

FILED

2006 MAR 31 PM 3: 35

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

CLEVELAND
NORTHERN DISTRICT OF OHIO
CLEVELAND

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

SECOND SUPPLEMENTAL EVIDENTIARY SUBMISSION IN SUPPORT OF
MOTION OF WILLIAM H. MALOOF TO REOPEN EXAMINER'S
INVESTIGATION AND FOR
SUBSTITUTE EXAMINER:

**SURPRISE COMPELLING AND ASTONISHING REVELATION
REGARDING SUSTAINED AND MASSIVE
WHOLESALE DOCUMENT SHREDDING
BY ROBERT ANGART
WITH THE ACTIVE COLLUSION OF STEPHEN SUES**

Now comes William H. Maloof, pro se, and hereby makes the following
evidentiary submission in support of his Motion to Reopen Examiner's Investigation and
for Substitute Examiner, which he hereby incorporates into the said Motion by reference,
as if fully rewritten therein:

1) Extract of deposition testimony of Patrick Tighe, taken March 29, 2008 as witness in related to this Motion pursuant to the Order in which he states that he learned of continuous wholesale shredding of documents at the Level Propane headquarters. A transcript of this testimony is attached.

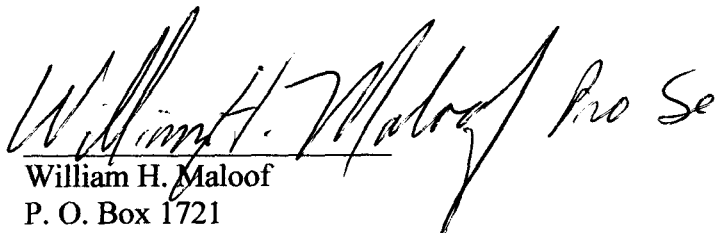
2.) This testimony compels the conclusion that document shredding by Robert Angart with the active collusion of Stephen Sues of a volume and nature took place requiring the investigation of an Examiner. It is no mistake that Stephen Sues put two *lying affidavits* into Court, see attached, in a desperate effort to block the appointment of an Examiner in 2003.

3.) Sues' active collusion went beyond these *lying affidavits* to manipulation of the management team of Level Propane. By demoting Richard Anter from President of Level Propane to its "head of human resources and legal" (despite the fact that this same Richard Anter never attended law school nor was ever licensed to practice law in any jurisdiction in the United States) hours before the execution of these affidavits *solely to hide him in plain sight and misrepresent to the Examiner his true status and role at Level Propane, thereby to deter the Examiner from calling Anter as a witness in the anticipated investigation*, only to permit this same Richard Anter to reappear as President of Level Propane not nine (9) weeks later (affidavit and transcripts of evidence of which will be submitted as soon as it has been prepared). Instead Charles Sweet the sole director of Level Propane becomes the source, who set foot but once in the Level Propane headquarters, but is called from his redoubt in Boca Raton, Florida. As a result, the examiner interviewed none of those identified in Sues lying affidavit, nor did Sues poll the building for those who might have had such knowledge of document destruction.

Nothing less than the reopening of the Examiner's Report now will protect the integrity of the administration of bankruptcy estates in this Court.

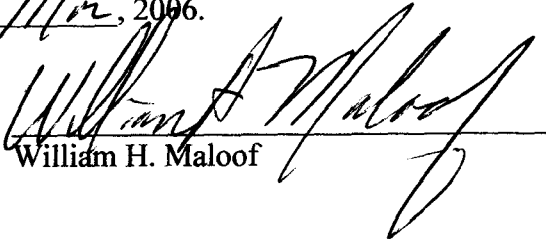
Wherefore, Movant, having submitted his supplemental evidence in support of his Motion to Reopen Examiner's Report and for Substitute Examiner, hereby renews said Motion, and for the reasons stated therein, prays that this Honorable Bankruptcy Court grant it.

Respectfully Submitted,


William H. Maloof
P. O. Box 1721
Medina, OH 44258

SERVICE

Service has been made on those listed on the attached form, by ordinary mail according to Rule, this 31 day of Mar, 2006.


