

**Documents received on Wednesday, October 29, 2003, from
EOUST through Dr. Cordero's appeals to the Department of
Justice's Office of Information and Privacy from EOUST's reply to
his FOIA request of March 11, 2003**

I. Documents received

	DATE	PAGE	DOCUMENT NAME and SENDER	ADDRESSEE
1.	Jan 27, 03	1	Direct Inquiry Assignment, case assigned to Paul Bridenhagen, Remarks: Nothing previous [no action noted]	
2.	Feb 12, 03	2& 6	Fax from John Segreto; Comments: Cordero Letter FYI [from Carolyn Schwartz, UST, Region 2, to Dr. Cordero of Jan 9, 03] [=doc. 6, below]	Paul Bridenhagen, Trial Lawyer & Kathleen Schmitt
3.	May 16, 03	5	Letter from Clifford White, Deputy Director, EOUST	Dr. Cordero
4.	Apr 9, 03	8& 43	Fax from 212 668 2256 of let from UST Carolyn Schwartz; RE: Complaint from Dr. Richard Cordero, Esquire Premier Van Lines, 01-20692	Esther Estry n, Dep. Gen. Counsel and Paul Bridenhagen , Trial Attorney
5.	Oct 22, 02	10	Let. Kathleen Schmitt, AUST [with the FILED stamp of the Bkr Ct	Dr. Cordero
6.	Jan 9, 03	13&2	Carolyn Schwartz, UST, Region 2 [=doc. 2, above]	Dr. Cordero
7.	Jan 10, 03	15	Dr. Cordero's let [rec. at EOUST on Jan 17, 03, and in the Gen Counsel's office on Jan 21, 03]	Lawrence A. Friedman
8.	Apr 11, 03	16	Fax from US Trustees Roch, 716 263 5862, of Order to Dismiss Cross-claim in an adversary proceeding of Dec 23, 02	EOUST?
9.	Apr 11, 03	18	Fax from Stephanie Becker, US Trustees Roch, 716 263 5862, RE: court minutes related to 12/23/02 order	Paul Bridenhagen
10.	Apr 15, 03	20	Fax from US Trustees Roch, 716 263 5862 [transcript of hearing of Dec 23, 02, with Bkr Ct Filed stamp of Mar 26, 03]	EOUST?
11.	Apr 15, 03	40	Anthony Ciccone, Trial Attorney,-FOIA Counsel, EOUST	Dr. Cordero
12.	Mar 24, 03	42	Let. Dr. Cordero; stamped Received Off of the Gen Counsel Apr 3, 03 EOUST	John Ashcroft, Att. Gen.
13.	Apr 9, 03	43 & 8	Fax from 212 668 2256 of let., Carolyn Schwartz; RE: Complaint from Dr. Richard Cordero, Esquire Premier Van Lines, 01-20692	Esther Estry n, Dep. Gen. Counsel and Paul Bridenhagen , Trial Attorney
14.	Apr 9, 03	45	Docket Report of 01-20692, downloaded on Apr 9, 03, from NYWB, Pacer; login us4843; stamped Received Off of the Gen Counsel Apr 10, 03 EOUST	EOUST
15.		57	Pfuntner's complaint of Sep 20, 02	
16.		65	Cordero's crossclaims and third party complaints, stamped Filed	

			Bkr Ct Nov 18, 02	
17.		93	Cordero's answer and counterclaim, stamped Filed Bkr Ct Nov 6, 02	
18.	Apr 9, 03	45	Docket Report of 02-2230, downloaded on Apr 9, 03, from NYWB, Pacer, login us4843 [no stamp]	EOUST
19.		114	Trustee's answer, stamped Filed Bkr Ct Oct 9, 02	
20.		115	Dr. Cordero's let of October 14, 02, stamped Filed Bkr Ct Oct 17, 02, to Judge Ninfo	
21.		116	Dr. Cordero's let of November 25, 02, stamped Filed Bkr Ct Dec 2, 02; to Judge Ninfo	
22.		117	Trustee Gordon's Notice of motion to dismiss cross-claim, stamped Filed Bkr Ct Dec 5, 02	
23.		125	Dr. Cordero's Amended answer with crossclaims of Nov 20, 02 [no stamp]	
24.	Dec5, 02	157	Sharon E. Mikulec's Affidavit of Service by Mail of the Motion to Dismiss; stamped Filed Bkr Ct Dec 5, 02	
25.		159	David MacKnight's let of Dec 5, 02; stamped Filed Bkr Ct [date not legible], to Judge Ninfo	
26.		161	Cordero's Memorandum in opposition to the Trustee's motion; stamped Filed Bkr Ct Dec 12, 02	
27.		170	Trustee Gordon's let of Dec 9, 02; stamped Filed Bkr Ct Dec 10, 02, to Judge Ninfo	
28.		171	Trustee Gordon's let of Dec 17, 02; stamped Filed Bkr Ct Dec 17, 02, to Dr. Cordero	
29.		173	Dr. Cordero's let of December 17, 02, stamped Filed Bkr Ct Dec 19, 02, to Amber Barney	
30.		174	Order to dismiss cross-claim against Trustee in an Adversary Proceeding, of Dec 23, 02, stamped Filed Bkr Ct Dec 23 [sic]	
31.		176	Dr. Cordero's let of December 26, 02, stamped Filed Bkr Ct Dec 30, 02; to Judge Ninfo	
32.		178	Trustee Gordon's let of Jan 2, 03; stamped Filed Bkr Ct [date not legible], to Dr. Cordero	
33.		179	Dr. Cordero's let of Jan 23, 03, stamped Filed Bkr Ct Jan 27, 03; to Mary Dianeti	
34.		180	Dr. Cordero's let of Jan 30, 03, stamped Filed Bkr Ct Feb 3, 03; to Judge Ninfo	
35.		181	Trustee Gordon's Memorandum of law in opposition to Cordero's motion to extend time for appeal, stamped Filed Bkr Ct Feb 6, 03	
36.		186	Cordero's notice of appeal from order of dismissal, stamped Jan13 [sic]	
37.		189	Order denying Cordero's motion to extend time to file notice of appeal, stamped Filed Bkr Ct Feb 18, 03	
38.		191	Trustee Gordon's let of Jan 31, 03, stamped Filed Bkr Ct Feb 3,	

			03, to Judge Ninfo	
39.		192	Dr. Cordero's let of Jan 29, 03, stamped Filed Bkr Ct Jan 31, 03; to Judge Ninfo	
40.		201	Trustee Gordon's let of Mar 3, 03, stamped Filed Bkr Ct Mar 4, 03, to Judge Ninfo	
41.	Apr 4, 03	202	Handwritten note	
42.	May 1, 03	205	Handwritten note Cliff to Dr. Cordero	
43.	Feb 6, 03	207	Esther I. Estryn' let	Carolyn S. Schwartz
44.	May 1, 03	208	Paula Wright "...he also sent a fx to Jason Klitenic's office, who then forwarded to you. attached"	Clifford White
45.	May 1, 03	209	Dr. Cordero's fax of Apr 21, 03, to Peter Keisler	
46.	May 6, 03	210	Dr. Cordero's let of Apr 21, 03, to John Ashcroft, stamped Rec Off Gen Coun May 6, 03, EOUST [bearing banner by Dr. Cordero: To Duty Agent: DO NOT forward this letter to Off. For U.S. Trustees; if need be, forward it to the FBI]	EOUST
47.	May 1, 03	211	Mail Referral Sheet	EOUST
48.	Mar 10, 03	212	Docket Report of 01-20692, downloaded on Mar 10, 03, from NYWB, Pacer; login us5485; [no stamp]	
49.		225-234	Premier's Voluntary Petition in WDNY Bkr Ct, stamped Filed in Bkr Ct on Mar 5, 01	
50.		227	David Palmer's Resolution to file under Chapter 11 of Mar 2, 01, as President and Gen Manager of Premier	
51.		228	Premier's List of Creditors	
52.		231	Premier's List of Creditors Holding 20 Largest Unsecured Claims	
53.		234	David Palmer's Declaration of Mar 5, 01, under penalty of perjury concerning list of creditors	
54.		235-265	Premier's Amendment Cover Sheet, signed by David Palmer and Raymond Stilwell on Mar 19, 01, stamped Filed in Bkr Ct on Mar 20, 01	
55.		238	Premier's statement of financial affairs	
56.		247	Schedule A –Real Property; \$0.00	
57.		248	Schedule B –Personal Property: \$675,303.31	
58.			missing Schedule C –Property Claimed as Exempt	
59.		251	Schedule D: Creditors Holding Secured Claims: \$11,000.00	
60.		252	Schedule E –Creditors holding unsecured priority claims: \$21,401.03, 3 governmental units	
61.		254	Schedule F: Creditors Holding Unsecured non-priority claims: \$125,259.67 by 28	
62.		260	Schedule G - Executory contracts and unexpired leases: by Harry & Gretchel Voss and Jim Pfutner	
63.		261	Schedule H –Codebtors: David Palmer	

64.		262	Business Income and Expenses	
65.		263	Summary of Schedules	
66.		264	David Palmer's Declaration of Mar 19, 01, under penalty of perjury concerning Debtor's Schedules	
67.		265	Raymond Stilwell's Statement of compensation	
68.		266-273; & 308	Premier's Amendment Cover Sheet of Apr 17, 01, stamped Filed in Bkr Ct on ? 18, 01	
69.		267 & 309	Amended Schedule D –Creditors holding secured claims: \$0.00	
70.		268 & 313	Amended Schedule E –Creditors holding unsecured priority claims: \$150,007.02, 3 governmental units	
71.		271 & 313	Amended Schedule G - Executory contracts and unexpired leases	
72.		272 & 314	Declaration under penalty of perjury concerning Debtor's schedules	
73.		273	Judge Ninfo's order granting Harry & Gretchen's motion, stamped Filed in Bkr Ct on May 10, 02	
74.		274	Harry & Gretchen's notice of motion, dated Apr 11, 01 [sic], requesting payment of administrative expense, of Apr 10, 02	
75.		276	Harry & Gretchen's motion, dated Apr 11, 01 [sic], for administrative expense, stamped Filed in Bkr Ct on Apr 15, 02 [sic]	
76.		279	Lease Agreement between Harry & Gretchen Voss and Premier of Apr 12, 2000	
77.		299	Map of lots including the leased premises Harry & Gretchen Voss from Apr 25, 00 to Jun14, 01	
78.		300 & 338	Lease Guaranty signed by David Palmer only on Apr 12, 00	
79.		305	Ledger of payments of Premier to	
80.		308 & 266	Premier's Amendment Cover Sheet of Apr 17, 01, stamped Filed in Bkr Ct on ? 18, 01	
81.		309 & 267	Amended Schedule D –Creditors holding secured claims	
82.		313	Amended Schedule G - Executory contracts and unexpired leases	
83.		315	Harry & Gretchen's request of Mar 29, 02, in Bkr Ct for payment of rent in arrears as administrative expense, stamped Filed in Bkr	

