

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2009

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Sharpe, Gary L.	2. Court or Organization U.S. District Court, NDNY	3. Date of Report 05/07/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) District Court Judge, Active	5a. Report Type (check appropriate type) ☐ Nomination, ☐ Date ☐ Initial ☒ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2009 to 12/31/2009
7. Chambers or Office Address James T. Foley Courthouse 445 Broadway Albany, New York 12207	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☒ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1. _____	_____
2. _____	_____
3. _____	_____

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CLERK OF COURT

Sharpe, Gary L.

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III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

A. Filer's Non-Investment Income

☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1.		
2.		
3.		
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*
(Dollar amount not required except for honoraria.)

☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2009	Realty USA - Independent Contractor - Commissions
2. 2009	Real Estate Professional - Rental Property
3.	
4.	

IV. REIMBURSEMENTS - *transportation, lodging, food, entertainment*
(Includes those to spouse and dependent children, see pp. 25-27 of filing instructions.)

☒ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1.				
2.				
3.				
4.				
5.				

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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

☒ NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

☐ NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. Merrill Lynch	Mortgage on income property	N
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Merrill Lynch (IRA #1)	A	Dividend			Closed	04/20/09	K	A	
2. Merrill Lynch (IRA #2)	A	Dividend			Closed	04/20/09	M	A	
3. New York College Tuition Savings # 1 (529)	A	Dividend	J	T	Buy	01/01/09	J		
4.					Buy (add'l)	02/01/09	J		
5.					Buy (add'l)	03/01/09	J		
6.					Buy (add'l)	04/01/09	J		
7.					Buy (add'l)	05/01/09	J		
8.					Buy (add'l)	06/01/09	J		
9.					Buy (add'l)	07/01/09	J		
10.					Buy (add'l)	08/01/09	J		
11.					Buy (add'l)	09/01/09	J		
12.					Buy (add'l)	10/01/09	J		
13.					Buy (add'l)	11/01/09	J		
14.					Buy (add'l)	12/01/09	J		
15. New York College Tuition Savings #2 (529)	A	Dividend	J	T	Buy	01/01/09	J		
16.					Buy (add'l)	02/01/09	J		
17.					Buy (add'l)	03/01/09	J		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 I12 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18.					Buy (add'l)	04/01/09	J		
19.					Buy (add'l)	05/01/09	J		
20.					Buy (add'l)	06/01/09	J		
21.					Buy (add'l)	07/01/09	J		
22.					Buy (add'l)	08/01/09	J		
23.					Buy (add'l)	09/01/09	J		
24.					Buy (add'l)	10/01/09	J		
25.					Buy (add'l)	11/01/09	J		
26.					Buy (add'l)	12/01/09	J		
27. Merrill Lynch (IRA # 3)	A	Dividend			Closed	04/20/09	L	A	
28. Merrill Lynch (IRA #4)	A	Dividend			Closed	04/20/09	M	A	
29. Excel Securities IRA # 1	A	Dividend	K	T	Open	04/21/09	K		
30. -Aim Energy Fund Class A ("IENAX")					Buy	04/21/09	J		
31.					Sold	09/16/09	J	A	
32. -Ing Russia Fund Class A ("LETRX")					Buy	04/21/09	J		
33.					Sold	09/16/09	J	A	
34. -Oppenheimer Gold & Special Minerals Class A ("OPGSX")					Buy	04/21/09	J		

1. Income Gain Codes: A = \$1,000 or less
(See Columns B1 and D4)
F = \$50,001 - \$100,000
2. Value Codes J = \$15,000 or less
(See Columns C1 and D3)
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000
3. Value Method Codes Q = Appraisal
(See Column C2)
U = Book Value
R = Cost (Real Estate Only)
V = Other
C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000
L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000
S = Assessment
W = Estimated
D = \$5,001 - \$15,000
H2 = More than \$5,000,000
M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000
T = Cash Market
E = \$15,001 - \$50,000

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☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35.					Sold	09/16/09	J	A	
36. -Oppenheimer Developing Markets Class A ("ODMAX")					Buy	04/21/09	J		
37.					Sold	09/16/09	J	A	
38. -Thornburg International Value Fund Class I ("TGVIX")					Buy	04/21/09	J		
39.					Sold	09/16/09	J	A	
40. -Columbia Technology Fund Class Z ("CMTFX")					Buy	07/28/09	J		
41.					Sold	09/16/09	J	A	
42. -John Hancock U.S. Global Leaders GrowFund Class A					Buy	07/28/09	J		
43. -Direxion Commodity Bull 2X Fund ("DXCLX")					Buy	08/03/09	J		
44. -Petrobras Brasileiro Petrobras ADR Common ("PBR")					Buy	10/02/09	J		
45. Excel Securities IRA #2	F	Dividend	O	T	Open	04/21/09	O		
46. -Apple Inc Common ("AAPL")					Buy	04/21/09	J		
47. -Celgene Corp Common					Buy	04/21/09	J		
48. -Freddie Mac Common ("FRE")					Buy	04/21/09	J		
49.					Sold	07/16/09	J	A	
50. -Hana Biosciences Inc Common ("HUM")					Buy	04/21/09	J		
51.					Sold	07/16/09	J	A	

