

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

FILED

2006 MAR 16 PM 2:58

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 DEBTORS' LIMITED JOINDER OF HIS
EMERGENCY MOTION FOR LEAVE TO PRESENT TESTIMONY EVIDENCE AT
THE HEARING OR, IN THE ALTERNATIVE BY DEPOSITION, OF HIS MOTION
TO REOPEN EXAMINER'S INVESTIGATION AND FOR SUBSTITUTE
EXAMINER**

Now comes William H. Maloof, pro se, and for his Response to Debtors' Limited Joinder of his Emergency Motion for Leave Present Testimony Evidence at the Hearing or, in the Alternative by Deposition, of his Motion to Reopen Examiner's Investigation and for Substitute Examiner, Docket 2922, states as follows:

1.) Hearing on his Motion to Reopen Examiner's Investigation and for Substitute Examiner is set for 2:00 PM on March 23, 2006. As indicated in his previous evidence submission, your Movant has evidence from a live witness that bears heavily on the issues raised in this motion. This witness will only appear if subpoenaed under the authority of this Court.

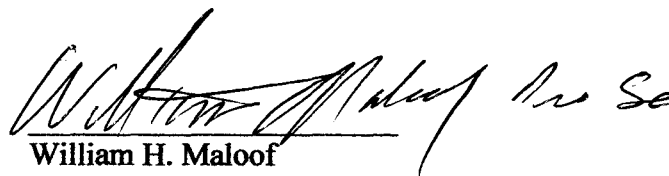
2) In as much as the testimony of this witness is expected to extremely brief, no more than ten (10) minutes in length and other parties participating in the hearing will have the opportunity to cross-examine this witness, your Movant intends to bring this witness to Court in an effort to husband this Court's precious administrative resources.

The witness's examination may be adjourned by agreement of the parties and the Court if such adjournment is, in the exercise of this Court's sound discretion, advisable or required. What is of utmost importance is that this evidence is preserved.

3) The Debtors have stated that they have commenced discovery as to this motion, to which your Movant strenuously objects as wholly outside the scope of the Emergency Motion as submitted. The sole purpose of your Movant's request for leave to present testamentary evidence at the hearing was to preserve certain evidence that would otherwise be lost. This was by no means an invitation to the Debtors to commence discovery on a motion that has been pending now for weeks.

WHEREFORE, for the reasons set forth above, Movant suggests, because this witness is being brought to Court to preserve his evidence, that any decision regarding further examination of the witness once he has testified be reserved for the scheduled prays for leave to present this witness at the hearing scheduled for March 23, 2006 at 2:00 PM. Movant further urges that Debtors presumptive commencement of discovery be specifically disallowed.

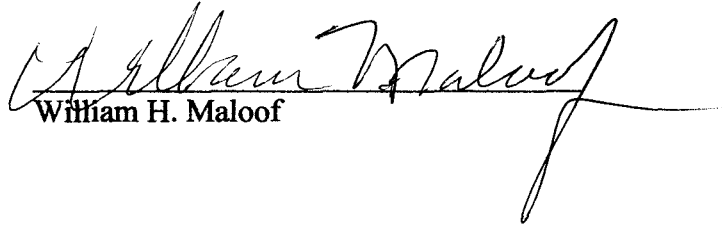
Respectfully Submitted,


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