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**US Court of Appeals for the Second Circuit
Case Summary**

Court of Appeals Docket #: 03-3088 Filed: 9/12/03
Nsuit: 0
In Re: Cordero, et al v.
Appeal from: U.S. District Court WDNY

Lower court information:
District: 0209-06: 01-20692
Trial Judge: John C. Ninfo, II

- 10/8/03 Notice to counsel and pro se re: order dated October 8, 2003. (ps38)
- 10/8/03 Certified copy of order dated 10/8/03 disposing of the appeal issued to district court. (ps38)
- 10/8/03 Notice to counsel and pro se re: Mandate order dated 10/08/03. (ps38)
- 10/9/03 CORRECTED order dated 10/08/03, filed. (JMW) entry date 10/09/03. (ps38)
- 10/9/03 Notice to counsel and pro se re: corrected order dated 10/08/03. (ps38)
- 10/9/03 Notice to counsel re: mandate order dated 10/08/03. (ps38)
- 10/9/03 Letter dated October 6, 2003 submitted by Karl S. Essler, Esq., regarding that he is the attorney of counsel to third-party defendants, David Dworkin and Jefferson Henretta Associated in the above-reference matter., received (ps38)
- 10/28/03 Mandate receipt returned from the district court. (red)

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General Docket

US Court of Appeals for the Second Circuit

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Filed: 9/12/03

Court of Appeals Docket #: 03-3088
Nsuit: 0
In Re: Cordero, et al v.
Appeal from: U.S. District Court WDNY

Case type information:
1) Original Proceedings
2) mandamus
3) none

Lower court information:
District: 0209-06: 01-20692
Trial Judge: John C. Ninfo, II
Date Filed: **/**/**
Date order/judgment: **/**/**
Date NOA filed: **/**/**

Fee status: paid

Prior cases:
None
Current cases:
None

Panel Assignment:

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03-3088 In Re: Cordero, et al v.

Debtor: PREMIER VAN LINES
Debtor

In Re: RICHARD CORDERO
Petitioner

Richard Cordero
718-827-9521
[COR LD NTC]
59 Crescent St.
Brooklyn, NY 11208-1515

JAMES PFUNTER
Plaintiff

David D. MacKnight, Esq.
716-454-5650
2nd Flr.

[COR LD NTC inf]
Lacy, Katzen, Ryen & Mittleman
The Granite Bldg.
130 E. Main St.
Rochester, NY 14604

v.
RICHARD CORDERO
Third-Party-Plaintiff

Richard Cordero
718-827-9521
[COR LD NTC]
59 Crescent St.
Brooklyn, NY 11208-1515

v.
DAVID PALMER
Third-Party-Defendant

David Palmer
1829 Middle Rd.
Rush, NY 14543

DAVID DELANO
Third-Party-Defendant

David Delano
1829 Middle Rd.
Rush, NY 14543

DAVID DWORKIN
Third-Party-Defendant

Karl S. Essler, Esq.
585-232-1660
14th fl.
[COR LD NTC ret]
Fix, Spindelman, Brovitz
& Goldman
2 State St.
CrossRoads Bldg.
Rochester, NY 14614-1369

JEFFERSON HENRIETTA ASSOCIATES
Third-Party-Defendant

Karl S. Essler, Esq.
(See above)
[COR LD NTC ret]

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03-3088 In Re: Cordero, et al v.

KENNETH W. GORDON, Esq., as
Trustee in Banckruptcy for
Premier Van Lines, Inc.,
Richard Cordero, Rochester
Americans Hockey Club, Inc.,
and M&T BANK,
Defendant

Kenneth W. Gordon, Esq.
585-244-1070
#120
[COR LD NTC inf]
Gordon & Schaal, LLP
100 Meridian Centre Blvd.
Rochester, NY 14618

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03-3088 In Re: Cordero, et al v.

Official Caption 1/

Docket No. [s] : 03-3088

In Re: RICHARD CORDERO,
Petitioner.

Premier Van Lines, Inc.,
Debtor,

James Pfunter,
Plaintiff,

v

Kenneth W. Gordon, as Trustee in Bankruptcy
for Premier Van Lines, Inc., Richard Cordero,
Rochester Americans Hockey Club, Inc.,
and M&T Bank,
Defendants,

Richard Cordero,
Third party plaintiff,

v

David Palmer, David Dworkin, David Delano,
Jefferson Henrietta Associates,
Third party defendants.

Authorized Abbreviated Caption 2/

Docket No. [s] : 03-3088

In Re: Cordero

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03-3088 In Re: Cordero, et al v.

1/ Fed. R. App. P. Rule 12 [a] and 32 [a].
2/ For use on correspondence and motions only.

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03-3088 In Re: Cordero, et al v.

9/12/03 Case Docketed: Petition for Writ of Mandamus on behalf of
Petitioner Richard Cordero filed, with proof of service.
[03-3088] (ps38)

9/12/03 Copy of receipt re: payment of docketing fee filed on

behalf of Petitioner Richard Cordero. Receipt #: 169997.
[03-3088] (ps38)

9/12/03 Petitioner Richard Cordero appendix filed, w/pfs. (ps38)

9/12/03 Note: This appeal was PRO SE when filed. (ps30)

9/16/03 Copy of the Petitioner Richard Cordero Writ of Mandamus served on Respondent by Case Manager. (ps38)

9/16/03 NOTE: See related case 03-5023. (ps38)

9/22/03 Notice of appeal acknowledgment letter from Richard Cordero for Petitioner Richard Cordero received. (ps30)

9/23/03 Notice of appeal acknowledgment letter from Kenneth W. Gordon received. (ps38)

9/30/03 Petitioner Richard Cordero motion for "Expedited action...", "For Emergency motions, motions for stays and Injunctions pending appeal" FILED (w/pfs). [2443389-3] (ps33)

10/8/03 Order FILED GRANTING motion to expedite appeal [2443389-1] by Petitioner by Richard Cordero, endorsed on motion form dated 9/30/03. Upon due consideration, it is hereby ORDERED that the motion for expedited action is granted. (ps38)

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03-3088 In Re: Cordero, et al v.

10/8/03 Order denying petition for writ of mandamus. "Petitioner, pro se, petitions for a writ of mandamus from this Court requiring (1) the Honorable John Ninfo, II to disqualify himself from adversary proceedings in *Pfunter v. Gordon, et al.*, 02-02230 (W.D.N.Y. Bankr.), and a related bankruptcy proceeding, *In re Premier Van Lines, Inc.*, 01-20692 (W.D.N.Y. Bankr.); (2) transfer of these cases from the Western District of New York to the Northern District of New York; (3) an investigation into unfair and biased conduct by judges and other court officers; and (4) the bankruptcy court to allow him to participate by telephone in the bankruptcy court proceedings. On September 30, 2003, Petitioner filed a "Motion for Expedited Action Before October 10, 2003 on the Mandamus Petition" because a hearing is scheduled in the bankruptcy court on October 16, 2003. Upon due consideration, it is hereby ORDERED that the motion for expedited action is granted and the mandamus petition is DENIED. See *In re United States*, 10 F.3d 931, 933 (2d Cir. 1993) (for a writ of mandamus, petitioner must show "(1) the presence of a novel and significant question of law; (2) the

inadequacy of other remedies; and (3) the presence of a legal issue whose resolution will aid in the administration of justice."). (ps38)

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