

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND**

**IN RE: CUMBERLAND
INVESTMENT CORPORATION**

CA. NO. 89-11051

**DESIGNATION OF THE RECORD
IN AN APPEAL OF THE DENIAL OF APPELLANT'S
REQUEST TO HAVE CHAPTER 7 TRUSTEE PROVIDE AN
ACCOUNTABILITY OF ASSETS OF THE ESTATE AND TO
PRODUCE REQUESTED DOCUMENTS AND VIDEOTAPES**

TRANSCRIPTS:

R-1 August 17, 1990, REMOVAL OF ASSETS,
Cumberland Investment Corporation

GJ-1 July 14, 1992, Grand Jury Testimony of John Truslow, FBI.

BANKRUPTCY COURT TRANSCRIPTS:

T-1 January 4, 1996 Transcript

T-2 February 15, 1996 Transcript with unmarked exhibits

T-3 April 6, 2000, Transcript

T-4 June 12, 2000, Transcript

T-5 July 6, 2000, Transcript

T-6 February 7, 2002, Transcript

AFFIDAVITS:

1. November 8, 1995, by John Truslow, FBI
2. January 12, 1996, by John Truslow, FBI

3. October 19, 2000, Affidavit of Harold F. Chorney, Appellant
4. November 30, 2000 by Harold F. Chorney
5. November 30, 2000 by James K. Searles
6. December 18, 2000 by Warren D. Taft

CORRESPONDENCE:

1. May 26, 1994, Letter from Jason Monzack to Harold F. Chorney.
2. June 10, 1994, Letter from Harold F. Chorney to Jason Monzack.
3. September 13, 1994, Letter to Clerk of Courts
4. September 13, 1994, Letter from Harold F. Chorney to Jason Monzack
5. September 13, 1994, Letter from Harold F. Chorney to John Fitzgerald,
AUST
6. September 13, 1994, Letter from Harold F. Chorney to Sheryl Serreze
7. February 10, 1995, Letter from Trian Nacu, to Office of Professional
Responsibility
8. March 17, 1995, Letter from Office of Professional Responsibility to
Trian Nacu
9. May 17, 1995, Letter from Jason Monzack to List of Parties involved
with Cumberland Investment Corporation
10. July 19, 1995, Letter from Warren Taft to Jason Monzack
11. July 21, 1995, Letter from Monzack to Taft.
12. October 20, 1995, Letter from Scott Lutes, Esq. to Joseph DiOrio, Esq.
13. March 25, 1996, FAX from Jason Monzack to Scott Lutes

14. March 25, 1996, FAX from Jason Monzack to Seymour Posner, AUSA
15. March 26, 1996, FAX from Jason Monzack to Seymour Posner, AUSA
16. May 20, 1996, Letter from Scott Lutes to Jason Monzack
17. July 25, 1996, Letter from Scott Lutes to Jason Monzack
18. September 1, 1996, Letter from Harold F. Chorney to Jason Monzack
19. October 17, 1998, Letter from Harold F. Chorney to Jason Monzack
20. October 17 1998, Letter from Harold F. Chorney to Clerk of Courts
21. December 4, 1998, Letter from Scott Lutes to Jason Monzack
22. January 19, 2000, Letter from Mr. Taft to Jason Monzack is attached to
23. March 8, 2000, Letter from Warren Taft to Clerk of Courts
24. April 20, 2000, Letter from Warren Taft to Jason Monzack
25. May 23, 2000, Letter to Harold F. Chorney from FDIC, attached is email dated December 14, 1999
26. June 7, 2000, Letter from Warren Taft to Jason Monzack
27. June 19, 2000, Letter from Dr. Zakai to Whom It May Concer
28. July 13, 2000, Letter from Harold Chorney to Jason Monzack
29. August 2, 2000, Letter from Dr. Zakai to Judge Votolato
30. April 9, 2002, Letter from Harold Chorney to Clerk of Courts

MOTIONS AND COURT ORDERS

1. February 2, 1993, Jason Monzack was appointed Trustee for Eastland Financial Corporation
2. December 13, 1993, GOVERNMENT'S MEMORANDUM IN SUPPORT OF ITS OBJECTION TO DEFENDANT'S MOTION FOR PRODUCTION OF APPRAISAL RESULTS FROM THE FDIC.
3. December 23, 1993, Jason Monzack was appointed Chapter 7 Trustee for Cumberland Investment Corporation
4. December 29, 1993, Jason Monzack filed a Certificate of Appointment.
5. January 21, 1994, Post Conversion Report due.
6. February 16, 1994, Jason Monzack employs himself and the firm of Kirshenbaum and Kirshenbaum as Counsel to Trustee.
7. February 16, 1994, Affidavit of Jason Monzack.
8. April 26, 1994, JOHN F. CULLEN'S OPPOSITION TO THE MOTION OF WARREN TAFT AND OTHERS FOR COMPLETE ACCOUNTING BY JOHN CULLEN, TRUSTEE OF ASSETS WHICH WERE UNDER HIS CONTROL FROM AUGUST OF 1990 UNTIL THE SAME WERE TURNED OVER TO THE SUCCESSOR TRUSTEE, JASON MONZACK.
9. September 29, 1995, Jason Monzack filed a Motion to Shorten Time and a Notice of Intended Sale of 8,600 U.S. Silver Dollars.
10. October 6, 1995, Warren Taft filed an Objection to the Sale of 8,600 Silver Dollars.
11. January 11, 1996, the Trustee files an AMENDED NOTICE OF INTENDED SALE FEE AND CLEAR OF LIENS AND ENCUMERANCES.

