

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

06-4780-bk

Dr. Richard Cordero

Appellant and creditor

**MOTION**

**suggesting en banc consideration  
of the 3 denials of the motions for document production;  
and if denied, for the Court to disqualify itself  
due to conflict of interests and  
refer the case to the Attorney General  
under 18 U.S.C. §3057(a)**

v.

David DeLano and Mary Ann DeLano

Respondents and debtors in bankruptcy

from *Cordero v. DeLano*, 05-6190L, WDNY

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Creditor-Appellant Dr. Richard Cordero affirms under penalty of perjury as follows:

(Statement of facts excerpted from the motion; full motion at  
[http://Judicial-Discipline-Reform.org/Follow\\_money/motion\\_en\\_banc.pdf](http://Judicial-Discipline-Reform.org/Follow_money/motion_en_banc.pdf))

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- II. This Court has denied thrice *every single document* that it was requested to order debtors and trustees to produce, thus failing to get the facts to which to apply the law, which is a denial of due process, as is thereby covering up the debtors’ concealment of \$673,657 and its peers’ involvement in the bankruptcy fraud scheme, which the Court’s members have known about for years but tolerated with culpable indifference.....1957

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1. The motion for production of documents raised by Dr. Richard Cordero on December 19, 2006 was denied on January 24, 2007 (SApp:1623) and on February 1, 2007 (SApp:1634); and his motion for its reconsideration of February 15 (SApp:1637-1654) was denied on March 5, 2007 (SApp:1678). They are reproduced as exhibits below. (CA:1977/Table of Exhibits)
2. The hearing en banc of this motion is necessary to determine an issue whose importance exceeds the bounds of this case, that is, whether by denying thrice *every single document* that it was requested to order bankruptcy debtors and trustees to produce, this Court intentionally deprives itself of the source of facts to perform both its due process duty to apply the law to the facts of the concrete controversy that it must determine, and its supervisory duty to ensure the integrity of judicial process in this Circuit, and does so for the same purpose for which the

District and the Bankruptcy Courts below denied *every single document* requested, namely, to cover up its support or toleration of a bankruptcy fraud scheme and thus avoid being incriminated in coordinated judicial wrongdoing; whereby the Court has a conflict of interests between its due process duties and its self-preservation, which it must resolve either by ordering the production of the documents or by disqualifying itself and referring the case to the U.S. Attorney General for investigation under 18 U.S.C. §3057(a); whatever the Court does will have precedential value, for it will reveal its true attitude toward the rule of law as well as the moral character of its members, who took an oath to uphold it.

### **Part A. Factual Affidavit**

- I. Statement of facts showing a series of acts so consistently in favor of the insiders of the bankruptcy system and so blatantly in disregard of the rule of law as to constitute a pattern of intentional and coordinated wrongdoing to further a bankruptcy fraud scheme supported or tolerated by federal judges**
3. This statement of facts is founded on documentary evidence and an undisputed account of events. (CA:1725§VII, 1811) They show the following:
4. Appellee David DeLano commenced this case by filing together with Wife Mary Ann a petition for bankruptcy relief from their debts in January 2004 (D:23-60). He was at the time a 39-year veteran of the banking and financing industries and continued after the filing to work for M&T Bank precisely as a bankruptcy officer. He and Mrs. DeLano, a Xerox technician, declared in the Schedules A-J, the

Statement of Financial Affairs, and the Plan for Debt Repayment accompanying the petition (collectively referred to herein as the petition):

- a) that they had in cash and on account only \$535 (D:31/Sch.B), although they declared that their excess income after subtracting from their monthly income their monthly expenses was \$1,940 (D:45/Sch.J); and that in just the three fiscal years preceding their bankruptcy filing they had earned \$291,470 (D:47; 2001-03 1040 IRS forms at D:186-188). The whereabouts of their earnings are to date unknown because the DeLanos have been spared the duty to account for them as part of the cover up by the trustees and the judges.
- b) that they owed \$98,092 on 18 credit cards (D:38/Sch.F), while they valued their household goods at only \$2,810 (D:31/Sch.B), less than their \$3,880 excess income in only two months and less than even 1% of the \$291,470 that they had earned in the previous three years! Even couples in urban ghettos end up with goods in their homes of greater value after having accumulated them over their worklives of more than 30 years.
- c) that their only real property was their home, appraised two months before their filing at \$98,500, as to which their mortgage was still \$77,084 and their equity only \$21,416 (D:30/Sch.A)...after making mortgage payments for 30 years! and having received during that period at least \$382,187 through a string of eight known mortgages! (D:341-354) *Mind-boggling!* For each of

