

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

In Re:)	Appeal No. _____
Level Propane, Gases, Inc., et. al.)	
.)	Case No. 02-16172
)	
)	Ch. 11
)	
)	Hon. Randolph Baxter

APPELLANT'S DESIGNATION OF ITEMS TO BE INCLUDED ON THE RECORD AND ISSUES TO BE PRESENTED AS TO THE APPEAL OF THE COURT'S DECISION OF DECEMBER 7, 2006 GRANTING DEBTOR LEVEL PROPANE GASES' MOTION FOR SANCTIONS, DOCKET ITEM No. 2994

Now comes William H. Maloof, by and through counsel undersigned and, pursuant to R. 8006, Federal Rules of Bankruptcy Procedure, hereby submits his Designation of Items to be included in the record and the Issues to be Presented on appeal from the Bankruptcy Court's Order granting Debtor Level Propane Gases' Motion for Sanctions:

DESIGNATION OF THE RECORD

The docket items to be included in the record on appeal are as follows:

Filing Date	Docket Text
06/27/2006	<u>2974</u> MEMORANDUM of Opinion and Order entered Signed on 6/27/2006 (RE: related document(s) <u>2887</u> Motion to reopen the investigation conducted by G Ray Warner (Examiner). (dhutc, crt) (Entered: 06/27/2006)
06/27/2006	<u>2975</u> JUDGMENT Entry Order entered Signed on 6/27/2006 (RE: related document(s) <u>2887</u> Motion). (dhutc. crt) (Entered: 06/27/2006)
06/27/2006	<u>2976</u> Exhibit <i>Supplemental Submission -- Motion to Vacate</i> Filed

	by Stockholder William H Maloof. (Eisler, David aty) (Entered: 06/27/2006)
07/15/2006	<u>2983</u> Notice of Hearing <i>Motion to Reopen Examiner's Report and Appointment of Examiner, Renewed and Restated</i> Filed by Stockholder William Maloof (RE: related document(s) <u>2981</u> <i>Motion to Reopen Examiner's Report and for Appointment of Examiner</i> Filed by Stockholder William H Maloof (Eisler, David aty)). Hearing scheduled for 8/8/2006 at 10:00 AM at H.M. Metzenbaum - #2B Judge Baxter Courtroom. (Eisler, David aty) (Entered: 07/15/2006)
07/17/2006	<u>2985</u> <i>Motion to Reopen Examiner's Report and to Appoint Examiner -- Supplemental Submission in Support</i> Filed by Stockholder William H Maloof (Eisler, David aty) (Entered: 07/17/2006)
07/24/2006	<u>2986</u> <i>Motion to Reopen Examiner's Report and to Appoint Examiner Renewed and Restated -- 2d Supplemental Submission</i> Filed by Stockholder William H Maloof (Eisler, David aty) (Entered: 07/24/2006)
07/26/2006	<u>2987</u> <i>Motion to Reopen Examiner's Report and Appoint New Examiner, Renewed and Restated -- Third Supplemental Submission</i> Filed by Stockholder William Maloof (Eisler, David aty) (Entered: 07/26/2006)
07/31/2006	<u>2988</u> <i>Motion to Reopen Examiners' Report and to Appoint Examiner, Renewed and Restated -- Fourth Supplemental Submission</i> Filed by Stockholder William H Maloof (Eisler, David aty) (Entered: 07/31/2006)
08/01/2006	<u>2989</u> <i>Motion to Reopen Examiner's Report and Appoint Examiner, Renewed and Restated -- 5th Supplemental Submission</i> Filed by Stockholder William H Maloof (Eisler, David aty) (Entered: 08/01/2006)
08/01/2006	<u>2990</u> <i>Response to Supplemental Post-Hearing Document Submission in Support of Motion of William H. Maloof to Vacate the Agreed Order Converting Chapter 7 Proceedings to Chapter 11 Proceedings Entered on June 11, 2002 and Motion for Leave to Controvert the Bankruptcy Petition Filed June 6, 2002</i> Filed by Level Propane Gases, Inc. (related document(s) <u>2984</u>). (Zaverton, Michael aty) (Entered: 08/01/2006)

