that the date of 3/12/03 is not a hearing date, and that an amended notice if forthcoming. (KST) (Entered: 03/04/2003)
03/10/2003	62	Amended Notice of Motion, re: the amended date of hearing to 3/26/03 at 9:30 at Rochester Courtroom filed by Dr. Richard Cordero, Defendant [62-1] re: motion for relief from order denying motion to extend time to file notice of appeal [60-1]Affidavit of Service filed. (KST) (Entered: 03/11/2003)
03/10/2003	63	Letter [63-1]of Dr. Richard Cordero, Defendant, re: default of David Palmer. (KST) (Entered: 03/11/2003)
03/11/2003	65	Copy of Letter [65-1]from Dr. Richard Cordero to Hon. David Larimer, re: default judgment against D. Palmer. (KST) (Entered: 03/13/2003)
03/11/2003	66	Copy of Decision and Order by U.S. District Judge David G. Larimer; concurring in the Bankruptcy Judge's determination that judgment is not appropriate in this case, and that furthermore, it would appear that the Bankruptcy Court is the proper forum for conducting an inquest concerning damages and the matter is referred to the Bankruptcy Court for that purpose. SEE ORDER FOR FURTHER TERMS AND CONDITIONS. [66-1] (KST) (Entered: 03/13/2003)
03/12/2003	64	Letter [64-1]to Dr. Richard Cordero, sent by Paul Warren, Clerk of the Court, re: the application for the entry of default against David Palmer. SEE LETTER FOR FURTHER TERMS AND CONDITIONS. (KST)

		(Entered: 03/13/2003)
03/13/2003	67	Decision and Order of the Hon. David G. Larimer, U.S. District Judge, re:Notice of Appeal filed on 1/13/03, re: the Decision and Order dated 12/30/02, of the Hon. John C. Ninfo, II, Chief U.S. Bankruptcy Judge. ORDERED THAT the Trustee's motion to dismiss the appeal is granted, and the appeal is dismissed. [67-1] (KST) (Entered: 03/14/2003)
03/26/2003	70	Minutes [70-1] denying motion for relief from order denying motion to extend time to file notice of appeal [60-1]Ms. Schaal to submit order. The Court reserves the right to supplement the order. NOTICE OF ENTRY TO BE ISSUED. Appearances: Dr. Richard Cordero, Defendant and Third Party Plalintiff(by telephone); in opposition: Deborah Schaal of counsel to K. Gordon, Trustee, and David MacKnight, Atty. for James Pfunter. (KST) (Entered: 03/28/2003)
03/26/2003	71	Transcript [71-1] of proceedings held 12/18/03. (KST) (Entered: 03/28/2003)
03/27/2003	68	Copy of Letter [68-1]from David Macknight, Atty., to Dr. Richard Cordero, Defendant, advising of the available inspection dates: 4/23/03, 4/24/03, or 4/25/03, or earlier if Dr. Cordero would like. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 03/27/2003)
03/27/2003	69	Copy of Decision and Order [69-1],executed by David G. Larimer, U.S. District Judge re: Richard Coredero moves for a rehearing or reconsideration of this Court's Decision and Order enter 3/11/03. The motion is in all respects denied. (KST) (Entered: 03/28/2003)
04/02/2003	72	Copy of Letter [72-1]from Dr. Richard Cordero to Court Reporter. (KST) (Entered: 04/02/2003)
04/04/2003	73	Order [73-1] denying Defendant, Third Party Plaintiff, Dr. Richard Cordero's motion for relief from order denying motion to extend time to file notice of appeal [69-2], that based on the findisngs of fact and conclusions of law, that Richard Cordero's motion ofr relief from teh order dated 2/18/03 denying his motion for extension of time for filing a notice to appeal is hereby denied. NOTICE OF ENTRY ISSUED TO Debra Schall, of counsel to Kenneth Gordon, Atty.,Dr. Richard Cordero, Defendant, and David MacKnight, Atty. (KST) (Entered: 04/07/2003)
04/07/2003	74	Notice of entry issued to U.S. Trustee [74-1] re:Order of 4/4/03 . (KST) (Entered: 04/07/2003)

