

Excerpt from the "Tables of Exhibits", by Dr. Richard Cordero, Esq.  
<http://judicial-discipline-reform.org/ToeC.htm>

TOEC:42 §V.H. Comments in response to CA2 invitation for comments on reappointing J. Ninfo to 2nd bkr. term

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

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

25. Judge <b>Ninfo's order of October 28, 2003, denying</b> in all respects Dr. Cordero's motion for a <b>definite statement</b> .....	C:991
b) <b>List of hearings presided over by Judge Ninfo</b> in <i>Pfuntner v. Trustee Gordon et al</i> , docket no. 02-2230, and <i>In re David and Mary Ann DeLano</i> , docket no. 04-20280, WBNY, as of March 14, 2005 [updated to December 9, 2005] (cf. C:1278) .....	C:993
121. <b>Sample of Dr. Cordero's letters of March 18, 2005, to CA2 Judge James L. Oakes</b> and other judges of the Second Circuit Court of Appeals and Judicial Circuit <b>commenting against the reappointment</b> by the CA2 of Bankruptcy Judge <b>Ninfo</b> .....	C:995
a) Table of Exhibits .....	C:996
b) List of <b>judges to whom</b> Dr. Cordero sent his March 18 letters .....	C:997
122. Dr. <b>Cordero's supplement of August 3, 2005, to his March 17 comments against the reappointment</b> of Judge <b>Ninfo</b> , dealing with the refusal of the Judge's Bankruptcy Court Reporter, Mary Dianetti, to certify that her transcript of her own stenographic recording of the evidentiary hearing on March 1, 2005, would be accurate, complete, and untampered-with; and pointing to the incriminating content of the transcript that would reveal how at that hearing Judge Ninfo disallowed Dr. Cordero's claim in <i>DeLano</i> by becoming the on-the-bench advocate for 'Bankrupt' Mr. DeLano and by misusing the hearing as part of an artifice to eliminate Dr. Cordero from the case before he could prove the bankruptcy fraud scheme:	
a) Dr. <b>Cordero's cover letter of August 4, 2005, to Circuit Executive Milton</b> requesting that she submit the supplement and its exhibits to the CA2 and the Judicial Council so that they 1) consider in the reappointment process the evidence showing that the series of acts of Judge Ninfo and others in his court of disregard for the law, the rules, and the facts form a pattern of non-coincidental, intentional, and coordinated wrongdoing that supports a bankruptcy fraud scheme and 2) report it under 18 U.S.C. 3057(a) [C:405] to U.S. Attorney General Alberto Gonzales .....	C:998
b) List of <b>judges to whom</b> Dr. Cordero <b>sent</b> the August 3 supplement.....	C:999
c) <b>Sample of Dr. Cordero's letters of August 4 and 5, 2005, to CA2 Judge Barrington D. Parker</b> and other <b>judges</b> of the Second Circuit Court of Appeals and Judicial Council accompanying the supplement.....	C:1000
d) <b>Supplement of August 3, 2005, to the March 17 comments against the reappointment</b> of Judge <b>Ninfo</b> .....	C:1001

i) Table of Contents .....	C:1002
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123. Circuit Executive <b>Milton’s</b> letter of <b>August 5, 2005</b> , to Dr. Cordero <b>returning</b> his supplementing comments because “the Judges of the Court of Appeals considered all submissions which were filed timely within the public <b>comment period</b> . However, that period <b>expired</b> on March 30, 2005” .....	C:1024
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[**Comment:** That statement shows that CA2 and the Judicial Council consider of greater importance to maintain a deadline than to safeguard the integrity of the courts. To discharge their duty to pursue the latter objective, they could have treated comments submitted for a stated purpose as rather “information available to the chief judge of the circuit”, 28 U.S.C. §351(b), to be evaluated on its own merits in order to protect public trust in both the courts and their judges, or as that subsection puts it, to proceed “in the interests of the effective and expeditious administration of the business of the courts”. If appropriate, instead of refusing such information, they could have used it as the basis to “identify a complaint for the purposes of this chapter and thereby dispense with filing of a written complaint”, id.]

124. Dr. <b>Cordero’s 2<sup>nd</sup> supplement</b> of September 5, 2005, to his March 17 comments <b>against</b> the <b>reappointment</b> of Bankruptcy Judge <b>Ninfo</b> , bearing on the evidence that as part of a bankruptcy fraud scheme the Judge approved the debt repayment plan of ‘Bankrupt’ <b>Bank Officer DeLano, who has 39 years of experience in banking and bankruptcies</b> , despite documentary evidence that Trustee George Reiber had not conducted any investigation of Mr. DeLano and his wife and therefor, could not have cleared them of suspicion of bankruptcy fraud, which nevertheless the Trustee stated pro forma that he had:	
a) <b>Sample</b> of Dr. <b>Cordero’s</b> letters of <b>September 6, 2005</b> , to CA2 Judge Reena <b>Raggi</b> and other 2 <sup>nd</sup> Cir. <b>judges</b> stating that circumstantial and documentary evidence points to the participation of <b>Judge Ninfo</b> in a bankruptcy fraud scheme and warrants that he <b>not be reappointed</b> ; and requesting the judges to cause him to be investigated therefor by reporting under 18 U.S.C. 3057(a) [C:405] to <b>U.S. Attorney General</b> Alberto Gonzales the evidence provided.....	C:1025
b) List of <b>judges to whom</b> Dr. Cordero sent his 2 <sup>nd</sup> supplement of September 5, 2005.....	C:1026
c) 2 <sup>nd</sup> <b>Supplement</b> of <b>September 5, 2005</b> , to comments against the reappointment of Judge Ninfo .....	C:1027
i) Table of Contents .....	C:1028
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25. **Useful addresses** for the investigation of *In re DeLano*, no. 04-20280, WBNY, and *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY (see also T<sub>o</sub>E:C:107).....C:1051
26. Chapter 13 Trustee George **Reiber's** undated "Findings of Fact and Summary of 341 Hearing" together with: .....C:1052
  - (a) Undated and unsigned sheet titled "I/We filed Chapter 13 for one or more of the following reasons:".....C:1054
27. Judge **Ninfo's order of August 8, 2005**, instructing **M&T Bank** to **deduct \$293.08** biweekly **from** his employee, Debtor David **DeLano**, and **pay** it to Trustee **Reiber**.....C:1055
28. Judge **Ninfo's order of August 9, 2005**, **confirming** the DeLanos' Chapter 13 debt repayment **plan** upon considering their testimony and Trustee Reiber's Report at the confirmation hearing on July 25, 2005 [D:508d entry 134], and allowing without any trace of a written request even higher attorney's fees in the amount of \$18,005.....C:1056
29. Application of **July 7, 2005**, by Christopher K. Werner, Esq., **attorney for the DeLanos**, for **\$16,654** in **legal fees** for services rendered in DeLano.....C:1059
  - (a) Att. **Werner's itemized invoice of June 23, 2005**, for legal services rendered in *DeLano*.....C:1060

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

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

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

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

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

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

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

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

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