			Ct on Mar 29, 02	
84.		317	Lease Agreement between Harry & Gretchen Voss and Premier of Apr 12, 2000	
85.		337	Map of lots including the leased premises Harry & Gretchen Voss from Apr 25, 00 to Jun 14, 01	
86.		338	Lease Guaranty between Harry & Gretchen and Premier of Apr 12, 2000	
87.		342	Affidavit of Service by Janice K. Burrows of the Notice of Motion and Motion Requesting Payment of Administrative Expenses, stamped Filed in Bkr Ct on Apr 15, 02	
88.		350	Harry & Gretchen's amended notice of motion, dated Apr 26, 01 [sic], requesting payment of administrative expense, of Apr 22, 02	
89.		352	Affidavit of Service by Janice K. Burrows of the Amended Notice of Motion of Apr 29, 02, for Payment of Administrative Expenses, stamped Filed in Bkr Ct on Apr 29, 02	
90.		361	Order of Judge Ninfo of Mar 4, 02, approving employment of attorney William Brueckner for Trustee Gordon, stamped Filed in Bkr Ct on Mar 4, 02	
91.		362	Trustee Gordon's Application of February 26, 2002, under Rule 2014 for order approving employment of attorney, stamped Filed in Bkr Ct on Feb 28, 02	
92.		364	Att. Brueckner's Affidavit of no conflict of Feb 22, 02	
93.		365	Minute report of section 341 hearing of Feb 8, 02, stamped Filed in Bkr Ct on Feb 14, 02	
94.		366	Raymond Stilwell's let of Feb 5, 02, to the court, stamped Filed in Bkr Ct on Feb 6, 02	
95.		367	Minute report of section 341 hearing of Jan, 26, stamped Filed in Bkr Ct on Jan 29, 02	
96.		368	Clerk of Court Paul Warren's Notice of Jan 25, 02, fixing Mar 29, 02, as the bar date to file requests for payment of administrative expenses, stamped Filed in Bkr Ct on Jan 29, 02	
97.		370	Premier's Amendment/Schedule Cover Sheet, signed by David Palmer on Jan 18, 02, and by Raymond Stilwell on Jan 21, 02, , stamped Filed in Bkr Ct on Jan 24, 01	
98.		371	Amended Schedule E –Creditors holding unsecured priority claims: \$1,631.00 [cf. p252 the total was \$21,401.03, to 3 governmental units 3; p312 \$150,007.02, to 3 governmental units, two of them different from those listed on Apr 18, 01	
99.		372	Amended Schedule E: Type of priority: Wages, salaries, and commissions: \$19,330.03, p378	
100		379	Schedule F: Creditors Holding Unsecured non-priority claims: \$13,514.00 [cf. p254 \$125,259.67 by 28 creditors]	
101		381	Judge Ninfo's order of Jan 18, 02, granting Raymond Stilwell's application to extend time for filing the debtor in possession's final report and account, stamped Filed in Bkr Ct on Jan 18, 02	

102		382	Raymond Stilwell's application to extend time for filing the debtor in possession's final report an account, stamped Filed in Bkr Ct on Jan 14, 02	
103		384	Clerk of Court Paul Warren's let of Jan 14, 02, to Att. R. Stilwell asking for the correct/current address of Premier; stamped Filed in Bkr Ct on Jan 14, 02	
104		385	Notice of Dec 28, 01, of Chapter 7 Bankruptcy Case, Meeting of Creditors for Jan 24, 02, & Deadlines to file proof of claim on Apri 24, 02, stamped Filed in Bkr Ct on Jan 2, 02	
105		387	Certificate of Service of Dec 30, 01	
106		391	Judge Ninfo's order of Dec 27, 03, directing the filing of final report and account, stamped Filed in Bkr Ct on Dec 27, 01	
107		392	Judge Ninfo's order of Dec 20, 03, converting chapter 11 case to a case under chapter 7; stamped Filed in Bkr Ct on Dec 20, 01	
108		393	Case Administrator Ginny Wheeler's let of Nov 8, 01, to David Palmer and Att. Stilwell on the US Trustee's motion to convert	
109		394	Assistant US Trustee Trudy A. Nowak's notice of motion of Nov 8, 01, to convert stamped Filed in Bkr Ct on Nov 13, 01	
110		395	Certificate of Service	
111		397	Harry & Gretchel Voss' Statement of Dec 17, 01, in support of Trustee's motion to convert Chapter 11 case	
112		402	Assistant US Trustee Trudy A. Nowak's motion of Nov 7, 01, to convert, stamped Filed in Bkr Ct on Nov 8, 01	
113		407	Minute Report by Tom McCall of §341 hearing held on Nov 6, 01, stamped Filed in Bkr Ct on Nov 8, 01	
114		408	Minute Report of §341 hearing held on Oct 2, 01 and canceled, stamped Filed in Bkr Ct on Oct 3, 01	
115		410	Judge Ninfo's order of Oct 22, 01, shortening time for the noticing of proposed sale of property outside the ordinary course of business, stamped Filed in Bkr Ct on Oct 22, 01	
116		411	Raymond Stilwell's Application of Oct 18, 01, for Premier to sell property outside the ordinary course of business	
117		413	Minute Report by Tom McCall of §341 hearing held on Oct 23 6, 01, stamped Filed in Bkr Ct on Oct 24, 01	
118		414	Judge Ninfo's order of Oct 11, 01, granting Att. Stilwell's application for attorneys fees and disbursement between Jan 26, 01 and July 10, 01 as a Chapter 11 administrative expense, stamped Filed in Bkr Ct on Oct 11, 01	
119		415	Statement of July 24, 01, of the US Trustee regarding Att. Raymond Stilwell's application for fees	
120		417	Att. Raymond Stilwell's application of July 12, 01, for fees and disbursement with respect to legal services for Premier; stamped Filed in Bkr Ct on July 12, 01.	
121		437	Clerk of Court Paul Warren notice of July 19, 01, of Att. Raymond Stilwell's application for fees and disbursement for Att.	

			Stilwell's firm	
122		445	Judge Ninfo's order of Oct 11, 01, granting Att. Raymond Stilwell's application fro an allowance of fees and disbursement to Bonadio & Co. as accountants for Premier	
123		446	Statement of July 24, 01, of the US Trustee regarding application for fees for Bonadio & Co, Accountants, for services rendered between May 15, 01 and June 19, 01; stamped Filed in Bkr Ct on July 25, 01.	
124		451	Bonadio & Co.'s billing worksheet by Bill Manager Jon Martin (JHM)	
125		456	Clerk of Court Paul Warren notice of July 19, 01, of Att. Raymond Stilwell's application for fees and disbursement on behalf of Bonadio & Co, Accountants	
126		460	Minute report by Tom McCall of §431hearing of July 10, 01	
127		461	Att. R. Stilwell's let of July 11, 01, to the Clerk of Court applying for fees and disbursement and giving notice of Premier's change of address; stamped Filed in Bkr Ct on ? 12 ?.	
128		462	Judge Ninfo's Order of May 11, 01, vacating stay applied for by Harry & Gretchel Voss on Apr 18, 01; stamped Filed in Bkr Ct on May 11, 01	
129		464	Harry & Gretchel Voss' notice of Apr 18, 01, motion to vacate stay as it pertains to Premier's leasehold interest in real property located at 10 Thruway Park, West Henrietta, NY; stamped Filed in Bkr Ct on Apr 11, 01	
130		470	Schedule A: Lease Agreement between Harry & Gretchen Voss and Premier of Apr 12, 2000	
131		491	Schedule B: Lease Guaranty between Harry & Gretchen and Premier of Apr 12, 2000	
132		495	Exhibit C: 2001 Town and County Tax Bill for Harry F & Gretchen A Voss as of Jan 2, 01	
133		497	Electricity bill of Sep 14, 00, from TXU Energy Services to Harry F & Gretchen A Voss	
134		498	Electricity bill of May 25, 00, from TXU Energy Services to Harry F & Gretchen A Voss	
135		500	Electricity bill of July 3, 00, from TXU Energy Services to Harry F & Gretchen A Voss	
136		501	Harry & Gretchen Voss' let of Feb 19, 01, to David Palmer of Premier Van Lines of Rochester, Inc. at 10 Thruway Park Drive, requesting payment of owed rent and additional rent	
137		502	Cathleen E. Clancy's Affidavit of Service of Apr 19, 01; stamped Filed in Bkr Ct on Apr 19, 01	
138		503	Att. Stilwell's notice of Apr 6, 01, of motion for an order approving and appointing Bonadio & Co. as accountants for Premier, to be heard on April 18, 01	
139		504	Att. Stilwell's application of Mar 22, 01 for an order approving and appointing Bonadio & Co. as accountants for Premier, with	

			David Palmer signing his approval	
140		506	Affidavit of no conflict of Bruce Zicari of Apr 9, 01	
141		508	Statement by Bonadio of services and fees; undated, unsigned, and not stamped [maybe a form]	
142		509	Att. Stilwell's Certificate of Service on Apr 10, 01, to those on the attached matrix	
143		514	Att. Stilwell's let of Apr 26, 01, to the Clerk of Court agreeing to the further adjournment of the debtor's motion to appoint accountant, to enable the US Trustee to complete review and response to the request; stamped Filed in Bkr Ct on Apr 30, 01	
144		515	Proceeding memo concerning Relief from stay re: leasehold property at 10 Thruway Park	
145		516	Att. John Weider's let of May 8, 01, to Judge Ninfo, with proposed order concerning the Motion for Relief From Stay	
146		517	Judge Ninfo's order of May 7, 01, appointing Bonadio & Co. as accountants for Premier; stamped Filed in Bkr Ct on May 7, 01	
147		518	Proceeding memo of May 2, 01, re motion to employ accounting firm of Bonadio & Co -granted	
148		520	Proceeding memo of April 18, 01, re: turnover of property and contempt: Motion granted. Appearances: Att. Stilwell for Premier and David MacKnight for James Pfuntnr	
149		522	Att. Stilwell's notice of Apr 6, 01, of motion for an order approving and appointing Bonadio & Co. as accountants for Premier, to be heard on April 18, 01	
150		523	Att. Stilwell's application of Mar 22, 01 for an order approving and appointing Bonadio & Co. as accountants for Premier, with David Palmer signing his approval	
151		525	Affidavit of no conflict of Bruce Zicari of Apr 9, 01	
152		527	Statement by Bonadio of services and fees; undated, unsigned, and not stamped [maybe a form]	
153		528	Att. Stilwell's Certificate of Service on Apr 10, 01, to those on the attached matrix	
154		533	James Pfuntnr's Response of Apr 16, 01, to a motion for contempt and turnover of property; stamped Filed in Bkr Ct on Apr 16, 01	
155		537	Letter of Robert B. Wiggins, personal attorney for Jim Pfuntnr, of Mar 7, 01, to David Palmer at 2106 Sackett Road, Avon, N.Y. 14414, requesting payment of arrears on the lease with Jim Pfuntnr	
156		538	Peter T. Rodgers, Esq.,'s let of Mar 21, 01, to David Palmer at 2106 Sackett Road, Avon, N.Y. 14414 giving notice of termination of lease and notice to quit and surrender the premises by Apr 6, 01	
157		539	Copy of Premier's check for \$2,129.00, signed by David Palmer, to Jim Pfuntnr; for "Rent part of Nov - part Dec 2000", drawn on	

