

In re:

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

Debtors.

**DEBTORS' STATEMENT IN
OPPOSITION TO CORDERO
MOTION REGARDING
DISCOVERY**

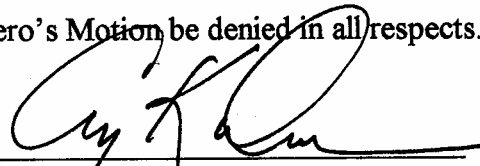
Case No. 04-20280

The Debtors, **DAVID G. DELANO** and **MARY ANN DELANO**, by their attorney, Christopher K. Werner, Esq., of counsel to Boylan, Brown, Code, Vigdor & Wilson, LLP, state in opposition to the Motion of Richard Cordero dated November 4, 2004, as follows:

1. Mr. Cordero's discovery demand is nothing more than a recitation of the same items that he has been pursuing in Debtors' Chapter 13 proceeding, which is currently held in suspense pending determination of Cordero's Motion.
2. All of the Debtors' financial documents sought by Cordero in his demand relate to the Debtors' finances and have nothing to do with the matter at hand, which is Cordero's claim.
3. The only item demanded which has even a passing relevance to Cordero's claim is paragraph C 15, requesting documents associated in some fashion with David Palmer, who apparently was one of the former principals of Premier Van Lines.
4. As indicated in Debtors' response, such documents, if any exist, are not in Debtors' individual possession, but rather belong to M&T Bank, by whom the Debtor, David G. DeLano, is employed and are not in debtor's individual control other than as employee of M & T Bank.
5. If Mr. Cordero wishes to make a demand and subpoena M&T Bank, he is free to do so as the proper source of such documents.
6. Moreover, such documents will likely bear little relevance to Cordero's claims, as there is no basis for claim against David G. DeLano and, clearly, no claim against Mary Ann DeLano.
7. The Debtors' response to Mr. Cordero's discovery demands were in all respects timely under the federal rules.

WHEREFORE, Debtors request that Cordero's Motion be denied in all respects.

Dated: November 9, 2004



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TO: U.S. Bankruptcy Court
George M. Reiber, Chapter 13 Trustee
David G. and Mary Ann DeLano
Mr. Richard Cordero