12. January 18, 1996, Warren Taft filed MOTION TO COMPEL CHAPTER 7 TRUSTEE AND FDIC TO RESPOND TO OBJECTION TO SALE OF DEBTOR'S COINS.
13. February 13, 1996, Jason Monzack filed TRUSTEE'S RESPONSE TO WARREN TAFT'S OCTOBER 6, 1995 OBJECTION TO SALE OF COINS BY CHRISTIES.
14. February 20, 1996, Mr. Taft filed an Appeal of the February 15, 1996 Court Decision.
15. February 20, 1996, Mr. Taft files a MOTION TO OBTAIN A TEMPORARY RESTRAINING ORDER FOR THE SALE OF COINS BY CHRISTIES.
16. February 21, 1996, the Court issues ORDER APPROVING TRUSTEE'S NOTICE OF SALE.
17. August 27, 1996, NOTICE OF INTENDED SALE FREE AND CLEAR OF LEINS AND ENCUMBERANCES is filed by the Trustee.
- 17A. March 24, 1998, CONSENT ORDER REGARDING DISTRIBUTION OF THE PROCEEDS OF THE SALE OF SECURED CREDITORS' COLLATERAL
- 17 B. March 24, 1998, JOINT MOTION FOR APPROVAL OF CONSENT ORDER REGARDING DISTRIBUTION OF THE PROCEEDS OF THE SALE OF SECURED CREDITORS COLLATERAL
18. October 23, 1998, Notice to Trustee Re: Case's Appearance on 6 Month Inactivity Report, status check on 11/23/98.
19. November 23, 1998, Report of Trustee Jason D. Monzack.
20. July 27, 1999, Notice to Trustee Re: Case's Appearance on 6 Month Inactivity Report, status check on 8/26/99.
21. August 27, 1999, Report of Trustee Jason D. Monzack.

22. October 29, 1999, NOTICE OF INTENDED PUBLIC SALE OF ESTATE PROPERTY.
23. October 29, 1999, MOTION FOR ORDER AUTHORIZING SALE NOTICE FOR APPROXIMATELY 7,491 SILVER DOLLARS.
24. November 17, 1999, Warren Taft filed OBJECTION to the sale notice.
25. November 18, 1999, Gerald Aubin filed OBJECTION to the sale notice.
26. December 1, 1999, Court Order authorizing the sale of 7,491 silver dollars.
27. March 9, 2000, Warren Taft files MOTION TO COMPEL TRUSTEE TO PROVIDE ACCOUNTING OF ESTATE PROPERTY SOLD ON 12/7/99 AND REQUEST FOR CLARIFICATION AS TO WHY THE SALE CONTAINED SOME 8,000 SILVER DOLLARS INSTEAD OF 7,491 SILVER DOLLARS.
28. March 14, 2000, FDIC files a response to PETITIONER'S REQUEST FOR CLARIFICATION AND ACCOUNTING OF ESTATE PROPERTY SOLD ON DECEMBER 7, 1999 BY SPINK AMERICA.
29. March 22, 2000, RESPONSE OF CHAPTER 7 TRUSTEE TO PETITIONER'S REQUEST FOR CLARIFICATION AND ACCOUNTING OF ESTATE PROPERTY SOLD ON DECEMBER 7, 1999 BY SPINK AMERICA.
30. April 3, 2000, Warren Taft files MOTION TO CONTINUE HEARING
31. June 23, 2000, Appellant filed PETITIONER'S REQUEST TO HAVE CHAPTER 7 TRUSTEE PROVIDE AN ACCOUNTABILITY OF ASSETS OF THE ESTATE AND TO PRODUCE REQUESTED DOCUMENTS AND VIDEOTAPES.
32. July 3, 2000, Mr. Monzack filed MOTION TO STRIKE PETITIONER'S REQUEST TO HAVE CHAPTER 7 TRUSTEE PROVIDE AN ACCOUNTABILITY OF ASSETS OF THE ESTATE AND TO PRODUCE REQUESTED DOCUMENTS AND VIDEOTAPES.

