

(as of 17apr7)

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

A. In *Cordero v. Trustee Gordon, no. 03cv6021, WDNY* (dkt. at A:458)¹

(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

¹ The documents mentioned and decisions listed here with references between parentheses or after the dotted lines and bearing the format letter:# can be downloaded through the [Bank of Hyperlinks](#) below.

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 hearing on **December 18, 2002**, 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

(See Dr. Cordero’s analysis of these decisions in his appeals to the Court of Appeals, 2nd Cir., at http://Judicial-Discipline-Reform.org/DrCordero_v_Trustee_Gordon_CA2_9jul3.pdf)

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¶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 \$650.....Add: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 dismissed.....Add: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 **August 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, 2005**.....App:1501

(See Dr. Cordero's analysis of these decisions in his appeals to the Court of Appeals, 2nd Cir., at http://Judicial-Discipline-Reform.org/Follow_money/DrCordero_v_DeLano_06_4780_CA2.pdf)

**CLERK'S OFFICE
UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK
1220 U.S. Courthouse, 100 State Street
Rochester, NY 14614
www.nywb.uscourts.gov**

Clerk of Court
Paul R. Warren

Deputy Clerk in Charge
Todd M. Stickle

January 14, 2002

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

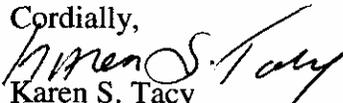
RE: Notice of Appeal
BK#01-20692
Premier Van Lines, Inc.
AP#02-2230

Dear Mr. Cordero:

Enclosed is a copy of the Notice of Appeal to the U.S. District Court in the above matter, that you filed on January 13, 2003. The Court is also in receipt of your Civil Cover sheet.

Please be advised that your Designation of Items on Appeal are due on or before **January 27, 2003**. **The items designated must be provided by you.** Further you will be notified from this office when the case is forwarded to the U.S. District Court.

If you should need further information, please feel free to contact me at the Bankruptcy Court Clerk's office at (585) 263-3148.

Cordially,

Karen S. Tacy
Case Administrator

enc

xc: Kenneth Gordon, Esq.
Raymond Stilwell, Esq.
Karl Essler, Esq.
Michael Beyma, Esq.
David Palmer
Rochester Americans Hockey Club
David MacKnight, Esq.
Kathleen Schmitt, Esq., UST

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FILED

09 JAN 16 PM 11:59

U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DR. RICHARD CORDERO,

Appellant(s),

vs.

KENNETH GORDON, TRUSTEE,

Appellee(s).

APPEAL FROM
BANKRUPTCY COURT

03c v6021L

An appeal from the Bankruptcy Court has been docketed in the district court pursuant to Bankruptcy Rule 8007 on . The case is assigned to District Judge David G. Larimer.

Until further order of the district court, the following schedule shall control the filing of briefs and argument of the appeal:

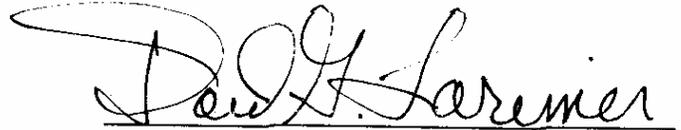
1. Appellant(s) shall file and serve its brief within twenty (20) days after entry of this order on the docket;
2. Appellee(s) shall serve and file its brief within twenty (20) days after service of appellant's brief;
3. Bankruptcy Rule 8009 and 8010 shall control concerning cross-appeals and reply briefs as well as the form of all briefs;
4. It shall be the responsibility of appellant to notify Judge Siragusa, in writing, when the record is complete and all briefs have been filed, that the case is ready for oral

#3

argument, or if no argument is requested, that the case is ready for submission;

5. The Court will schedule argument in accordance with Bankruptcy Rule 8012.

IT SO ORDERED.



David G. Larimer
United States District Judge

January 16, 2003
Dated: Rochester, New York

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES PFUNTER,

Plaintiff,

-vs-

MOTION SCHEDULING ORDER

ROCHESTER AMERICANS HOCKEY CLUB,
INC. and M&T BANK,

03-CV-6021

Defendants and

RICHARD CORDERO,

Defendant/Appellant,

KENNETH W. GORDON, as Trustee in
Bankruptcy for PREMIER VAN LINES, INC.

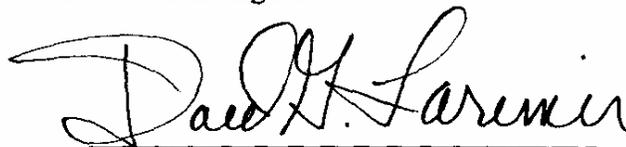
Defendant/Appellee.

FILED
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U.S. DISTRICT COURT
W.D. N.Y. ROCH. CENTER

On January 17, 2003, the Appellee/Trustee filed a motion to dismiss defendant Cordero's appeal from the Bankruptcy Court. All responding papers relevant to this motion must be filed with the Court by February 14, 2003.

When all papers have been submitted, the Court will review them to determine if argument is necessary and if so, the parties will receive notice of the argument date.

IT IS SO ORDERED.



DAVID G. LARIMER
UNITED STATES DISTRICT JUDGE

Dated: January 22, 2003
Rochester, New York

#4

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Cordero

Plaintiff(s)

v.

6:03-cv-06021

Gordon

Defendant(s)

PLEASE take notice of the entry of an ORDER filed on
1/22/03, of which the within is a copy, and entered 1/22/03
upon the official docket in this case. (Document No. 4 .)

Dated: Rochester, New York
January 22, 2003

RODNEY C. EARLY, Clerk
U.S. District Court
Western District of New York
2120 U.S. Courthouse
100 State Street
Rochester, New York 14614

Enclosure

TO:

Richard Cordero
Kenneth W. Gordon, Esq.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FILED
U.S. DISTRICT COURT
W.D.N.Y. ROCHESTER

2003 JA 24 PM 4:47

DR. RICHARD CORDERO,

Appellant,

03-CV-6021

-vs-

ORDER

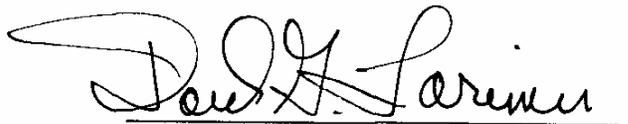
KENNETH GORDON, TRUSTEE,

Appellee.

Appellee has filed a motion to dismiss this appeal and a motion scheduling order was issued on January 22, 2003. Prior to issuing the motion scheduling order, an order setting a briefing schedule was filed on January 16, 2003. In view of the need to address the motion to dismiss before the appeal proceeds further, the January 16, 2003 order is hereby vacated.