those mortgages they had to pay closing costs. For example, just for the last known mortgage they had to pay \$3,444 (D:351, 354/1400 & 1602) Would this Court want to be known as the one that believed that a career banker and bankruptcy officer would waste on closing costs for eight mortgages more money than the equity he ended up with in his only declared real property? If not, this Court must find out where the proceeds of the eight mortgages went and where they are now; otherwise, it aids and abets the bankruptcy fraud scheme and its cover up by the its peers below and the trustees.

5. This 39-year veteran banker and his wife were assisted in their filing by Christopher K. Werner, Esq., a lawyer for 28 years and partner in his firm, who according to PACER had appeared in 525 cases before Bankruptcy Judge John C. Ninfo, II, the judge at WBNY assigned to the case, one of the 3,907 *open* cases that according to PACER Chapter 13 Trustee George M. Reiber had likewise brought before Judge Ninfo. Thus, with the assistance of these insiders of the bankruptcy system, the DeLanos sought to offload 78% of their debts (D:59) in preparation for traveling light into their golden retirement.
6. With overconfidence born of a long-standing practice, the DeLanos felt that they could make such incongruous, implausible, and suspicious declarations in the schedules and that neither the insiders would discharge their duty nor the creditors exercise their right to require that bankrupts prove their petition's good faith by

providing supporting documents. Moreover, they had spread their debts thin enough among their 20 institutional creditors to ensure that the latter would find a write-off more cost-effective than litigation to challenge the bankruptcy petition. So they assumed that the sole individual creditor, Dr. Cordero, who in addition lives hundreds of miles from the court, would not be willing or able to afford to challenge their good faith either (CA:1729§1), particularly since they had been the ones who took the initiative to include him among their creditors (D:40).

7. Hence, the DeLanos were expecting a pro forma meeting of creditors (11 U.S.C. §341; D:23) at which no creditor would show up so that Trustee Reiber would merely rubberstamp their debt repayment plan and get it ready for confirmation later that afternoon by Judge Ninfo. So much so that in violation of his duty under C.F.R. §58.6(a)(10) to conduct the meeting personally, Trustee Reiber had his attorney, James W. Weidman, Esq., conduct it right there in a room of the office of his supervisor, Assistant U.S. Trustee Kathleen Dunivin Schmitt. She knew and tolerated that violation...and how many others?

8. In fact, none of the 21 creditors showed up, except for Dr. Cordero. (D:68, 69) Hardly had he finished identifying himself and handing in a copy of his written objections to the confirmation of the DeLanos' plan (D:63), when Att. Weidman unjustifiably asked him whether and, if so, how much he knew about the DeLanos' having committed fraud. Dr. Cordero would not reveal what he knew.

Rather than risk allowing the DeLanos to incriminate themselves or commit perjury while being examined under oath, as §343 requires, and having their answers officially recorded on tape, Mr. Weidman protected them by putting an end to the meeting after Dr. Cordero had asked only two questions! (D:79§§I-III; Add:889§II) That afternoon at the confirmation hearing before Judge Ninfo, Trustee Reiber ratified Mr. Weidman's conduct. Dr. Cordero objected thereto, but the Judge excused them as merely engaging in "local practice", thus disregarding the requirements of law of the land of Congress. (D:98§II; SApp:1659 4<sup>th</sup> para. et seq.; D:362§2; Add:891§III)

9. This blatant conduct revealed coordination. Its purpose was twofold: First, to protect the DeLanos from being exposed as bankruptcy fraudsters or becoming perjurers, and second, to protect others from being incriminated by them (D:379§3), for all of them were in on it: They were participants in a bankruptcy fraud scheme. (D:458§V; Add:621§1) This incident so convincingly revealed the scheme's existence and its participants' coordination because Dr. Cordero's attendance at the meeting was totally unexpected, not to mention the litigation that followed. (D:54/5.d) Caught by surprise, they had to scramble to improvise and in so doing, blew their cover and unwittingly confirmed the suspicion raised by the incongruous and implausible bankruptcy petition.