33. July 3, 2000, Page 3 of Exhibit A of MOTION TO STRIKE PETITIONER'S REQUEST TO HAVE CHAPTER 7 TRUSTEE PROVIDE AN ACCOUNTABILITY OF ASSETS OF THE ESTATE AND TO PRODUCE REQUESTED DOCUMENTS AND VIDEOTAPES, was added by Appellant. It was not contained in Exhibit A of MOTION TO STRIKE, dated January 11, 2002, See M-45 below.
34. July 14, 2000, Appellant filed MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO TRUSTEE'S MOTION TO STRIKE
35. September 8, 2000, the Court issued an ORDER denying as moot Appellant's MOTION TO COMPEL CHAPTER 7 TRUSTEE TO PROVIDE ACCOUNTING OF ASSETS AND TO PRODUCE REQUESTED DOCUMENTS AND VIDEOTAPES.
36. November 28, 2000, PETITIONER'S MOTION TO COMPEL PRODUCTION OF REQUESTED DOCUMENTS FROM CHAPTER 7 TRUSTEE
37. December 16, 2000, PETITIONER'S MOTION AND MEMORANDUM IN OBJECTION TO CHAPTER 7 TRUSTEE'S MOTION TO STRIKE MOTION TO COMPEL PRODUCTION OF REQUESTED DOCUMENTS FROM CHAPTER 7 TRUSTEE
38. December 21, 2000, MOTION IN OBJECTION TO TRUSTEE'S MOTION TO STRIKE
39. February 9, 2001, ORDER DENYING MOTION TO COMPEL
40. November 9, 2001, MOTION TO TURNOVER CERTAIN ASSETS TO SECURED CREDITOR, SELL REMAINING ASSETS AND FOR ACCOUNTING AND DISTRIBUTION OF THE PROCEEDS OF THE SALE OF SECURED CREDITOR'S COLLATERAL, AND MEMORANDUM IN SUPPORT
41. November 16, 2001, MOTION IN OBJECTION TO SALE OF ASSETS PRIOR TO TRUSTEE PROVIDING AND ACCOUNTABILITY OF ASSETS

42. December 18, 2001, JOINT MOTION FOR APPROVAL OF DISTRIBUTION OF THE PROCEEDS OF THE SALE OF SECURED CREDITOR'S COLLATERAL AND TO ABANDON CERTAIN ASSETS TO SECURED CREDITOR
43. January 2, 2002, MOTION IN OBJECTION TO ABANDONING ASSETS WITHOUT AN ACCOUNTABILITY OF ASSETS BY THE CHAPTER 7 TRUSTEE, JASON D. MONZACK
44. January 11, 2002, PLEASE TAKE NOTICE that a hearing to be held on 2/7/02.
45. January 11, 2002, MOTION TO STRIKE, Harold Chorney's MOTION IN OBJECTION TO ABANDONING ASSETS WITHOUT AN ACCOUNTABILITY OF ASSETS BY THE CHAPTER 7, TRUSTEE, JASON D. MONZACK
46. January 18, 2002, MOTION IN OBJECTION TO TRUSTEE'S MOTION TO STRIKE
- a. Court Order dated December 12, 1990
 - b. Court Order dated July 3, 1991
 - c. NOTICE OF TRANSFER OF INTEREST OF FDIC, March 10, 2000.
47. January 23, 2002, MOTION & MEMORANDUM FOR CONTINUANCE
48. January 23, 2002, PLEASE TAKE NOTICE, that pursuant to Motion and Memorandum for Continuance filed on 1/23/02 by Interested Party Harold F. Chorney, said motion will have an objection deadline of 2/1/02.
49. January 29, 2002, OBJECTION TO MOTION FOR CONTINUANCE AND MOTION IN OBJECTION OF HAROLD F. Chorney AND MEMORANDUM IN SUPPORT
50. February 5, 2002, REQUEST FOR ADMISSIONS SENT BY HAROLD F. CHORNEY TO JASON D. MONZACK, TRUSTEE

51. February 15, 2002, NOTICE OF APPEAL TO UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND FROM A JUDGMENT OR ORDER OF THE BANKRUPTCY COURT FOR THE DISTRICT OF RHODE ISLAND
52. February 15, 2002, MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND AFFIDAVIT IN SUPPORT
53. March 14, 2002, ORDER
54. March 14, 2002, JUDGMENT
55. April 2, 2002, MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS GRANTED
56. April 11, 2002, MOTION FOR ENLARGEMENT OF TIME TO SUPPLY THE COURT WITH DESIGNATION OF THE RECORD AND STATEMENT OF THE ISSUES FOR PENDING APPEAL CONCERNING THE DENIAL OF APPELLANT'S REQUEST TO HAVE CHAPTER 7 TRUSTEE PROVIDE AN ACCOUNTABILITY OF ASSETS OF THE ESTATE AND TRUSTEE'S MOTION TO STRIKE SAME
57. April 12, 2002, OBJECTION TO MOTION FOR ENLARGEMENT OF TIME OF HAROLD F. CHORNEY AND MEMORANDUM IN SUPPORT
58. April 16, 2002, MOTION IN RESPONSE TO OBJECTION TO MOTION FOR ENLARGEMENT OF TIME AND MEMORANDUM IN SUPPORT



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CERTIFICATION

I hereby certify that on this 22nd day of April 2002, I sent a copy of the above by first class mail to the following:

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