

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

In Re:)	Case No. 07-CV-0153
)	
LEVEL PROPANE GASES, INC., et. al.)	
)	Bankruptcy Case No. 02-16172
Debtors.)	
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)	JUDGE ANN ALDRICH
WILLIAM H. MALOOF,)	
)	
Appellant,)	MAGISTRATE JUDGE PERELMAN
)	
)	
vs.)	
)	
LEVEL PROPANE GASES, et. al.)	
)	
Appellees)	

ON APPEAL FROM THE UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF OHIO EASTERN DIVISION

**APPELLANT’S OBJECTION TO APPELLEE’S MOTION TO STRIKE
APPENDIX**

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**APPELLANT’S OBJECTION TO APPELLEE’S MOTION TO STRIKE
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Now comes William H. Maloof, Appellant herein, by and through counsel undersigned and for his Objection to Appellee’s Motion to Strike Appendix states as follows:

Appellant observes that this matter is indeed on appeal in this court under the bankruptcy rules. What distinguishes this case from all those cited is that this case involves the use of the bankruptcy court as a screen behind which the lead creditors could exercise their unfettered will as to the Debtors in this case, particularly Level Propane, a position that the Appellant has consistently maintained.

Appellant cannot be punished as a result of the Bank Group’s success to this point in concealing its wrongdoing. This Court, unlike other appellant courts, has original and exclusive jurisdiction over the subject matter here appealed, which it has referred to the Bankruptcy Court, 28 U.S.C. Sec. 1334. Any fraud upon the Bankruptcy Court is a fraud upon this Court.

Evidence of the theft of millions of dollars from the bankruptcy estate by the officers of the court cannot be excluded on the basis of this courts procedural relationship to the offense. This is not an a matter in which the facts bear only on the dispute between the parties, but goes to an attempt to corrupt the Court itself. As such, whether these facts are presented here, in the Court which has been offended, or in the Bankruptcy Court, the body to which this Court has referred the matter, which has been offended, cannot be of moment. This case bears the gravity and urgency of *Hazel-Atlas v. Hartford-Empire Co.* 322 U.S. 238 (1944), *Root Refining Co. v. Universal Oil Products Co.*, 169 F.2d 514 (3rd

Cir., 1948), *Demjanjuk v. Petrovsky* 10 F.3d 338 (6th Cir., 1993) and *Intermagetics v. CITIC* 928 F.2d 912 (9th Cir., 1978) with respect to the offenses against this Court.

No court can be used as vehicle for the working of a party's private will at the expense of the institutions of public justice, as the above-cited cases reaffirm. Yet this exactly what has happened here: and what the timing of this Motion to Strike discloses. The Motion was filed at 3:13 PM on March 16, 2007, hours after the complete statement of Jeff Kessler was filed in this Court. It is plain that indisputable evidence of wrongdoing, the theft of thousands of customer checks from the bankruptcy estate, had to be kept off the record at any cost. The other material was tolerated on the record for weeks without objection. This fact alone tells that the concern of the Appellee is not the rules of bankruptcy procedure, but keeping under wraps the offenses that have come to light and can no longer be concealed.

Wherefore, for the reasons stated above, Appellant urges this Court to reject the Appellee's attempt to keep this evidence off the record preserve its fraud deny its motion to strike.

Respectfully Submitted,

/s/David C. Eisler
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SERVICE

I hereby certify that on this 23rd day of March 2007, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/David C. Eisler

David C. Eisler, Counsel for the Appellant