William H. Maloof

1 APPEARANCES:

2
3 On behalf of the Debtor:

4
5 Mark A. Phillips, Esq.
6 Benesch Friedlander Coplan &
7 Arnoff LLP
8 2300 BP Tower
9 200 Public Square
10 Cleveland, Ohio 44114

11 On behalf of the Shareholders:

12 William Maloof, Pro Se
13 P.O. Box 1721
14 Medina, Ohio 44258
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C-E-R-T-I-F-I-C-A-T-E

1
2 STATE OF OHIO,)
3 COUNTY OF CUYAHOGA.) SS:
4

5 I, Cheryl L. Wilson, a Notary Public within
6 and for the State of Ohio, duly commissioned and
7 qualified, do hereby certify that the foregoing
8 witness was first duly sworn to testify the
9 truth, the whole truth and nothing but the truth;
10 that the testimony then given by the witness was
11 reduced to writing by me by means of Stenotype;
12 that I subsequently transcribed my notes with the
13 aid of a computer out of the presence of the
14 witness; that the foregoing is a true and correct
15 transcript of my said notes; that I am not a
16 relative, employee of an attorney, an attorney or
17 counsel of any party or otherwise financially
18 interested in the events of this action; nor is
19 the court reporting firm with which I am
20 affiliated under a contract as defined in Civil
21 Rule 28(D).

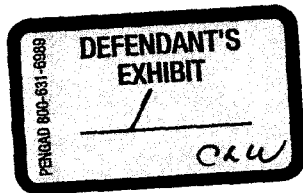
22 I FURTHER CERTIFY that this deposition was
23 not signed in my presence, because the witness
24 failed to appear to do so.

25 IN WITNESS WHEREOF I have hereunto set my
hand and affixed my official seal of office this
30th day of March, 2006.

Cheryl L. Wilson

Cheryl L. Wilson
Notary Public in and
for the State of Ohio

My Commission Expires:
8/29/09



**Patrick Tighe
Vice President
Risk Management Special Projects**

Biography

Licensed Broker with over 25 years experience in all aspects of Risk Management working for carriers, brokers, consulting firms, private industry and government.

Providing senior level Risk Management Outsourcing Services to executive management.

Designed and managed the largest risk management and insurance program in the United States and set up several of Aon's largest clients' Risk Management Programs.

- **Risk Manager** (Roadway, Boston Central Artery/Tunnel Project, Berkshire Hathaway, Revco, Oglebay Norton, WHM Emprises, Chart Industries, United Propane Gas Company, etc.)
- **Outsource Risk Management Consultant** (Cleveland Clinic, B. F. Goodrich, Premier Farnell, OfficeMax, Republic Engineered Products, Anthony & Sylvan Pools, Grand Traverse Band of Ottawa and Chippewa Indians, Cable Express, Compliant, etc.)
- **Construction/Wrap Ups** (Bechtel/Parsons Brinckerhoff Massachusetts Highway Department Central Artery/Tunnel Project, RTA, Berkshire Hathaway, Revco, etc.)

1 Q Did you hear about a bonfire where they
2 burn everything that said "Level" on it?

3 A My former staff told me about it, yes.

4 Q Did that fact make you question the
5 document disposal?

6 A Not -- I heard about well after the fact.
7 I don't know what date that bonfire was.

8 Q Were there cameras in the ceiling at
9 Westlake's office building?

10 A Yes, there were.

11 Q Do you know if those cameras were
12 disconnected?

13 A My understanding were they -- they were
14 disconnected after the bankruptcy at some point.

15 Q If they were, like, attached to the
16 recorder, would those cameras have picked up
17 people going into the shredder room?

18 A I would think so, but that I don't know.

19 Q Okay.

20 A The shredder was actually -- one of the
21 shredders was in the hallway, near the women's
22 restroom.

23 Q Right. Commonly called the shredder room,
24 I think?

25 A Yes. I think it was a little alcove.

1 Q Can you -- do you recall, approximately,
2 the number of cameras we had in the building?

3 A No, I don't. I think there were probably
4 four to six that I can recall, but I don't
5 remember if there were any in the lower level.

6 Q Do you remember where the security office
7 was in the building?

8 A Downstairs near the entrance, originally.

9 Q Was there a recording system in the
10 security office for visual cameras?

11 A Yes.

12 Q Do you happen to recall how many monitors
13 we had at the guard station in the building?

14 A I want to say there were four, but I -- I
15 think some of the monitors you could rotate the
16 pictures on them, some.

17 Q Some of them.

18 A Between cameras, so.

19 Q Pan and tilt?

20 A Yes.

21 Q Were they disconnected, also?

22 A I believe they were.

23 Q Do you know why?

24 A One reason given, I don't know. It's the
25 case was that you could still monitor the office

1 from your home. Bill Maloof could still monitor
2 the office from his home. I do not know if that
3 was the case or not, and I believe John Verbos
4 told me that.

