

FILED

2008 Jun 18 AM 01:21

CLERK U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

EXHIBIT 2

Jonathan Caldwell Affidavit

AFFIDAVIT OF JONATHON CALDWELL

County of Cuyahoga
State of Ohio) SS.

NOW COMES Jonathon Caldwell, being of legal age and duly sworn according to law and deposeseth and sayeth as follows:

- 1.) Affiant was an employee of Level Propane Gases, Inc. in its MIS Department from November, 2000, holding the titles of Operations Manager, Security Manager, Network Manager, Phone System Manager;
- 2.) Affiant says further that among his duties in such above-said employment was the maintenance of the Level Propane Gases, Inc., email server;
- 3.) Affiant says further that his place of employment and the location of the above-said email server was 830 Canterbury Road, Westlake, Cuyahoga County, Ohio;
- 4.) Affiant says further that in order to maintain the above-said email server, he would routinely make back-up tapes of said email server;
- 5.) Affiant says further that he made true, exact and complete disc copies of the above-said back-up tapes as further backups in the event that the back-up tapes were damaged or destroyed;
- 6.) Affiant says further that pursuant to corporate procedure and protocol he retained the back-up tapes in the secure file cabinet at Level Propane, and at "Iron Mountain" and further retained back-ups at his residence;
- 7.) Affiant says further that the above-said email files on above-said email server were grouped in various named files and directories;

8.) Affiant says further that after the going-concern assets of Level Propane Gases, Inc. were sold in June, 2003, he continued in his MIS position with the same duties, including maintenance of the email server;

9.) Affiant says further that he continued in the position above-said position and retained the responsibility to maintain the email server after the going concern assets were sold in June, 2003.

10.) Affiant says further that he left the above-said position in February, 2004:

11.) Affiant says further that the original back- ups, have been in his continuous possession and control since he, the Affiant, has made them.

12.) Affiant says further that he met William H. Maloof (Maloof), the owner of Level Propane Gases, Inc. in November, 2000.

13.) Affiant says further that he has remained in contact with Maloof since 2004;

14.) Affiant says further that he has provided Maloof with duplicates of these above-said email files in the back ups in May, 2007;

15.) Affiant says further that he also provided Maloof with an affidavit as to his, Affiant's, continuous possession and control of the above-said back- ups including backup tapes and disc duplicates thereof at the time he provided the duplicates of the email files to Maloof, which continuous possession and control of which he hereby reaffirms;

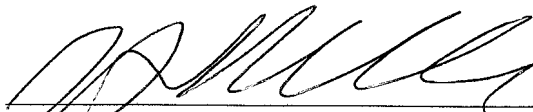
16.) Affiant says further that at the time he provided those above-said email files to Maloof, he was not aware of the contents of the emails, in any of the files, including the file designated "John Verbos PST2;"

17.) Affiant says further that as a result of recently obtained software, he was able in the last two weeks been able to access these previously inaccessible email headers;

18.) Affiant says further he, the Affiant, then advised Maloof of these emails ^{file 2012} headers that had earlier been inaccessible to the Affiant and were relevant to the issues arising in the Level Propane Gases, Inc. case, and clearly showed that the emails demonstrating that John Verbos was actively conspiring with others to wrongfully seize control of Level Propane by means of fraudulent concealment of customer payments were authentic;

19.) Affiant says further that, at Maloof's request, he the Affiant has provided a true, exact and complete duplicate of these emails to Maloof in accessible and readable form.

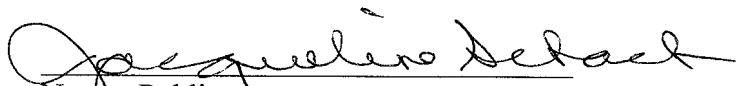
FURTHER AFFIANT SAYETH NAUGHT.



Jonathon Caldwell

Sworn and subscribed before me, a Notary Public in and for the State of Ohio, by

Jonathon Caldwell, this 5 day of June, 2008.



Notary Public

JACQUELINE SCHACH, Notary Public
STATE OF OHIO
Recorded in Cuyahoga County
My Commission Expires June 12, 2012