08/02/2006	<p><u>2993</u> Objection to (related document(s): <u>2987</u> <i>Motion to Reopen Examiner's Report and Appoint New Examiner, Renewed and Restated -- Third Supplemental Submission</i> filed by Interested Party William Maloof, Stockholder William Maloof, <u>2988</u> <i>Motion to Reopen Examiners' Report and to Appoint Examiner, Renewed and Restated -- Fourth Supplemental Submission</i> filed by Stockholder William H Maloof, <u>2986</u> <i>Motion to Reopen Examiner's Report and to Appoint Examiner Renewed and Restated -- 2d Supplemental Submission</i> filed by Stockholder William H Maloof, <u>2989</u> <i>Motion to Reopen Examiner's Report and Appoint Examiner, Renewed and Restated -- 5th Supplemental Submission</i> filed by Stockholder William H Maloof, <u>2981</u> <i>Motion to Reopen Examiner's Report and for Appointment of Examiner</i> filed by Stockholder William H Maloof, <u>2985</u> <i>Motion to Reopen Examiner's Report and to Appoint Examiner -- Supplemental Submission in Support</i> filed by Stockholder William H Maloof) Filed by Level Propane Gases, Inc. (related document(s)<u>2987</u>, <u>2988</u>, <u>2986</u>, <u>2989</u>, <u>2981</u>, <u>2985</u>). (Zaverton, Michael aty) (Entered: 08/02/2006)</p>
08/02/2006	<p><u>2994</u> Motion For Sanctions Filed by Debtor Level Propane Gases, Inc. (Attachments: # <u>1</u> Exhibit A) (Zaverton, Michael aty) (Entered: 08/02/2006)</p>
08/03/2006	<p><u>2995</u> <i>Motion to Reopen Examiner's Report and Appoint New Examiner, Renewed and Restated -- 6th Supplemental Submission</i> Filed by Stockholder William H Maloof (Eisler, David aty) (Entered: 08/03/2006)</p>
08/04/2006	<p><u>2997</u> <i>Motion to Reopen Examiner's Report and to Appoint New Examiner, Renewed and Restated -- 7th Supplemental Submission</i> Filed by Stockholder William H Maloof (Eisler, David aty) (Entered: 08/04/2006)</p>
08/07/2006	<p><u>2999</u> Notice of Appearance and Request for Notice <i>for the Limited Purpose of Joining William Maloof's Renewed and Restated Motion to Reopen Examiner's Investigation and Appoint New Examiner</i> by David C Eisler Filed by Creditor Maxus Leasing Group Inc. (Eisler, David aty) (Entered: 08/07/2006)</p>
08/07/2006	<p><u>3000</u> Notice of Appearance and Request for Notice <i>for the Limited Purpose of Joining William Maloof's Renewed and Restated Motion to Reopen Examiner's Investigation and to Appoint New Examiner</i> by David C Eisler Filed by Creditor Tal</p>

	Financial Corp. (Eisler, David aty) (Entered: 08/07/2006)
08/08/2006	<u>3001</u> Opposition Objection to <i>Renewed and Restated Motion to Reopen Examiner's Investigation and for Substitute Examiner</i> Filed by William H Maloof. (Eisler, David aty) (Entered: 08/08/2006)
08/08/2006	<u>3002</u> Objection to (related document(s): <u>2994</u> Motion For Sanctions filed by Debtor Level Propane Gases. Inc.) Filed by William H Maloof (related document(s) <u>2994</u>). (Eisler, David aty) (Entered: 08/08/2006)
08/08/2006	Hearing Held (RE: related document(s) <u>2981</u> Renewed and Restate Motion of William H Maloof to Reopen Examiner's Investigation and for Substitute examiner). Supplemental Submission in supoort of William H Maloof's. Second Supplemental submission in support of William H Maloof's, Third Supplemental submission in support of William H Maloof's, Fourth Supplemental Submission in support of William H Maloof's, Fifth Supplemental submission in support of William H Maloof's : Sixth Supplemental submission in support of William H Maloof's and Seventh supplemental submission in support of William H Maloof's -- HEARD AND SUBMITTED (dhutc.) (Entered: 08/08/2006)
08/10/2006	<u>3003</u> Brief (<i>Post-Hearing</i>) in Support <i>Renewed and Restated Motion to Reopen Examiner's Investigation and for Substitute Examiner</i> Filed by Stockholder William H Maloof. (Eisler, David aty) (Entered: 08/10/2006)
08/14/2006	<u>3004</u> Response to <i>Post Hearing Brief in Support of the Renewed and Restated Motion of William H. Maloof to Reopen Examiner's Investigation and for Substitute Examiner</i> Filed by Level Propane Gases, Inc. (related document(s) <u>3003</u>). (Zaverton, Michael aty) (Entered: 08/14/2006)
08/17/2006	<u>3005</u> Notice of Appearance and Request for Notice <i>for the Limited Purpose of Supporting William Maloof's Renewed and Restated Motion to Reopen Examiner's Investigation and to Appoint New Examiner</i> by David C Eisler Filed by Creditor Trintiny Industries Leasing Co. (Eisler, David aty) (Entered: 08/17/2006)
08/22/2006	<u>3006</u> Transcript of Hearing Before the Honorable Randolph