04/07/2003	75	Notice of Motion for Measures relating to trip to Rochester and Inspection of Property [75-1] Hearing date and time: 9:30 4/16/03 at Rochester Courtroom Filed by: Dr. Richard Cordero, Pro Se, Defendant, and Third Party Plaintiff. Affidavit of service: filed. Clerk's Note: Dr. Cordero is advised by letter that 4/16/03 is not a scheduled date, and to please re-notice his motion for 4/23/03, or for one of the Court's motion dates that accommodates his schedule. (KST) (Entered: 04/08/2003)
04/07/2003	76	Letter [76-1]to Dr. Richard Cordero, advising that due to the complexity of the legal issues that he has now raised and re: notice of motion for measures relating to trip to Rochester, the Court denies Dr. Cordero's request to appear by telephone in this matter. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 04/08/2003)
04/11/2003	77	Notice of Motion for an Order pursuant to FRBP 7056 and Federal Rules of Civil Procedure 56 and Federal Rules of Bankruptcy Procedure 7022 and Federal Rules of Civil Procedure 22 for an Order discharging James Pfunter from any liability to any of the parties to this adversary proceeding [77-1] Hearing date and time: 9:30 4/23/03 at Rochester Courtroom Filed by: David MacKnight, Atty. Affidavit of service: not filed (KST) (Entered: 04/14/2003)
04/21/2003	78	Brief of Dr. Richard Cordero, Pro Se [78-1] re: motion for an Order pursuant to FRBP 7056 and Federal Rules of Civil Procedure 56 and Federal Rules of Bankruptcy Procedure 7022 and Federal Rules of Civil Procedure 22 for an Order discharging James Pfunter from any liability to any of the parties to this adversary proceeding [77-1]Affidavit of Mailing filed. (KST) (Entered: 04/21/2003)
04/21/2003	79	Letter [79-1]from Mary Dianetti, Bankruptcy Court Reporter, in response to Dr. Cordero's letter. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 04/22/2003)
04/23/2003	81	Minutes [81-1] motion for an Order pursuant to FRBP 7056 and Federal Rules of Civil Procedure 56 and Federal Rules of Bankruptcy Procedure 7022 and Federal Rules of Civil Procedure 22 for an Order discharging James Pfunter from any liability to any of the parties to this adversary proceeding [77-1] Adj. to 9:30 5/21/03 at Rochester Courtroom. The court directed Dr. Cordero to inspect the goods by 5/21/03. Appearances: David MacKnight, Atty. for J. Pfunter, Plaintiff; in opposition: Dr. Richard Cordero, Defendant, and Third Party Plaintiff(by telephone). (KST) (Entered: 04/29/2003)
04/29/2003	80	Clerk's Note: Appeal filed transmitted to District Court, for purposes of

		filing in the Second Circuit. [80-1] (KST) (Entered: 04/29/2003)
05/05/2003	82	Copy of Letter [82-1]from Dr. Cordero to James Pfunter, confirming that Dr. Cordero will be arriving in Rochester on May 21, 2003 at 10:45, to inspect his property in Avon. Affidavit of Service filed. (KST) (Entered: 05/05/2003)
05/07/2003	83	Letter [83-1]from Dr. Richard Cordero, Defendant, re: his travel arrangements for the inspection in Avon, NY., on 5/19/03. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 05/07/2003)
05/13/2003	84	Copy of Letter [84-1]from J. Pfunter to Dr. Cordero, confirming that the inspection of the property at Sackett Road will take place on 5/19/03. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 05/13/2003)
05/15/2003	85	Letter [85-1]from Dr. Richard Cordero, Defendant, advising that he will be in Rochester on 5/19/03. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 05/16/2003)
05/19/2003	86	Letter [86-1]from Underberg & Kessler advising that Ms. Mattle will be picking up Dr. Cordero from the Rochester Airport for the inspection of property at 2140 Sackett Road, Avon, NY, and thereafter Ms. Mattle will take Dr. Cordero back to the Rochester Airport. (KST) (Entered: 05/20/2003)
05/21/2003	87	Copy of Notice of appeal that was received and docketed on 5/2/03 at the United States Court of Appeals. [87-1] (PCF) (Entered: 05/23/2003)
05/21/2003	88	MINUTES [88-1] denying motion without prejudice. for an Order pursuant to FRBP 7056 and Federal Rules of Civil Procedure 56 and Federal Rules of Bankruptcy Procedure 7022 and Federal Rules of Civil Procedure 22 for an Order discharging James Pfunter from any liability to any of the parties to this adversary proceeding [77-1] NOTICE OF ENTRY TO BE ISSUED. Dr. Cordero can make a motion for sanctions and damages and renew his default motion against David Palmer. Appearances by: David MacKnight, atty for James Pfunter. Appearing in Opposition: Dr. Richard Cordero, defendant and Third Pary Plaintiff (by telephone) (PCF) (Entered: 05/27/2003)
06/03/2003	89	Scheduling Order from the U.S. Court of Appeals, Second Circuit, re: dates certain. SEE ORDER FOR FURTHER DETAILS. [89-1] (KST) (Entered: 06/04/2003)

