

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

FILED

2006 MAR 16 PM 2: 57

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

CLERK OF COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

WILLIAM H.MALOOF'S RESPONSE TO THE OBJECTION OF THE UNITED STATES TRUSTEE TO HIS MOTION REOPEN EXAMINER'S INVESTIGATION AND FOR SUBSTITUTE EXAMINER

Now comes William H. Maloof, pro se, and for his Response to the Objection of the United States Trustee to his Motion to Reopen Examiner's Investigation and for substitute Examiner states as follows:

1) The United States Trustee in Paragraph 3 of his Objection, Docket 2924, invokes the creditors' committee and declares that its position on this motion "should have a bearing" on whether it should be granted. This motion has been pending for weeks and the creditors' committee has remained silent. Whatever its position, it is up to the creditors' committee to communicate, by pleading, to this Court. To this date, it has not done so.

2) Movant, in response to the Trustee's concern over the "ultimate benefit of a new examiner's report" as set out in Paragraph 4 of its Objection, states that the integrity of the administration of bankruptcy estates in this Court has been placed in issue by the conduct, document destruction, upon which this Motion turns. Such document destruction was clearly improper as it went to the very justification for the filing and maintenance of the present bankruptcy case in this Court, see, generally, *Hazel-Atlas*

*Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). Movant is confident that such issues are of vital importance to this Court. *No one other than this Court can make that judgment: it is for this Court and this Court alone.*

3) Movant, in response to the United States Trustee's concern over costs, states its confidence in this Court that it will find a means to defray those costs, in that the issues raised herein are of vital importance not merely to a particular aspect of this estate's administration, but to the administration of this estate as a whole and to the administration of bankruptcies generally in this Court.

WHEREFORE, for the reasons set forth above, Movant prays that the examination of the Debtor's management team conduct the Debtor in Possession be reopened with respect to the document destruction these new affidavits establish.

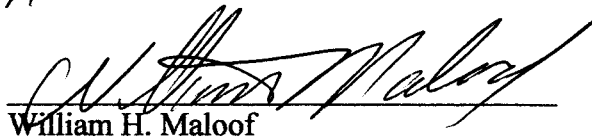
Respectfully Submitted,

  
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 16 day of Mar, 2006.

  
William H. Maloof

*Trustee*

*B F C A*