10. From then on, Dr. Cordero kept insisting that Trustees Reiber and Schmitt

comply with their duty under 11 U.S.C. §704(4) and (7) to investigate the DeLanos and obtain the documents supporting their declarations in the petition. Yet Trustee Reiber, who is supposed to represent the creditors' interests (D:79§1), and Trustee Schmitt (84§IV), tried to prevent Dr. Cordero from even meeting with the DeLanos (D:74, 111, 112, 141).

11. For six months, the DeLanos and Trustee Reiber treated Dr. Cordero as a creditor as they tried to wear him down, with neither the Trustee investigating them nor they producing but a trickle of documents. Even documents as obviously pertinent to prove the good or bad faith of any debtors' petition as their bank account statements were never produced. The few made available (D:165-188) Dr. Cordero analyzed in light of the petition. In a written statement, he showed that the DeLanos had committed bankruptcy fraud through concealment of assets, a violation of 18 U.S.C. §152(1). He filed his statement with Judge Ninfo in July 2004. (D:193)

12. Only then did the DeLanos move to disallow his claim. (D:218) Yet, that was the claim that *they* had included in their petition (D:40) and that Mr. DeLano had known as a third party claim for almost two years (D:142, 259) in the context of another case before Judge Ninfo, *Pfuntner v. Trustee Kenneth Gordon et al.*, 02-2230, WBNY (CA:1977/Table of Cases, below), in which he and Dr. Cordero were defendants and from which an appeal was taken to this Court, where it was filed on

May 2, 2003, sub nom. *In re Premier Van et al.*, 03-5023, CA2. (id.; Add:592§IV)

13. Judge Ninfo ordered an evidentiary hearing for the DeLanos' motion to disallow (D:279, 332). In preparation for it, Dr. Cordero requested documents (D:287), only for the DeLanos (D:313, 314) and the Judge (D:317, 325, 327; Transcript=Tr:188/7-189/21) to deny him *every single document*. Then Judge Ninfo eliminated Dr. Cordero from the case in a sham evidentiary hearing by disallowing his claim against Mr. DeLano after expressly and arbitrarily disregarding the latter's testimony that he, as a bankruptcy officer protecting from further loss M&T Bank's security interest in the storage containers bought with a loan by its bankrupt client, Premier Van Lines, had mishandled the disposal of such containers and misrepresented to Dr. Cordero the whereabouts of those holding his stored property, thus causing him compensable harm. (Pst:1281§d; CA:1732§2)
14. This sham evidentiary hearing showed that the motion to disallow had been an artifice to prevent Dr. Cordero from obtaining the documents proving that the DeLanos' had concealed assets through their coordination with the trustees, the judges, and other court officers in a bankruptcy fraud scheme. To compound it, they have intentionally tried to deceive the appellate courts by pretending that what was held was a trial (D:5, 14 1<sup>st</sup>¶; SApp:1503 2<sup>nd</sup>¶; Pst:1376; CA:1813 1<sup>st</sup>¶) although they know it was the evidentiary hearing of the disallowance motion for the purpose of conducting discovery and introducing evidence (D:4 2<sup>nd</sup>¶; Tr:1<sup>st</sup>

page, 3/3-4, 72/12-13, 85/17-23, 87/9-14, 88/19-22, 119/15, 123/19-21, 124/24-125/3, 131/20-24, 132/5-8, 136/14-23, 146/8-18, 151/9-18, 166/23-24, 180/5-8, 22-23; Pst:1290§g). Hence, despite their bad faith faulting of Dr. Cordero for not submitting a “Pretrial Memorandum of Law”, none was required by any rule, or requested by Judge Ninfo, or submitted by the DeLanos. (Pst:1292§h)

15. For his part, District Judge David G. Larimer also denied Dr. Cordero *every single document* that he requested. (Add:951, 1022) Yet, those documents were directly relevant to the issues on appeal, inter alia, whether the DeLanos’ petition was fraudulent and part of the scheme, whereby it was a nullity, incapable of discharging their debts, and whether the DeLanos had raised, and Judge Ninfo granted, the motion to disallow the claim of Dr. Cordero to eliminate him before he could obtain evidence incriminating them in the scheme. (Add:690, 691) Through his denial, Judge Larimer covered up the scheme and validated the DeLanos’ process-abusive artifice of the motion and Peer Ninfo’s sham evidentiary hearing where it was granted.

