

EXHIBIT 26

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

FILED

In Re:
Level Propane Gases, Inc.,
et al.

Debtors in Possession,

Level Propane Gases, Inc.,
et al.,
Debtors in Possession,

and

The Official Committee of
Unsecured Creditors of Level
Propane Gases, Inc., et al.,
Plaintiffs,

v.

William A. Maloof and
Walter Himmelman,
Defendants.

Case No. 02-16172

Adversary Proceeding
No. 04-01300-rb

Judge Randolph Baxter

DEPOSITION OF JOHN VERBOS

Deposition of JOHN VERBOS, called by the
Defendants for examination pursuant to the Federal
Rules of Civil Procedure, taken before Phyllis L.
Englehart, RMR and Notary Public in and for the State
of Ohio, at the offices of Porter, Wright, Morris &
Arthur, 925 Euclid Avenue, Cleveland, Ohio, on
Wednesday, September 28, 2005, commencing at 10:10 a.m.

*to delete
overalls*

State of Ohio,
County of Cuyahoga


SS: CERTIFICATE

I, Phyllis L. Englehart, RMR and Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, John Verbese, was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the testimony then given by him was by me reduced to computerized stenotypy in the presence of said witness, afterward transcribed, and that the foregoing is a true and correct transcript of the testimony so given by him as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified and completed without adjournment.

I do further certify that I am not a relative, counsel, or attorney of either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio, on this 15th day of October, 2006.


Phyllis L. Englehart, RMR and Notary Public in and for the State of Ohio. My commission expires June 23, 2006.

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8 BY MR. MURNER:
9 Q At any point in time postpetition, did you ever
10 delete any e-mails off of your laptop related
11 to Level Propane?
12 A I'm sure I've deleted e-mails.
13 Q Were any of the e-mails that you deleted
14 related to prepetition Level Propane, prior to
15 the bankruptcy?
16 A Anything that was related to the case, no. I
17 saved all those. Or I didn't -- I just left
18 them out sitting wherever.
19 Q You saved --
20 A I --
21 Q You saved e-mails related to Level Propane
22 prepetition?
23 A Well, they're out in the server, wherever the
24 server would have put them.
25 Q What server?

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1 A One of the --
2 Q One of the servers in Level Propane?
3 A Yeah, the e-mail server.
4 Q I thought you said you never, like, downloaded
5 and saved e-mails from your laptop to the --
6 A I don't. It's all on the servers. I read my
7 e-mails, but they're retained on the servers.
8 I mean, just because I don't, you know, I don't
9 keep my e-mails locally because I don't -- I
10 got others -- I don't want to clog up my e-mail
11 with work stuff, so when I go do work stuff --
12 Q But you're saying they'd still be able to be
13 found on the main servers at Level Propane?
14 MR. MONICA: If you know.
15 A Again, I would have to state that I believe
16 that we had approval to delete all those
17 e-mails. It was some court order, I believe.
18 BY MR. MURNER:
19 Q You had a court order that you were allowed to
20 delete prepetition e-mails?
21 A Right, as well as get rid of all those PCs that
22 you identified, because we had all the PCs. We
23 stacked them all up.
24 Q Did you learn that from Benesch? Benesch came
25 in and told you?