			M&T Bank	
158		540	Att. Stilwell's notice of Apr 6, 01, of motion for an order approving and appointing Bonadio & Co. as accountants for Premier, to be heard on April 18, 01	
159		541	Att. Stilwell's application of Mar 22, 01 for an order approving and appointing Bonadio & Co. as accountants for Premier, with David Palmer signing his approval	
160		543	Affidavit of no conflict of Bruce Zicari of Apr 9, 01	
161		545	Statement by Bonadio of services and fees; undated, unsigned, and not stamped [maybe a form]	
162		546	Att. Stilwell's Certificate of Service on Apr 10, 01, to those on the attached matrix	
163		551	Att. Stilwell's notice of Apr 10, 01, of motion to be heard on Apr 18, 01, requesting turnover of property, punishment of contempt of court, injunction against continued efforts to collect a debt in violation of the automatic stay ; stamped Filed in Bkr Ct on Apr 11, 01	
164		554	Undated and unsigned let of Att. Stilwell to Wiggins & Wiggins, Esqs., attorneys for Jim Pfunter, stating that the latter's claim has been scheduled in Premier's bankruptcy proceeding and demanding that Mr. Pfunter to cease all collection activity and release the obstructions with which Mr. Pfunter has blocked access to the premises leased to Premier	
165		555	Att. Stilwell's Certificate of Service, signed but dated just 2001	
166		556	Judge Ninfo's order of Apr 17, 01, approving the employment of David Palmer as Premier's president, fixing his salary at \$334 per week, and approving the employment of Att. Stilwell; stamped Filed in Bkr Ct on Apr 17, 01	
167		558	AssUST Trudy A. Nowak's objections of to Att. Stilwell's motion for insider compensation; not dated or stamped	
168		559	Att. Stilwell's notice of motion of Apr 3, 01, for an order fixing the executive compensation of David Palmer as President of Premier, returnable on Apr 11, 01; signed by both Att. Stilwell and Mr. Palmer and sworn to by the latter; stamped Filed in Bkr Ct on Apr 3, 01	
169		562	Premier Van Lines' Employee W-2 Wage Summary 2000: Palmer's SS # 086-58-2158; and tax identification #16-1542181	
170		569	Judge Ninfo's order of Apr 18, 01, adjudging James Pfunter in violation of the automatic stay and ordering that he immediately turn over possession of the demised premises on Sackett Road in Avon, NY, to the Debtor-in-Possession; stamped Filed in Bkr Ct on Apr 18, 01	
171		570	Initial Minute report of Tom McCall of \$341 hearing on Apr 3, 01; stamped Filed in Bkr Ct on Apr 4, 01	
172		572	Judge Ninfo's order of Apr 2, 01, authorizing Premier to appoint Att. Stilwell to represent it as Debtor in possession; stamped Filed in Bkr Ct on Apr 2, 01	

173		573	Premier's application of to appoint Att. Stilwell as its attorney; undated and not stamped	
174		575	Att. Stilwell's Affidavit of Mar 16, 01 no conflict	
175		576	AssUST Trudy Nowak's Statement of Mar 21, 01, concerning an inability to appoint a committee of unsecured creditors; stamped Filed in Bkr Ct on Mar 22, 01	
176		577	Notice of Mar 8, 01, of Chapter 11 Bankruptcy Case, Meeting of Creditors for Apr 3, 01, & Deadlines to file proof of claim by a date to be noticed later, stamped Filed in Bkr Ct on Mar 12, 01	
177		579	Certificate of Service indicating Premier's address as 10 Thruway Park Drive, West Henrietta, NY 14586	
178		580	Judge Ninfo's order of Mar 8, 01, directing that no compensation for the next 30 days to any Premier insider exceed the average monthly compensation for the past 12 months and that thereafter no compensation be paid except on court order after motion noticed to the creditors; stamped Filed in Bkr Ct on Mar 9, 01	
179		581	Court's notice of Mar 7, 01, directing amendments or completion of petitions, schedules, and statement of affairs, finding 7 deficiencies and giving 15 days for them to be corrected	
180		582	Trustee Kenneth Gordon's report of Nov 26, 02, of no distribution; stamped Filed in Bkr Ct on Dec 16, 02	
181		583	Judge Ninfo's order of Nov 5, 02, to allow Att. Stilwell to be paid a final allowance for services as administrative expenses	
182		584	AssUST Trudy Nowak's Statement of Mar 19, 02, regarding Att. Stilwell's application for fees and indicating the Chapter 7's filing of objection to the Chapter 7 portion of the fee; stamped Filed in Bkr Ct on Mar 20, 02	
183		586	Clerk of Court Paul Warren's notice of Mar 8, 02, of Att. Stilwell's application for allowance of compensation between July 16, 01 and Feb 26, 02, as administrative expenses; no time stamp	
184		587	As in p586 above, but stamped Filed in Bkr Ct on Mar 12, 02	
185		588	BAE Systems' Certificate of Service, signed by Joseph Speetjens on of Mar 10, 02, listing Premier's address as c/o 1829 Middle Road, Rush, NY 14543, the same as David Palmer's and Dennis J. Palmer's	
186		590	Clerk of Court Paul Warren's notice of Mar 8, 02, of Att. Stilwell's application for allowance of compensation between July 16, 01 and Feb 26, 02, as administrative expenses, checking the objection box: No hearing requested – The court will take the objection into consideration in making its decision; signed by Kenneth Gordon as Chapter 7 Trustee; stamped Filed in Bkr Ct on Mar 19, 02	
187		591	Att. Stilwell's application of Feb 26, 02, for final allowance of attorneys fees and disbursements; not stamped	
188		597	Att. Stilwell's itemized bill of charges of Feb 26, 02, for services to Premier	

189		602	Att. Stilwell's Affidavit of service on Feb 26, 02; listing service on Premier Van Lines, Inc., ATTENTION: David Palmer, Pres., 1829 Middle Road, Rush, NY 14543; stamped Filed in Bkr Ct on Feb 20, 02	
190		604	Clerk of Court Paul Warren's notice of Sep 26, 02, notice to creditors of Trustee Gordon's intent to abandon property; if objections are filed by Oct 15, 02, the hearing would take place before Judge Ninfo on Oct 16, 02, at 11:00 a.m.; stamped Filed in Bkr Ct on Sep 30, 02	
191		605	Let from Sharon E. Mikulec, paralegal at Trustee Gordon's office, of Sep 24, 02, to the Clerk of Court; stamped Filed in Bkr Ct on Sep 26, 02	
192		608	BAE Systems' Certificate of Service of Sep 28, 02	
193		610	Dr. Cordero's let of Oct 14, 02, to Judge Ninfo	
194		611	Dr. Cordero's let of Aug 26, 02, to Att. David MacKnight	
195		612	Dr. Cordero's let of Oct 7, 02, to Att. David MacKnight	
196		613	Att. David MacKnight's let of Sep 19, 02, to Dr. Cordero	
197		614	Trustee Gordon's Answer of Oct 9, 02, in the Adversary Proceeding; stamped Received Oct 9, 02 Bkr Ct	
198		615	Dr. Cordero's let of Oct 14, 02, to AssUST Kathleen D Schmitt	
199		616	Dr. Cordero's Rejoinder and Application for a Determination of Oct 14, 02	
200		623	Trustee Gordon's let of April 16, 02, to David Dworkin	
201		624	Att. Stilwell's fax of May 30, 02, to Dr. Cordero	
202		625	Trustee Gordon's let of June 10, 02, to Dr. Cordero	
203		626	Christopher D. Carter's let of July 30, 02, to Dr. Cordero	
204		627	Christopher Carter's let of July 30, 02, to Mr. Busateri [Pusateri] of M&T Bank	
205		628	Att. David MacKnight's let of Sep 19, 02, to Dr. Cordero	
206		629	Trustee Gordon's let of Sep 23, 02, to Dr. Cordero	
207		630	Trustee Gordon's Answer of Oct 9, 02, in the Adversary Proceeding; stamped Received Oct 9, 02 Bkr Ct	
208		631	Let from Sharon E. Mikulec, paralegal at Trustee Gordon's office, of July 23, 02, to Ms. Tory Hirsch at the Bkr Ct's Clerk's Office; stamped Filed in Bkr Ct on July 24, 02	
209		632	Clerk of Court's Paul Warren's Notice of June 13, 02, to creditors of Trustee's Intent to Abandon Property unless an objection or a request for a hearing is filed with the Bankruptcy Ct Clerk and the Trustee by Jul 2, 02; if objections are filed by Oct 15, 02, the hearing would take place before Judge Ninfo on Jul 3, 03; stamped Filed in Bkr Ct on Jun 18, 02	
210		633	BAE Systems' Certificate of Service, signed by Joseph Speetjens on June 16, 02	

211		635	Clerk of Court's Paul Warren's Notice of June 13, 02, to creditors of Trustee's Intent to Abandon Property	
212		636	Judge Ninfo's order of May 29, 02, granting Att. Stilwell's application for a final allowance of \$4,699.50 for Bonadio & Co. for services between July 1, 2001 and December 20, 2001 as a Chapter 11 administrative expense; stamped Filed in Bkr Ct on May 29, 02	
213		637	Kathleen Schmitt's let of Oct 8, 02, to Judge Ninfo concerning Dr. Cordero's application; stamped Filed in Bkr Ct on Oct 10, 02	
214		638	Trustee Gordon's notice of July 23, 01, of intent to sell combined with notice thereof **Public Sale** at Roy Teitsworth's Groveland Auction Lot, of 4 trailers, 1 truck tractor, and 1 tractor, and 1 truck; if timely objection is filed, the hearing will take place before Judge Ninfo on Aug 28, 02	
215		639	BAE Systems' Certificate of Service, signed by Joseph Speetjens on Jul 25, 02	
216		641	Trustee Gordon's notice of July 23, 01, of intent to sell combined with notice thereof	
217		642	Judge Ninfo's order of Aug 28, 02, approving Trustee Gordon's employment of Roy Teitsworth as auctioneer; stamped Filed in Bkr Ct on Aug 28, 02	
218		643	Trustee Gordon's application of July 16, 02, to employ auctioneer to conduct auction sale of vehicles; stamped Filed in Bkr Ct on Aug 28, 02	
219		645	Roy Teitsworth's Affidavit of July 9, 2002, of no conflict	
220		646	Statement of Roy Teitsworth, of Roy Teitsworth, Inc., professional auctioneers, of May 10, 02, of the estimated value of \$7,000 of the vehicles inspected at the Sackett Road location on Thursday, May 9, 2002	
221		647	AssUST Trudy Nowak's statement of April 9, 02, regarding application for fees: not opposing the allowance of \$4, 699.50 as administrative expense for Bonadio & Co., accountants; stamped Filed in Bkr Ct on Apr 10, 02	
222		649	Clerk of Court Paul Warren's notice of Apr 3, 02, of Att. Stilwell's application for allowance of compensation for Bonadio & Co., any objection to be filed with the Court, UST and applicant by Apr 26, 02; stamped Filed in Bkr Ct on Apr 8, 02	
223		650	BAE Systems' Certificate of Service, signed by Joseph Speetjens on Apr 5, 02	
224		652	Clerk of Court Paul Warren's notice of Apr 3, 02, of Att. Stilwell's application for allowance of compensation for Bonadio & Co.	
225		653	Att. Stilwell's application of Mar 22, 02, for an allowance for Bonadio & Co, accountants appointed on or about May 7, 01, of \$4,699.50 for services rendered in the period between July 1, 01 to Dec 20, 01; stamped Filed in Bkr Ct on Mar 25, 02	
226		656	Let of Jon H. Martin of Bonadio & Co. of Mar 19, 02, to Att.	