All dates in the January 22, 2003 motion scheduling order remain in full force and effect. After the Court has ruled on the pending motion to dismiss, it shall set any necessary briefing schedule.

SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
January 24, 2003

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RICHARD CORDERO,

Appellant,

DECISION AND ORDER

v.

03-CV-6021L

KENNETH W. GORDON, ESQ.,

Appellee.

Richard Cordero ("Cordero") appeals from an order of United States Bankruptcy Judge John C. Ninfo, II, entered December 30, 2002. Cordero filed a notice of appeal on January 13, 2003.

The Trustee-Appellee moved to dismiss the appeal by Cordero on the grounds that it is untimely, having been filed more than ten days after entry of the order appealed from (Dkt. #2). Appellant, Cordero, submitted a brief in opposition to the motion to dismiss (Dkt. #6).

The motion to dismiss is granted. Rule 8002(a) of the Federal Rules of Bankruptcy Procedure provides that a "notice of appeal shall be filed with the clerk within 10 days of the date of entry of the judgment, order, or decree appealed from." Cordero's notice of appeal was therefore filed three days too late.

There are no other provisions in the Bankruptcy Rules that will excuse this untimeliness. Rule 8002(c) provides that "[t]he *bankruptcy* judge may extend the time for filing the notice of appeal" in certain circumstances (emphasis added), but it gives the district court no power to extend the ten-day period of subsection (a). *See In re Bond*, 254 F.3d 669, 675 n. 3 (7th Cir. 2001) (even if appellant had requested extension of time from district court, she would have been in

error, since Rule 8002(c) only allows the bankruptcy court to grant extensions of time for filing notice of appeal). In addition, Cordero did not move for an extension in the bankruptcy court within the time for doing so under subsection (c), so that provision could not apply in any event.

Rule 9006, dealing with computation of prescribed time periods, also does not help Cordero. First, although there were four weekend days and one federal holiday (New Year's Day) in the period between the entry of Judge Ninfo's order and the time that Cordero filed his notice of appeal, those days were not excluded from the ten-day period of Rule 8002(a). Rule 9006(a) states that Saturdays, Sundays, and legal holidays are excluded from computation only "[w]hen the period of time prescribed or allowed is less than 8 days." Since Rule 8002(a) sets forth a ten-day period, this provision of Rule 9006(a) is inapplicable.¹ *Williams v. EMC Mortgage Corp.*, 216 F.3d 1295, 1297 (11th Cir. 2000).

Rule 9006(b) also provides for enlargement of prescribed time periods in certain circumstances, but it expressly states that "[t]he court may enlarge the time for taking action under Rule[] ... 8002 ... only to the extent and under the conditions stated in [that] rule[]." As stated, Cordero failed to meet the conditions for obtaining an extension of time under Rule 8002.

Subsection (f) of Rule 9006 provides for an automatic three-day extension in certain cases, but that provision applies only when a time period begins running from the date of service of an order or judgment. The ten-day period in Rule 8002(a) for appealing an order of the bankruptcy court is not such a period, however, since it begins to run from the time of *entry* of the judgment, *not service*. See *In re Arbuckle*, 988 F.2d 29, 31 (5th Cir. 1993).

Finally, the fact that Cordero may have mailed the notice of appeal before the ten days had

¹I also note that Rule 9006(a) states that if the last day of a prescribed time period falls on a Saturday, a Sunday, or a legal holiday, "the period runs until the end of the next day which is not one of the aforementioned days." Here, the ten-day period of Rule 8002(a) expired on Tuesday, January 10, which was not a holiday.

expired is inconsequential. “[A] notice of appeal is filed as of the date it is actually received [by the court], not as of the date it is mailed.” *Id.* (quoting *Matter of Robinson*, 640 F.2d 737, 738 (5th Cir. 1981)). Cordero’s notice of appeal was received and filed by the court thirteen days after the entry of the bankruptcy court’s order, and it is therefore untimely.

CONCLUSION

The Trustee’s motion to dismiss the appeal (Docket #2) is granted, and the appeal is dismissed.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "David G. Larimer". The signature is written in black ink and is positioned above a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
March 12, 2003.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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RICHARD CORDERO,

Appellant,

U.S. DISTRICT COURT
W.D. N.Y. ROCHESTER

DECISION AND ORDER

v.

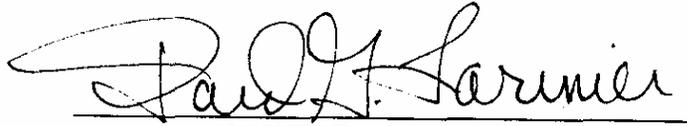
03-CV-6021L

KENNETH W. GORDON, ESQ.,

Appellee.

Richard Cordero moves for a rehearing or reconsideration of this Court's Decision and Order entered March 12, 2003 (Dkt. #7). The motion is in all respects denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
March 27, 2003.

01-20690

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TESTE: A TRUE C
U.S. DISTRICT COURT
RODNEY C. EARLY, CL

By Mica C. Gray
Deputy Clerk

(Original Filed) 3/11/03

IN RE PREMIER VAN LINES, INC.,

Debtor.

RICHARD CORDERO,

Third-Party Plaintiff,

DECISION AND ORDER

03-MBK-6001L

v.

DAVID PALMER,

Third-Party Defendant.

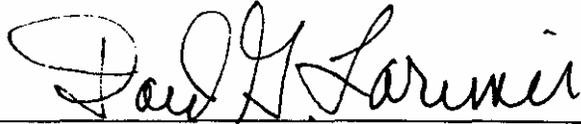
U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
FILED

Judge John C. Ninfo, II, Chief United States Bankruptcy Judge, has transmitted the Bankruptcy Court record to the District Court for a determination in a non-core proceeding. The transfer relates to Cordero's request to enter default judgment. In the transmittal, Bankruptcy Judge Ninfo recommended that the District Court deny entry of default judgment.

I concur in the Bankruptcy Judge's determination that judgment is not appropriate in this case. Even if the adverse party failed to appear or answer, third-party plaintiff must still establish his entitlement to damages since the matter does not involve a sum certain. In other words, it may be necessary for an inquest concerning damages before judgment is appropriate. 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.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "David G. Larimer". The signature is written in black ink and is positioned above a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
March 11, 2003.

UNITED STATES DISTRICT court
WESTERN DISTRICT OF NEW YORK

IN RE: PREMIER VAN LLINES, INC.