5 Q Okay. All right. Let's go back to the
6 time you saw the documents, which you thought was
7 document disposal, which was.

8 Did you happen to tell anybody about that?

9 MR. PHILLIPS: Objection, as to
10 form.

11 BY MR. MALOOF:

12 Q Go ahead. You can answer it.

13 A I would report things like that to Brian
14 Salvagni, S-a-l-v-a-g-n-i, I believe. Brian was
15 general council.

16 Q After you reported it to him, did you tell
17 anyone else about it, possibly?

18 A I would have reported -- I would have
19 mentioned it to Carleen Ahrens, who is my risk --
20 she was my manager of risk management at the
21 time.

22 Q Okay. What about Richard Anter?

23 A I do not recall whether I did or not. I
24 probably did at that point in time. I was
25 reporting, basically, to each separate group

1 separately that claimed to be managing the
2 company. Most of the -- a number of those folks
3 were not getting along, so I would have to report
4 to one and then go and report to another one
5 afterwards.

6 Q Did you -- the reason -- could I ask you
7 the reason why you decided to report this
8 incident. I mean, are you familiar with
9 bankruptcies?

10 A Yes. I was risk manager at Revco Drug
11 Stores when they went through their bankruptcy.
12 I have been through several others in the past
13 with other clients.

14 Q Could you tell me what they did, that would
15 be different, than what happened at Level?

16 A You absolutely do not throw documents away.
17 You make copies of documents during a bankruptcy.

18 Q Do you catalog documents?

19 A You will catalog and file them, yes. Make
20 sure all the parties have copies.

21 Q Did you stay in touch with the people that
22 had worked under you?

23 A Yes.

24 Q So you spoke to other people since you left
25 Level Propane?

1 A Yes. I still on occasion talk to them.

2 Q Was there any occasion when you spoke to
3 others about handling of documents at Level
4 Propane, who had been in the employment of Level
5 or left Level Propane?

6 A Yes.

7 Q Could you tell me what their names were?

8 A Brian Salvagni, Carleen Ahrens, Walter
9 Himmelman, some other staff that I remember there
10 first names. I don't recall there last names at
11 this time.

12 Q Did you learn anything, as a result, to
13 those conversations with, say, Salvagni, Carleen?

14 MR. PHILLIPS: Objection. Asking
15 for hearsay.

16 BY MR. PHILLIPS:

17 Q Do you recall the physical layout of Level
18 Propane's headquarters?

19 A Yes.

20 Q You spoke to people at Level, since you've
21 left; is that correct?

22 A Yes.

23 Q What did you learn, as a result of those
24 conversations?

25 MR. PHILLIPS: Objection. Ask

1 for hearsay. You can answer, subject to
2 the Court's ruling on the objection.

3 THE WITNESS: Okay. My former
4 staff, Carleen Ahrens, told me that a
5 few months after I left the company, that
6 an incident occurred, again, where
7 documents were being destroyed. Brian
8 Salvagni went to Steve Sues to report it.
9 That Bob Angart was again destroying
10 documents on site. And my understanding
11 from that, was that both parties were
12 suspended and left the building. Within
13 the next day, Bob Angart was back, Brian
14 Salvagni was not.

15 BY MR. MALOOF:

16 Q So, two people were let go and one was
17 brought back?

18 A My understanding was they were suspended,
19 while it was investigated, and Brian was not
20 brought back, but Bob Angart was.

21 Q So the people you spoke of, spoke to in the
22 building about this, did they think that was
23 fair?

24 A No.

25 Q Why not?

1 A Thought they were doing something illegal.

2 Q The people that you spoke of in this area
3 were they sat, where was that in relationship to
4 the -- well, strike that.

