

General Docket

US Court of Appeals for the Second Circuit

Second Circuit Court of Appeals

INDIV

CLOSED

Court of Appeals Docket #:03-5023-bk

Nsuit: 3422 STATUTES-Bkrup Appeals 801
In Re: Premier Van v. Palmer
Filed: 5/2/03

Appeal from: WDNY (ROCHESTER)

Case type information:

Bankruptcy
District Court

None

Lower court information:

District: 03-cv-6021

Trial Judge David G. Larimer
MagJudge:
Date Filed: 01/15/03

Date 3/27/2003
order/judgement:
Date NOA filed: 4/25/2003

Fee status:Paid

Panel Assignment:

Panel: JLO JMW RAK 40 Foley Sq.
Date of decision 1/26/04

Prior cases: NONE

Current cases: NONE

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Official Caption 1/

Docket No. [s] : 03-5023

IN RE: PREMIER VAN LINES, INC.,

Debtor.

RICHARD CORDERO,

Third-Party-Plaintiff - Appellant

v.

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KENNETH W. GORDON, Esq.,

Trustee - Appellee,

DAVID PALMER

Third-Party-Defendant - Appellee.

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Clerk,Bank Ct, RONY
None

Clerk,Bank Ct, RONY
n/a

68 Court St. U.S. Courthouse
Buffalo , NY , 14202
716-846-4130

David Palmer
Defendant-Appellee

David Palmer
n/a

1829 Middle Rd.
Rush , NY , 14543

Kenneth W. Gordon
Trustee-Appellee

Kenneth W. Gordon
n/a
Gordon & Schaal LLP
100 Meridian Centre Blvd.
Rochester , NY , 14618
585-244-1070

Richard Cordero
Third-Party-Plaintiff-App

Richard Cordero
n/a

59 Crescent St.
Brooklyn , NY , 11208
718-827-9521

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5/2/03 Note: This appeal was PRO SE when filed.

5/2/03 Copy of decision and order dated March 11, 2003 (03-MBK-6001L), endorsed by Hon. David G. Larimer, United States District Judge, RECEIVED. [03-5023]

5/2/03 Copy of decision and order dated March 12, 2003, endorsed by Hon. David G. Larimer, United States District Judge, RECEIVED. (03-cv-6021L). [03-5023]

5/2/03 Copy of notice of appeal and district court docket entries on behalf of Appellant Richard Cordero filed. [03-5023] "FeePaid #64514".

5/2/03 Copy of judgment dated March 12, 2003, endorsed by Deputy Clerk, RECEIVED. [03-5023]

5/22/03 Record on appeal filed. (Original papers of district court.) Number of volumes: 1. Also included is the record from the bankruptcy court which is a separate volume.

5/28/03 Letter dated 5-5-03 from appellant pro se Dr. Cordero to the district court requesting that the district court correct the mistake listed on the district court docket received

5/28/03 Notice of appearance form on behalf of Richard Cordero, Esq., filed. (Orig in acco, copy to Calendar)

5/28/03 Resignation of items in the record and statement of issues on appeal from Appellant Richard Cordero received.

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5/28/03 Scheduling order #1 filed. Record on appeal due on 6/9/03. Appellant's brief and appendix due on 7/9/03. Appellee's brief due on 8/8/03 . Argument as early as week of 9/22/03.

5/28/03 Notice to counsel regarding scheduling order #1 filed on 5/28/03.

5/28/03 Notice of appeal acknowledgment letter from Richard Cordero for Appellant Richard Cordero received.

6/2/03 Notice of appeal acknowledgment letter from Kenneth W. Gordon for Appellee Kenneth W. Gordon received.

6/5/03 Record on appeal received in records room from team.

6/5/03 1st supplemental index on appeal filed.

6/13/03 Record on appeal received in records room from team.

7/14/03 Appellant Richard Cordero brief FILED with proof of service.

7/14/03 Appellant Richard Cordero appendix filed w/pfs. Number of volumes; 1.

8/11/03 Notice of appearance form on behalf of Kenneth W. Gordon, Esq., filed. (Orig in acco , copy to Calendar)

8/11/03 Appellee Kenneth W. Gordon MEMORANDUM BRIEF filed with proof of service. Satisfy appellee's brief due.

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8/19/03 Proposed for argument the week of 10/27/03.

8/25/03 Appellant Richard Cordero reply brief filed with proof of service.

9/16/03 Argument as early as week of 9/22/03.

9/30/03 Proposed for argument the week of 12/8/03.

10/20/03 Set for argument on 12/11/03 . [03-5023]

11/4/03 Appellant Richard Cordero motion to allow leave to introduce an updating supplement on the issue of the (WDNY) Bankruptcy Court's bias against Petitioner Dr. Richard Cordero evidenced in it's order of October 23, 2003, denyig Dr. Cordero's request for a jury trial , which Dr. Cordero submitted to and is under consideration by this Court of Appeals FILED (w/pfs). [2471688-1]

11/6/03 Notice of Hearing Date from Appellant Richard Cordero received.

