

CIVIL COVER SHEET

10CV2799

Ho/well

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Cordell Consultants, Inc., Money Purchase Plan, a Qualified Retirement Trust, and Cordell Funding, LLLP

DEFENDANTS

Anita Hunter, et al.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Douglas E. Spefogel  
Olya Petukhova  
Attorneys for Appellants  
Foley & Lardner LLP  
90 Park Avenue  
New York, New York 10016  
(212) 682-7474

ATTORNEYS (IF KNOWN)

Robert Louis Brace  
Michael P. Denver  
Attorneys for Appellees  
Hollister & Brace  
1126 Santa Barbara Street  
POB 630  
Santa Barbara CA 93101

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Appeal of a final order of the Bankruptcy Court under 28 U.S.C. Section 158(a)(1)

Has this or a similar case been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned \_\_\_\_\_

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

07-11448 #2047

TORTS

ACTIONS UNDER STATUTES

CONTRACT

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 151 MEDICARE ACT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
- 160 STOCKHOLDERS SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

PERSONAL INJURY

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY

PERSONAL INJURY

- 362 PERSONAL INJURY - MED MALPRACTICE
- 385 PERSONAL INJURY PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY
- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 385 OTHER PERSONAL PROPERTY DAMAGE PRODUCT LIABILITY

FORFEITURE/PENALTY

- 610 AGRICULTURE
- 620 OTHER FOOD & DRUG
- 625 DRUG RELATED SEIZURE OF PROPERTY
- 630 LIQUOR LAWS
- 640 RR & TRUCK
- 850 AIRLINE REGS
- 860 OCCUPATIONAL SAFETY/HEALTH
- 690 OTHER

LABOR

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT RELATIONS
- 730 LABOR/MGMT REPORTING & DISCLOSURE ACT
- 740 RAILWAY LABOR ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL RET INC SECURITY ACT

BANKRUPTCY

- 422 APPEAL
- 28 USC 158
- 423 WITHDRAWAL
- 28 USC 157

PROPERTY RIGHTS

- 620 COPYRIGHTS
- 830 PATENT
- 840 TRADEMARK

SOCIAL SECURITY

- 861 HIA (1395n)
- 862 BLACK LUNG (923)
- 863 DIWC/DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS-THIRD PARTY
- 26 USC 7609

OTHER STATUTES

- 400 STATE REAPPORTIONMENT
- 410 ANTI TRUST
- 430 BANKS & BANKING
- 450 COMMERCE
- 480 DEPORTATION
- 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
- 480 CONSUMER CREDIT
- 490 CABLE/SATELLITE TV
- 810 SELECTIVE SERVICE
- 850 SECURITIES/COMMODITIES/EXCHANGE
- 875 CUSTOMER CHALLENGE
- 12 USC 3410
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 892 ECONOMIC STABILIZATION ACT
- 893 ENVIRONMENTAL MATTERS
- 894 ENERGY ALLOCATION ACT
- 695 FREEDOM OF INFORMATION ACT
- 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
- 950 CONSTITUTIONALITY OF STATE STATUTES

ACTIONS UNDER STATUTES

CIVIL RIGHTS

- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ACCOMMODATIONS
- 444 WELFARE
- 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
- 446 AMERICANS WITH DISABILITIES - OTHER
- 440 OTHER CIVIL RIGHTS

PRISONER PETITIONS

- 510 MOTIONS TO VACATE SENTENCE
- 28 USC 2255
- 530 HABEAS CORPUS
- 535 DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS
- 555 PRISON CONDITION

IMMIGRATION

- 462 NATURALIZATION APPLICATION
- 463 HABEAS CORPUS - ALIEN DETAINEE
- 465 OTHER IMMIGRATION ACTIONS

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE: \_\_\_\_\_

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding
- 2a. Removed from State Court
- 2b. Removed from State Court AND at least one party is pro se.
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from (Specify District)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- 1 U.S. PLAINTIFF
- 2 U.S. DEFENDANT
- 3 FEDERAL QUESTION (U.S. NOT A PARTY)
- 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] 1 [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] 5 [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2 [ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6 [ ] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Cordell Consultants, Inc., Money Purchase Plan,  
 a Qualified Retirement Trust  
 3333 Poincianna Avenue  
 Coconut Grove, Florida 33133  
 Miami-Dade County

Cordell Funding, LLLP  
 3333 Poincianna Avenue  
 Coconut grove, Florida 33133  
 Miami-Dade County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Anita Hunter, CellTex Site Services, Ltd., Grande Investment, LLC, Johnna Bozzo, Michael Whitton, Quirk Infiniti, Inc.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN (DO NOT check either box if this a PRISONER PETITION.)

DATE 3/10/2010 SIGNATURE OF ATTORNEY OF RECORD

*Olya Petukhova*

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO  
[ ] YES (DATE ADMITTED Mo. July Yr. 2008 )  
Attorney Bar Code # OP1377

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

J. Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)