RICHARD CORDERO,

Plaintiff(s),

- vs -

DAVID PALMER,

6:03-MBK-6001L

Defendant(s),

Take notice of an Order filed on 3/11/03, of which is a copy, and entered in the office of the Clerk of the United States District Court, Western District of New York, on 3/12/03 upon the official docket in this case.

Dated: Rochester, New York
3/12/03

RODNEY C. EARLY, Clerk
U. S. District Court
Western District of New York
282 U. S. Courthouse
Rochester, New York 14614

TO:
Richard Cordero
David Palmer
Raymond Stilwell, Esq.

David Palmer
1829 Middle Rd.
Rush, NY 14543

Raymond Stilwell, Esq.
Adair, Kaul Murphy...
300 Linden Oaks Ste. 220
Rochester, NY 14625

Richard Cordero
59 Cresent St.
Brooklyn, NY 11208

MARCH 27 2003 36

IN RE PREMIER VAN LINES, INC.,

Debtor.

RICHARD CORDERO,

Third-Party Plaintiff,

DECISION AND ORDER

03-MBK-6001L

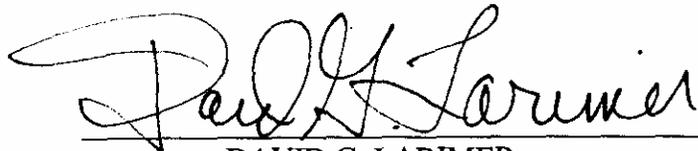
v.

DAVID PALMER,

Third-Party Defendant.

Richard Cordero moves for a rehearing or reconsideration of this Court's Decision and Order entered March 11, 2003 (Dkt. #56). The motion is in all respects denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
March 27, 2003.

#58

UNITED STATES DISTRICT court
WESTERN DISTRICT OF NEW YORK

CORDERO,

Plaintiff(s),

- vs -

PALMER,

Defendant(s),

6:03-MBK-6001L

Take notice of an order filed on 3/27/03, of which is a copy, and entered in the office of the Clerk of the United States District Court, Western District of New York, on 3/27/03 upon the official docket in this case.

Dated: Rochester, New York
3/27/03

RODNEY C. EARLY, Clerk
U. S. District Court
Western District of New York
282 U. S. Courthouse
Rochester, New York 14614

TO:
Cordero
Palmer
Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
Western District of New York
100 State Street
Rochester, NY 14614
www.nywb.uscourts.gov

In Re:

David G. DeLano
Mary Ann DeLano

SSN/Tax ID: xxx-xx-3894
xxx-xx-0517

Debtor(s)

Case No.: 2-04-20280-JCN
Chapter: 13

**NOTICE REGARDING PERFECTING THE
RECORD ON APPEAL [Bankruptcy Rule 8006]**

PLEASE TAKE NOTICE that, pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule(s)"), on or before April 21, 2005, the Appellant, Richard Cordero ("Appellant"), must serve on the Appellee, David G. and Mary Ann DeLano ("Appellee"), and file with the Clerk of Court for the Bankruptcy Court a "Designation of Record on Appeal and Statement of Issues" ("Designation"), together with proof of service in the form of an Affidavit of Service. Appellant must serve on Appellee and file with the Clerk of Court a copy of any document listed in the Designation that is not available electronically through the Court's Docket, together with proof of service in the form of an Affidavit of Service.

PLEASE TAKE FURTHER NOTICE that, pursuant to Bankruptcy Rule 8006, within ten (10) days after service of Appellant's Designation, the Appellee may serve on Appellant and file with the Clerk of Court a "Designation of Additional Items," together with proof of service in the form of an Affidavit of Service. If the Appellee has filed a cross-appeal, the Appellee must serve and file those items specified in Bankruptcy Rule 8006 within the time specified.

PLEASE TAKE FURTHER NOTICE that, any party designating a transcript as part of the Record on Appeal must deliver to the Court Reporter, and file with the Clerk of Court, a written request for the transcript(s) and make satisfactory arrangements for payment of the cost of the transcript(s) with the Court Reporter, except where the transcript has previously been filed with the Court.

PLEASE TAKE FURTHER NOTICE that, in the event that the Appellant fails to serve and file the Designation of Record within the ten (10) day time period specified in Bankruptcy Rule 8006, the Clerk of the Bankruptcy Court will transmit to the Clerk of the District Court an "Incomplete Record" consisting of a copy of the Notice of Appeal, the Order or Judgment that is the subject of the appeal, and an index of the relevant Docket entries. **Appellant is advised that the appeal may be subject to dismissal by District Court, in the event of Appellant's failure to serve and file the Designation within the time required by Bankruptcy Rule 8006, upon a motion by the Appellee or on the Court's own motion.**

Dated: April 11, 2005

Paul R. Warren
Clerk, U.S. Bankruptcy Court

By: K. Tacy
Deputy Clerk

¹ This date has been determined by the Clerk's Office to be ten (10) days after the date on which Appellant filed of the "Notice of Appeal," as specified by Bankruptcy Rule 8006.

Form ap1ntc
Doc 104

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

COPY for docket 05cv6190L, WDNY

April 18, 2005

Ms. Mary Dianetti
612 South Lincoln Road
East Rochester, NY 14445

Dear Ms. Dianetti,

I would like to know the cost of the transcript of your stenographic recording of the evidentiary hearing held on March 1, 2005, in the U.S. Bankruptcy Court in Rochester in the case of David and Mary Ann DeLano, docket no. 04-20280.

Kindly let me know also 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.

Please indicate whether the transcript can be made available in electronic form, such as a floppy disk or a compact disk and, if so, how much it would cost to have the transcript made:

1. only in electronic form
2. only printed on paper
3. both in electronic form and on paper.

State also the arrangements that can be made so that after the transcript has been completed, I can make a copy of the stenographic packs and folds that you used for your transcription and for a government agency to inspect the original packs and folds that you used.

yours sincerely,

Dr. Richard Cordero

**OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

1220 U.S. Courthouse, 100 State Street
Rochester, NY 14614 (585) 613-4200
www.nywb.uscourts.gov

Paul R. Warren
Clerk of Court

Todd M. Stickle
Deputy Clerk in Charge

April 22, 2005

Dr. Richard Cordero
59 Crescent Street
Brooklyn, NY 11208

Re: Notice of Appeal
Richard Cordero, Appellant vs. David and Mary Ann DeLano, Appellee
BK Number: 04-20280

Dear Dr. Cordero:

Enclosed please find the following items:

- 1) Transmittal letter to the U.S. District Court dated 4/21/05.
- 2) Transmittal letter to the U.S. District Court dated 4/22/05.
- 3) Civil Cover Sheet. This document is required for the Notice of Appeal and has not to date been received by the Court. Please fill out the Civil Cover Sheet and file with the U.S. Bankruptcy Court.