06/09/2003	90	Letter [90-1]from D. MacKnight, re: prospective purchaser of the premises, and Dr. Cordero's items. SEE LETTER FOR FURTHER DETAILS. (KST) (Entered: 06/09/2003)
06/11/2003	91	Notice of Motion for sanctions and compensation for failure to comply with discovery orders. [91-1] Hearing date and time: 9:30 6/25/03 at Rochester Courtroom Filed by: Dr. Richard Cordero, Pro Se Affidavit of service: filed (KST) (Entered: 06/11/2003)
06/11/2003	107	Ex-Parte Motion for Default Against David Palmer Filed by 3rd Party Plaintiff Richard Cordero (Attachments: # 1 Appendix) (Tacy, K.) (Entered: 07/31/2003)
06/18/2003	92	Affidavit Filed by Defendant Richard Cordero , 3rd Party Plaintiff Richard Cordero . (Attachments: # 1 Exhibit) (Tacy, K.) (Entered: 06/19/2003)
06/19/2003	93	Notice of Amendment of Brief Filed by Defendant Richard Cordero , 3rd Party Plaintiff Richard Cordero (Attachments: # 1 Exhibit # 2 Proposed Order) (Tacy, K.) (Entered: 06/19/2003)
06/19/2003	94	Notice to Admit. Filed by David MacKnight, Atty.(Attachments: # 1 Exhibit)(Tacy, K.) (Entered: 06/23/2003)
06/23/2003	95	Precautioary Response to the Motion Made by Richard Cordero to Enter a Default Judgment. Filed by D. MacKnight, Atty.Plaintiff James Pfuntner . Clerk's Note: The subject Default motion is an ex-parte motion, however it will be addressed at the Court's 6/25/03 9:30 Motion Calendar. (Tacy, K.) (Entered: 06/23/2003)
06/24/2003	96	Letter Filed by Daniel Delaus, Atty . (Tacy, K.) (Entered: 06/24/2003)
06/25/2003	97	Hearing Continued (RE: related document(s)[91] Motion for sanctions and compensation: Hearing to be held on 7/2/2003 at 09:30 AM Rochester Courtroom for [91]. The Court advised the parties of the Court's available trial dates for October and November. On the adjourned date, the parties are to advise the Court which of those date they want as trial dates. Appearances: Dr. Richard Cordero, Pro Se Defendant and Third Party Plaintiff (By telephone). Appearing in opposition: David MacKnight, Atty. for James Pfuntner, Plaintiff; Michael Beyma, Atty. for M & T Bank, Defendant and David Delano, Third Party Defendant; Karl Essler, Atty. for Jefferson Henrietta Associates and David Dworkin, Third Party Defendants. (Parkhurst, L.) (Entered: 06/26/2003)