11/13/03 Order FILED GRANTING motion to allow"leave to introduce an updating supplement on the issue of the Bankrupt Court's bias against petition's evidenced in it's order of 10/23/03" [2471688-1] by Appellant Richard Cordero, endorsed on motion form dated 11/4/03(FOR THE COURT-AV).

11/13/03 Letter dated 11-5-03 from Kenneth W. Gordon, Esq. requesting permission from the Court to waive oral argument. received

11/13/03 Notice to counsel re:order dated 12/11/03.

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11/24/03 Copy of Bankruptcy Court order dated 10-23-03 scheduling order in connection with the remaining claims of the plaintiff, James Pfunter, and the cross-claims, counter-claims and third-party claims of the third-party plaintiff, which has attached to it the following additional orders: 1) an October 16 , 2003 order denying and recusal and removal motions and objection of Richard Cordero to proceeding with any hearings and trial on 10-16-03; 2) An October 16, 2003 order disposing of cause of action; and an October 23, 2003 decision & order finding a waiver of a trial by jury from Hon. John C. Ninfo, II, Chief U.S. U.S. Bankruptcy Judge. received.

12/11/03 Case heard before WALKER, CH.J; OAKES, KATZMANN, C.JJ . (TAPE: CD date: 12/11/03)

12/11/03 Outline of the oral argument from Appellant

Richard Cordero received.

12/29/03 Appellant Richard Cordero motion to allow leave to brief the issue raised by this Court at oral argument concerning its jurisdiction to entertain this appeal, FILED (w/pfs). [2509028-1]

1/26/04 Order FILED GRANTING motion to allow by endorsed on motion dated 12/29/2003. "IT IS HEREBY ORDERED that appellant Cordero`s motion for leave to file a brief on issue raised at oral argument be and it hereby is Granted". Before Hon. JMW, JLO, RAK, CJS. Endorsed by Arthur M. Heller, Motions Staff Attorney.

1/26/04 Notice to counsel and pro se re: order dated 01/26/04 Granting motion for leave to file a brief on issue raised at oral argument.

1/26/04 Judgment filed; judgment of the district
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court is Dismissed by detailed order of the court without opinion filed. (JMW)

1/26/04 Notice to counsel and pro se re: summary order dated 1/26/04.

2/9/04 Appellant Richard Cordero motion for extended time to file a petition for rehearing, filed with proof of service.

2/9/04 Appellant Richard Cordero motion for stay of mandate, filed with proof of service.

2/13/04 Order FILED REFERRING motion for extended time by Appellant Richard Cordero, endorsed on motion dated 2/9/2004. As per Arthur M. Heller motion for extension of time to file petition for rehearing to Hon. JMW, JLO, RAK.

2/13/04 Order FILED REFERRING motion for stay by Appellant Richard Cordero, endorsed on motion dated 2/9/2004. As per Arthur M. Heller motion for stay mandate to Hon. JMW, JLO, RAK.

2/23/04 IT IS HEREBY ORDERED that the motion for an extension of time to file a petition for

rehearing and to stay the mandate is GRANTED.
The petition shall be filed by March 10, 2004
. Before Hon. JMW, JLO, RAK, CJ. Endorsed
by Arthur M. Heller, Motions Staff Attorney.

2/26/04 Notice to counsel and pro se re: order dated
02/23/04.

3/10/04 Appellant Richard Cordero motion for leave
to attach some entries of the Appendix to the
petition for panel rehearing and hearing en
banc, filed with proof of service.

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3/10/04 APPELLANT Richard Cordero, petition for
rehearing and rehearing en banc, received.

3/11/04 Appellant Richard Cordero Petition for
rehearing and petition for rehearing en banc
filed with proof of service.

3/22/04 Appellant Richard Cordero motion for the Hon
. Chief Judge Walker to recuse himself from
this case and from considering the pending
petition for panel rehearing and rehearing en
banc, filed with proof of service.

3/22/04 Papers (Booklet) of Evidentiary Documents
supporting a complaint from APPELLANT
Richard Cordero, received.

3/23/04 Order FILED GRANTING motion for leave to file
by Appellant Richard Cordero, endorsed on
motion dated 3/10/2004. IT IS HEREBY ORDERED
that the motion be and it hereby is GRANTED.
Before Hon. Walker, Oakes, Katzmann.
Endorsed by Arthur M. Heller, Motions Staff
Attorney.

3/24/04 Notice to counsel and pro se re: order dated
03/23/04.