The U.S. District Court Civil Case Number for the Appeal is: 05-cv-6190L(O). Please ensure that this number is on all the documents that you submit to the U.S. District Court.

Thank you for your attention to this matter.

Very truly yours,



Karen S. Tacy
Case Administrator

KST
enclosures

UNITED STATES BANKRUPTCY COURT
Western District of New York
100 State Street
Rochester, NY 14614
www.nywb.uscourts.gov

In Re:

David G. DeLano
Mary Ann DeLano

Debtor(s)

SSN/Tax ID: xxx-xx-3894
xxx-xx-0517

Case No.: 2-04-20280-JCN
Chapter: 13

TO: Rodney C. Early, Clerk, U.S. District Court for the Western District of New York

NOTE: Only Documents not available electronically via the court's electronic filing system are being transmitted in the paper format and are attached.

Transmitted herewith is:

- Notice of Appeal filed by Richard Cordero, Pro Se Appellant
Interlocutory Yes No
- Motion for Leave to Appeal filed by
Interlocutory Yes No
- Cross Appeal filed by
Interlocutory Yes No
- Perfected Record consisting of:
- Entire Record
 - Statement of Issues and Designated items of Appellant(s)
 - Statement of Issues and Designated items of Appellee(s)
 - Transcript(s)
 - Filing Fee Paid
 - Application to proceed in forma pauperis filed
 - Other: PLEASE NOTE: A paper copy of the Designation of Items in the Record and Statement of Issued on Appeal will be provided to the U.S. District Court. Such document is voluminous and hence will not be e-filed.
- Unperfected Record due to following missing documents:
- Entire Record
 - Statement of Issues and/or Designated items of Appellant(s)
 - Statement of Issues and/or Designated items of Appellee(s)
 - Transcript(s)
 - Filing Fee Paid
 - Application to proceed in forma pauperis filed
 - Other: Please Note: Appellee designation due on or before 5/2/05.
- Non-core matter
- Bankruptcy Judge's Proposed Findings of Fact and Conclusions of Law
 - Responses/Objections filed by:
 - Proposed Order
 - Proposed Judgment
- Motion for Withdrawal of Reference pursuant to 28 U.S.C. '157(d)
- Bankruptcy Judge's Proposed Findings of Fact and Conclusions of Law
 - Responses/Objections filed by:
- Report and Recommendations of Bankruptcy Judge and any objections thereto for disposition of the following specified matter:
- Motion for Abstention pursuant to Bankruptcy Rule 5011(b)
 - Motion for remand pursuant to Bankruptcy Rule 9027(e)

034904

21310034974024

UNITED STATES BANKRUPTCY COURT
Western District of New York
100 State Street
Rochester, NY 14614
www.nywb.uscourts.gov

In Re:

David G. DeLano
Mary Ann DeLano

SSN/Tax ID: xxx-xx-3894
xxx-xx-0517

Debtor(s)

Case No.: 2--04--20280--JCN
Chapter: 13

TO: Rodney C. Early, Clerk, U.S. District Court for the Western District of New York

NOTE: Only Documents not available electronically via the court's electronic filing system are being transmitted in the paper format and are attached.

Transmitted herewith is:

- Notice of Appeal filed by
Interlocutory Yes No
- Motion for Leave to Appeal filed by
Interlocutory Yes No
- Cross Appeal filed by
Interlocutory Yes No
- Perfected Record consisting of:
 Entire Record
 Statement of Issues and Designated items of Appellant(s)
 Statement of Issues and Designated items of Appellee(s)
 Transcript(s)
 Filing Fee Paid
 Application to proceed in forma pauperis filed
 Other:
- Unperfected Record due to following missing documents:
 Entire Record
 Statement of Issues and/or Designated items of Appellant(s)
 Statement of Issues and/or Designated items of Appellee(s)
 Transcript(s)
 Filing Fee Paid
 Application to proceed in forma pauperis filed
 Other:
- Non-core matter
 Bankruptcy Judge's Proposed Findings of Fact and Conclusions of Law
 Responses/Objections filed by:
 Proposed Order
 Proposed Judgment
- Motion for Withdrawal of Reference pursuant to 28 U.S.C. '157(d)
 Bankruptcy Judge's Proposed Findings of Fact and Conclusions of Law
 Responses/Objections filed by:
- Report and Recommendations of Bankruptcy Judge and any objections thereto for disposition of the following specified matter:
 Motion for Abstention pursuant to Bankruptcy Rule 5011(b)
 Motion for remand pursuant to Bankruptcy Rule 9027(e)
- Documents Transmitted in paper format:

034904

21310034974033

Add:688

Bkr. Clerk's transmittal of 4/21/05 of Dr. Cordero's 4/18 Designation to District Clerk

Documents Transmitted in paper format:

- 1.
- 2.
- 3.
- 4.

Other: Civil Cover Sheet has not yet been submitted by Pro Se Appellant. Such document will be transmitted upon receipt of same from the Appellant.

Please further note that the Application to Proceed In Forma Pauperis is pending in the U.S. District Court.

Please send a confirmatory email to the sender with the civil case number and judge assignment. Thank you!

Dated: April 21, 2005

Paul R. Warren
Clerk, U.S. Bankruptcy Court

By: K. Tacy
Deputy Clerk

Form detrans
Doc 109

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

Richard Cordero

Appellant

**DESIGNATION OF ITEMS IN THE RECORD
AND STATEMENT OF ISSUES ON APPEAL**

v. _____-CV-_____

David DeLano and Mary Ann DeLano

Respondents and debtors in bankruptcy

Submitted by

**Dr. Richard Cordero
59 Crescent Street
Brooklyn, NY 11208
tel. (718)827-9521**

05 APR 21 PM 2:16
U.S. BANKRUPTCY COURT
W.D.N.Y. ROCHESTER

FILED

ATTENTION

**THE ATTACHMENT/EXHIBIT TO
THIS DOCUMENT IS
VOLUMINOUS AND AVAILABLE
IN PAPER FORMAT ONLY. IT
MAY BE VIEWED AT THE
CLERK'S OFFICE DURING
REGULAR BUSINESS HOURS.**

05 APR 22 PM 2:43

RICHARD CORDERO,

Appellant(s),

vs.

DAVID DeLANO and MARY ANN DeLANO,

Appellee(s).

