

October 28, 2004

Mr. Richard Cordero  
59 Crescent Street  
Brooklyn, New York 11208

**Re: David G. and Mary Ann DeLano, Case No. 04-20280**

Dear Mr. Cordero:

As we discussed, we enclose Mr. and Mrs. DeLano's response to your discovery demands contained in your letter dated September 29, 2004 faxed to our office on September 30, 2004.

Your impatience for our response seems misplaced – first, as we do not recognize service by fax and only recognize service in accordance with FRCP §6. Further, we note that you delayed your demand to precisely coincide with my first day of absence from the office on a two week vacation of which you were well aware. Lastly, our response is timely under the Federal Rules – even had your demand been properly served.

Nonetheless, we have no intention of impeding discovery and respond accordingly.

We note, however, that your demands are largely irrelevant to your alleged claim and our objection, which is the only active matter before the Court. As indicated, we have not responded to your demands with respect to Mr. and Mrs. DeLano's finances etc. generally, which have no relevance to your claim which supposedly emanates from the Premier Van Lines matter in some fashion.

Contrary to your suggestion, we expect the Court will consider and determine your application to obtain discovery of such items as we have declined.

BOYLAN, BROWN,  
CODE, VIGDOR & WILSON, LLP

  
Christopher K. Werner

CKW/trm  
Enclosure

cc: David G. and Mary Ann DeLano  
Michael Beyma, Esq.  
George M. Reiber, Esq.  
Hon. John C. Ninfo, II

In re:

**DAVID G. DELANO and  
MARY ANN DELANO,**

Debtors.

**RESPONSE TO DISCOVERY  
DEMAND OF RICHARD  
CORDERO – OBJECTION TO  
CLAIM OF RICHARD  
CORDERO**

**Case No. 04-20280**

**DAVID. DELANO and MARY ANN DELANO**, by their attorneys, Christopher K. Werner, Esq., of counsel to Boylan, Brown, Code, Vigdor & Wilson, LLP, state in response to Richard Cordero's discovery request dated September 29, 2004, as follows:

1. With respect to Paragraphs A and B (1-6) of Cordero's discovery request, such items do not contain specific discovery requests and, therefore, no response is given. Moreover, all of the correspondence in previous demands or inquiries listed have no relation or relevance to the claim of Cordero against the Debtors, and any demand contained therein is not properly relevant. Therefore, response is declined.

2. With respect to Paragraph C (7-14) of Cordero's discovery request, all of such demands are not relevant to the claim of Richard Cordero against the Debtors, which is the sole subject of the pending Objection to Claim and, therefore, discovery demand in this regard is declined.

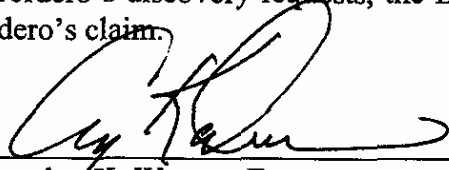
3. With respect to Paragraph C (15) of Cordero's discovery requests, the Debtors hold no documents personally relating to David Palmer, any business associates or Mr. Palmer's personal bankruptcy, or otherwise as requested. Any such documents are held by M&T Bank and Mr. DeLano's involvement with respect to the same is only as an employee of M&T Bank and is not in his personal possession or control.

4. With respect to Paragraph C (16) of Cordero's discovery requests, the Debtors are not aware of any insurance with respect to the alleged claim by Cordero, but do expect that if there is any liability to Cordero, which liability is strongly disputed by all parties, that M&T Bank will satisfy the same, as in all respects, Mr. DeLano acted with respect to Premier Van Lines as an employee of M&T Bank.

5. With respect to Paragraph C (17) of Cordero's discovery requests, there are no subpoenas issued in connection with this request, other than previous subpoenas to the Debtors' creditors pursuant to the Chapter 13 Trustee's request, which are not relevant to Cordero's claim or the Debtors' objection to the same.

6. With respect to Paragraph C (18) of Cordero's discovery requests, the Debtors have no other documents or information relating to Cordero's claim.

Dated: October 28, 2004



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Christopher K. Werner, Esq.  
Boylan, Brown, Code, Vigdor & Wilson, LLP  
Attorneys for Debtors  
2400 Chase Square  
Rochester, New York 14604  
Telephone: (585) 232-5300