16. This explains why Judge Larimer attempted to deprive Dr. Cordero of the evidentiary hearing transcript: It shows Judge Ninfo performing as the biased Advocate in Chief for the DeLanos rather than a neutral arbiter between litigants (Pst:1288§e, 1292§h), even allowing that while Dr. Cordero was examining Mr. DeLano on the stand the latter’s attorneys signaled answers to him on three occasions!

(Pst:1289§f) One of them, Michael Beyma, Esq., is a partner in the same law firm of which Judge Ninfo was a partner at the time of taking the bench. (Add 636)

17. To suppress such an incriminating transcript, Judge Larimer repeatedly violated FRBkrP 8006 and 8007 (SApp:1686) by scheduling Dr. Cordero's appellate brief before Bankruptcy Court Reporter Mary Dianetti had even responded to his request for the transcript. (Add:681, 686, 692, 695, 831, 836, 839) She did not file the transcript until seven months later! (Add:1071; CA:1735§B), one of dismal quality (Pst:1266¶26) that begs the question whether she had expected since before the evidentiary hearing not to have to file any transcript at all (Add:911).
18. Then Judge Larimer cobbled together a conclusory decision in which he did not even acknowledge the issues presented by Dr. Cordero, made not a single reference to his brief to the point of not mentioning once the terms 'fraud' or 'fraudulent', and indulged in the astonishingly dumb circular logic that for the reasons stated by Judge Ninfo there was no reason to overturn Judge Ninfo's decision! (SApp:1503; CA:1752§3)
19. By not even reading the brief of Dr. Cordero, let alone the transcript, denying *every single document* requested, and deciding the appeal in self-interest to protect his coordination with Judge Ninfo in the bankruptcy fraud scheme, Judge Larimer denied Dr. Cordero a hearing and thus due process of law. If one of your law clerks wrote for you a memo of the substandard quality of any of Judge

Larimer's decisions (Add:692, 831, 839, 991, 1019, 1021, 1092, 1155, 1214; SApp:1550), would you keep or fire him or her on the spot?

20. Revealing how unavoidably incriminating are the documents requested by Dr. Cordero, to oppose their production, including that of their bank account statements, the DeLanos, with Trustee Reiber's recommendation (Add:871-875, 937-938; Pst:1175) and Judge Ninfo's approval (Add:942), were allowed to pay their attorneys legal fees in the amount of \$27,953. Since then and rather than produce those documents, they still "continue to incur attorneys' fees" (SApp:1628¶¶4, 10, 1645§1, 1814 lines 1-2, 1824 2<sup>nd</sup>¶; CA:1924§V). Would their attorneys have provided them with \$27,953 worth of legal services and 'continue to do so' if they believed the declaration of the DeLanos, let alone knew it to be "true and correct" (D:28) as preparers and certifiers of their petition (D:54/a-b) "after an inquiry reasonable under the circumstances" (FRBkrP 9011(b)), that they only had \$535 in cash and on account (D:31)?
21. The DeLanos' starvation-bordering declaration cannot be believed by an impartial person with common sense who dutifully exercises it to evaluate the evidence of the documents available and the conduct of the parties. That evidence undeniably shows that the DeLanos' declared income of \$291,470 and their receipt of \$382,187 through a string of eight known mortgages still remain unaccounted for: concealed known assets worth at least \$673,657! (SApp:1654, below)

## **[Part B. Memorandum of Law**

is downloadable from

[http://Judicial-Discipline-Reform.org/Follow\\_money/motion\\_en\\_banc.pdf](http://Judicial-Discipline-Reform.org/Follow_money/motion_en_banc.pdf) ]