U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

APPEAL FROM
BANKRUPTCY COURT
05-CV-6190L

An appeal from the Bankruptcy Court has been docketed in the district court pursuant to Bankruptcy Rule 8007 on APRIL 22, 2005. The case is assigned to District Judge David G. Larimer.

Until further order of the district court, the following schedule shall control the filing of briefs and argument of the appeal:

1. Appellant(s) shall file and serve its brief within twenty (20) days after entry of this order on the docket;

2. Appellee(s) shall serve and file its brief within twenty (20) days after service of appellant's brief;

3. Bankruptcy Rule 8009 and 8010 shall control concerning cross-appeals and reply briefs as well as the form of all briefs;

4. It shall be the responsibility of appellant to

notify Judge Larimer, in writing, when the record is complete and all briefs have been filed, that the case is ready for oral argument, or if no argument is requested, that the case is ready for submission;

5. The Court will schedule argument in accordance with Bankruptcy Rule 8012.

IT SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated:

April 22, 2005

Rochester, New York

Other Orders/Judgments

6:05-cv-06190-DGL Cordero v. DeLano et al

**U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK [LIVE]**

Notice of Electronic Filing

The following transaction was received from BJB, entered on 4/22/2005 at 3:23 PM EDT and filed on 4/22/2005

Case Name: Cordero v. DeLano et al

Case Number: 6:05-cv-6190

Filer:

Document Number: 2

Docket Text:

ORDER directing that Appellant shall file and serve its brief within twenty (20) days after entry of this order on the docket and that Appellee(s) shall serve and file its brief within twenty (20) days after service of appellant's brief. Signed by Hon. David G. Larimer on 4/22/05. (BJB,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1042579058 [Date=4/22/2005] [FileNumber=337946-0]
[da68760304969d7084f212f8b4df00e4069a4be5ad830420a983e7e159066bc0177d
62b7f905e821e4255b8ce28ee5c7c01f4897debe1c6f120dbd1a125dc839]]

6:05-cv-6190 Notice will be electronically mailed to:

Christopher K. Werner cwwerner@boylanbrown.com,

6:05-cv-6190 Notice will be delivered by other means to:

Richard Cordero
59 Crescent Street
Brooklyn, NY 11208

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DR. RICHARD CORDERO,

Appellant,

ORDER

05-MC-6008L
05-CV-6190L

v.

DAVID DE LANO and MARY ANN DE LANO,

Respondents.

Dr. Richard Cordero's motion for reconsideration of this Court's denial of his motion to proceed *in forma pauperis* (Dkt. #3 in 05-MC-6008L) is denied.

The motion filed by Dr. Cordero, styled as "Objection to Scheduling Order and Request For Its Urgent Rescission" (Dkt. # 3 in 05-CV-6190L) is granted in part. Appellant may have until June 13, 2005, within which to file and serve his brief. In all other respects, the motion is denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
May 3, 2005.

#4

Other Orders/Judgments6:05-cv-06190-DGL Cordero v. DeLano et al**U.S. DISTRICT COURT****WESTERN DISTRICT OF NEW YORK [LIVE]**

Notice of Electronic Filing

The following transaction was received from EMA, entered on 5/3/2005 at 1:49 PM EDT and filed on 5/3/2005

Case Name: Cordero v. DeLano et al

Case Number: 6:05-cv-6190

Filer:

Document Number: 4

Docket Text:

ORDER re [3] Objections -- non-motion filed by Richard Cordero. Appellant Brief due by 6/13/2005. Signed by Hon. David G. Larimer on 5/3/05. (EMA,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1042579058 [Date=5/3/2005] [FileNumber=343880-0]
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e9a1d0fd9cc10fb2338d04dbe54f20604858845d3e2dbae495503f81a38]]

6:05-cv-6190 Notice will be electronically mailed to:

Christopher K. Werner cwerner@boylanbrown.com,

6:05-cv-6190 Notice will be delivered by other means to:

Richard Cordero
59 Crescent Street
Brooklyn, NY 11208

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DR. RICHARD CORDERO,

Appellant,

ORDER

05-CV-6190L

v.

DAVID DE LANO and MARY ANN DE LANO,

Respondents.

Appellant requested additional time within which to file and serve his brief. That request is granted, in part. Appellant shall file and serve his brief within twenty (20) days of the date that the transcript of the bankruptcy court proceedings is filed with the Clerk of the Bankruptcy Court.

IT IS SO ORDERED.



DAVID G. LARIMER

United States District Judge

Dated: Rochester, New York
May 17, 2005.

Other Orders/Judgments

6:05-cv-06190-DGL Cordero v. DeLano et al

U.S. DISTRICT COURT

WESTERN DISTRICT OF NEW YORK [LIVE]

Notice of Electronic Filing

The following transaction was received from EMA, entered on 5/17/2005 at 4:13 PM EDT and filed on 5/17/2005

Case Name: Cordero v. DeLano et al

Case Number: 6:05-cv-6190

Filer:

Document Number: 6

Docket Text:

ORDER granting in part Appellant's request for additional time within which to file and serve his brief. Appellant shall file and serve his brief within twenty (20) days of the date that the transcript of the bankruptcy court proceedings is filed with the Clerk of the Bankruptcy Court . Signed by Hon. David G. Larimer on 5/17/05. (EMA,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1042579058 [Date=5/17/2005] [FileNumber=353051-0]
[5d24c1764bd304a884fa5b14a3127f99bf991c63f011e8ccbda051d8f6b82d65c80
7740246dc7f48a7630f9433ca7daf0593198616096fdfe95cb04522ca3ab]]

6:05-cv-6190 Notice will be electronically mailed to:

Christopher K. Werner cwerner@boylanbrown.com,

6:05-cv-6190 Notice will be delivered by other means to:

Richard Cordero
59 Crescent Street
Brooklyn, NY 11208

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DR. RICHARD CORDERO,

Appellant/Creditor,

DECISION and ORDER

-vs-

05-CV-6190L

DAVID G. DELANO and
MARY ANN DELANO,

Respondents/Debtors.

Dr. Richard Cordero (“Cordero”) has filed a motion (Dkt. #13) requesting that this Court refer a bankruptcy court reporter to the Judicial Conference for an “investigation.” The motion is in all respects denied.

The perceived difficulty revolves around the bankruptcy court reporter’s preparation of (or failure to prepare) a transcript of proceedings before United States Bankruptcy Judge John C. Ninfo, II on March 1, 2005. The prolix submissions might lead one to believe that this is a significant problem. It is not. It is a tempest in a teapot.