06/25/2003	98	Hearing Continued (RE: related document(s) 95 Ex parte motion to enter default judgment against David Palmer: Hearing to be held on 7/2/2003 at 09:30 AM Rochester Courtroom. Although an ex parte motion, the Court addressed it at this motion calendar. Appearances: Dr. Richard Cordero, Pro Se Defendant and Third part Plaintiff. Appearing in opposition: David MacKnight, Atty. for James Pfuntner, Plaintiff. (Parkhurst, L.) (Entered: 06/26/2003)
06/25/2003	99	Certificate of Service Filed by Plaintiff James Pfuntner (RE: related document(s) 94 Notice to Creditors). (Tacy, K.) (Entered: 06/27/2003)
07/02/2003	100	Hearing Continued (RE: related document(s)[91] Trial to be held on 10/16/2003 at 09:30 AM Rochester Courtroom for [91], Trial may continue into 10/17/03 and 11/14/03 will be held open if any matters still need to be heard. The Court will issue an order. NOTICE OF ENTRY TO BE ISSUED. Appearances: Dr. Richard Cordero, Pro Se Defendant and Third Party Plaintiff (By telephone). Appearing in opposition: David MacKnight, Atty. for James Pfuntner, Plaintiff; Karl Essler, Atty. for Jefferson Henrietta Associates and David Dworkin, Third Party Defendants; Joseph Decoursey, Law Clerk, appeared on behalf of Michael Beyma, Atty. for M & T Bank, Defendant and David Delano, Third Party Defendant, to provide Mr. Beyma's available Trial dates. (Parkhurst, L.) (Entered: 07/09/2003)
07/02/2003	101	Hearing Continued (RE: related document(s) 95 Ex parte motion to enter default judgment against David Palmer. Trial to be held on 10/16/2003 at 09:30 AM Rochester Courtroom for 95 , Trial may continue into 10/17/03 and 11/14/03 will be held open for any matters that still need to be heard. The Court will issue an order. NOTICE OF ENTRY TO BE ISSUED. Appearances: Dr. Richard Cordero, Third Party Plaintiff (By telephone) Appearing in opposition: David MacKnight, Atty. for James Pfuntner(Parkhurst, L.) (Entered: 07/09/2003)
07/15/2003	102	Order Re:dates certain. Signed on 7/15/2003 (RE: related document(s)[91] Hearing (Bk Motion) Set, [98] Hearing (Bk Other) Continued, Hearing (Bk Other) Continued). (Tacy, K.) (Entered: 07/15/2003)
07/17/2003	103	BNC Certificate of Mailing. Service Date 07/17/2003. (Related Doc # 102) (Admin.) (Entered: 07/18/2003)
07/17/2003	104	BNC Certificate of Mailing. Service Date 07/17/2003. (Related Doc # 102) (Admin.) (Entered: 07/18/2003)

07/23/2003	105	Motion For Sanctions Filed by Defendant Richard Cordero , 3rd Party Plaintiff Richard Cordero (Attachments: # 1 Exhibit) (Tacy, K.) (Entered: 07/23/2003)
07/23/2003	106	Reply to Request for Admissions. Filed by Defendant Richard Cordero . (Tacy, K.) (Entered: 07/23/2003)
07/31/2003		Clerk's Note: Pursuant to telephone conversation with Dr. Cordero this date: Advised Dr. Cordero that his motion to appear by telephone on August 6, 2003 at 9:30 is denied, but he can appear in person or obtain consent to adj. this matter to 10/16/03 at 9:30 a.m. Dr. Cordero advised that he will withdraw this motion, and make another motion for 10/16/03 at 9:30 a.m. Advised Dr. Cordero to write a letter to the Court and the parties involved confirming his intent. (RE: related document(s) 105 Motion for Sanctions filed by 3rd Party Plaintiff Richard Cordero, Defendant Richard Cordero) (Tacy, K.) (Entered: 07/31/2003)
08/04/2003	108	ReNotice of Motion and Notice of Withdrawal Filed by Defendant Richard Cordero (Tacy, K.) (Entered: 08/06/2003)
08/04/2003	109	Hearing Set (RE: related document(s) 108 Generic Motion filed by 3rd Party Plaintiff Richard Cordero, Defendant Richard Cordero) Hearing to be held on 10/16/2003 at 09:30 AM Rochester Courtroom for 108 , (Tacy, K.) (Entered: 08/06/2003)
08/06/2003	110	Hearing Continued (RE: related document(s) 105 Motion for Sanctions filed by 3rd Party Plaintiff Richard Cordero, Defendant Richard Cordero, 108 Generic Motion filed by 3rd Party Plaintiff Richard Cordero, Defendant Richard Cordero) Hearing to be held on 10/16/2003 at 09:30 AM Rochester Courtroom for 105 and for 108 , Appearing in opposition: David MacKnight, Atty. for James Pfuntnner, Plaintiff (Parkhurst, L.) (Entered: 08/07/2003)
08/11/2003	111	Motion to Recuse. Filed by Defendant Richard Cordero , 3rd Party Plaintiff (Attachments: # 1 Exhibit # 2 Exhibit) (Tacy, K.) (Entered: 08/11/2003)
08/11/2003	112	Hearing Set (RE: related document(s) 111 Generic Application filed by 3rd Party Plaintiff Richard Cordero, Defendant Richard Cordero) Hearing to be held on 8/20/2003 at 09:30 AM Rochester Courtroom for 111 , (Tacy, K.) (Entered: 08/11/2003)
08/14/2003	113	Letter to Dr. Richard Cordero, Defendant and Third Party Plaintiff. Copies sent to Kenneth Gordon, Esq., David Palmer, David MacKnight,