### **V. Conclusion and requested relief**

55. The lower courts' denial of *every single document* requested by Dr. Cordero was not harmless error in disposing of discovery motions. By denying them, they caused the actual and substantial harm of depriving him of standing in *DeLano* and of his right to have his claim allowed and satisfied by the DeLanos (D:20§IV) as well as of impairing his rights in *Pfuntner* (D:441; Pst:1291¶82), just as they deprived all the other creditors of their right to full payment of their claims. Far from being harmless, their denial prevented those documents from exposing the DeLanos as fraudsters and the bankruptcy fraud scheme, so that the latter's continued existence will go on harming the public, who must bear the externalities of bankruptcy fraud (D:93¶¶75-77, 458§V); similarly, the scheme-enabling coordinated wrongdoing will continue to undermine the integrity of judicial process. *Hughes v. City of Albany*, (No. 98-2665) 1999 U.S. App. LEXIS 15072, 1999 U.S. App. LEXIS 28851 (2d Cir., 1999) (stating that this Court reviews discovery decisions for abuse of discretion, and will overturn discovery decisions "when the action taken was improvident and affected the substantial rights of the parties".)
56. Nor did the lower courts merely abuse their discretion, even though their document denial entailed their disregard of the requirements of bankruptcy law aimed at pre-

venting fraud; found no evidentiary support in the **record**, but instead negated even a common sense analysis of the **facts** in the DeLanos' own bankruptcy petition (CA: on page 1947¶¶4-6, above); and was **arbitrary** because based not on legal reasoning, but rather on their bias toward the participants, and against an outsider incriminating them, in a bankruptcy fraud scheme. *Haworth, Inc. v. Herman Miller, Inc.*, (dkt. 92-1569) 998 F.2d 975; 1993 U.S. App. LEXIS 17442 (7<sup>th</sup> Cir. 1993) (setting forth the criteria for reviewing orders refusing to compel discovery under an abuse of discretion standard). What the judicial participants in the scheme did was aid and abet a crime, that of bankruptcy fraud, i.e. they supported or tolerated the DeLanos' concealment of at least \$673,657. (SApp:1654, below)

57. Consequently, their denial of *every single document* cannot be remedied as an error by just remanding the case with the instruction that the judges below grant the discovery motions. And then what? Does this Court expect that if its peers below are given a second chance to correct their wrong by having the documents produced they will then do the right thing, even if that means finding that the DeLanos concealed assets, whereby they will incriminate themselves in having supported or tolerated bankruptcy fraud, a crime so serious that it carries a term of imprisonment of up to 20 years and a fine of up to \$500,000? How obviously counterintuitive and illusory!

58. Hence, if this Court remands, it will be sending Dr. Cordero back into the hands of

the same courts that for the last six years, since before *Pfuntner* (Add:592§§A-B), have engaged in coordinated wrongdoing with disregard for the law, its process, and his rights as well as the public's; and what it can only expect to happen is what any reasonable person who knows the facts will expect: Those courts will pick up where they left off wearing Dr. Cordero down, and causing him even greater waste of effort, time, and money, and inflict upon him more acutely injurious emotional distress. To remand will be an intentional act by this Court to achieve self-preservation by proxy, through those lower court's continued cover up of their common support or toleration of a bankruptcy fraud scheme. *Hughes v. City of Albany*, (No. 98-2665) 1999 U.S. App. LEXIS 15072, 1999 U.S. App. LEXIS 28851 (2d Cir., 1999) (stating that judicial rulings "constitute a basis for recusal [when] they indicate that the judge has a deep-seated favoritism or antagonism that would make fair judgment impossible.") Remand will be a travesty of justice, ensuring that through denial of due process injustice is done. (cf. Add:598§C)

59. Therefore, Dr. Cordero respectfully requests that the Court en banc perform both its due process duty to apply the law after securing the facts of the case before it and its supervisory duty to ensure the integrity of judicial process in the courts below, and to that end:

- a) order the production to the Court and the parties of all documents necessary to determine all the facts in both *DeLano* and *Pfuntner* (Add:863§V; CA:1918