The matter must be resolved as follows:

1. If Cordero wishes to order a transcript of the March 1, 2005 proceeding, he must make a request for it in writing to court reporter Mary Dianetti. Cordero has no right to

“condition” his request in any manner. This transcript will be prepared in the same fashion that all others are.

2. Upon receipt of a written request, Ms. Dianetti will complete the transcript within twenty (20) days of receipt of the letter.

3. Ms. Dianetti will prepare the usual paper copy for the Court and for Cordero. The copy will be of such quality and in a format for the Court to scan it into the CM/ECF system

4. The copy for Cordero will be released to him upon receipt of the fee for preparation of the transcript, which is estimated to be approximately \$650.00. The court reporter has represented that the fee will not exceed that amount – \$650.00. Payment for the transcript must be in the form of cash, a money order, or certified check.

IT IS SO ORDERED.



DAVID G. LARIMER
UNITED STATES DISTRICT JUDGE

Dated: Rochester, New York
September 13, 2005

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DR. RICHARD CORDERO,

Appellant,

DECISION AND ORDER

05-CV-6190L

v.

DAVID DeLANO and MARY ANN DeLANO,

Respondents.

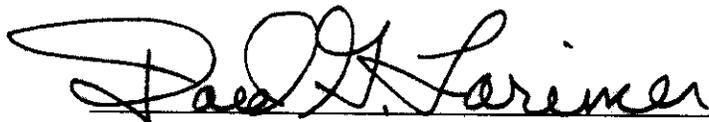
By motion filed September 26, 2005 (Dkt. #19), appellant, Richard Cordero ("Cordero"), moves for reconsideration of this Court's Order of September 13, 2005, familiarity with which is presumed. In Cordero's motion for reconsideration, he references other motions. Those motions are under review and will be determined in due course. The motion for reconsideration is in all respects denied.

If Cordero wishes to designate a transcript as part of the record on appeal, he must comply with Rule 8006, Federal Rules of Bankruptcy Procedure. That rule requires a written request for the transcript to the court reporter and a requirement that satisfactory arrangements for payment be arranged. This Court directed Cordero as to the process that must be utilized if a transcript is to be part of the record. Therefore, Cordero is directed to make his request for the transcript and on payment of the \$650 fee, the transcript will be prepared and produced. Cordero must make this

written request within 14 days of entry of this Decision and Order. If Cordero determines not to include the transcript as part of the record, he should so indicate to this Court, in writing, within 14 days.

Cordero is reminded that if an appellant fails to comply with scheduling orders and therefore fails to perfect the appeal, it could be dismissed by this Court. *See* Fed. R. Bankr. P. 8001(a); *In Re Michalek*, 104 F.3d 356 (2d Cir.1996) (Table, text in Westlaw at 1996 WL 698046); *Tampa Chain Co., Inc. v. Reichard*, 835 F.2d 54 (2d Cir.1987); *Greco v. Stubenberg*, 859 F.2d 1401 (9th Cir.1988) (debtor's failure to comply with deadlines imposed by District Court for procuring relevant transcripts of bankruptcy proceedings warranted dismissal of appeal); *In re Sandra Cotton*, 89 B.R. 324 (W.D.N.Y.1988) (dismissing bankruptcy appeal for failure to pay for or file transcripts).

IT IS SO ORDERED.


DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 14, 2005.

Orders on Motions6:05-cv-06190-DGL Cordero v. DeLano et al

U.S. DISTRICT COURT

WESTERN DISTRICT OF NEW YORK [LIVE]

Notice of Electronic Filing

The following transaction was received from PR, entered on 10/14/2005 at 3:43 PM EDT and filed on 10/14/2005

Case Name: Cordero v. DeLano et al

Case Number: 6:05-cv-6190

Filer:

Document Number: 20

Docket Text:

ORDER denying [19] Motion for Reconsideration. Signed by Judge David G. Larimer on 10/14/05. (PR,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1042579058 [Date=10/14/2005] [FileNumber=447787-0
] [2d6308d077956b56ffed68c58341276dcd8da885dce4d877cf04cc4543d628aaae0
4fdb76eed88b9ba44c5ed8ad47256f6f93dc8fe316e900fb3af979232d882]]

6:05-cv-6190 Notice will be electronically mailed to:

Christopher K. Werner cwerner@boylanbrown.com,

6:05-cv-6190 Notice will be delivered by other means to:

Richard Cordero
59 Crescent Street
Brooklyn, NY 11208

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DR. RICHARD CORDERO,

Appellant,

DECISION AND ORDER

05-CV-6190L

v.

DAVID DeLANO and MARY ANN DeLANO,

Respondents.

Currently pending with the Court are three motions (Dkts. ##9, 10, and 14) filed by appellant, Richard Cordero ("Cordero"), seeking various relief. The respondents/debtors have responded to the motions by Dkts. ## 12 and 16, as has Mr. Pfuntner (who is not a party to this appeal, but who wished to preserve his rights) by Dkt. #15.

As set forth below, Cordero's motions are denied in their entirety.

By motion filed June 23, 2005 (Dkt. #9), Cordero moves for a stay of an Adversary Proceeding, *Pfuntner v. Gordon et al.*, A.P. No. 02-2230, and to join the parties in *Pfuntner* to this appeal since "their rights and liabilities have already been prejudged." Cordero's motion is denied in all respects. There is no basis in law to support such relief.

By motion filed July 18, 2005 (Dkt. #10), Cordero moves for, *inter alia*, a stay of the confirmation hearing and any subsequent order arising therefrom related to the debt repayment plan

in the underlying Chapter 13 Bankruptcy Case, *In re DeLano*, Case No. 04-20280 (“the DeLano case”). That motion is also denied, as there is no basis to support such relief. In addition, the confirmation hearing has already taken place, and Judge Ninfo has entered an order, dated August 9, 2005, confirming the repayment plan. Moreover, in accordance with Fed. R. Bankr. P. 8005, United States Bankruptcy Judge Ninfo previously denied a stay of the April 4, 2005 Order from which Cordero appeals, because he found that there was little likelihood that Cordero would prevail on the merits of this appeal, there was no public interest involved in the matter, and because the DeLanos and their creditors would be prejudiced by any further delay. The Court sees no reason to disturb Judge Ninfo’s determination.

By Dkt. #10, Cordero also moves for an order withdrawing from the Bankruptcy Court the DeLano case pursuant to 28 U.S.C. § 157(d), an order removing Trustee George Reiber as trustee in the DeLano case pursuant to 11 U.S.C. § 324(a), an order for production of documents, and an order referring the DeLano case to the U.S. Attorney’s Office for investigation pursuant to 18 U.S.C. § 3057(a). These motions are wholly without merit and they are denied in their entirety.

