

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

In re:

Level Propane Gases, Inc., et al.) Case No. 02-16172
)
Debtors) Chapter 7
)
) Chief Judge Randolph Baxter

OBJECTION OF THE UNITED STATES TRUSTEE TO MOTION OF WILLIAM
H. MALOOF TO REOPEN EXAMINER'S INVESTIGATION AND FOR
SUBSTITUTE EXAMINE [2887]

The United States Trustee for Region 9, Saul Eisen, objects to the "Motion of William H. Maloof To Reopen Examiner's Examination and For Substitute Examiner" as follows:

1. On January 31, 2006, the movant filed his request to reopen the examiner's investigation and to appoint a substitute examiner.
2. On February 28, 2006, the movant filed affidavits to support his request. Doc. 2914. Mr. Caldwell's affidavit states that he observed the shredding of papers on December 20, 2002. Ms. Foster's affidavit states that she observed the shredding of papers while she was employed at Level Propane. She suggests that she ceased her employment at Level Propane in July, 2003. Therefore, the allegations made by the proponent reference acts, in part at least, which occurred several years ago.
3. In the case at bar, there is a creditors' committee. The position of this committee should have a bearing upon whether the motion should be granted.
4. However, the motion as presently constituted should be denied unless the movant can establish the ultimate benefit of a new examiner's report and the source of funds that could be utilized to fund such a report. The motion does not suggest any direct benefit to the estate, such

an increased distribution to creditors. The motion also does not address the issue of the costs and expenses of such an examiner and how such costs and expenses will be paid. As a result, the motion should be denied.

Wherefore, the United States Trustee requests that the Court consider the foregoing and grant such further relief as may be appropriate.

Respectfully submitted,

by: /s/Dean Wyman
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Certificate of Service

I certify that on March 12, 2006, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system. I also certify I mailed a copy of the foregoing on this 12th day of March, 2006 to William H. Maloof, pro se, P.O. Box 1721, Medina, Ohio 44258.

/s/Dean Wyman
Dean Wyman