			Stilwell for payment of fees for services rendered for Premier	
227		657	Bonadio & Co.'s invoice no. 26136 for Client No. WIL002.0 of July 7, 01, for \$619.00 for preparation of compiled financial statements for the year ended Dec 31, 00	
228		659	Bonadio & Co.'s invoice for Client no. WIL002.0 for \$2,189.00 for completion of 2000 accounting and bookkeeping for 2000; preparation of 2000 compiled financial statements; accounting and bookkeeping for Jan-May 01; etc.	
229		660	Bonadio & Co.'s Billing Worksheet of Sep 12, 02, by Selected Clients	
230		662	Bonadio & Co.'s invoice no. 27341 of Sep 30, 01 for Client no. WIL002 for \$905.00 accounting and bookkeeping services including accounts receivable billing; cash disbursement	
231		664	Bonadio & Co.'s invoice no. 27902 of Oct 31, 01 for Client no. WIL002 for \$956.50 for accounting and bookkeeping services including accounts receivable billing; cash receipt reconciliations; cash disbursement	
232		666	Bonadio & Co.'s invoice no. 29467 of Dec 31, 01 for Client no. WIL002 for \$30 for preparation of sales tax return for the quarter ending Nov 30, 01	
233		668	Att. Stilwell's proposed order for Judge Ninfo to grant the requested allowance for Bonadio & Co. for services between July 1, 01 and Dec 20, 01 as a Chapter 11 administrative expense	
234		669	Att. Stilwell's Certificate of Service on Mar 22, 02	
235		670	Trustee Gordon's 362 (d) Relief from stay; stamped Filed in Bkr Ct on May 8, 02	
236		671	Notice of Timothy P. Johnson, Esq., att. for M&T Bank, of May 3, 02, of motion for relief from the automatic stay to enforce M&T's rights as a secured creditor of the Debtor against the Debtor's accounts and equipment (excluding titled motor vehicles); stamped Filed in Bkr Ct on May 8, 02	
237		673	M&T Timothy P. Johnson's motion of May 3, 02, for relief from the automatic stay	
238		680	M&T Bank Security Agreement of Jan 23, 98	
239		695	M&T's proposed order lifting the automatic stay	
240		697	M&T's Jennifer McKay's Affidavit of Service by Mail	
241		698	Judge Ninfo's order of May 17, 02, lifting the automatic stay; stamped Filed in Bkr Ct on May 17, 02	
242		700	Judge Ninfo's order of Apr 4, 03, denying Cordero's motion for relief from order denying motion to extend time to file notice of appeal; stamped Take Notice of the Entry of the Order on Apr 7, 03, Paul Warren, Clerk, Bkr Ct	
243		702	Cordero's Amended answer with crossclaims of Nov 20, 02; stamped Filed in Bkr Ct Nov 25, 02	
244		722	Let of David Dworkin of Jefferson Henrietta Associates of Mar 1,	

			02, to Dr. Cordero	
245		723	Jefferson Henrietta Associates' invoice of Mar 7, 02, to Dr. Cordero	
246		724	Let of David Dworkin of Jefferson Henrietta Associates of Apr 25, 02, to Dr. Cordero	
247		725	Trustee Gordon's let of April 16, 02, to David Dworkin	
248		726	Trustee Gordon's let of June 10, 02, to Dr. Cordero	
249		727	Att. Stilwell's fax of May 30, 02, to Dr. Cordero	
250		728	Let of Att. Michael Beyma, attorney for M&T and David Delano, of Aug 28, 02, to Dr. Cordero	
251		729	Att. David MacKnight's let of Sep 19, 02, to Dr. Cordero	
252		730	Trustee Gordon's let of Sep 23, 02, to Dr. Cordero	
253		731	Trustee Gordon's let of Oct 1, 02, to Judge Ninfo	
254		733	Certificate of Service	
255	Feb 20, 03	734	Dr. Cordero's let; stamped Received Off of the General Counsel Feb 25, 03, EOUST	Joseph A. Guzinski, Gen. Counsel, EOUST
256	Mar 11, 03	735	Dr. Cordero's let; stamped Received Off of the General Counsel Mar 11, 03, EOUST; File Copy # 2003-2036	Erleen Harrison
257	Mar 11, 03	736	Dr. Cordero's let; stamped Received Off of the General Counsel Mar 11, 03, EOUST	Joseph A. Guzinski
258	Feb 20, 03	737	Dr. Cordero's copy for EOUST Director Lawrence A. Friedman, of his let to Gen Counsel Joseph Guzinski of Feb 20, 03; stamped Received Off of the General Counsel Feb 25, 03, EOUST	Director Lawrence A. Friedman
259	Apr 21, 03	738	p1. K. Schmitt's fax;	Paul B.
260		739	p2. List of Exhibits in Dr. Cordero's brief & affidavit to oppose Mr. Pfunter's motion of April 10, 03	Paul B.
261		740	p3. Christopher D. Carter's let of July 30, 02, to Dr. Cordero	Paul B.
262		741	p4. Christopher Carter's let of July 30, 02, to Mr. Busateri [Pusateri] of M&T Bank	Paul B.
263		742	p5. Att. Michael Beyma's let of Aug 15, 02, to Dr. Cordero	Paul B.
264		744	p7. Dr. Cordero's let of Aug 26, 02, to Att. MacKnight	Paul B.
265		745	p8. Att. David MacKnight's let of Sep 19, 02, to Dr. Cordero	Paul B.
266		746	p9. Trustee Gordon's let of Sep 23, 02, to Dr. Cordero	Paul B.
267		747	p10. Dr. Cordero's let of Oct 7, 02 to Att. MacKnight	Paul B.
268		748	p11. Dr. Cordero's copy for Att. MacKnight of his let of Oct 17, 02, to James Pfunter	Paul B.
269		749	p12. Att. MacKnight's let of Dec 5, 03, to Judge Ninfo	Paul B.
270		751	p14. Att. David MacKnight's let of Dec 30, 02, to Dr. Cordero	Paul B.
271		752	p15. Dr. Cordero's copy resubmitted with letter to Mr. MacKnight of Apr 2, 2003, of his let of Jan 29, 03, to Mr.	Paul B.

			MacKnight	
272		753	p16. Dr. Cordero's copy resubmitted with letter to Mr. MacKnight of Apr 2, 2003, of his let of Jan 29, 03, to Judge Ninfo	Paul B.
273		756	p19. Last page of Dr. Cordero's brief & affidavit to oppose Mr. Pfuntner's motion of April 10, 03	Paul B.
274		757	Dr. Cordero's let of Mar 24, 03, to Attorney General John Ashcroft; stamped Received Off of the General Counsel Apr 3, 03, EOUST	
275		758	Att. Michael Beyma's let of Aug 28, 03, to Dr. Cordero	

II. Comments on the Documents Received

p.9. "...In that regard, we understand that the person who is believed to have possession of Dr. Cordero's property has had heart valve replacement surgery. His counsel reports that he is recovering well and should be able soon to meet Dr. Cordero." In letter or April 9, 2003, From Carolyn S. Schwartz, UST, Region 2, to Esther Estryn and Paul Bridenhagen at the EOUST in Washington.

p9. "We have not analyzed legally whether Dr. Cordero is a statutory party in interest in this chapter 7 case, but have tried to assist him in retrieving [sic] his property." In letter or April 9, 2003, From Carolyn S. Schwartz, UST, Region 2, to Esther Estryn and Paul Bridenhagen at the EOUST in Washington.

Why was there a copy of the transcript of the December 18, 2003, hearing in the US Trustee's office in Rochester, which was faxed to the

P158 Trustee Gordon served his motion to dismiss on Raymond Stilwell, Esq., Attorney for Debtor, and on David Palmer, on Dec 5, 02

P225 Premier's Voluntary Petition in WDNY Bkr Ct, stamped Filed in Bkr Ct on Mar 5, 01; Premier's Soc. Sec./Tax I.D. no. 16-1542181 [cf. 368]

Name of Joint debtor 72039647

Other name used by the Joint Debtor in the last 6 years 0120692

giving the following as principal place of business and of debtor

10 Thruway Park Drive

West Henrietta, NY 14586 (see also p273, 274; but see p369, where the address is 900 Jefferson Road)

P227 David Palmer's Resolution to file under Chapter 11 of Mar 2, 01, as President and Gen Manager of Premier

P225-234	Voluntary petition for bankruptcy	Mar 5, 01	
P235-265	Amendment Cover Sheet	Mar 19, 01	
P266-273	Amendment Cover Sheet	Apr 17, 01	See p556 Order appointing Palmer as president and Stilwell as attorney for Premier

P228 Premier's List of Creditors

What kind of security services did these firms provide?

Better Service Alarms, Inc.
Casco Security Systems, Inc.
Lovell Safety Management

P230 Rochester Fire Equipment Co.
Rochester International
Rochester Scale Works

P260 If Premier did not owe any salary to employees, why did it have an executory contract with **Cintas Uniform Rental**? Why was this company not listed as a creditor?

P229 Was this a debt of the corporation or a personal debt that shows commingling of debts?
Meisenzahl Lawn & Landscape?

P229 What was Premier leasing from Harry & Gretchen Voss that it owed this firm \$78,195?
111 Commerce Drive
Rochester, NY 14623

P229 How could Palmer, filing bankruptcy for his corporation, list debts to?:

Genesee Hospital
Noyes Memorial Hospital

P230 Strong Health

P230 What kind of business was Premier that it generated waste for?:

Upstate Disposal
Waste Management

P235 Premier's Amendment Cover Sheet of Mar 19, 01, stamped Filed in Bkr Ct on Mar 20, 01:

P236 In the amendment Palmer checked estimated assets of between \$500k to \$1m and estimated debts of \$100k to \$500k, where in the original filing on Mar 5, 01, p225, he had indicated estimated assets of between \$100k to \$500k and estimated debts of \$100k to \$500k

P238 Premier's gross income

Year to date: 2001	\$122,000
Last Year:	\$675,000
Year before: 1999	\$442,000

p239 Voss v. Premier Van Lines, landlord-tenant proceeding, in Henrietta Town Court, stayed by filing

Entercom Communications v. Premier Van Lines in Supreme Court, collection lawsuit, Monroe County, judgment entered and executed
No losses due to fire, theft, and other casualty or gambling

P240 Property held for another person: List all property owned by another person that the debtor holds or controls, Palmer checked None

Prior address of debtor:
2140 Sackett Road
Avon, NY 14414,

still occupied [cf. p236, where Palmer gave his business address as 10 Thruway Park Drive, the place leased from Harry & Gretchel Voss]

P242 18. Nature, location and name of business: If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within the six years immediately preceding the commencement of this case: Premier checked None

P243 Bonadio & Co. is listed as rendering bookkeeping, accounting, and financial services
How could he check None in each of the questions there?!
Check answers for Inventories

P244 Palmer states that he withdrew \$334.34/week for the previous year. (see p556 below)
Palmer describes himself as Premier's President, Secretary, Treasurer, and sole director, owning 100% of the stock

P248 M&T Bank operating checking account 016482820
Payroll checking account 016488710

Why was Schedule C –Property Claimed as Exempt not filed or is missing?

P249 Franchise rights with North American Van Lines, in debtor's possession, worth \$550,000

P252 Palmer lists no money owed to employees. How could he run a moving business without employees? Yet, on p253 he lists a Workers Compensation fine of \$4,250.

P255 How could Palmer, filing bankruptcy for his corporation, list debts to Genesee Hospital?

P260 Amended Schedule G - Executory contracts and unexpired leases:[cf. p271] by

Cintas Uniform Rental

Harry & Gretchel Voss

and

Jim Pfutner

c/o Wiggins & Wiggings

PO Box 32-A

Lima, NY 14485

P261 Harry & Gretchen Voss is listed as a codebtor.