Finally, by motion filed August 31, 2005 (Dkt. #14), Cordero moves to compel the production of documents and for other miscellaneous relief he believes is necessary in order to “safeguard judicial integrity and due process.” That motion, too, is denied in all respects because it completely lacks merit.

Cordero is reminded of this Court's Order entered October 14, 2005, directing him to take the necessary steps to perfect his appeal, and reiterates that the failure to do so could result in dismissal of the appeal.

IT IS SO ORDERED.


DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 17, 2005

Orders on Motions

6:05-cv-06190-DGL Cordero v. DeLano et al

U.S. DISTRICT COURT

WESTERN DISTRICT OF NEW YORK [LIVE]

Notice of Electronic Filing

The following transaction was received from PR, entered on 10/17/2005 at 4:04 PM EDT and filed on 10/17/2005

Case Name: Cordero v. DeLano et al

Case Number: 6:05-cv-6190

Filer:

Document Number: 21

Docket Text:

ORDER denying [9] Motion for Joinder, denying [9] Motion to Stay, denying [10] Motion to Stay, denying [14] Motion to Compel. Signed by Judge David G. Larimer on 10/17/05. (PR,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1042579058 [Date=10/17/2005] [FileNumber=448846-0] [B37888018e93c9d62221d3a5743d1491db753017410ee1de671440579116aded4d2 acdf792cb91fdaf72b502e1da878b06522e51315f2616c6b5c26ce3d2bc10]]

6:05-cv-6190 Notice will be electronically mailed to:

Christopher K. Werner cwerner@boylanbrown.com,

6:05-cv-6190 Notice will be delivered by other means to:

Richard Cordero
59 Crescent Street
Brooklyn, NY 11208

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DR. RICHARD CORDERO,

Appellant,

ORDER

05-CV-6190L

v.

DAVID DeLANO and MARY ANN DeLANO,

Respondents.

By motion (Dkt. #26), appellant Richard Cordero requests miscellaneous relief pertaining to his bankruptcy appeal. That motion is granted in part and denied in part as follows.

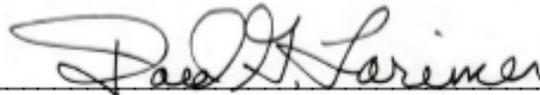
Appellant requests an extension of time to file his brief. That request is granted. Appellant shall file and serve his brief **on or before December 23, 2005**. Appellees shall file and serve their briefs **on or before January 20, 2005**.

In accordance with Fed. R. Bankr. P. 8008(a), briefs are deemed filed on the day of mailing. Fed. R. Bankr. P. 8009 and 8018 shall control concerning cross-appeals and reply briefs as well as the form of all briefs.

The remainder of appellant's motion is denied. Appellant's request that the Court cause the docketing of the transcript is denied as moot. The transcript was docketed in the District Court as Dkt. #23. Appellant's request that the Court "comply with" Fed. R. Bankr. P. 8007 is also denied

as moot. The appeal was docketed in April 2005 and all parties were notified. Since then, the Court has issued various Scheduling Orders setting and revising the deadlines for filing and perfecting the appeal. It now appears that the record on appeal is complete, and no further action pursuant to Fed. R. Bankr. P. 8007 is required. Finally, there is no sound basis in law or fact for appellant's request that the Court transfer this case to the United States District Court for the Northern District of New York and, therefore, it is denied.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
November 21, 2005.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DR. RICHARD CORDERO,

Appellant,

ORDER

05-CV-6190L

v.

DAVID DeLANO and MARY ANN DeLANO,

Respondents.

On December 9, 2005, appellant filed a motion to withdraw two cases, *In re DeLano*, No. 04-20280, and *Pfuntner v. Gordon et al.*, No. 02-2230, from the United States Bankruptcy Court, pursuant to 28 U.S.C. § 157(d), and for other miscellaneous relief. (Dkt. #28).

Appellant's motion is denied in all respects. No cause has been shown to warrant withdrawal under 28 U.S.C. § 157(d), and there is no basis for the other relief that appellant has requested.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
December 19, 2005.

Orders on Motions

6:05-cv-06190-DGL Cordero v. DeLano et al

U.S. DISTRICT COURT

WESTERN DISTRICT OF NEW YORK [LIVE]

Notice of Electronic Filing

The following transaction was received from EMA, entered on 12/19/2005 at 3:28 PM EST and filed on 12/19/2005

Case Name: Cordero v. DeLano et al

Case Number: 6:05-cv-6190

Filer:

Document Number: 29

Docket Text:

ORDER denying [28] Motion to Withdraw . Signed by Judge David G. Larimer on 12/19/05. (EMA,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1042579058 [Date=12/19/2005] [FileNumber=490863-0
] [3ab10e26c37e1f9b91b34ec620051bfc2118e1cbff256b0d7814a9a62149fe0e0fe
86fde9fac5b1bc21ccb35d679b9ed5c3dd1791f20a9e9df5dccabe0796cf4]]

6:05-cv-6190 Notice will be electronically mailed to:

Christopher K. Werner cwerner@boylanbrown.com,

6:05-cv-6190 Notice will be delivered by other means to:

Richard Cordero
59 Crescent Street
Brooklyn, NY 11208

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DR. RICHARD CORDERO,

Appellant,

ORDER

05-CV-6190L

v.

DAVID DE LANO and MARY ANN DE LANO,

Respondents.

FILED
U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
2006 JAN 6 AM 9:56

Dr. Richard Cordero, appellant, has orally requested that the Addendum in Support of Appellant's Brief (Dkt. #31) be filed electronically. The request is denied. Appellant requests that this document be filed electronically on the case docket sheet. The document, printed on both sides of the page, exceeds 1,300 pages. Scanning this lengthy document into the system would be very time consuming and is unnecessary.

The Clerk's Office has filed this document conventionally, meaning that the document is not available online but is available for viewing by any interested party during normal business hours in the Clerk's Office.

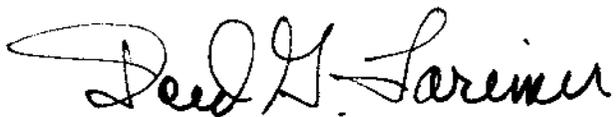
Pursuant to Rule 83(b) of the Federal Rules of Civil Procedure, "[a] judge may regulate practice in any matter consistent with federal law . . . and local rules of the district." Further, the Court's own CM/ECF Administrative Procedures, which govern electronic filing in this district,

states in section 2(o)(i) that “[t]he court . . . may . . . authorize conventional filing of other documents otherwise subject to these procedures.” In addition, pursuant to section 2(o)(i)(8)(c), “[a]ll other documents in the case, including briefs, will be filed and served electronically unless the court otherwise orders.”

