

**Dr. Richard Cordero, Esq.**

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

October 14, 2002

Hon. Judge John C. Ninfo, II  
United States Bankruptcy Court  
1220 US Court House  
100 State Street  
Rochester, NY 14614

Re: Premier Van Lines, bankruptcy case number 01-20692, Chapter 7; and case no. 02-2230

Dear Judge Ninfo,

Thank you for your letter of 8 instant acknowledging receipt of my letter to you of last September 27 and of your transmittal of it to Assistant U.S. Trustee Kathleen Dunivin Schmitt.

I have also received a copy of the reply that Trustee Kenneth Gordon sent you dated October 1, 2002. In that letter, Mr. Gordon makes allegations to refute the contents of my Statements of Facts with a view to moving the Court to take no action on my application. Hence, I am copying you to the Rejoinder that analyzes Trustee Gordon's allegations, which I submitted to Ms. Schmitt.

In this context, I respectfully draw your attention to section **II. Whether the Trustee's statements to Court & U.S. Trustee are true.** I believe that the Court will want to insure that submissions to it, particularly if made by an officer of the court, are truthful and comport with high ethical standards.

I would also like to note that through a copy of Trustee Gordon's answer in case no. 02-2230, I have learned that I am a named defendant in the lawsuit brought by the owner of the warehouse at Avon, namely, James Pfuntner, against the Trustee and others. However, I have not yet being served.

When Mr. Pfuntner and I spoke on the phone, he said that he wanted to receive storage fees from Premier clients with property in his warehouse. It is decidedly odd that he should want to receive a fee from me, not to mention sue me, without even stating in writing what property of mine is in his warehouse and in what condition. Thus, his lawyer, David MacKnight, Esq., at Lacy, Katzen, Ryen & Mittleman, has not only refused to take or return any of my calls, but has also failed to answer either my letter of August 26 or October 7, 2002, in which I requested information about my property and its condition.

I look forward to hearing from you and remain,

yours sincerely,

*Dr. Richard Cordero*

cc. Assistant U.S. Trustee Kathleen Dunivin Schmitt  
Trustee Kenneth Gordon, Esq.

**Dr. Richard Cordero, Esq.**

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COPY

August 26, 2002

Att: Thomas: kindly acknowledge receipt at (718) 827-9521.

David MacKnight, Esq.  
Lacy & Katzen  
130 East Main Street  
Rochester, NY 14604

fax 585-454-6525; tel. 585-454-5650

Dear Mr. MacKnight,

I have been referred to you by Mr. Michael J. Beyma, attorney for Manufacturers & Traders Trust Bank (M&T) who copied you to his letter to me of last August 15. Mr. Beyma indicated that you represent Mr. James Pfuntner, landlord of the Avon warehouse at 2140 Sackett Road in Avon, where two "Pyramid" storage cabinets are located which contain property of mine that I entrusted for storage to the now bankrupt Premier Van Lines.

I would like to remove my property. Hence, I would like to make arrangements with your client for access to the warehouse. The removal would be carried out by either Champion Moving & Storage or a similar company. I understand that Champion bought from M&T these two cabinets as well as those of other people similarly situated as part of a batch of storage containers and other assets owned by Premier and that Champion has the right to remove them to its own warehouse. Presently, I am only interested in the storage containers holding my property. Therefore, I would like to know the following:

1. whether in addition to these two "Pyramid" storage cabinets there are any other storage containers holding property of mine at the Sackett Road warehouse or elsewhere known to Mr. Pfuntner;
2. what the dimensions, material, and condition of any such cabinets and containers are which hold property of mine;
3. whether and, if so, when I, Champion, and/or any similar company can have access to the Sackett Road warehouse to inspect the condition of such cabinets and containers and remove them as appropriate;
4. if such cabinets or containers cannot themselves be taken away from the Sackett Road warehouse, why that is so, and what it would take to be able to remove them together with my property;
5. if the cabinets or containers cannot be removed, how access to them can be arranged in order to remove only my property;
6. regardless of whether it may be to remove such cabinets and containers or just my property in them, whether a forklift or similar machine would be necessary and, if so, whether there is such forklift or machine at the Sackett Road warehouse that can be used for that purpose and, if so, under what terms.

I thank you in advance for your attention to this matter and would appreciate any other piece of pertinent information.

Yours sincerely,

*Dr. Richard Cordero*

cc: Michael J. Beyma, Esq.  
Kenneth Gordon, Esq.  
Christopher Carter, Champion Moving & Storage

**Dr. Richard Cordero, Esq.**

Ph.D., University of Cambridge, England  
M.B.A., University of Michigan Business School  
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COPY

October 7, 2002

Please acknowledge receipt at (718) 827-9521.

David MacKnight, Esq.  
Lacy, Katzen, Ryen & Mittleman  
130 East Main Street  
Rochester, NY 14604

fax 585-454-6525; tel. 585-454-5650

Dear Mr. MacKnight,

Despite your letter of last September 19, I have not yet received from either you or your client, Mr. James Pfuntner, any information concerning my property that the now bankrupt Premier Van Lines stored in your client's warehouse at 2140 Sackett Road in Avon. Therefore, I request that you provide the information that I already requested in my letter to you of August 26, as restated below, to which you never replied.