¶¶37-39); and to begin with, issue the proposed order of production accompanying Dr. Cordero's principal and reply briefs and clipped to this motion;

b) after production of all necessary documents, allow the parties time to file supplemental briefs;

c) if production of documents is denied:

1) declare null and void as tainted by partiality and official wrongdoing all decisions in *DeLano* and *Pfuntner*, including the cases in their procedural history under this Court's jurisdiction (CA:1977/Table of Cases, below)

2) refer both cases under 18 U.S.C. §3057(a) to U.S. Attorney General Alberto Gonzales for investigation by U.S. attorneys and FBI agents who have had no relation with colleagues assigned to their respective offices in Rochester or Buffalo, NY, and that are unrelated to any of the persons that might come under investigation;

3) disqualify itself from both cases.

d) In the alternative, far from remanding this case and Dr. Cordero to the wrongdoing courts below for more of their abuse of due process and him, cause the issue under 28 U.S.C. §294(d) of a certificate of necessity for the designation and assignment from the roster of senior judges of a retired judge from a circuit other than the Second Circuit (cf. 28 U.S.C. §152(b)), who is known for his or

her integrity and independence and is unrelated to any of the members of this Court or to the officers and parties in either *Pfuntner* or *DeLano*, to conduct a trial by jury of both cases in the U.S. District Court in Albany, NY.

- e) Provide Dr. Cordero with all other relief that is just and proper, including the relief requested in his principal and reply briefs.

Respectfully submitted on:

July 18, 2007

59 Crescent Street  
Brooklyn, NY 11208

*Dr. Richard Cordero*

Dr. Richard Cordero  
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## Table of Exhibits

**of the motion suggesting en banc consideration  
of the three denials of the motions for document production;  
and if denied, for the Court to disqualify itself due to conflict of interests and  
refer *DeLano & Pfuntner* to the U.S. Attorney General under 18 U.S.C. §3057(a)**

1. Table of Cases in the Procedural History of *Pfuntner* and *DeLano* .....CA:1977
2. Table of Notices given since May 5, 2003 to the 2nd Circuit Court of Appeals and Judicial Council, the Circuit Judges, and others of Evidence of a Bankruptcy Fraud Scheme.....CA:1978
3. Links to Access the Files Containing the References .....CA:1980
4. Dr. Cordero’s motion of December 19, 2006, for production of documents necessary for the Court to determine this case and afford due process of law; **Court’s order of January 24, 2007, denying the motion** .... SApp:1623
5. Dr. Cordero’s motion of January 18, 2007, for suspension or extension of brief-filing deadline if by January 31, 2007 pending motions have not been decided; **Court’s order of February 1, 2007, denying the motion**..... SApp:1634
6. Dr. Cordero’s motion of February 15, 2007, for reconsideration of motions, for production by Debtors of financial documents and by trustees of transcripts, and for disregard of the untimely and informal opposition to undetermined “issues or documents” ..... SApp:1637
7. Court’s order of March 5, 2007, denying the motion for reconsideration .... SApp:1678
8. Proposed discovery order.....CA:1777
9. Dr. Cordero’s opening brief in *In re Premier Van et al.*, 03-5023, CA2.....A:1301; CA:2001

