

# **EXHIBIT 1**

# United States Bankruptcy Court

NORTHERN District Of OHIO

In re Level Propane Gases, Inc., et al.,  
Debtor

## SUBPOENA IN AN ADVERSARY PROCEEDING

Level Propane Gases, Inc., et al.,  
Plaintiff

Case No.<sup>1</sup> 02-16172

William Maloof, et al.,  
Defendant

Chapter 11

To: Iron Mountain

Adv. Proc. No.<sup>1</sup> 04-01300-rb

YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date and time specified below to testify in the above adversary proceeding.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above adversary proceeding.

PLACE OF DEPOSITION	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See attached list. Compliance with the subpoena can be satisfied by mailing a copy of the responsive documents, by July 26, 2005, to Ellyn Mehendale at the address below. If you have any questions, please contact Ms. Mehendale at (440) 838-7600.

PLACE	DATE AND TIME
9200 South Hills Blvd., #300, Cleveland, Ohio 44147	7/29/2005 9:30 am

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this adversary proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable in adversary proceedings by Rule 7030, Fed. R. Bankr. P.

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
<i>Ellyn Mehendale</i> Attorney for Defendant, Walter Himmelman	7-6-05
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	
Ellyn Mehendale (Of Counsel), Janik & Dorman, L.L.P. - (440) 838-7600 9200 South Hills Boulevard, Suite 300, Cleveland, Ohio 44147	

<sup>1</sup>If the bankruptcy case or the adversary proceeding is pending in a district other than the district in which the subpoena is issued, state the district under the case number or adversary proceeding number.

PROOF OF SERVICE

DATE

PLACE

SERVED

5101 Naiman Parkway, Solon, Ohio 44139

SERVED ON (PRINT NAME)

MANNER OF SERVICE

Iron Mountain

Certified Mail

SERVED BY (PRINT NAME)

TITLE

Ellyn Mehendale (Of Counsel)

Attorney for Defendant Himmelman

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

Janik & Dorman, LLP, 9200 S. Hills Blvd. #300, Cleveland, Ohio 44147

ADDRESS OF SERVER

Rule 45, Fed. R. Civ. P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed. R. Bankr. P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

### DOCUMENTS TO BE PRODUCED

All documents, as defined below, from 1997 through the present regarding, concerning or related to Level Propane Gases, Inc., Level Energy Group, Inc., Park Place Management, Inc., Park Place, Inc., Over-Flo Lot, Incorporated, The Park Place Companies, Inc., WHM Emprises, Inc., Level Energy Distribution, Inc., Level Energy Transport, Inc., Lenergy Transport Leasing, Inc., EP Transport, Inc., WHM Carrier Services, Inc., WHM Management Services, Inc., and/or Amware Distribution Warehouses, Inc. and/or its/their officers and/or directors, including but not limited to Walter Himmelman and William Maloof.

"Document," means, but is not limited to, any written, recorded or photographed material, as those terms are defined by Evidence Rule 1001, and includes, without limitation, correspondence, memoranda, notes, work sheets, diaries, statistics, letters, telegrams, telex, or telefax printouts, minutes, contracts, reports, photographs, charts, graphs, videotapes, recordings, motion pictures, tapes, cassettes, discs, electronic recordings, back up tapes, E-mail transmissions, studies, checks, statements, receipts, returns, summaries, pamphlets, books, notations, bulletins and other types of printed, electronically stored or written information. The fact that a document is different from the original by reason of any notation, markings or alterations on such copy or any other changes or amendments does not protect the document from discovery and is specifically requested in this case.