P262 Business Income and Expenses, wherein Premier lists:

\$1,350,750 income for the previous 12 months

32,250 in net employee payroll, other than debtor. Yet, he listed no money owed to employees

00 no insurance expense

\$70,129.17 as average net monthly income

p263 675,303.31 personal property,

-157,660.70 liabilities

p266 Premier's Amendment Cover Sheet of Apr 17, 01, stamped Filed in Bkr Ct on ? 18, 01

p267 & 309 Amended Schedule D –Creditors holding secured claims: \$0.00

p269 & 308 The amendment, #22040750, filed on Apr 17 does not list any creditors holding unsecured priority claims other than to government units, including

p270 & 312 Amended Schedule E –Creditors holding unsecured priority claims:

\$150,007.02;

NYS Department of Labor, that was owed \$15,886.50 in unemployment taxes

Amended Schedule E –Creditors holding unsecured priority claims: \$150,007.02, 3 governmental units, two of them different from those listed on p252, when on the amendment of Mar 19, 01, the total was \$21,401.03, to 3 governmental units

p271 Amended Schedule G - Executory contracts and unexpired leases

Ryder Truck Rental
North American Van Lines
5001 US Highway 30 West
Ft Wayne, IN 46818

[cf. p260, where the items were:

Cintas Uniform Rental
Harry & Gretchel Voss

and

Jim Pfutner

P272 & 314 Declaration under penalty of perjury concerning Debtor's schedules

P276 The lease between Premier and Harry & Gretchen provided for a monthly rent of \$10,250.33 for its share of insurance, taxes, assessments, and utilities

Premier occupied the premises at 10 Thruway Park Drive, Henrietta, NY, until about June 30, 2001

P279 Lease Agreement between Harry & Gretchen and Premier, entered into on April 12, 2000, Premier had offices at the time at 2140 Sackett Road, Avon, NY

P282 Lease of a 21,392 sq. ft. free standing building, scale, land and all improvements at 10 Thruway Park, for 15 years between Apr 1, 2000 and March 31, 2015; for \$10,250.33 a month, to be used as office and warehouse space

P285 David Palmer guaranties the payment and execution of the contract

P286 Tenant shall maintain the existing weigh scale, including the current security system contract, and shall repair the scale as needed.

P287 Tenant shall carry...public liability insurance with coverage in an amount not less than \$2m per accident or occurrence on account of bodily injury, including death resulting therefrom, and \$500k per accident or occurrence on account of damage to property.

Tenant shall carry...as additional rent, fire, extended coverage and casualty insurance on the entire bases premises in amounts not less than \$1m and upon terms acceptable to Landlord's existing insurance carrier, insuring the interest of Landlord in the premises.

P289 Tenant...shall file a voluntary petition in bankruptcy

P302 The guaranty is signed by David Palmer only

P306 Last payment made by Premier to Harry Voss under the lease was on June 14, 01

P312 Amended Schedule E –Creditors holding unsecured priority claims: \$150,007.02

P313 & 271 Amended Schedule G - Executory contracts and unexpired leases

P314 & 272 Declaration under penalty of perjury concerning Debtor's schedules

P343 List of Premier's creditors' addresses; Where did the attorney for landlords Harry & Gretchen Voss, John R. Weider, Esq., at Harter, Secrest & Emery LLP, cf. 350, obtain so many names that are not in the list of creditors provided by Premier? See p372-378

Trudy A. Nowak

US Trustee

100 State Street

Rochester, NY 14614

- P361 Order of Judge Ninfo Mar 4, 02, approving employment of attorney for the Trustee, appointing William E. Brueckner, Esq., at Ernstrom & Drete, LLP
- P362 Application by Trustee under Rule 2014 for order approving employment of attorney, stamped Filed in Bkr Ct on Feb 28, 02:
“The Debtor appears to have assets available for distribution to creditors consisting of accounts receivables and property of delinquent storage customers. The Trustee desires to retain counsel to assist the Trustee in preparation of necessary papers and proceedings with relation to the collection of assets; represent the Trustee at hearings; and advise the Trustee; and other services legal in nature to the Trustee....Mr. Brueckner will submit semi-annual written reports to the Trustee and is aware that all settlement and disbursements of funds shall require the approval of the Trustee and Bankruptcy Court.”
The maximum that Mr. Brueckner’s firm could receive was 33 1/3 of any recovery made on behalf of the estate.
- P361 Order of Judge Ninfo of Mar 4, 02, approving employment of attorney William Brueckner for Trustee Gordon, stamped Filed in Bkr Ct on Mar 4, 02, with no objection of the Off of US Trustee’s Christine Kyler, of Feb 27, 02
- P365 Minute report of section 341 hearing of Feb 8, 02, stamped Filed in Bkr Ct on Feb 14, 02, where the case is marked as an asset case, David Palmer and Raymond Stilwell appeared and examined, but nobody else appeared; the hearing was closed.
Read the handwritten note there of the financial documents that Premier was supposed to submit by Feb 28, 02
- P366 Raymond Stilwell’s let of Feb 5, 02, to the court, stamped Filed in Bkr Ct on Feb 6, 02:
“The debtor has closed its business premises. Please redirect all notices intended for the debtor to the address of its principal as follows:
Premier Van Lines
c/o 1829 Middle Road
Rush, NY 14543
- P367 Minute report of section 341 hearing of Jan, 26, stamped Filed in Bkr Ct on Jan 29, 02:
Marked as an asset case
Handwritten note in the Comments: 1. Complete list of all Assets at both locations
2. Accts Receivables details

Where is that list?
See the other items in the list
- P368 Premier’s Tax id. 16-1542181
- P369 Bae Systems’ Joseph Speetjens’ Certificate of Service of Jan 27, 02
Premier’ address is given as
900 Jefferson Road
Rochester, NY 14623
But see p225, where the address on Mar 5, 01, at the time of filing the voluntary petition is
10 Thruway Park Drive
West Henrietta, NY 14586
How was Addeco Employment Services involved in Premier’s business? What services did it provide? It did not appear in Premier’s list of creditors, p228, of Mar 5, 01, but it

- also appeared in the Service List of Harry & Gretchel Voss' motion for payment of administrative expenses? How did their attorneys, John R. Weider, come about it?
- P371 Amended Schedule E –Creditors holding unsecured priority claims: \$1,631.00 [cf. P312: \$150,007.02; Where did the money come from to pay them?
- P379 Schedule F: Creditors Holding Unsecured non-priority claims: \$13,514.00, including Jefferson Henrietta Associates, \$12,000.00 in rent; as of Jan 18, 02, p370
- P382 Raymond Stilwell's application of Jan 10, 02, to extend time to Jan 22, 02, for filing the debtor in possession's final report.
- “3. [Att. Stilwell] made several telephonic inquiries to Mr. Palmer, and was informed that the records necessary to the completion of the final report are still at the former business premises at 900 Jefferson Road. The trustee has changed the locks to that location and Mr. Palmer must arrange access with him for completion of that report.”
- “4. The 341 meeting is scheduled for January 24 and may be adjourned to a discrete calendar due to the size and complexity of the case.”
- P384 Clerk of Court Paul Warren's let to Att. R. Stilwell asking for the correct/current address of Premier, because the Clerk had used its address at 900 Jefferson Road on the debtor's mailing matrix to serve notice of the meeting of creditors, but the attempt failed.
- P390 The trustee will collect and sell the debtor's property.
- P394 Assistant US Trustee Trudy A. Nowak's notice of motion of Nov 8, 01, to convert is predicated on:
- Debtor's failure to pay US Trustee quarterly fees
 - His inability to propose a plan of reorganization
 - The absence of a reasonable likelihood of rehabilitation
- P398 Harry & Gretchel Voss in their Statement of Dec 17, 01, in support of Trustee's motion to convert Chapter 11 case stated that:
- “4. From May 1, 2000, and continuing until the Petition Date, Debtor missed or made only partial rent payments so that the cumulative rent due to the landlord as of the February 21, 2001 was \$43,502.64. In addition, Debtor failed and refused to repay real estate taxes due in the principal amount of \$24,443.02...”
- “5. Prior to learning that Debtor had filed for bankruptcy, Mr. and Mrs. Voss obtained an Order of Eviction in the Henrietta Town Court on March 5, 2001, but were stayed from enforcing the Order due to the Debtor's same day bankruptcy filing.”
- “7. On or about May 2, 2001, Mr. and Mrs. Voss applied to this Court for relief from the automatic stay, and an order was issued allowing them to evict Debtor. Upon information and belief, the Debtor vacated the Premises on or about June 30, 2001.”
- “9. Throughout the pendency of this Chapter 11 case, Debtor has demonstrated bad faith as it relates to the lease of the Premises of 10 Throughout Park.”
- “10. By filing for protection under Chapter 11 of the Bankruptcy Code, Debtor used the automatic stay to delay eviction proceedings. Although Debtor continued to operate its business from the Premises from the filing date until the Premises was finally vacated four months later, it failed to make arrangements for post-petition lease payments.”

- P403 Assistant US Trustee Trudy A. Nowak's motion of Nov 7, 01, to convert, stamped Filed in Bkr Ct on Nov 8, 01
- P404 "6. At the most recent §341 meeting held on November 6, 2001, the debtor principal advised this office that the business operations have ceased and that the sale or other liquidation of the estate's assets is the only available option to satisfy claims of creditors.
- "7. The debtor has failed to file a Disclosure Statement or Plan of Reorganization."
- P407 Minute Report of §341 hearing held on Nov 6, 01, stamped Filed in Bkr Ct on Nov 8, 01: "Business ceased trucking operations."
- P411 Raymond Stilwell's Application of Oct 18, 01, for Premier to sell property outside the ordinary course of business:
- "2) The debtor is in the moving, storage, and relocation business. It has operated profitably on a balance sheet basis, but has experienced significant cash flow difficulties as the overall economic conditions, coupled perhaps with account debtor misapprehensions about its status, have complicated the timely collection of its receivables.
- "3) The debtor has now been approached by another moving business which wishes to acquire the debtor's base of business, employ its principal, assume most of its going-forward liabilities, and provide significant and more importantly, not collection-dependent- revenues based on the business generated by that business. ..."
- p419 Att. Raymond Stilwell's application of July 12, 01, for fees and disbursement with respect to legal services for Premier
- "3) ...The debtor, who had been a client of this firm, was formed to take the Rochester operations of an established moving company in 1998. Growth came, but the debtor was unable to maintain sufficient profitability to meet all of the expenses associated with that growth. Principally, the debtor's new lease of expanded leasehold facilities in Henrietta, New York, proved to cause too great a drain on operating funds. The landlord of those premises had served eviction notice and was in the process of obtaining a warrant of eviction when the within petition was filed."
- "4) Early in the Chapter 11 case, applicant attempted to assist the debtor in putting forth a plan for remaining in business in less expensive quarters, while working with the existing lessor to arrive at an orderly transfer from the business premises. Through the process of negotiation, and with some Court assistance concerning specific ordering provisions, the debtor has made a successful transition to new physical space which is sufficient for its needs and causes much less of a cash demand."
- "6) Most of the services rendered by applicant have been performed by Raymond C. Stilwell. Mr. Stilwell has spent a total of 40.68 hours in rendering services to the debtor between January 26, 2001 and July 10, 2001, as stated on the sheets annexed hereto. At such times, applicant's customary charge to its clients for comparable services was \$190 per hour. Accordingly, applicant's customary charges for the services rendered would be \$7,727.94."