5 In your conversations with any of the
6 people at the building, did they describe any
7 shredding going on?

8 MR. PHILLIPS: Objection.

9 Request hearsay. You can proceed to
10 answer, subject to the Court's ruling.

11 THE WITNESS: Okay. Yes, I was
12 told they witnessed shredding at night,
13 when they worked late at night.

14 BY MR. MALOOF:

15 Q By whom?

16 A Bob Angart, primarily.

17 Q And was this over an extended period of
18 time?

19 A My understanding, yes.

20 Q Can you tell me the time frame that they
21 talked about this happening?

22 MR. PHILLIPS: Objection. Ask
23 for hearsay.

24 THE WITNESS: It would have
25 been in the February, March --

1 BY MR. MALOOF:

2 Q Time frame?

3 A -- time frame of 2003.

4 Q So this took place throughout that time
5 frame period?

6 A That is my understanding, yes.

7 Q And who told you this?

8 A Carleen Ahrens would have told me.

9 Q Was she in charge of the Department of
10 Transportation at Level Propane?

11 MR. PHILLIPS: Objection.

12 Leading.

13 THE WITNESS: Yes.

14 BY MR. MALOOF:

15 Q What was she in charge of? What did you
16 put her in charge of?

17 A I was in charge of all of these. Like I
18 said, all of the safety, DOT compliance,
19 insurance, claims management, Workers' Comp. We
20 also had benefits under us and, ultimately, HR.
21 And Carleen directly managed people day-to-day in
22 those departments.

23 Q Did Ms. Ahrens tell you that -- mention
24 that she observed this? Did she -- do you know
25 if it was because of the location she was at or

1 could have been?

2 MR. PHILLIPS: Objection.

3 THE WITNESS: Yes, she informed
4 me of it. It was near the ladies restroom
5 where the shredder was. It was seen a
6 regular basis.

7 BY MR. MALOOF:

8 Q Did she ever speak to anybody about that,
9 that you know of?

10 A I believe Brian Salvagni.

11 Q Did she ever talk to Mr. Angart about it?

12 A I believe she did. She told me she had and
13 his words were that --

14 MR. PHILLIPS: Objection.

15 That's double hearsay, but go ahead. I
16 mean --

17 THE WITNESS: That's all right.

18 MR. PHILLIPS: Actually, triple.

19 MR. MALOOF: I mean, I would
20 like to get to Carleen.

21 BY MR. MALOOF:

22 Q So this Carleen situation, of the
23 shredding, is a new revelation, I would say, to
24 myself. I just now found out about it.

25 MR. PHILLIPS: Mr. Maloof, are

STATE OF OHIO)
) SS: AFFIDAVIT OF STEVEN SUES
CUYAHOGA COUNTY)

Now comes affiant, Steven Sues, being first duly sworn according to law, and deposes and states that:

1. I am the Chief Executive Officer of Level Propane Gases, Inc. ("Company") and have held such position from July 3, 2002 to the present.

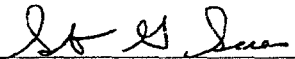
2. On or about March 4, 2003, I was informed that certain Company documents that may fall within the scope of document production requests served upon the Company may have been placed in the Company's central warehouse and that certain Company documents may have been inadvertently discarded or destroyed.

3. I immediately met with Robert Angart, Chief Financial Officer, Brian Salvagni, in-house counsel, and Richard Anter, head of human resources and legal, to determine whether there was any basis for these allegations. Although my preliminary inquiries failed to show that any documents had been discarded or destroyed, I nonetheless contacted counsel for the Company, Benesch, Friedlander, Coplan & Aronoff LLP, to initiate an investigation.

4. Company counsel initiated an investigation on or about March 7, 2003. The investigation remains ongoing as of the date of this Affidavit. To date, counsel has interviewed the majority of employees (7) who had either direct or indirect knowledge of the facts surrounding the above allegations.

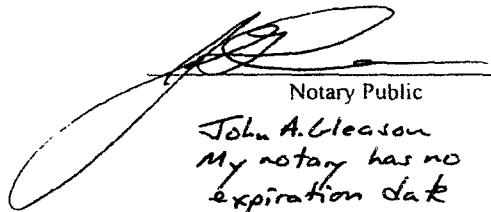
5. There has been no evidence to this point that any documents within the scope of any request for information or related to the administration of the estate have been discarded or otherwise destroyed.

FURTHER AFFIANT SAYETH NOT.



STEVEN SUES

SWORN TO BEFORE ME and subscribed before me this 12th day of March 2003.



Notary Public
John A. Gleason
My notary has no
expiration date


STATE OF OHIO)
) SS.
CUYAHOGA COUNTY)

AFFIDAVIT OF STEPHEN SUES

Steven


~~STEPHEN~~ SUES, being duly cautioned and sworn, deposes and says,

- 1, Affiant is Chief Executive Officer of the Debtors in the captioned matters.
- 2, After due inquiry, Affiant does not believe Debtors have \$5 million in fixed, liquidated, unsecured debts other than debts for goods, services, or taxes or owing to insider/affiliates.
3. Further Affiant sayeth naught.



~~STEPHEN SUES~~
Steven

Subscribed and sworn to before me this 13TH day of March, 2003.



Notary Public
MY COMMISSION HAS NO
EXPIRATION DATE