### Cases in the Procedural History of *Pfuntner* and *DeLano*

	Case name	Filing date	Closing date or status	Docket no.	Court	File:pg.# of brief	of docket
1.	<i>In re Premier Van Lines</i> (Ch. 7 bkr.)	3/5/1	10/24/3	01-20692	WBNY	cf. A:72§1	A:565
2.	<i>Pfuntner v. Trustee Gordon et al.</i> (AdvP)	9/27/2	pending	02-2230	WBNY	Add:712, 771, 785	Add:531
3.	<i>Cordero v. Trustee Gordon</i>	1/15/3	3/27/3	03cv6021L	WDNY	A:158	A:458
4.	<i>Cordero v. Palmer</i>	2/4/3	3/27/3	03mbk6001	WDNY	A:314	A:462, but see ToEA:156>A:462b
5.	<i>In re Premier Van et al.</i>	5/2/3	1/26/5dism’d	03-5023	CA2	A:1301; CA:2001	A:1285
6.	<i>In re Richard Cordero</i> (mandamus)	9/12/3	denied 10/8/3	03-3088	CA2	A:615	A:665g
7.	<i>Misconduct complaint v. Bkr. J. Ninfo, WBNY</i>	9/2/3	6/8/4 dism’d	03-8547	CA2	C:1, 63; E:1	ToEC §§A,D
8.	<i>Misconduct complaint v. Chief J. Walker, CA2</i>	3/30/4	9/24/4dism’d	04-8510	CA2	SApp:1659	ToEC: §§B,F
9.	<i>Cordero v. Trustee Gordon et al.</i>	1/27/5	cert. denied	04-8371	SCt	Add:556	A:2229
10.	<i>In re David &amp; Mary Ann DeLano</i> (Ch. 13 bkr.)	1/27/4	on appeal	04-20280	WBNY	D:23; Pst:1231	D:496
11.	<i>Cordero v. DeLano</i>	4/22/5	on appeal	05cv6190L	WDNY	Pst:1231	Pst:1181
12.	<i>Dr. Richard Cordero v. David &amp; Mary DeLano</i>	10/16/6	pending	06-4780	CA2	CA:1700	SApp:1690

**Table of Notices**  
**given since May 5, 2003**  
**to the 2nd Circuit Court of Appeals and Judicial Council,**  
**the Circuit Judges, and others**  
**of Evidence of a Bankruptcy Fraud Scheme**  
**in the Bankruptcy and District Courts, WDNY**  
  
by  
Dr. Richard Cordero

**I. Appeal of *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY (A:1551), sub nom. *In Premier Van et al.*, no. 03-5023, CA2; filed on May 2, 2003 (A:464)**

- A. Statement of Issues to be Presented on Appeal, of May 5, 2003 (A:468, 593)
- B. Main brief (A:1301)
- C. Writ for mandamus *In re Richard Cordero*, no. 03-3088, CA2, of September 12, 2003 (A:615)
- D. Motion to quash the order of Judge Ninfo of August 30, 2004, to sever a claim from *In re Premier Van et al.*, in order to try it in the bankruptcy case *In re DeLano*, no. 04-20280, WBNY, thus making a mockery of the appellate process, of September 9, 2004 (Add:D:440)
- E. Motion for leave to file an updating supplement of evidence of bias in Judge Ninfo's denial of Dr. Cordero's request for a trial by jury, of November 3, 2003 (D:425; A:801)
- F. Petition to CA2 for panel rehearing and hearing en banc, of March 10, 2004 (A:885)

**II. Judicial misconduct complaint against Judge Ninfo, no. 03-8547, CA2:**

- A. of September 2, 2003 (A:971)
- B. letters to the members of the Judicial Council of:
  - i. February 11 and 13, 2004 (A:990, 991)
  - ii. March 22, 2004 (C:141)
  - iii. July 30, 2004 (C:652, 653)
- C. appeal of the dismissal to the Judicial Council, of July 13, 2004 (C:551)

**III. Judicial misconduct complaint against Former Chief Judge John M. Walker, Jr., no. 04-8510, CA2:**

- A. of March 19 2004 (C:271)

- B. letter to the then next chief Judge Dennis Jacobs, of March 24, 2004 (C:316)
- C. letter to Circuit Judge Robert Sack, of March 25, 2004 (C:319)
- D. appeal of its dismissal to the Judicial Council, of October 4, 2004 (C:711)
- E. letter to the members of the Council, of October 14, 2004 (C:717)
- F. letter to each member of the Council requesting that each make a report under 28 U.S.C. §3057(a) (C:405) to the Acting U.S. Attorney General that an investigation should be had in connection with offenses against U.S. bankruptcy laws (C:785)

**IV. Appeal of both misconduct complaints to the Judicial Conference of the United States:**

- A. letter to Circuit Justice Ruth Ginsburg, of November 26, 2004 (C:855)
- B. letter to Circuit Judge Ralph K. Winter, Chair of the Committee to Review Circuit Council Conduct and Disability Orders:
  - i. of January 8, 2005 (C:877)
  - ii. of February 7, 2005 (C:890)
  - iii. of March 24, 2005 (C:935)
  - iv. of March 25, 2005 (C:936)