- “7) Additional services, mostly related to the debtor’s real estate matters, were rendered by E. Adam Leyens, one of the other attorneys in the applicant firm. Mr. Stilwell has spent a total of 7.29 hours in rendering services to the debtor between January 26, 2001 and July 10, 2001, as stated on the sheets annexed hereto. At such times, applicant’s customary charge to its clients for comparable services was \$180 per hour. Accordingly, applicant’s customary charges for the services rendered would be \$1,311.00.”
- p426 “5/3/01 Prepare section for lease and prepare fax to Dworkin. 0.30 hr
“5/21/01 Review revised changes to lease; send email to Dworkin: telephone call with client re proposed changes. 0.42 hr”
“6/11/01 Email to Lessor re lease for Premier .10 hr”
- p428 “3/6/01 Calls from Larry Palvino and David Palmer to go over filing details and going-forward arrangements
“3/7/01 Calls from Ingrid Palermo and UST re scheduling of matters and expectations
“3/8/01 Phone conferences with Dennis & David Palmer re payroll & other procedures
- p429 “3/30/01 Phone conferences with David Palmer and John Martin
“4/2/01 Calls from/to David Palmer re court requirements for 4//3 and followup with John Martin and UST re accountant appointment issues
- p430 “4/13/01 Calls from/to David Palmer re leasing opportunities for new premises and levy issue with creditor on amendment list
?4/18/01 File amendment re tax claims after phone conferences with David Palmer and Elaine Cole (.35)
“4/19/01 Phone conference with David Palmer to confirm landlord compliance with court order and go over M&T secured position
“Get back to David Palmer re modification of schedule and adequate protection issue after call from Mike Beyma regarding M&T debt; prepare amendment accordingly
- p431 “5/14/01 Phone conference with client, Scott Malouf and Arizona account debtor; review and draft response re Avon lessor
5/24/01 Calls to/from David Palmer after call from Malouf re final intention to deposit; notification/confirmation of acceptable resolution
“6/1/01 Call from/to David Palmer and Scott Malouf re status of moving
- p432 “6/6/01 Calls from Scott Malouf re verification of current month-end intentions; get back to client to verify/inform
“6/12/01 Followup calls from/to Scott Malouf and David Palmer- confirm final lease payment deadlines and schedule
- p434 Raymond Stilwell’s affidavit of service of July 11, 01, which lists Premier’s address at 90 Jefferson Road, Rochester, NY 14623
- p449 Where is Att. Stilwell’s notice to creditor of the application for the appointment of Bonadio & Co. as Premier’s accountants, which were appointed on May 7, 01?
- P451 Bonadio & Co.’s billing worksheet by Bill Manager Jon Martin (JHM)
“enter North American invoices into excel spreadsheet & then enter into Creative Solutions
- p460 Minute report by Tom McCall of §431 hearing of July 10, 01

"Debtor has effectuated move, will save considerable expense (\$9k). O/S financials and UST fees to be paid by July 17, 01 or UST to move to convert. Debtor expects plan to be files in late fall."

P461 Att. R. Stilwell's let of July 11, 01, to the Clerk of Court applying for fees and disbursement and giving notice of Premier's change of address to 900 Jefferson Road, Rochester, NY 14623; stamped Filed in Bkr Ct on ? 12 ?

P462 Judge Ninfo's Order of May 11, 01, vacating stay applied for by Harry & Gretchel Voss on Apr 18, 01, and letting them proceed with the eviction of Premier from 10 Thruway Park, West Henrietta, NY, and awarding them filing and attorneys' fees in the amount of \$75 and \$350, respectively; stamped Filed in Bkr Ct on May 11, 01

P464 Harry & Gretchel Voss' notice of Apr 18, 01, motion to vacate stay as it pertains to Premier's leasehold interest in real property located at 10 Thruway Park, West Henrietta, NY; stamped Filed in Bkr Ct on Apr 11, 01; signed by Ingrid Palermo, Esq., of Harter, Secrest & Emery; served on Premier and David Palmer at 10 Thruway Park and on AUST Trudy Nowak, and Att. Stilwell

#22040773

p464 "9. From May 1, 2000, and continuing until the Petition Date, Debtor missed or made only partial rent payments so that the cumulative rent due to the landlord as of the February 21, 2001 was \$43,502.64. In addition, Debtor failed and refused to repay real estate taxes due in the principal amount of \$24,443.02..."

"12. On February 20, 2001, Mr. and Mrs. Voss caused to be served a demand for payment, in writing, requiring payment of the rent in accordance with the provisions of Section 711(2) of the NY Real Property Actions and Proceedings Law. ...

"13. The debtor never responded or answered that demand. Mr. and Mrs. Voss through their attorneys made a motion returnable at Henrietta Town Court on March 5, 2001 to have the debtor evicted from the Premises.

"14. Instead of responding to Mr. and Mrs. Voss' request for payment, the debtor filed for bankruptcy on the Petition Date.

"15. Prior to learning that the debtor had filed for bankruptcy, Mr. and Mrs. Voss obtained an Order of Eviction on March 5, 2001."

"17. The undersigned sent a letter to Mr. Stilwell to requesting [sic] a post-petition payment arrangement with the debtor on March 8, 2001. Although Mr. Stilwell indicated that he would discuss it with hi client, the undersigned has received no response from Mr. Stilwell.

P495 Exhibit C: 2001 Town and County Tax Bill for Harry F & Gretchen A Voss as of Jan 2, 01, stating address as

c/o Diamond Packaging

P.O. Box 23620

Rochester, NY 14692-3620

Parcel size 2.44 acres warehouse

P497 Electricity bill for:

Diamond packaging, Inc

Attention: Accounts Payable

111 Commerce Drive

Rochester, NY 14623

Tel. (716) 334-8038; fax (716) 334-9141

P501 Harry & Gretchen Voss' let of Feb 19, 01, to David Palmer of Premier Van Lines of Rochester, Inc. at 10 Thruway Park Drive, with cc Lawrence T. Palvino, Esq. [at Harter, Secrest & Emery, p511] and Peter H. Abdella, Esq.

P506 In the Affidavit of no conflict of Bruce Zicari of Apr 9, 01:

"2) a) My father is a first cousin of the father-in-law of the debtor-in-possession's President."

P508 Bonadio & Co:

"Our fess are based on the time required and the level of staff necessary to complete the work. Our fees range from \$70 per hour for a junior staff accountant to \$295 per hour for a partner."

P515 Proceeding memo concerning Relief from stay re: leasehold property at 10 Thruway Park John Weider of counsel to Ingrid Palermo, Esq., att for Harry and Gretchen Voss

"Motion granted effective on the close of business on 5/11/01 provided that the rent, pro-rated taxes and utilities for ten days are paid by the close of business on 5/30/01. If they are not paid, the stay will be lifted.

P516 Att. John Weider's let of May 8, 01, to Judge Ninfo, with proposed order concerning the Motion for Relief From Stay argued on May 2, 01

"We are advised that the debtor has paid the sum of \$4,000 to the landlord, which approximates the base rent and real estate taxes due for the eleven days of May.

P533 James Pfuntner's Response of Apr 16, 01, to a motion for contempt and turnover of property; stamped Filed in Bkr Ct on Apr 16, 01

"2. Before the filing of the petition starting this case Debtor entered into a lease of a warehouse owned by Respondent located at 2140 Sackett, Avon, New York.

"3. In October 2000 Debtor removed from the premises without advising of its intentions. Therefore Respondent made almost daily calls to Debtor's president advised that Debtor intended to collect some accounts, then move back to the leased premises. Therefore, Respondent suggested that he attempt to find a replacement tenant and limit his claim to rent accrued up to the time the property was relet. Debtor's president declined that offer.

P534 "3....Eventually, Respondent was unable to obtain any response whatsoever from Debtor's president numerous calls.

"4. Respondent has not seen any of Debtor's personnel on the premises since the Debtor left the premises. No one requested access to the premises for several months. Eventually Respondent determined that Debtor had abandoned whatever property it had left on the premises. Respondent changed the locks on the warehouse after determining the property had been abandoned.

"5. Respondent had no received any written communication from anyone suggesting that Premier ha filed a bankruptcy petition. None of Debtor's employees or agents advised that Debtor had filed a bankruptcy petition. Around March 1, 2001 Debtor's president's brother said that it was likely that Debtor would start bankruptcy proceedings and said I would be paid.

Debtor's attorney did not write or call me to tell me that Debtor was debtor in any bankruptcy proceeding or had filed in bankruptcy.

"6...No one sent any correspondence or otherwise gave notice about an unfulfilled desire to remove any property.

P535 "7. Mr. Wiggins is not my attorney, though in the past he has performed some legal work on my behalf. Peter Rodgers has been my attorney for several years. Although Mr. Wiggins sent a demand letter, see Exhibit A, Mr. Rodgers later letter plainly reflected he had been retained in this matter, Exhibit B.

"8. Debtor paid a month's rent for the use of the premises. This check was left in a drop box at the premises. There was no note with it or any indication that the check came from a debtor in a bankruptcy case. (See Exhibit C)

P536 "13. The court should determine what the Debtor abandoned before the start of the case and is no longer property of the estate."

556 Judge Ninfo's order of Apr 17, 01, approving the employment of David Palmer as Premier's president, fixing his salary at \$334 per week. (See p244 above, where Palmer states in the amended papers of Mar 19, 01, that he withdrew \$334.34/week for the previous year. Was it the court that approved the request that he continue withdrawing the same salary that he had withdrawn before?)

p560 Att. Stilwell's motion of Apr 3, 01, for an order fixing the executive compensation of David Palmer as President of Premier

"4) Mr. Palmer is the corporation's chief executive and operating officer and directs both its daily and long-range operations. He manages finances, procures and implements the debtor's contracts and has assumed the debtor's duties under sections 1107 and 9001 of the Bankruptcy Code. He has also assumed additional responsibilities previously held by other individuals in the interest of economizing."

"5) It is respectfully submitted that the requested compensation is reasonable in light of the quantity and levels of responsibility expected from the insider, which compensation is comparable to, if not less than, that earned by individuals of comparable time and responsibility commitments in the debtor's industry."

"6) Copies of the insider's W-2 documents for the year 2000 are annexed. While the compensation shown does not equal an annual average salary as requested, this reduced pay in 2000 was due to Mr. Palmer's deferral of pay when the company was unable to make the payments. The insider understands that such deferral will also be necessary post-petition if the debtor is unable to meet any current post-petition obligations to non-insiders."

Signed by both Att. Stilwell and Mr. Palmer and sworn to by the latter

P574 Premier's application of to appoint Att. Stilwell as its attorney; undated and not stamped

"(d) To represent applicant as Debtor-In-Possession in any proceedings which may be instituted in this Court by creditors or other parties during the course of this proceeding;

"6) this firm[of Adair Law Firm] has represented the debtor prepetition."

- “7) Your applicant desires to employ the said lawfirm under a general retainer because of the extensive legal services required.
- “8) It has been understood and agreed between this firm and the debtor that services are to be rendered at an hourly rate currently ranging from \$185 and \$190 per hour depending on the identity of the attorney involved.”
- P576 AssUST Trudy Nowak’s Statement of Mar 21, 01, concerning an inability to appoint a committee of unsecured creditors
- “...sufficient indications of a willingness to serve on a committee of unsecured creditors have not been received from persons eligible to serve on such a committee
- p582 Trustee Kenneth Gordon’s report of Nov 26, 02, of no distribution; stamped Filed in Bkr Ct on Dec 16, 02
- “...that I have made diligent inquiry into the financial affairs of the debtor(s) and the location of property belonging to the estate; and that there is no property available for distribution from the estate over and above that exempted by law.
- “Pursuant to FRBP 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered.
- “I request that this report be approved, and that I be discharged from any further duties as trustee.”
- P583 Judge Ninfo’s order of Nov 5, 02, to allow Att. Stilwell to be paid a final allowance for services and administrative expenses
- “\$2,380.82 for services between July 16, 01 and Dec 21, 01, under Chapter 11
- “\$1,577.00 for services between Jan 1, 02 and Feb 26, 02 under Chapter 7 [Dr. Cordero’s third-party complaints and cross-claims are dated Nov 21, 02]
- p584 AssUST Trudy Nowak’s Statement of Mar 19, 02, regarding application for fees; stamped Filed in Bkr Ct on Mar 20, 02, noting that the AUST “has no objection to the allowance of the Chapter 11 fees requested; the Chapter 7 trustee had filed an objection to the Chapter 7 portion of the fees requested; the Chapter 7 trustee has filed an objection to the Chapter 7 portion of the fees requested.”
- 588 Certificate of Service with these addresses:
- Premier Van Lines, Inc. the same as David Palmer’s and Dennis J. Palmer’s
c/o 1829 Middle Road
Rush, NY 14543
- Harry & Gretchel Voss
111 Commrce Drive
Rochester, NY 14623
- and
- 700 Rock Beach Road
Rochester, NY 14617
- p591 Att. Stilwell’s application of Feb 26, 02, for final allowance of attorneys fees and disbursements; not stamped
- p592 “3) This case was adversely affected by the economic turndowns of late 2001. The debtor, while maintaining a good volume of work and a decrease in its

expense, was simply unable to produce a cash flow from that work to pay its needed expenses. It made many efforts throughout the late stage of the Chapter 11 case to increase the turnaround on its receivables, particularly with its franchisor and related parties, but these efforts did not produce sufficient funds to justify continued operation.