		Atty., Michael Beyma, Atty., Karl Essler, Atty., U.S. Trustee. (RE: related document(s) 111 Application). (Tacy, K.) (Entered: 08/14/2003)
08/20/2003	114	Hearing Continued (RE: related document(s) 111 Generic Application filed by 3rd Party Plaintiff Richard Cordero, Defendant Richard Cordero) Hearing to be held on 10/16/2003 at 09:30 AM Rochester Courtroom for 111 , Dr. Cordero will renote the motion for 10/16/03. No appearances. (Parkhurst, L.) (Entered: 08/20/2003)
08/21/2003	115	Renote of Motion for Recusal and Removal. Filed by Defendant Richard Cordero , 3rd Party Plaintiff Richard Cordero (Tacy, K.) (Entered: 08/29/2003)
08/21/2003	116	Hearing Set (RE: related document(s) 115 Generic Motion filed by 3rd Party Plaintiff Richard Cordero, Defendant Richard Cordero) Hearing to be held on 10/16/2003 at 09:30 AM Rochester Courtroom for 115 , (Tacy, K.) (Entered: 08/29/2003)
09/17/2003	117	Copy of Writ of Mandamus. Filed by Defendant Richard Cordero (Finucane, P.) (Entered: 09/18/2003)
09/20/2003	118	BNC Certificate of Mailing. Service Date 09/20/2003. (Related Doc # 117) (Admin.) (Entered: 09/21/2003)
10/07/2003	119	Notice of objections to Hearings and Withdrawal of Motions Except For Recusal and Removal. Filed by Defendant Richard Cordero , 3rd Party Plaintiff Richard Cordero . (Tacy, K.) (Entered: 10/07/2003)
10/07/2003	120	Objection Filed by David Dworkin, Jefferson Henrietta Associates , Notice of Objectons to Hearings and Withdrawal of Motions Except for Recusal and Removal. (Tacy, K.) (Entered: 10/07/2003)
10/07/2003	121	Copy of Letter to the Pro Se Unit for Second Circuit. Filed by Karl Essler, Atty., for David Dworkin , and Jefferson Henrietta Associates . (Tacy, K.) (Entered: 10/07/2003)
10/07/2003	122	Notice of Motion and Motion to Determine Matters Admitted. Filed by David MacKnight, Atty. for Plaintiff James Pfuntner (Tacy, K.) (Entered: 10/07/2003)
10/07/2003	123	Hearing Set (RE: related document(s) 122 Motion filed by Plaintiff James Pfuntner) Hearing to be held on 11/25/2003 at 09:30 AM Rochester Courtroom. 122 , at the time of the Trial. Clerk's Note: D.

		MacKnight is to amend the motion papers from 9:00 a.m. to 9:30 a.m. (Tacy, K.) Modified on 11/7/2003. Corrective Entry for purpose of correcting docket text as follows: the return date is to read 10/16/03, and not 11/25/03. The wrong date was inadvertently typed in. (Tacy, K.). (Entered: 10/07/2003)
10/08/2003	124	Amended Motion (related document(s): 122 to reflect correct time. Motion filed by Plaintiff James Pfuntner) Filed by Plaintiff James Pfuntner (Tacy, K.) (Entered: 10/09/2003)
10/14/2003	125	Reply to Motion to determine Matters Admitted (related document(s): 122 Motion filed by Plaintiff James Pfuntner) Filed by Defendant Richard Cordero (Attachments: # 1 Certificate of Service) (Finucane, P.) (Entered: 10/14/2003)
10/15/2003	126	Addendum to the Motion for Sanctions and Compensation for Failure to Comply with Discovery Orders. Filed by Defendant Richard Cordero , 3rd Party Plaintiff Richard Cordero . (Tacy, K.) (Entered: 10/15/2003)
10/15/2003	127	Hearing Set (RE: related document(s) 124 Amended Motion filed by Plaintiff James Pfuntner) Hearing to be held on 10/16/2003 at 09:30 AM Rochester Courtroom. This matter will be heard at the Trial. 124 , (Tacy, K.) (Entered: 10/15/2003)
10/16/2003	128	Hearing Held. RE: Motion for Recusal and Removal; Complaint to Determine Right of Property; third-party plaintiff's request for jury trial. Notice of Entry be issued. (Finucane, P.) (Entered: 10/17/2003)
10/16/2003	129	Order Denying Recusal and Removal Motions and Objection of Richard Cordero to Proceedng with any Hearings and a Trial on 10/16/03 (Related Doc # 111) Signed on 10/16/2003. (Finucane, P.) (Entered: 10/17/2003)
10/16/2003	130	Order Disposing of Causes of Action. Signed on 10/16/2003. (Finucane, P.) (Entered: 10/17/2003)
10/17/2003	131	Reply to Motion to determine Matters Admitted. (related document(s): 122 Motion filed by atty for Plaintiff James Pfuntner) Filed by Defendant Richard Cordero (Finucane, P.) (Entered: 10/17/2003)
10/17/2003	132	Reply to Atty Essler's Motion letter to the Court. Filed by Defendant Richard Cordero . (Finucane, P.) (Entered: 10/17/2003)

