

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In Re:	)	Case No. 02-16172
Level Propane, Gases, Inc., et. al.	)	
Debtors.	)	Ch. 11
	)	
*****	)	
William H. Maloof	)	Adv. Pro. Case No. 09-1127
Plaintiff	)	
	)	
vs.	)	
	)	Hon. Randolph Baxter
Mark Uhrich, Plan Administrator	)	
of the Consolidated Estate of	)	
Level Propane Gases, Inc.	)	
Defendant	)	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT**

Plaintiff, by and through counsel undersigned hereby moves for Leave to File its Fourth Amended Complaint for the following reasons:

- 1.) Plaintiff filed his Amended Complaint on May 7, 2009, pursuant to R. 15, F.R.C.P.;
  
- 2.) Plaintiff filed a Second Amended Complaint, which he withdrew as improvidently filed without application for leave of court, and has since filed his Motion for Leave to File his Third Amended Complaint on May , 2009, which amendment was for the purpose of correcting certain typographical errors and certain inadvertent omissions;
  
- 3.) Plaintiff has since learned of the existence of certain email traffic, true copies of which are attached hereto and incorporated by reference, which disclose the existence of

agreements as early as October, 2000, amongst certain parties to seize control of Level Propane Gases, Inc. by means of frauds and trickery;

4.) The emails, attached hereto as Group Exhibit 1, disclose that one John Rudd, a principal of Newmarket Partners, whose association with Level Propane was last known as the Chief Reconstruction Officer in 2002, had been actively coordinating a scheme to seize control of Level Propane, as well as LTV Steel. Among the persons recruited were John Verbos, Cindy Doman, the mother of Plaintiff's daughter, Patty Geitgey, an associate of Rudd's at Newmarket, and Steven Sues;

5.) Also named among the participants in this scheme was an "RB," who was identified as a bankruptcy judge in this district whose role was designated as frustration of any claims or objections of the shareholders or management of either LTV Steel or Level Propane so that the seizure of control over these corporations and their assets could be achieved as smoothly as possible in the Bankruptcy Proceedings;

6.) Based on the foregoing, Plaintiff proposes to plead that the "RB" named in this email traffic is Randolph Baxter of this Bankruptcy Court;

7.) The forgoing email traffic discloses the existence of a scheme of long standing, predating the involuntary petition by at least 18 months, whose fixed purpose of unlawful control over Level Propane Gases, Inc. and its associated companies was unmistakably articulated among its participants.

8.) The proposed Amended Complaint is attached hereto as Exhibit 2.

9.) Correspondence from Bill Nelson, a forensic expert who has been engaged to examine the PST files in which these emails reside is attached as Exhibit 3. Plaintiff also notes that in argument before this Court on May 26, 2009 in Maxus Leasing v. Uhrich, Adv. Pro. Case No.09-1118, before this Court, counsel for the Plaintiff, arguing in opposition to Defendant's Motion to Dismiss, stated to the Court that the media on which the above-referenced PST files were recorded were authenticated by their independent expert. The above-referenced email traffic is to be found within the PST files so authenticated.

10.) The Plaintiff proposes to allege these facts based on foregoing evidence. These allegations once proven will compel the revocation of the confirmation of the plan as a first step in remediation of this outrageous corruption of the machinery of this Court.

Accordingly, Plaintiff respectfully requests leave to file his Third Amended Complaint to include these allegations.

Respectfully submitted,

/s/ David C. Eisler

David C. Eisler, Counsel for the Plaintiff

Ohio Reg. No. 0020362

P.O. B. 1721

Medina, OH 44258

(216) 214-2106

inqs@AOL.com

## **SERVICE**

The foregoing has been filed electronically this 27<sup>th</sup> day of May, 2009. It has been electronically served on all parties to this action whose counsel have entered a notice of appearance herein. It is available to all other parties who access the Court website.

/s/David C. Eisler  
David C. Eisler, Counsel for Plaintiff