

Exhibit "E"

Pressly Deposition, Docket 2960, at 15, 121- 16, 1. 13

**In The Matter Of:**

*Level Propane Gases, Inc., et al.*

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*Anthony Pressly*

*March 23, 2006*

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*Original File 060323ap.v1, Pages 1-39*

**Word Index included with this Min-U-Script®**

[1] What I presumed to be the normal paperwork,  
 [2] because I wasn't standing there watching him.  
 [3] Prior to the bankruptcy, I knew what the  
 [4] documents were.  
 [5] Q. But this is something that occurred on a daily  
 [6] basis; am I correct?  
 [7] A. Not that I observed on a daily basis, but the bag  
 [8] was emptied all the time, yeah.  
 [9] Q. With respect to the documents that you observed  
 [10] Mr. Lowe shredding on at least one occasion,  
 [11] could you tell me what those documents were?  
 [12] A. Nope. No idea.  
 [13] Q. Okay. Can you tell me the volume of documents to  
 [14] the best of your recollection?  
 [15] A. A manila folder.  
 [16] Q. And you have no idea what the contents of that  
 [17] manila folder was?  
 [18] A. Absolutely not. Again, I wasn't standing over  
 [19] their shoulder.  
 [20] Q. You're aware of the investigation that went on  
 [21] regarding the disposal of documents in March of  
 [22] 2003, correct?  
 [23] A. Yep.  
 [24] Q. Did you observe Mr. Lowe shredding documents  
 [25] prior to that date?

[1] the word "extremely?"  
 [2] A. Not exactly that word but, you know, he may have;  
 [3] he may not have.  
 [4] Q. Okay. So you in your affidavit, you're  
 [5] paraphrasing?  
 [6] A. More or less, based on the entire conversation,  
 [7] yeah.  
 [8] Q. Okay. And when did this conversation occur?  
 [9] A. You'd have to check back on the records, but it  
 [10] was exactly the time that documents were being  
 [11] thrown away and I was asked to do it.  
 [12] Q. And did you do -- did you do it?  
 [13] A. As a matter of fact, no, I didn't.  
 [14] Q. Okay.  
 [15] A. The documents stayed within the warehouse, then  
 [16] were confiscated by Brian -- what was his last  
 [17] name.  
 [18] MR. MALOOF: Salvagni.  
 [19] A. Salvagni. And I was pretty much out of the  
 [20] picture after that for that purpose.  
 [21] Q. Were you ever questioned regarding that incident?  
 [22] A. Yep.  
 [23] Q. And by whom?  
 [24] A. I don't have a clue.  
 [25] Q. Did you ever give a deposition --

[1] A. I --  
 [2] Q. Or after that date?  
 [3] A. I was asked that question already and I don't  
 [4] have an honest answer for you.  
 [5] Q. Who asked you that question already?  
 [6] A. Mr. Maloof did.  
 [7] MR. MALOOF: What date are we  
 [8] talking about, excuse me?  
 [9] A. The day of shredding.  
 [10] Q. Well --  
 [11] A. An exact date does not come to mind.  
 [12] Q. Thank you.  
 [13] You further stated under penalty of perjury  
 [14] that on an occasion, Bob Angart pulled you aside  
 [15] and stated to you that, quote, "I need you to  
 [16] help me dispose of some extremely sensitive  
 [17] financial documents," end of quote.  
 [18] A. Okay.  
 [19] Q. Is that correct?  
 [20] A. That's pretty much about the wording. I don't  
 [21] know exactly what the wording was.  
 [22] Q. Well, did he actually use the words "extremely  
 [23] sensitive financial documents?"  
 [24] A. Sensitive financial documents.  
 [25] Q. Okay. You don't recall necessarily that he used

