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October 1, 2002

Hon. John C. Ninfo, II  
U.S. Bankruptcy Justice  
100 State Street  
Rochester, New York 14614

Re: Premier Van Lines, Inc.  
Case No.: 01-20692  
Chapter 7

Dear Judge Ninfo:

Please accept this letter as my response to the application made by Richard Cordero dated September 27, 2002 in the above-referenced matter in which he seeks my removal as Trustee. This converted Chapter 11 filing involves a corporation which provided both moving and storage services for its customers. Since conversion of this case to Chapter 7, I have undertaken significant efforts to identify assets to be liquidated for the benefit of creditors. Unfortunately, I have discovered that the assets of the corporation which remained upon conversion are insubstantial or otherwise liened in amounts exceeding the value of the assets. Accordingly, I am in the process of abandoning the remainder of the assets of the corporation and will shortly be filing a No Distribution Report.


Richard Cordero is apparently a former customer of Premier Van Lines whose possessions were stored by the company. It has been my position consistently since my appointment as Trustee in this case that the property owned by customers of Premier Van Lines and stored by it was not property of the bankruptcy estate for administration. Moreover, as the Court is aware, I have not sought to operate the corporation under Chapter 7. Accordingly, I have instructed my staff to advise former customers of Premier Van Lines that items stored with Premier Van Lines were not property of the bankruptcy estate, were not to be administered by me and could be accessed by contacting either the landlord from whom Premier Van Lines rented its facilities or the attorney's for M&T Bank who held a lien on the assets of Premier Van Lines. Mr. Cordero was so advised when he contacted my office in the early spring of 2002. In fact, my staff has received more than 20 telephone calls from Mr. Cordero and my staff has advised me that he has been belligerent in his conversations with them. I spoke myself with Mr. Cordero on at least one occasion to reemphasize

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the fact that I did not have possession nor control of his assets and that he would need to seek recovery through the landlord or M&T's attorneys. I wrote to the landlord of the Jefferson Road facility in April of 2002 and later provided a copy of that letter to Mr. Cordero. Copies of my letters dated April 16, 2002 and June 10, 2002 are enclosed herewith. Mr. Cordero continued to contact my office throughout the summer of 2002 and in the face of my staff's consistent message to him that we did not control nor have possession of his assets, he became more demanding and demeaning to my staff. After a final telephone call from Mr. Cordero on September 23, 2002 during which time he became very angry at my staff, I wrote to Mr. Cordero again to advise him of my position with respect to his assets and to insist he no longer contact my office regarding reacquisition of his assets. A copy of my September 23, 2002 letter is also enclosed herewith.

I have tried to explain to Mr. Cordero that I am not his attorney and that he should seek his own legal representation if he is having difficulty reacquiring his assets. Apparently, he has chosen not to seek his own legal counsel. I believe he either fails or refuses to understand the limited role that I play as Trustee in a Chapter 7 proceeding and that poor understanding has given rise to his current application. As I will soon be issuing a No Distribution Report, this case will be closed and my duties as Trustee will come to an end. Accordingly, I do not believe that it is necessary for the Court to take any action on Mr. Cordero's application. However, should the Court desire to calendar this matter, please let me know so that I may appear in Court and answer any questions that the Court may have regarding this matter.

Respectfully submitted,



Kenneth W. Gordon  
Chapter 7 Trustee

KWG/brs  
Enclosure

pc: Kathleen Dunivin Schmitt, Esq.  
Richard Cordero ✓  
David MacKnight, Esq.  
Michael Beyma, Esq.  
Ray Stilwell, Esq.