As indicated before, Mr. Michael J. Beyma, attorney at Underberg & Kessler for Manufacturers & Traders Trust Bank (M&T), copied you to his letter to me of last August 15. Therein Mr. Beyma stated that "Pyramid" storage cabinets containing property of mine are in your client's warehouse at 2140 Sackett Road. I want to make arrangements with your client for access to his warehouse and removal of my property. Therefore, I would like to know the following:

1. whether in addition to those "Pyramid" storage cabinets there are any other storage containers holding property of mine at the Sackett Road warehouse or elsewhere known to Mr. Pfunter;
2. how many of any such cabinets and containers are there which hold property of mine and what are their dimensions, material, and condition;
3. whether and, if so, when I and/or a moving company can have access to the Sackett Road warehouse to inspect the condition of such cabinets and containers and remove them if appropriate;
4. if such cabinets or containers cannot themselves be taken away from the Sackett Road warehouse, why that is so, and what it would take to be able to remove them together with my property;
5. if the cabinets or containers cannot be removed, how access to them can be arranged in order to remove only my property;
6. regardless of whether it may be to remove such cabinets and containers or just my property in them, whether a forklift or similar machine would be necessary and, if so, whether there is such forklift or machine at the Sackett Road warehouse that can be used for that purpose and, if so, under what terms.

I trust that this time you will be kind enough to provide me with this and any other piece of pertinent information. If I do not receive that information by next Saturday, October 12, I will make every effort to obtain it from your client directly, who also promised to give me that information but then failed to do so.

Yours sincerely,

*Dr. Richard Cordero*

# Lacy, Katzen, Ryen & Mittleman, LLP

LOUIS A. RYEN  
RONALD A. MITTLEMAN  
MICHAEL S. SCHNITTMAN  
PETER T. RODGERS  
SALLY A. SMITH\*  
KAREN SCHAEFER  
RICHARD G. CURTIS  
LAWRENCE J. SCHWIND  
DAVID E. ANDERSON  
CRAIG R. WELCH  
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LARA R. BADAIN  
SUZANNE L. AMICO  
KEVIN MORABITO  
DANIEL S. BRYSON  
LISA C. ARRINGTON<sup>o</sup>

ALSO ADMITTED IN:  
\* ILLINOIS  
\* NEW JERSEY  
<sup>o</sup> DISTRICT OF COLUMBIA

HERBERT W. LACY  
(1920 - 1989)

September 19, 2002

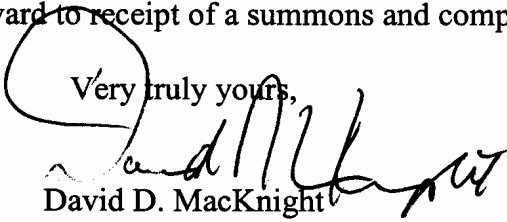
Dr. Richard Cordero  
59 Crescent Street  
Brooklyn, New York 11208-1515

Re: Stored Property

Dear Dr. Cordero:

I have drafted a complaint to determine the obligations and duties of the Trustee, M&T Bank, Mr. Pfunter and those claiming on interest in property stored in and around the Sackett Road warehouse. Please look forward to receipt of a summons and complaint.

Very truly yours,

  
David D. MacKnight

DDM/cc  
Cc: Trustee  
Michael Beyma, Esq.

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

In Re:

PREMIER VAN LINES, INC.,

Case No: 01-20692

Debtor

JAMES PFUNTER,

**TRUSTEE'S ANSWER**

Plaintiff,

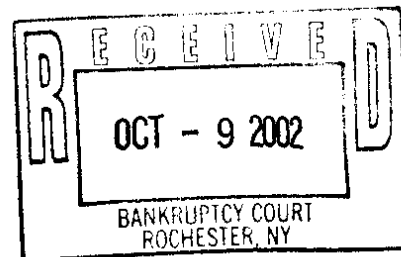
-vs-

Adversary Proceeding

Case No: 02-2230

KENNETH W. GORDON, as Trustee in Bankruptcy  
for Premier Van Lines, Inc., RICHARD CORDERO,  
ROCHESTER AMERICANS HOCKEY CLUB, INC.,  
and M&T BANK,

Defendants



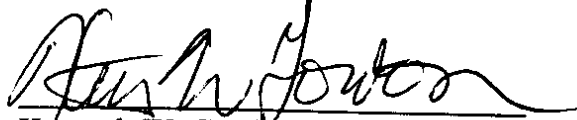
Defendant, Kenneth W. Gordon, as the Chapter 7 Trustee in Bankruptcy for Premier Van Lines, Inc., answering the Complaint:

1. Denies the allegations set forth in paragraph 17 of the Plaintiff's Complaint.
2. Denies knowledge and information sufficient to form a belief as to the remaining allegations of this Complaint.
3. Affirms that all of the assets of the estate have been abandoned on due notice and that there are no assets out of which to pay any claims.

**WHEREFORE**, Kenneth W. Gordon, as Trustee, requests dismissal of the Complaint against the Trustee together with such other and further relief as is just and proper.

Dated: Rochester, New York  
October 9, 2002

By:

  
Kenneth W. Gordon  
Chapter 7 Trustee  
100 Meridian Centre Blvd.  
Suite 120  
Rochester, New York 14618  
(585) 244-1070