

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

Dr. Richard Cordero
Appellant

**DESIGNATION OF ITEMS IN THE RECORD
AND STATEMENT OF ISSUES ON APPEAL**

v. _____-CV-_____

David DeLano and Mary Ann DeLano
Respondents and debtors in bankruptcy

Dr. Richard Cordero, appellant, states under penalty of perjury the following:

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112. **Transcript** of the Evidentiary Hearing held on March 1, 2005, of the DeLanos' motion to disallow Dr. Cordero's claim

II. STATEMENT OF ISSUES ON APPEAL

1. Whether Bankruptcy Judge John C. Ninfo, II, has manifested such bias, in violation of 28 U.S.C. §455, in favor of the local parties, including a debtor who has been a bank officer for 32 years and is now a bank loan officer; a lawyer who has brought before him over 225 cases; and a trustee who has appeared before him in more than 3,907 cases, according to PACER; and against Dr. Richard Cordero, the only non-local party, who in addition appears pro se and is the only non-institutional creditor, whom the Judge ordered to take discovery of Mr. DeLano in support of the latter's motion to disallow his claim despite the DeLanos' failure to overcome the presumption of validity of Dr. Cordero's claim under Rule 3001 FRBkrP and whom the Judge then denied every single document that Dr. Cordero requested either to prove his claim or to defend against the motion, thus disregarding the broad scope of Rule 26 FRCivP et seq., and frustrating the purpose of the evidentiary hearing at which such documents were to have been introduced, as well as arbitrarily ignoring Mr. DeLano's admission at the evidentiary hearing of having engaged in conduct that injured Dr. Cordero, whereby such hearing was a sham from its inception intended only to maneuver the elimination of Dr. Cordero from this case and thus protect Mr. DeLano and other court officers with whom Judge Ninfo has so consistently and repeatedly disregarded the law, the rules, and the facts as to provide evidence of engagement in a pattern of non-coincidental, intentional, and coordinated wrongdoing in furtherance of a bankruptcy fraud scheme, whereby Judge Ninfo has issued orders that are tainted by bias and illegality that render them null and void and has denied Dr. Cordero his 5th Amendment right to due process of law.
2. Whether the DeLanos' motion to disallow Dr. Cordero's claim was untimely and barred by laches, coming as it did almost two years after Mr. DeLano had known of Dr. Cordero's claim and six months after they had acknowledged in their petition his status as a creditor and during which time they dealt with him as a creditor while refusing and delaying the production of documents not only to Dr. Cordero, but also to the Trustee, who only at the instigation of Dr. Cordero requested for the first time documents from the DeLanos and then moved to dismiss due to their "unreasonable delay" in producing them, so that the DeLanos belatedly resorted to the motion to disallow Dr. Cordero's claim as a device to permanently avoid having to produce documents by eliminating their requester, whereby they violated 18 U.S.C. §§ 157 and 1519.

3. Whether the DeLanos' motion to disallow Dr. Cordero's claim, which motion they filed only after Dr. Cordero showed on the basis of their petition and the few documents that they produced, that they had engaged in bankruptcy fraud, such as the concealment of \$291,470 earned in just the 2001-03 fiscal years but whose whereabouts are unknown even to date, was raised in bad faith and without any concern for even the nature of his claim, let alone its presumptive validity, to eliminate him from the case in order to prevent him from obtaining documents, such as their bank account statements, that could prove their bankruptcy fraud, so that the motion should have been dismissed as abuse of process and as a vehicle to achieve the approval of 'a debt repayment plan proposed in bad faith and by means forbidden by law' in violation of 11 U.S.C. §1325(a)(3).

Executed on April 18, 2005

Dr. Richard Cordero

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CERTIFICATE OF SERVICE

I, Dr. Richard Cordero, certify that I served the above stated Designation of Items in the Record and Statement of Issues on Appeal on the attorney for the DeLano Appellees, namely:

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April 18, 2005

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