10/19/2003	133	BNC Certificate of Mailing. Service Date 10/19/2003. (Related Doc # 129) (Admin.) (Entered: 10/20/2003)
10/19/2003	134	BNC Certificate of Mailing. Service Date 10/19/2003. (Related Doc # 130) (Admin.) (Entered: 10/20/2003)
10/19/2003	135	BNC Certificate of Mailing. Service Date 10/19/2003. (Related Doc # 129) (Admin.) (Entered: 10/20/2003)
10/19/2003	136	BNC Certificate of Mailing. Service Date 10/19/2003. (Related Doc # 130) (Admin.) (Entered: 10/20/2003)
10/22/2003	139	Amended Reply. Filed by Defendant Richard Cordero . (Tacy, K.) (Entered: 10/24/2003)
10/23/2003	137	Order Re:Finding A Waiver of A Trial By Jury. Signed on 10/23/2003. (Attachments: # 1 Appendix # 2 Appendix # 3 Appendix) (Tacy, K.) (Entered: 10/23/2003)
10/23/2003	138	Order Re:Scheduling Order in Connection with the Remaining Claims of the Plaintiff, James Pfuntner, and the Cross-Claims, Counterclaims and Third-Party Plaintiff, Richard Cordero. Signed on 10/23/2003. (Attachments: # 1 Appendix # 2 Appendix # 3 Appendix) (Tacy, K.) Modified on 10/23/2003 (Tacy, K.). (Entered: 10/23/2003)
10/23/2003		Clerk's Note : The Orders of 10/23/03 were paper mailed to Raymond Stilwell, Atty.,on behalf of David Palmer, Defendant, with a Notice of Entry re: the 2 Orders. (RE: related document(s) 137 Order 138 Order (Tacy, K.) (Entered: 10/24/2003)
10/25/2003	140	BNC Certificate of Mailing. Service Date 10/25/2003. (Related Doc # 137) (Admin.) (Entered: 10/26/2003)
10/25/2003	141	BNC Certificate of Mailing. Service Date 10/25/2003. (Related Doc # 138) (Admin.) (Entered: 10/26/2003)
10/25/2003	142	BNC Certificate of Mailing. Service Date 10/25/2003. (Related Doc # 137) (Admin.) (Entered: 10/26/2003)
10/25/2003	143	BNC Certificate of Mailing. Service Date 10/25/2003. (Related Doc # 138) (Admin.) (Entered: 10/26/2003)
10/27/2003	144	Motion Filed by Defendant Richard Cordero (Tacy, K.) (Entered:

		10/27/2003)
10/28/2003	145	Order Signed on 10/28/2003 (RE: related document(s) 144 The Motion of Richard Cordero for a More Definite Statement of the Court's Order and Decision, is in all respects denied. (Tacy, K.) (Entered: 10/28/2003)
10/30/2003	146	BNC Certificate of Mailing. Service Date 10/30/2003. (Related Doc # 145) (Admin.) (Entered: 10/31/2003)
11/07/2003	147	Letter filed by Richard Cordero, Defendant Corrective Entry for purpose of correcting docket text as follows: the return date is to read 10/16/03, and not 11/25/03. The wrong date was inadvertently typed in. (Tacy, K.). (RE: related document(s) 122 (Tacy, K.) (Entered: 11/07/2003)
11/19/2003	148	Letter to United States Court of Appeals for the Second Circuit, enclosing the Court's 10/23/03 Scheduling Order, together with the 10/16/03 Order Denying Recusal and Removal Motions; the 10/16/03 Order Disposing of causes of Action; and the 10/23/03 Decision and Order Finding a Waiver of a Trial by Jury: (Attachments: # 1 Appendix # 2 Appendix # 3 Appendix # 4 Appendix) (Tacy, K.) (Entered: 11/19/2003)
11/19/2003		Clerk's Note: (RE: related document(s) 148 Letter: mailed letter to Roseann B. MacKechnie Clerk of Court, U.S. Court of Appeals for the Second Circuit, and to Richard Cordero, Defendant. (Tacy, K.) (Entered: 11/19/2003)
01/30/2004	149	Copy of Summary Order from the USCA, for the Second Circuit. Clerk's Note: This order submitted directly to Chambers. (Tacy, K.) (Entered: 03/12/2004)
04/28/2004	150	Letter Filed by Defendant Richard Cordero , 3rd Party Plaintiff Richard Cordero . (Attachments: # 1 Certificate of Service # 2 Exhibit # (copy of letter)(3) Exhibit (copy of letter) (Tacy, K.) (Entered: 04/30/2004)
05/04/2004	151	Letter dated 5/4/04 from the Clerk of the Court, Paul R. Warren, Esq. to Dr. Richard Cordero regarding search request. (Finucane, P.) (Entered: 05/05/2004)
05/19/2004	152	Letter dated 5/16/04 Filed by Richard Cordero. (RE: related document(s) 151 Letter). (Finucane, P.) (Entered: 05/19/2004)
05/20/2004	153	Letter dated 5/20/04 from the Clerk of the Court, Paul R. Warren, Esq.

		to Dr. Richard Cordero regarding search fee. (RE: related document(s) 152 Letter). (Finucane, P.) (Entered: 05/20/2004)
05/26/2004	154	Letter Filed by Defendant, Richard Cordero in response to (RE: related document(s) 153 letter of Paul R. Warren, Clerk of the Court. (Tacy, K.) (Entered: 05/26/2004)
10/20/2004	155	Copy of Letter Filed by Defendant Richard Cordero to George Reiber, Trustee. (Tacy, K.) (Entered: 10/20/2004)
02/24/2005	156	Letter Filed by Karl Essler, Atty for David Dworkin , Jefferson Henrietta Associates, Defendants, re: 3/1/05 Motion . CLERK'S NOTE: please see bankruptcy case #04-20280 for further details. (Tacy, K.) (Entered: 02/24/2005)
04/04/2005		Clerk's Note: On April 4, 2005, the Court entered a Decision & Order in Chapter 13 Case No. 04-20280 (DeLano) which attached the October 23, 2003 Scheduling Order docketed to this A.P. (TEXT ONLY EVENT) (RE: related document(s) 138 Order (Generic)) (Capogreco, C.) (Entered: 04/04/2005)
06/23/2005	157	Statement on the Court's Linkage of this and the DeLano cases. Filed by Defendant Richard Cordero , 3rd Party Plaintiff Richard Cordero . (Attachments: # 1 Exhibit Copy of Decision and Order# 2 Exhibit Copy of Designation of Items in the Record and Statement of Issues on Appeal) (Tacy, K.) Modified on 6/23/2005 (Tacy, K.).Clerk's Note: File date verified to original document. (Entered: 06/23/2005)

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Filing Date	#	Docket Text
06/29/2009	158	Motion re: To Set Date, Set Date for Discovery Filed by Defendant Richard Cordero , 3rd Party Plaintiff Richard Cordero (Tacy, K.) (Entered: 06/29/2009)
12/28/2009	159	Motion re: For Transfer, Recusal and Discovery Filed by Defendant Richard Cordero , 3rd Party Plaintiff Richard Cordero (Tacy, K.) (Entered: 12/28/2009)
12/29/2009	160	Deficiency Notice. (RE: related document(s) 159 Generic Motion filed by 3rd Party Plaintiff Richard Cordero, Defendant Richard Cordero) (Tacy, K.) Modified on 12/29/2009 (Tacy, K.).Clerk's Note: this notice mailed via the BNC and via U.S. Regular Mail to Richard Cordero. (Entered: 12/29/2009)
12/31/2009	161	BNC Certificate of Mailing. (RE: related document(s) 160 Deficiency Notice) Service Date 12/31/2009. (Admin.) (Entered: 01/01/2010)

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