[1] A. No.  
 [2] Q. -- in connection with that?  
 [3] A. No, I did not.  
 [4] Q. Did you -- do you recall the context in which you  
 [5] were questioned about that incident?  
 [6] A. I was asked a few questions. I answered those  
 [7] questions at that time and I was advised that I  
 [8] should get an attorney because there may be legal  
 [9] ramifications on my end and that was the end of  
 [10] it.  
 [11] Q. Were you ever -- strike that.  
 [12] You don't recall who did the questioning?  
 [13] A. I do not.  
 [14] Q. Can you recall what you told that person?  
 [15] A. That I was asked to dispose of them. And I was  
 [16] lazy and tired that night and I wanted to go  
 [17] home, so I put the stuff down in the warehouse  
 [18] and found out the following workday that Brian  
 [19] Salvagni had basically confiscated all of those  
 [20] documents.  
 [21] Q. So I understand, Mr. Angart -- this is on what, a  
 [22] Friday?  
 [23] A. Could have been a Saturday, but I think it was a  
 [24] Friday.  
 [25] Q. Okay. Mr. Angart comes to you and says "I need

[1] MR. MALOOF: Basically, I thank  
[2] you for coming. I'm sorry that you had to  
[3] take this out of your time, your day.  
[4] Thank you very much. I have no more  
[5] questions, unless you have another  
[6] question.

[7] - - - -  
[8] FURTHER EXAMINATION OF ANTHONY PRESSLY  
[9] BY MR. PHILLIPS:

[10] Q. Mr. Pressly, the documents that were removed from  
[11] Mr. Angart's office, you don't have -- I believe  
[12] you testified that you don't have any idea as to  
[13] the contents of those documents?

[14] A. Only what Mr. Angart said.

[15] Q. And what did -- and Mr. Angart said they were  
[16] sensitive documents?

[17] A. Financial documents.

[18] Q. Financial documents.

[19] You don't know whether they were the only  
[20] copy of those documents?

[21] A. That's a double-edged sword as far as the  
[22] question's concerned. When he made the  
[23] statement, no; after the fact, yes.

[24] Q. Okay. And what do you mean by "yes," you know?

[25] A. After the fact, I was told by Brian Salvagni,

[1] Leah Foster and I believe -- I'm not going to go  
[2] there -- that some of the documents were the  
[3] original copies.

[4] Q. Okay. But you don't know whether they were --  
[5] and you don't know personally whether any of  
[6] those documents --

[7] A. I would not know that personally, only because I  
[8] wasn't involved in the financials of the company.

[9] Q. Okay. And you're relying upon what you were told  
[10] by Miss Foster and Mr. Salvagni?

[11] A. I am relying on that information.

[12] MR. PHILLIPS: Okay. Thank you.  
[13] No further questions, sir. Thank you very  
[14] much for coming in.

[15] MR. MALOOF: All right. You will  
[16] have an opportunity to eventually review  
[17] this. The court reporter will be sending  
[18] this to you for your review and signature.

[19] THE WITNESS: That's fine.

[20] \_\_\_\_\_  
[21] ANTHONY PRESSLY  
[22]  
[23]  
[24]  
[25]

[1] CERTIFICATE  
[2]  
[3] The State of Ohio, ) SS:  
[4] County of Cuyahoga.)  
[5]  
[6] I, Kristin L. Wegryn, a Notary Public  
[7] within and for the State of Ohio, authorized to  
[8] administer oaths and to take and certify  
[9] depositions, do hereby certify that the  
[10] above-named witness was by me, before the giving  
[11] of their deposition, first duly sworn to testify  
[12] the truth, the whole truth, and nothing but the  
[13] truth; that the deposition as above-set forth was  
[14] reduced to writing by me by means of stenotypy,  
[15] and was later transcribed into typewriting under  
[16] my direction; that this is a true record of the  
[17] testimony given by the witness; that said  
[18] deposition was taken at the aforementioned time,  
[19] date and place, pursuant to notice or  
[20] stipulations of counsel; that I am not a relative  
[21] or employee or attorney of any of the parties, or  
[22] a relative or employee of such attorney or  
[23] financially interested in this action; that I am  
[24] not, nor is the court reporting firm with which I  
[25] am affiliated, under a contract as defined in  
Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my  
hand and seal of office, at Cleveland, Ohio, this  
day of \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_  
Kristin L. Wegryn, Notary Public, State of Ohio  
1750 Midland Building, Cleveland, Ohio 44115  
My commission expires July 13, 2008