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000 S = Assessment W = Estimated	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other			
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	(1) Amount Code I (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
52. -Research in Motion LTD Common ("RIMM")					Buy	04/21/09	J		
53. -Southwestern Energy Co Common ("SWN")					Buy	04/21/09	J		
54. -United STS STL Corp New Common ("X")					Buy	04/21/09	J		
55. -Yum Brands Inc Common					Buy	07/16/09	J		
56.					Sold (part)	09/21/09	J	A	
57.					Sold	09/29/09	J	A	
58. -Peabody Energy Corp Common					Buy	07/16/09	J		
59. -Cosan Ltd Shs A ("CZZ") Common					Buy	12/11/09	J		
60. -Chesapeake Energy Corp ("CHK") Common					Buy	12/11/09	K		
61. -Vale SA ADR ("Vale") Common					Buy	12/11/09	J		
62. -Humana Inc. ("Hum")									
63. -Aberdeen Small Cap Fund Class A ("GSXAX")					Buy	04/22/09	K		
64.					Sold (part)	10/22/09	J	A	
65.					Sold (part)	12/18/09	J	A	
66. -Ager Health Sciences Fund (AHISAX")					Buy	04/22/09	K		
67.					Sold (part)	10/06/09	J	A	
68.					Sold (part)	10/22/09	J	A	

1. Income Gain Codes. (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	Q = \$500,001 - \$1,000,000	P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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69.					Sold	12/11/09	K	A	
70. -Baron Partners Fund ("BPTRX")					Buy	04/22/09	K		
71.					Sold (part)	10/22/09	J	A	
72.					Sold (part)	12/18/09	J	A	
73. -Columbia Technology Fund ("CMTEFX")					Buy	04/22/09	J		
74.					Buy	07/28/09	J		
75.					Sold (part)	12/18/09	J	A	
76. -Delaware Investments Diversified Income ("DPDEFX")					Buy	04/22/09	K		
77.					Sold (part)	10/22/09	J	A	
78.					Sold	12/11/09	K	A	
79. -Falcon Vance Tax Managed Small-Cap ("ETMGX")					Buy	04/22/09	L		
80.					Sold (part)	10/22/09	J	A	
81.					Sold (part)	12/18/09	J	A	
82. -Gabelli Enterprise Mergers & Acquisitions Fd Cl A ("EMAAX")					Buy	04/22/09	J		
83.					Sold (part)	10/22/09	J	A	
84.					Sold (part)	12/18/09	J	A	
85. -John Hancock U.S. Global Leaders Growth Fund Class A					Buy	04/22/09	K		

1. Income Gain Codes (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 I = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 I12 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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86. -John Hancock Large Cap Equity Fund Class A ("ITHAX")					Buy	04/22/09	K		
87.					Buy	07/28/09	J		
88.					Sold (part)	10/22/09	J	A	
89. -Hartford Capital Appreciation Fund Class A					Buy	04/22/09	K		
90.					Sold (part)	10/22/09	J	A	
91.					Sold (part)	12/18/09	J	A	
92. -Openheimer INTL Bond Class A ("OIBAX")					Buy	04/22/09	J		
93.					Sold (part)	10/22/09	J	A	
94.					Sold	11/05/09	J	A	
95. -Oppenheimer Gold & Special Minerals ("OPGSX")					Buy	04/22/09	J		
96.					Sold (part)	10/22/09	J	A	
97. -Oppenheimer Developing Markets Class A ("ODMAX")					Buy	04/22/09	L		
98.					Sold (part)	10/22/09	J	A	
99. -Pimco Total Return Class A ("PTTAX")					Buy	04/22/09	K		
100.					Sold (part)	10/22/09	J	A	
101.					Sold (part)	12/18/09	J	A	
102. -RS Value Fund Class A ("RSVAX")					Buy	04/22/09	J		

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103. -Proshares Ultra FINLS (UYG")					Buy	04/22/09	J		

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

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IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
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One Columbus Circle, N.E.
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