Appellant will not be disadvantaged. The document will be available for review by the Court on the appeal. Therefore, it is hereby

ORDERED that appellant’s oral request that the Court file his Addendum in Support of Appellant’s Brief (Dkt. #31) electronically is denied. The Court orders that the document be filed conventionally and maintained in paper form in the file located in the Rochester Clerk’s Office.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
January 4, 2006

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RICHARD CORDERO,

Appellant,

DECISION AND ORDER

05-CV-6190L

v.

DAVID DeLANO and
MARY ANN DeLANO,

Appellees.

This is an appeal, *pro se*, by Richard Cordero (“Cordero”) from a Decision and Order of Chief Bankruptcy Judge John C. Ninfo, II, entered on April 4, 2005. Cordero had filed a claim in the Chapter 13 Bankruptcy case relating to David and Mary Ann DeLano (“DeLano case”).

Chief Judge Ninfo determined, after trial and other proceedings, that Cordero had no valid claim to assert against David DeLano and he, therefore, dismissed the claim and ruled that Cordero had no right to participate further in the DeLano case. Cordero appeals from that order.

On appeal from a bankruptcy court, the district court will not set aside the bankruptcy court's findings of fact unless they are clearly erroneous. Fed. R. Bankr. 8013. Conclusions of law are subject to *de novo* review. *In re AroChem Corp.*, 176 F.3d

I have reviewed the relevant documents in this substantial file, generated for the most part by Cordero's submissions, and find no basis to modify or reverse Chief Judge Ninfo's detailed, thorough decision. I, therefore, affirm that decision in all respects.

The preserved, appellate issues, are rather straightforward, although Cordero has expended considerable energy to make it otherwise. The DeLanos, appellees here and debtors in bankruptcy, by their attorneys, set forth whether Chief Judge Ninfo should have recused himself and whether Cordero had a valid claim.

I note, as do appellees, that many of the matters contained in Cordero's brief and prolix record, have no bearing on the issues before Chief Judge Ninfo or this Court. In fact, even a cursory review of the file demonstrates Cordero's penchant for focusing on irrelevant, extraneous matters that have required both appellees, their counsel, and Chief Judge Ninfo to spend much more time dealing with this case than the merits warranted.

Cordero spends considerable time in his brief rambling on about perceived injustices visited on him by Chief Judge Ninfo. In a similar vein, Cordero filed a motion with Chief Judge Ninfo before the trial, seeking Chief Judge Ninfo's recusal. Chief Judge Ninfo denied the motion orally at the start of the trial and indicated his intent to supplement that decision in writing. He has done so in the April 4, 2005 Decision and Order that is the subject of this appeal.

Section 455(a) of Title 28 provides that "[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." Adverse rulings by a judge do not in themselves show bias or warrant disqualification. *See Liteky v. United States*, 510 U.S. 540, 555 (1994) ("judicial rulings alone almost never constitute a valid basis for a bias or partiality motion" under Section 455(a)). *See also*

Faulkner v. National Geographic Enterprises Inc., 409 F.3d 26, 42-43 (2d Cir. 2005) (trial judge's denial of class certification in copyright infringement action, did not, without more, evidence bias or hostility warranting disqualification).

There was no basis for Chief Judge Ninfo to recuse himself from the trial and, therefore, there is no basis for this Court to reverse his decision. In this case, there is no evidence of any extra-judicial matters that might require consideration of recusal. At heart, Cordero seeks recusal because Chief Judge Ninfo has ruled against him in earlier court proceedings in this case. Simply because the assigned judge makes rulings, which are not to the litigant's liking, is not a basis for recusal. The system would unworkable if that were the case. Cordero can cite to nothing other than the fact he has not faired well in terms of pretrial orders. That fact, does not warrant recusal and, in fact, when that is the only reason advanced, a court would be remiss in its duties if it granted recusal.

On the merits of this appeal, that is whether Cordero had a valid claim against David DeLano, I can add nothing to what Chief Judge Ninfo has set forth in his detailed decision and order. That decision and the attachments to it, and the rest of the file, indicate clearly that Cordero was given every opportunity to conduct discovery and to present his case, such as it was, at a trial. Chief Judge Ninfo noted in his decision that Cordero completely failed to establish any entitlement to his so-called claim during the day-long trial of the case. In essence, Chief Judge Ninfo found a complete lack of proof that Cordero had any type of claim warranting prosecution in the DeLano bankruptcy matter. On appeal, in the voluminous papers filed and in Cordero's lengthy brief, as appellees note, Cordero has done virtually nothing to point out in what manner Chief Judge Ninfo erred finding no valid claim. Therefore, for the reasons stated in Chief Judge Ninfo's Decision and Order, which I adopt, there is no basis whatsoever to overturn Chief Judge Ninfo's decisions as to

whether there is a valid claim and whether he should have recused himself. In addition, although it was difficult to determine the precise nature of the arguments advanced, I have considered them all and find that none warrant relief and none require vacating or reversing Chief Judge Ninfo's Decision and Order of April 4, 2005.

CONCLUSION

The Decision and Order of United States Chief Bankruptcy Judge John C. Ninfo, II, entered April 4, 2005, is in all respects affirmed.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
August 21, 2006.

(as of April 17, 2007)

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Letter:page number

in <http://Judicial-Discipline-Reform.org/>

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In re Premier Van et al., docket 03-5023, CA2 C:422
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cf. briefhttp://Judicial-Discipline-Reform.org/DeLano_record/brief_DeLano_CA2.pdf

II. RETRIEVAL **Bank of Hyperlinks**

JDR’s call for a Watergate-like *Follow the money!* investigation into a bankruptcy fraud scheme supported by coordinated judicial wrongdoing:

[C:1/E:1](#); [C:271](#); [C:441](#); [C:551](#); [C:711](#); [C:821](#); [C:981](#); [C:1081](#); [C:1285](#); [C:1331](#); [C:1611](#); [C:1741](#)

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DeLano: [D:1](#); [D:103](#); [D:203](#); [D:301](#); [D:425](#); [Add:509](#); [Add:711](#); [Add:911](#); [Pst:1171](#); [SApp:1501](#)

Transcript of the evidentiary hearing in *DeLano* held in Bankruptcy Court, WBNY, on March 1, 2005: [Tr](#)

Downloadable Bank of Hyperlinks

http://judicial-discipline-reform.org/Bank%20of%20Links.htm#Table_of_Exhibits.htm