**V. Comments in response to CA2's invitation for public comments on the reappointment of Judge Ninfo to a second term as bankruptcy judge:**

- A. of March 17, 2005 (C:982)
- B. of August 4, 2005 (C:1001)
- C. of September 5, 2005 (C:1027)
- D. letter to each of the members of the CA2 and of the Judicial Council:
  - i. of March 18, 2005 (C:995-997)
  - ii. of August 4 and 5, 2005 (C:998-1000)
  - iii. of September 6, 2005 (C:1025-1026)

**VI. Request to the Judicial Council to abrogate WDNY Local Rule 5.1(h) and 83.5 (Add:633) that make it practically impossible to file a RICO claim and to record events that occur in the court and 'its environs':**

- A. to now Chief Judge Jacobs and members of the Judicial Council, of January 8, 2006 (C:1285-1286)
- B. to the Judicial Council, of January 7, 2006 (C:1291)

## Links to Access the Files Containing the References

Type the corresponding Internet address in the address bar of your Internet browser and replace the last segment –the file name- with the corresponding LETTERNUMBER-RANGE.pdf containing the number of the reference that you want to look up, i.e. for reference (CA:1725§VII): you end up with this: [http://Judicial-Discipline-Reform.org/DeLano\\_record/CA1700-2000.pdf](http://Judicial-Discipline-Reform.org/DeLano_record/CA1700-2000.pdf)

### I. **D:#, Add:#, Pst:., SApp:#, CA:# comprising pages 1-2000 of the *DeLano* cases**

[http://Judicial-Discipline-Reform.org/DeLano\\_record/LETTERNUMBER-RANGE.pdf](http://Judicial-Discipline-Reform.org/DeLano_record/LETTERNUMBER-RANGE.pdf)

[D1-102.pdf](#)     [D103-202.pdf](#)     [D203-300.pdf](#)     [D301-424.pdf](#)     [D425-508q.pdf](#)  
[Transcript.pdf](#)  
[Add509-710.pdf](#)     [Add711-910.pdf](#)     [Add911-1170.pdf](#)  
[Pst1171-1500.pdf](#)     [SApp1501-1699.pdf](#)     [CA1700-2000.pdf](#)

### II. **A:# comprising pages 1-2229 of the *Pfuntner* cases**

[http://Judicial-Discipline-Reform.org/Pfuntner\\_record/LETTERNUMBER-RANGE.pdf](http://Judicial-Discipline-Reform.org/Pfuntner_record/LETTERNUMBER-RANGE.pdf)

[A1-260.pdf](#)     [A261-352.pdf](#)     [A353-733.pdf](#)     [A734-1060.pdf](#)     [A1061-1300.pdf](#)  
[A1301-1600.pdf](#)     [A1601-1674.pdf](#)     [A1675-1764.pdf](#)     [A1765-2229.pdf](#)

### III. **C:# and E:# comprising pages 1-1823 of the *Tables of Exhibits of the Misconduct Complaints***

[http://Judicial-Discipline-Reform.org/ToE\\_C/LETTERNUMBER-RANGE.pdf](http://Judicial-Discipline-Reform.org/ToE_C/LETTERNUMBER-RANGE.pdf)

[C1-270.pdf](#)     [C271-431.pdf](#)     [C441-540.pdf](#)     [C551-701.pdf](#)     [C711-812.pdf](#)  
[C821-980y.pdf](#)     [C981-1080.pdf](#)     [C1081-1283.pdf](#)     [C1285-1330.pdf](#)  
[C1331-1604.pdf](#)     [C1611-1740.pdf](#)     [C1741-1824.pdf](#)  
[E1-60.pdf](#)     [E1-62\\_resubmitted.pdf](#)

## Certificate of Service

*In re Dr. Richard Cordero v. David and Mary Ann DeLano, dkt. no. 06-4780-bk, CA2*

I, Dr. Richard Cordero, certify that I mailed or e-mailed to the parties listed below a copy of my motion of July 18, 2007, for CA2 to consider en banc my motion for document production and, if denied, to disqualify itself due to conflict of interests and refer the case to the Attorney General under 18 USC §3057(a).

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