“4) Faced with these prospects and with a conversion motion, the debtor then turned, with applicant’s assistance, to attempt a sale of the business. While a fellow franchisee expressed interest and worked out a fair price, at the end of the day it was unwilling to reduce its desires to a firm offer. Premier therefore spent the final month before conversion in winding down as many of the “loose ends” of the business as possible. Its owner has worked with the trustee to realize maximum value for assets and to assist in other aspects of the liquidation.

p593 “5) ...the services rendered by the applicant...have included...:

b) Review and responses to and appearances regarding motions concerning administrative expenses, possible sale of assets, and the conversion or dismissal of the case;

“6) Most of the services rendered by applicant have been performed by Raymond C. Stilwell. Mr. Stilwell has spent a total of 19.34 hours in rendering services to the debtor between July 16, 2001 and February 26, 2001, as stated on the time sheets annexed hereto. Of such hours, 11.04 hours were rendered in the Chapter 11 stage of the case; at such times, applicant’s customary charges to its clients for comparable services was \$190 per hour. Accordingly, applicant’s customary charges for the service rendered would be \$2,097.60. The remaining 8.3 hours of time were rendered in the Chapter 7 stage at the same rate, for which the customary charge would be \$1,577.00

p594 “7) Additional services, mostly related to the debtor’s proposed sale of its business, were rendered by E. Adam Leyens, one of the other attorneys in the applicant firm. Mr. Leyens spent a total of 1.57 hours in rendering services to the debtor between July 16, 2001 and February 26, 2001, all of them in the Chapter 11 stage, as further stated on the time records annexed hereto.

P595 “8) It is respectfully submitted that payment of applicant’s customary hourly rates for the services rendered through February 26, 2002 in this case is justified under the standards established by the Bankruptcy Code, including the size and complexity of the legal matter undertaken by applicant and the demands that have been made upon applicant’s time in dealing with this case which have prevented applicant from undertaking other employment at applicant’s customary hourly charges. In addition, applicant believes its experience, reputation and ability justify and make appropriate and reasonable the fees herein requested.

P598 Att. Stilwell’s itemized bill of charges of Feb 26, 02, for services to Premier Chapter 11 [charges]

“7/27/01 RCS Phone conference with David Palmer re financials die and related issues; get back to M&T counsel re inquiry on payments

	Case administration	0.45	
	85.50		
	"8/6/2001		ECS Get
	back to Mike Beyma after call re debits of M&T Payments and followup with David Palmer re same		
	Case administration	0.40	76.00
P599	"11/15/2001 RCS Review documents from client re asset values and call accountant		
	Case administration	0.27	51.88
	"11/17/01 RCS Office conference to go over issues re North American accounts		
	Case administration	0.25	47.50
P599	Chapter 7 [charges]		
	12/20/01 RCS Call from UST confirming conversion order and requesting asset info; assemble for forwarding to trustee		
	Case administration	0.50	95.00
	12/27/01 RCS Followup with trustee re issues with landlord and other asset options		
	Case administration	0.25	47.50
	1/10/02 RCS Prepare papers to extend time to file accounting and submit to court and other parties; letter to trustee re direct contact re administrative matters after phone conferences with him and client [where is that letter]		
	Case administration	0.70	
	133.00		
	1/21/02 RCS Review of documents re final accounting and enter needed info; get back to client re missing items		
	Case administration	0.80	
	152.00		
P600	1/28/02 RCS Calls from/to accountant and recipients of final papers re implications and procedures		
	Case administration	0.40	76.00
	1/24/02 2RCS Attend chapter 7 341 with client; serve and file amendment documents		
	Meetings of creditors	1.00	
	190.00		
	2/26/02 RCS Work on final application for allowance of administrative expenses after confirmation with client re completion of items requested by trustee	1.25	237.50
p604	Clerk of Court Paul Warren's notice of Sep 26, 02, notice to creditors of Trustee Gordon's intent to abandon property		
	Assets at Jefferson Road location are liened by M&T Bank and were previously abandoned;		
	Assets at Avon location consist of trucks and trailers appraised at \$7,000 with storage liens approaching that amount. After expenses of sale are paid, distribution to creditors would be insubstantial		

Accounts receivable are also liened by M&T Bank and appear to be too small to merit collection

Trustee plans to abandon the previously turned over balance of approximately \$139.09 from the DIP account to debtor

The balance of the goods in storage belong to customers of debtor and are not property of the bankruptcy estate.

No other assets are substantial

P605 Let from Sharon E. Mikulec, paralegal at Trustee Gordon's office, of Sep 24, 02, to the Clerk of Court:

"Enclosed please find an original Notice to Creditors of Trustee's Intent to Abandon Property. Would you kindly file the original and serve the notice as soon as possible.

p.c. w/encl: Stephanie Randall-Becker [at the AssUST, see p 642]; Raymond C. Stilwell, Esq.

p608 BAE Systems' Certificate of Service of Sep 28, 02

"auct[ioneer] Roy Teitsworth, 6502 Barber Hill Road, Geneseo, NY 14454

atr William Brueckner [attorney for Trustee Gordon, see p361]

Ernstrom & Drete, LLP

200 Winton Road South

Building One, Suite 300

Rochester, NY 14618-3970

North American Van Lines

5001 US Highway 30 West

Ft Wayne, IN 46818

P631 Let from Sharon E. Mikulec, paralegal at Trustee Gordon's office, of July 23, 02, to Ms. Tory Hirsch at the Bkr Ct's Clerk's Office

"We are in the process of recovering assets for distribution to creditors.

Please issue an asset Case Notice establishing a bar date for claims if not previously requested."

P632 Clerk of Court's Paul Warren's Notice of June 13, 02, to creditors of Trustee's Intent to Abandon Property

"All assets of Premier Van Lines, Inc. located at 900 Jefferson Road, Rochester, N.Y.

"Grounds for abandonment: Assets are insubstantial and would be burdensome to administer."

P642 Judge Ninfo's order of Aug 28, 02, approving Trustee Gordon's employment of Roy Teitsworth as auctioneer

"Auctioneer for the Trustee shall submit quarterly written reports to the Trustee regarding case progress and shall not settle or disburse funds without the approval of the Trustee and Bankruptcy Court. Compensation for the employment approved by this order is to be determined by the Court after proper application is made.

P643 Trustee Gordon's application of July 16, 02, to employ auctioneer to conduct auction sale of vehicles

"2. Among the assets of the debtor's Estate are several vehicles/trailers [7 vehicles]. The assets have an estimated value totaling \$7,000.00 and it appears that there are no outstanding liens against the assets.

[what other assets were there aside from the vehicles?]

"3. In order to liquidate the aforesaid assets for the benefit of creditors, it will be necessary to sell the assets at public auction free and clear of all liens because in the best business judgment of the undersigned, such a sale will yield the highest and best net proceeds for such assets.

"4. Auctioneer will submit semi-annual written reports to the Trustee and is aware that all settlement and disbursements of funds shall require the approval of the Trustee and Bankruptcy Court."

"7. Said auctioneer is aware of the provisions of 11 USC Section 328 and has agreed notwithstanding the terms and conditions of employment set forth herein, that the Court may allow compensation different from the compensation provided herein if such terms and conditions prove to have been improvident in light of the developments unanticipated at the time of the fixing of such terms and conditions. **IT IS COMPLETELY UNDERSTOOD BY THE TRUSTEE AND THE PROPOSED AUCTIONER THAT ALL COMPENSATION IS SUBJECT TO COURT APPROVAL.**"

P646 Statement of Roy Teitsworth, of Roy Teitsworth, Inc., professional auctioneers, of May 10, 02, of the estimated value of \$7,000 of the vehicles inspected at the Sackett Road location on Thursday, May 9, 2002

"As you requested in your April 12th letter, I have inspected the following vehicles at the Sackett Road location on Thursday, May 9th.

...The fee for moving the units is \$300 each. The commission charge is 10% of the total sale price."

[this means that as early as the first part of April 02, Trustee Gordon knew that Premier had vehicles at Pfuntner's warehouse. Why did he pretend that assets were found later on? Were the trucks that I saw outside the warehouse when I went there on May 19, 03, some of those vehicles? If so, were they ever taken to Roy Teitsworth's auction lot and then back to the warehouse? Who paid for moving them?]

p656 Let of Jon H. Martin of Bonadio & Co. of Mar 19, 02, to Att. Stilwell for payment of fees for services rendered for Premier

"The June 30th invoice in the amount of \$1,923.00 is the only one that has been submitted and approved by the court. The remaining invoices in the amount of \$4,699.50 need to be submitted before the filing deadline of Mar 29, 02. I have attached detailed schedules to support each invoice."

P660 Bonadio & Co.'s Billing Worksheet of Sep 12, 02, by Selected Clients

"add new assets to prosystems, record depreciation

p664 Bonadio & Co.'s invoice no. 27902 of Oct 31, 01

p665 "phone w/David Palmer re: fair market value of assets [what assets are those?]

"GO OVER PREMIER VAN LINES PURCHASE OFFER WITH JON

p670 Trustee Gordon's 362(d) Relief from stay; stamped Filed in Bkr Ct on May 8, 02
"Equity Analysis

1.(a) Accounts, inventory, equipment, and general intangibles (excluding titled vehicles

(b) Owned by Premier Van Lines

2. Market value of property and basis Approximately \$20,000 or less

3. Amount of mortgages and liens \$25,772.43

4. Estimated cost of sale \$2,500

5. Total equity \$0.00

Payment information

a) Number of missed payments 16

b) Total arrearages Approximately \$11,108.75

“2. Copies of mortgage or lien documents and proof of lien perfection must be attached to every 362(d) motion involving secured property. Failure to do so will result in the motion being denied.

P673 M&T Timothy P. Johnson’s motion of May 3, 02, for relief from the automatic stay

“3. From time to time prior to the date the Debtor’s Chapter 11 petition was filed, the Debtor became indebted to M&T in connection with a commercial loan on which there is a [sic] unpaid balance. The outstanding loan is evidenced by a note dated January 23, 1998. The unpaid balance owing, computed as of the date the Chapter 11 case was filed, was \$26,023.19. Additional interest and expenses accrued from March 5, 2001 on the principal balance of \$25,772.43. No payments have been made since March 5, 2001....