Baxter held on 8/8/06 (22 pages) (jjana,) (Entered: 08/22/2006)

08/23/2006 3007 Notice of Appearance and Request for Notice *for the limited purpose of supporting the Renewed and Restated Motion to Reopen Examiner's Investigation and for Substitute Examiner* by David C Eisler Filed by Creditor Lease Dimensions, Inc. (Eisler, David aty) (Entered: 08/23/2006)

08/23/2006 3008 Reply to *Debtor's Response to Movants' Post-Hearing Brief in Support of the Renewed and Restated Motion to Reopen Examiner's Investigation and for Substitute Examiner* Filed by William Maloof (related document(s)3004). (Eisler, David aty) (Entered: 08/23/2006)

08/25/2006 3010 Notice of Appearance Filed by Creditor Ohio Truck & Trailer, Inc. (Gallup, Jeffrey aty) (Entered: 08/25/2006)

08/25/2006 3011 Supporting Motion to Renew and Restate Motion to Reopen Examiner's Investigation and Substitute Examiner Filed by Creditor Ohio Truck & Trailer, Inc (Gallup, Jeffrey aty) (Entered: 08/25/2006)

09/06/2006 3013 Motion Renewed and Restated to Reopen Examiner's Investigation and for Substitute Examiner -- Eighth Supplemental Submission Filed by Stockholder William Maloof (Eisler, David aty) (Entered: 09/06/2006)

09/09/2006 3017 Notice of Appearance and Request for Notice *for the Limited Purpose of Joinder to the Renewed and Restated Motion to Reopen Examiner's Investigation and for Substitute Examiner* by David C Eisler Filed by Creditor Carlinville Truck Equipment Manufacturing Inc. (Eisler, David aty) (Entered: 09/09/2006)

09/23/2006 3018 Notice of Appearance and Request for Notice *of Joinder of Renewed and Restated Motion to Reopen Examiner's Investigation and for Substitute Examiner (on behalf of Kadish, Hinkel & Weibel, Creditor's attorneys)* by David C Eisler Filed by Creditor Berea City School District. (Eisler, David aty) (Entered: 09/23/2006)

09/29/2006 3019 Supporting Motion For Sanctions (*Supplement to Debtors' Motion for Sanctions*) Filed by Debtor Level Propane Gases, Inc. (Zaverton, Michael aty) (Entered: 09/29/2006)

10/02/2006	<u>3021</u> Response to <i>Debtors' Supplement to Motion for Sanctions</i> Filed by William Maloof. (Eisler, David aty) (Entered: 10/02/2006)
11/28/2006	<u>3037</u> Memorandum of Opinion and Order Signed on 11/28/2006 (RE: related document(s) <u>2997</u> Motion to reopen the examiner's investigation and for appointment of a substitute examiner). (dhutc, crt) (Entered: 11/28/2006)
11/28/2006	<u>3038</u> Judgment Order entered that William H Maloof's "renewed and restate" Motion to reopen the examiner's investigation and for appointment of a substitute examiner is hereby Denied for the reasons stated in the attached Memorandum of Opinion and Order. Signed on 11/28/2006 . (dhutc, crt) (Entered: 11/28/2006)
12/07/2006	<u>3047</u> Memorandum of Opinion and Order Signed on 12/7/2006 (RE: related document(s) <u>2997</u> Motion Renewed and Restated Motion to Appoint an Examiner). (dhutc, crt) (Entered: 12/07/2006)

STATEMENT OF ISSUES ON APPEAL

Appellant herein, William H. Maloof, respectfully submits the following statement of the issues on appeal:

1.) The Bankruptcy Court erred in granting the Debtor's Motion for Sanctions when, having failed to consider the new evidence in support of his Renewed and Restated Motion to Re-open Examiner's Investigation and Appoint Substitute Examiner, it characterized the Motion subject to sanctions as repetitive and obstructive.

2.) The Bankruptcy Court erred when it did not consider any of the evidence supporting the re-opening of the Examiner's Investigation presented before it in making its decision.

Appellant, William H. Maloof, respectfully reserves the right to amend and supplement the items designated and the issues stated herein.

Respectfully Submitted,

/s/David C. Eisler

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SERVICE

I hereby certify that on this 22nd day of December, 2006, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/David C. Eisler

David C. Eisler, Counsel for the Appellant