4/19/04 Appellant Richard Cordero -leave to update
the motion for the Hon. Chief Judge John M.
Walker, Jr., to recuse himself from this case
with recent evidence.....filed with proof
of service.

5/4/04 Order FILED DENYING motion to recuse by
Appellant Richard Cordero, endorsed on

motion dated 3/22/2004. "IT IS HEREBY ORDERED that the motion be and it hereby is DENIED." Before Hon. John M. Walker, Jr., Chief Judge, Hon. James L. Oakes, Hon. Richard C. Wesley, Circuit Judges. Endorsed by Arthur M. Heller, Motions Staff Attorney.

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5/4/04 Notice to counsel and pro se re: order dated 05/04/04.

5/10/04 AMENDED order stating "IT IS HEREBY ORDERED that the motion be and it hereby is DENIED," filed. Before Hon. John M. Walker, Jr., Chief Judge, Hon. James L. Oakes, Hon. Robert A. Katzmann, Circuit Judges. Endorsed by Arthur M. Heller, Motions Staff Attorney.

5/10/04 Notice to counsel and pro se re: amended order dated 05/10/04.

5/17/04 Appellant Richard Cordero motion for declaratory judgment that the legal grounds for updating opening and reply appeal briefs and expanding upon their issues also apply to similar papers under 28 U.S.C. Chapter 16, filed with proof of service.

6/2/04 Appellant Richard Cordero motion to allow for the Hon. John M. Walker, Jr., Chief Judge, Either to state his arguments for denying the motions that he disqualify himself from considering the pending petition for panel rehearing and hearing en banc; and from having anything else to do with this case or disqualify himself and failing that for this court to disqualify the chief judge therefrom, filed with proof of service.

8/2/04 Order filed: IT IS HEREBY ORDERED that the motion is DENIED, endorsed on motion dated 6/2/2004. Endorsed by AMH, Motions Staff Attorney. (Before: JMW, Chief Judge, JLO, RAK, C.J.J.)

8/2/04 Order filed: IT IS HEREBY ORDERED that the motion for declaratory judgment is denied, endorsed on motion dated 5/17/2004. Endorsed by AMH, Motions Staff Attorney. (Before: JMW

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, Jr. Chief Judge, JLO, RAK, C.J.J.)

8/9/04 Notice to pro se and counsel; re: Order dated 8/2/04.

8/9/04 Notice to pro se and counsel; re: Order dated 8/2/04 re: declaratory judgment.

9/10/04 Appellant Richard Cordero motion allow /to quash the Order of August 30, 2004 of WBNY J. John C. Ninfo, II, to sever claim from this case, filed with proof of service.

10/5/04 Copy of the letter dated 9-29-04 to Christopher K. Werner, Esq. from APPELLANT Richard Cordero, received.

10/13/04 Order FILED DENYING motion to quash order of August 30, 2004 of WBNY J. John C. Ninfo, II, to sever claim from this case by Appellant Richard Cordero, (JLO,RAK)

10/14/04 Notice to counsel (order dated 10-13-04)

10/18/04 Letter dated 10-12-04 from appellant pro se Cordero to George M. Reiber, Esq. received (copy to the Court)

10/26/04 Order FILED DENYING motion petition for rehearing and petition for rehearing en banc by Appellant Richard Cordero, (ah)

10/27/04 Notice to counsel (order dated 10-26-04)

11/2/04 Appellant Richard Cordero motion stay the mandate filed with proof of service.

11/2/04 Letter dated 10-20-04 from P. Finucane,
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Deputy Clerk , U.S. Bankruptcy Court George M . Reiber, Esq. received (copy submitted by appellant pro se Cordero)

11/2/04 Letter dated 10-21-04 from appellant pro se Cordero to Kathleen Dunivin Schmitt, Esq. received (copy to the Court)

11/8/04 Order FILED DENYING motion stay the mandate by Appellant Richard Cordero, endorsed on motion dated 11/2/2004, (JLO,RAK)

11/8/04 Notice to counsel (order dated 11-8-04)

11/8/04 Judgment MANDATE ISSUED. CLOSED

11/9/04 Letter dated 10-27-04 from APPELLANT Richard Cordero, to Christopher K. Werner, Esq. Re: David and Mary Ann DeLano, Bkr. dkt no. 04-20280 received.

11/9/04 Copy of the Notice of Motion to enforced Judge Ninfo's order of 8-30,2004 submitted the the US Bankruptcy Court WDNY from APPELLANT Richard Cordero, received.

11/22/04 Acco received in records room from team. Number of Volumes: 2

11/30/04 Mandate receipt returned from the district court.

2/1/05 Notice of filing petition for APPELLANT Richard Cordero, dated January 27, 2005, filed. Supreme Court #: 04-8371.

4/4/05 Writ of Certiorari DENIED

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4/11/05 Record on appeal RETURNED to lower court. 2 vols.)

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