“4. The debt owing to M&T is secured pursuant to the terms of a General Security Agreement, a copy of which is annexed hereto as Exhibit B. The principal collateral covered by the security agreement includes accounts, inventory, equipment and general intangibles. The only existing collateral known to M&T and in which M&T has a priority security interest is accounts and equipment (other than titled motor vehicles) that was left at the Debtor’s last place of business (the “Collateral”).M&T is perfected in its security interest by virtue of the Uniform Commercial Code Financing Statements filed with the New York Department of State and the Livingston County Clerk where the Debtor was located when M&T made its loan. A copy of the financing statement is annexed hereto as Exhibit C.

“5. On information and belief, the Chapter 7 Trustee has conducted such examinations as he deems appropriate of the security interests held by M&T and the value of the remaining accounts and equipment located at the Debtor’s last business premises (on Jefferson Road) and has determined that there is no equity in such property for the estate. Based upon available information, M&T believes that the collateral has a value less than the amount owing to M&T.

[Why did M&T wait more than a year since the filing of the Chapter 11 case on March 5, 2001, to move on May 3, 2002, for this lift of the automatic stay?]

p692 “What is the address (including county) of the residence, only place of business or chief executive office of the undersigned?

2140 Sackett Road, Avon, New York 14414, Livingston County

What is the address (including county) of each place of business or location where the Collateral of the undersigned will be kept?

2140 Sackett Road, Rush, New York 14414, Monroe County, owned by Jim Pfunter.

Premier Van Lines, Inc. By: signed David J. Palmer, President ”

P693 signed for:

Manufacturers and Traders Trust Company
One M&T Plaza
Buffalo, NY 14240

by David Lee Richardson, V.P.
as Secured Party

REF #: 67360

Filing number: 023369 Filing date: 02/03/1998

P694 “5. This Financing Agreement covers the following types (or items) of property:

All Debtor’s Equipment (including, but not limited to, machinery, vehicles and furniture), Fixtures, Inventory, Accounts, Chattel Paper, Documents and General Intangibles, wherever located, whether now owned or hereafter acquired or arising

Products of the Collateral are also covered

“8. Describe Real Estate Here: This statement is to be indexed in the Real Estate Records:

2140 Sackett Road, Avon, Livingston County

“9. Name of Record Owner Jim Pfunter

M&T signed Lori Rand 67361, Secured Party

[Why did the order to lift the automatic stay exclude “titled motor vehicles”, p674?]

p695& 698 M&T’s proposed order and actual order lifting the automatic stay

“Ordered, that M&T provide an accounting to the Chapter 7 Trustee with respect to the amount of proceeds received upon the collection and disposition of the Debtor’s property and that M&T promptly remit to the Chapter 7 Trustee any excess proceeds over and above the sum of the expenses of such disposition and the obligations secured by the property.”

[Who determined the value of the assets to be sold upon the lifting of the automatic stay: M&T or Trustee Gordon? Even if M&T had a secured interest in the accounts, these accounts were not extinguished by a one-time payment. Rather, as far as these accounts represented storage contracts, they represented a stream of future payments. Even after they generated the amount of money needed to cover Premier’s indebtedness to M&T, they would continue to generate a stream of payments. However, M&T could keep only an amount equal to the debt owed to it and the cost of selling the account; it had to return any balance to the Trustee. Therefore, M&T had no interest whatsoever in making its best effort to sell those accounts at the highest price possible so as to maximize the return for the estate. That was an obligation incumbent to the Trustee, who owed a duty to the estate and all its creditors. The Trustee could not relinquish to M&T its obligation to go out and find the best price for those accounts. Insofar as the Trustee did so, he failed in his obligations to the estate and its creditors and was negligent.]

p738 Kathleen Schmitt’s fax to Paul Bridenhagen of Apr 21, 03:

“Letter as requested. Plus I thought Cliff might want the history of when people knew what regarding the warehouse in Avon and Dr. Cordero’s stuff. (This is the Exhibit to Dr. Cordero’s latest Brief in the B.C.)”

III. Documents to request

1. The financial statements of Premier prepared by **Bonadio & Co.** at the request of Att. Raymond Stilwell with the approval of Judge Ninfo and the AssUST. These statements are the evidence of the work for which Bonadio & Co. submitted invoices to Att. Stilwell, who applied for their payment as administrative expenses, and which were paid on order of Judge Ninfo with the approval of AssUST. See p503, 517, 445, 636 et seq.
2. The written reports that **Auctioneer Roy Teitsworth** was to submit quarterly to the Trustee, p642
 P361 Order of Judge Ninfo Mar 4, 02, approving employment of attorney for the Trustee, appointing **Willimam E. Brueckner, Esq.,** at Ernstrom & Dreeste, LLP
 P362 Application by Trustee under Rule 2014 for order approving employment of attorney, stamped Filed in Bkr Ct on Feb 28, 02:

From the Docket of case 01-20692

7/23/02	94	Notice to creditors [94-1] re: Trustees Intent to Sell "Public Sale" 1984 Kentucky Trailer, 1983 Kentucky Trailer, 1979 Kentucky trailer, 1985 Freightliner truck tractor, 1985 International tractor, 1983 Ford Van truck and 1980 Kentucky trailer ; Deadline for objections: 8/16/02. Returnable: 8/28/02 11:00 a.m.at Rochester Courtroom. (pf) [01-20692]
7/24/02	95	Letter from trustee stating that this is now an asset case and notice should be sent to all creditors. [95-1] (Clerk's note: did not issue asset notice since asset was determined when the 341 notice was sent out and claims bar date already set). (pf) [01-20692]
7/26/02	96	Certificate of mailing from BNC with original notice re: sale notice [94-1] ; [96-1] (pf) [EOD 08/12/02] [01-20692]
8/28/02	97	Order [97-1], To employ Auctioneer Roy Teitsworth (pf) [EOD 08/29/02] [01-20692] INTERNAL USE ONLY:
9/26/02	98	Notice to creditors [98-1] re:Trustee's Intent to Abandon Property; Assets at Jefferson Road location; Assets in Avon location; Accounts receivable are also liened by M & T Bank ; Trustee plans to abandon the previously turned over balance of approximately \$139.00 for the DIP acct. The balance of the goods in storage belong to customers of debtor and are not property of the bankruptcy estate. Deadline for objections: 10/15/02. Returnable: 10/16/02

@ 11:00 a.m. @ Rochester Courtroom. (pf) [01-20692]

3. What work did the attorney for the Trustee, William E. Brueckner, Esq., at Ernstrom & Drete, p361, perform and where are:
 - a. his rates
 - b. the semi-annual written reports that he was to submit to the Trustee, p362
 - c. his invoices
 - d. the Trustee's application to the Court for payment for Att. Bruckner

Dr. Richard Cordero

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

November 28, 2003

1.	DATE	PAGE	DOCUMENT NAME and SENDER	ADDRESSEE
2.	Jan 10, 03	15	Dr. Cordero's let [rec. at EOUST on Jan 17, 03, and in the Gen Counsel's office on Jan 21, 03]	Lawrence A. Friedman
3.	Mar 24, 03	42	Let. Dr. Cordero; stamped Received Off of the Gen Counsel Apr 3, 03 EOUST	John Ashcroft, Att. Gen.
4.		65	Cordero's crossclaims and third party complaints, stamped Filed Bkr Ct Nov 18, 02	
5.		93	Cordero's answer and counterclaim, stamped Filed Bkr Ct Nov 6, 02	
6.		115	Dr. Cordero's let of October 14, 02, stamped Filed Bkr Ct Oct 17, 02, to Judge Ninfo	
7.		116	Dr. Cordero's let of November 25, 02, stamped Filed Bkr Ct Dec 2, 02; to Judge Ninfo	
8.		125	Dr. Cordero's Amended answer with crossclaims of Nov 20, 02 [no stamp]	
9.		161	Cordero's Memorandum in opposition to the Trustee's motion; stamped Filed Bkr Ct Dec 12, 02	
10.		173	Dr. Cordero's let of December 17, 02, stamped Filed Bkr Ct Dec 19, 02, to Amber Barney	
11.		176	Dr. Cordero's let of December 26, 02, stamped Filed Bkr Ct Dec 30, 02; to Judge Ninfo	
12.		179	Dr. Cordero's let of Jan 23, 03, stamped Filed Bkr Ct Jan 27, 03; to Mary Dianetti	
13.		180	Dr. Cordero's let of Jan 30, 03, stamped Filed Bkr Ct Feb 3, 03; to Judge Ninfo	
14.		186	Cordero's notice of appeal from order of dismissal, stamped Jan13 [sic]	
15.		192	Dr. Cordero's let of Jan 29, 03, stamped Filed Bkr Ct Jan 31, 03; to Judge Ninfo	
16.	May 1, 03	209	Dr. Cordero's fax of Apr 21, 03, to Peter Keisler	
17.	May 6, 03	210	Dr. Cordero's let of Apr 21, 03, to John Ashcroft, stamped Rec Off Gen Coun May 6, 03, EOUST [bearing banner by Dr. Cordero: To Duty Agent: DO NOT forward this letter to a Off. For U.S. Trustees; if need be, forward it to the FBI]	EOUST
18.		610	Dr. Cordero's let of Oct 14, 02, to Judge Ninfo	
19.		611	Dr. Cordero's let of Aug 26, 02, to Att. David MacKnight	
20.		612	Dr. Cordero's let of Oct 7, 02, to Att. David MacKnight	
21.		615	Dr. Cordero's let of Oct 14, 02, to AssUST Kathleen D Schmitt	

22.	DATE	PAGE	DOCUMENT NAME and SENDER	ADDRESSEE
23.		616	Dr. Cordero's Rejoinder and Application for a Determination of Oct 14, 02	
24.		702	Cordero's Amended answer with crossclaims of Nov 20, 02; stamped Filed in Bkr Ct Nov 25, 02	
25.	Feb 20, 03	734	Dr. Cordero's let; stamped Received Off of the General Counsel Feb 25, 03, EOUST	Joseph A. Guzinski, Gen. Counsel, EOUST
26.	Mar 11, 03	735	Dr. Cordero's let; stamped Received Off of the General Counsel Mar 11, 03, EOUST; File Copy # 2003-2036	Erleen Harrison
27.	Mar 11, 03	736	Dr. Cordero's let; stamped Received Off of the General Counsel Mar 11, 03, EOUST	Joseph A. Guzinski
28.	Feb 20, 03	737	Dr. Cordero's copy for EOUST Director Lawrence A. Friedman, of his let to Gen Counsel Joseph Guzinski of Feb 20, 03; stamped Received Off of the General Counsel Feb 25, 03, EOUST	Director Lawrence A. Friedman
29.		744	p7. Dr. Cordero's let of Aug 26, 02, to Att. MacKnight	Paul B.
30.		745	p8. Att. David MacKnight's let of Sep 19, 02, to Dr. Cordero	Paul B.
31.		747	p10. Dr. Cordero's let of Oct 7, 02 to Att. MacKnight	Paul B.
32.		748	p11. Dr. Cordero's copy for Att. MacKnight of his let of Oct 17, 02, to James Pfuntner	Paul B.
33.		752	p15. Dr. Cordero's copy resubmitted with letter to Mr. MacKnight of Apr 2, 2003, of his let of Jan 29, 03, to Mr. MacKnight	Paul B.
34.		753	p16. Dr. Cordero's copy resubmitted with letter to Mr. MacKnight of Apr 2, 2003, of his let of Jan 29, 03, to Judge Ninfo	Paul B.
35.		756	p19. Last page of Dr. Cordero's brief & affidavit to oppose Mr. Pfuntner's motion of April 10, 03	Paul B.
36.		757	Dr. Cordero's let of Mar 24, 03, to Attorney General John Ashcroft; stamped Received Off of the General Counsel Apr 3, 03, EOUST	