

FILED

2006 MAR 16 PM 2:58

COURT OF THE UNITED STATES
NORTHERN DISTRICT OF OHIO
CLEVELAND

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

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

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

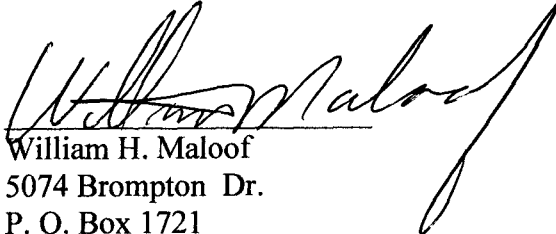
Now comes William H. Maloof, pro se, and hereby makes the following
evidentiary submission in support of his Motion to Reopen Examiner's Investigation and
for Substitute Examiner, which he hereby incorporates into the said Motion by reference,
as if fully rewritten therein:

1) Extract of deposition testimony of John Verbos, taken September 25, 2005
as witness in Adv. Case No. 04-01300-rb, styled *Official Unsecured Creditor's
Committee v. William H. Maloof and Walter Himmelman*, in which Mr. Verbos avers that
PCs and servers operated by Level Propane Gases, Inc. pre-petition were scrapped when
Eaglerock Propane LLC took control of the operations of the Debtor in Possession and
that he erased all of the pre-petition emails of Level Propane Gases, Inc.

Wherefore, Movant, having submitted his supplemental evidence in support of his
Motion to Reopen Examiner's Report and for Substitute Examiner, hereby renews said

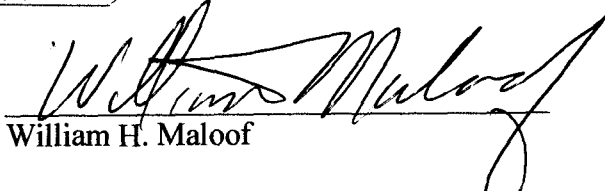
Motion, and for the reasons stated therein, prays that this Honorable Bankruptcy Court grant it.

Respectfully Submitted,


William H. Maloof
5074 Brompton Dr.
P. O. Box 1721
Medina, OH 44256

SERVICE

Service has been made on those listed on the attached form, by ordinary mail according to Rule, this 14 day of Mar, 2006.


William H. Maloof

Trustee

BFLA

Affidavit

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

- - -

In Re:)	
Level Propane Gases, Inc.,)	
et al.)	
)	
Debtors in Possession,)	
_____)	
Level Propane Gases, Inc.,)	Case No. 02-16172
et al.,)	
Debtors in Possession,)	Adversary Proceeding
)	No. 04-01300-rb
and)	
)	Judge Randolph Baxter
The Official Committee of)	
Unsecured Creditors of Level)	
Propane Gases, Inc., et al.,)	
Plaintiffs,)	
)	
v.)	
)	
William A. Maloof and)	
Walter Himmelman,)	
Defendants.)	

DEPOSITION OF JOHN VERBOS

- - -

Deposition of JOHN VERBOS, called by the Defendants for examination pursuant to the Federal Rules of Civil Procedure, taken before Phyllis L. Englehart, RMR and Notary Public in and for the State of Ohio, at the offices of Porter, Wright, Morris & Arthur, 925 Euclid Avenue, Cleveland, Ohio, on Wednesday, September 28, 2005, commencing at 10:10 a.m.

State of Ohio.
County of Cuyahoga

SS: CERTIFICATE


I, Phyllis L. Englehart, RMR and Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, John Verbose, was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the testimony then given by him was by me reduced to computerized stenotypy in the presence of said witness, afterward transcribed, and that the foregoing is a true and correct transcript of the testimony so given by him as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified and completed without adjournment.

I do further certify that I am not a relative, counsel, or attorney of either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio, on this

5th day of October, 2005.


Phyllis L. Englehart, RMR and Notary
Public in and for the State of Ohio.
My commission expires June 23, 2008.

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8 BY MR. MURNER:
9 Q At any point in time postpetition, did you ever
10 delete any e-mails off of your laptop related
11 to Level Propane?
12 A I'm sure I've deleted e-mails.
13 Q Were any of the e-mails that you deleted
14 related to prepetition Level Propane, prior to
15 the bankruptcy?
16 A Anything that was related to the case, no. I
17 saved all those. Or I didn't -- I just left
18 them out sitting wherever.
19 Q You saved --
20 A I --
21 Q You saved e-mails related to Level Propane
22 prepetition?
23 A Well, they're out in the server, wherever the
24 server would have put them.
25 Q What server?

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1 A One of the --
2 Q One of the servers in Level Propane?
3 A Yeah, the e-mail server.
4 Q I thought you said you never, like, downloaded
5 and saved e-mails from your laptop to the --
6 A I don't. It's all on the servers. I read my
7 e-mails, but they're retained on the servers.
8 I mean, just because I don't, you know, I don't
9 keep my e-mails locally because I don't -- I
10 got others -- I don't want to clog up my e-mail
11 with work stuff, so when I go do work stuff --
12 Q But you're saying they'd still be able to be
13 found on the main servers at Level Propane?
14 MR. MONICA: If you know.
15 A Again, I would have to state that I believe
16 that we had approval to delete all those
17 e-mails. It was some court order, I believe.
18 BY MR. MURNER:
19 Q You had a court order that you were allowed to
20 delete prepetition e-mails?
21 A Right, as well as get rid of all those PCs that
22 you identified, because we had all the PCs. We
23 stacked them all up.
24 Q Did you learn that from Benesch? Benesch came
25 in and told you?