

**IT IS SO ORDERED.**

**Dated: 18 July, 2008 09:20 AM**



RANDOLPH BAXTER  
UNITED STATES BANKRUPTCY JUDGE

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

_____	)	Case No. 02-16172
In re	)	(Jointly Administered)
	)	
LEVEL PROPANE GASES, INC., <i>et al.</i> ,	)	Chapter 11
	)	
Debtors.	)	Judge: RANDOLPH BAXTER
_____	)	

**ORDER DIRECTING TURNOVER  
OF DEBTORS' RECORDS**

Came on for hearing on the 8th day of July, 2008, the "Debtors' Motion for Expedited Discovery" (the "Expedited Discovery Motion," Docket No. 3361) filed by Level Propane Gases, Inc. ("Level Propane") and certain of its affiliated debtor entities, debtors and debtors in possession in the above-captioned, jointly administered cases (collectively, the "Debtors"); William H. Maloof ("Maloof") having timely objected to the Expedited Discovery Motion (Docket No. 3367); and the Court, having reviewed and considered the Expedited Discovery

Motion, Maloof's Objection thereto, and the representations made by Maloof's counsel at hearing, hereby finds and concludes that:

1. Maloof, through counsel, has acknowledged that he is in possession of recorded information, including copies of electronic files and records of Level Propane, that relate to the Debtors' property or financial affairs and that are the subject of the Expedited Discovery Motion. Maloof has further acknowledged that these electronic files and records were created in the ordinary course of the business of Level Propane prior to the commencement of these proceedings.

2. The electronic files and records in the possession of Maloof and that are the subject of the Expedited Discovery Motion were the property of Level Propane as of the commencement of Level Propane's bankruptcy case pursuant to section 541(a) of the United States Bankruptcy Code, 11 U.S.C. § 541(a), and thus constitute property of the estate of Level Propane.

3. In the Expedited Discovery Motion, the Debtors request the entry of an order directing Maloof to immediately turn over the electronic files and records that are the subject of the Motion.

4. Section 542(e) of the United States Bankruptcy Code, 11 U.S.C. § 542(e), authorizes the entry of an order requiring any person that holds recorded information, including books, documents, records, and papers, relating to the debtor's property or financial affairs to turn over or disclose such recorded information..

Accordingly, it is hereby ORDERED that Maloof, within five (5) days of the entry of this Order, shall turn over to the Debtors' counsel or such other person or entity as the Debtors' counsel may direct, the following:

A. All electronic media in his possession, custody or control, including, but not limited to, computer hard drives, discs, portable storage devices and compact disks, on which any documents, data, information, or correspondence created by Level Propane or its employees in the course of Level Propane's business resides; and

B. A copy of all documents, data, information, and correspondence created by Level Propane or its employees in the course of Level Propane's business and that is in his possession, custody or control whether printed or derived from electronic media or otherwise.

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Order submitted by:

/s/ Mark A. Phillips

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Debtors and Debtors in Possession