

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
Eastern Division**

**IN RE:**  
**LEVEL PROPANE GASES, INC., et al.,**  
  
**Debtors.**

**In Proceedings Under Chapter 11**

**CASE NO: 02-16172  
(Jointly Administered)**

**ADV. PROC. NO. 09-1127**

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**WILLIAM H. MALOOF**

**Plaintiff,**

**v.**

**MARK UHRICH, PLAN ADMINISTRATOR  
OF THE CONSOLIDATED ESTATE OF LEVEL  
PROPANE GASES, INC.,**

**Defendant.**

**JUDGE RANDOLPH BAXTER**

**FILED**  
**09 SEP 21 PM 3:49**  
**U.S. BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF OHIO**  
**CLEVELAND**

**ORDER OF RECUSAL**

Upon motion of a party in interest, or sua sponte, where fraud is perceived to have been perpetrated in a bankruptcy case, as determined herein, 18 U.S.C. §§ 157 and 3057 mandate that perpetrators of such misconduct be referred to the Office of the United States Attorney and to the Federal Bureau of Investigation for prosecutorial consideration.

Pursuant to such authority, the parties herein are hereby informed that, based upon a perceived fraud upon the Court, perpetrated by Attorney David Eisler and his client William H. Maloof, this matter has been referred to the District Attorney and to the Federal Bureau of Investigation for prosecutorial consideration. (*See* Maloof's Motion to Recuse and Supplements thereto).

By reason of said referral, I will hereby recuse myself from adjudicating all matters

prosecuted in this case, from this date forward, by the movant and his counsel, David Eisler. *See* 28 U.S.C. § 455. Further, an appropriate referral will be made to disciplinary authorities for the violations cited herein.

Courts of law are not to be used as forums for intimidation or frivolity. Herein, in his second attempt to cause judicial recusal in the subject adversary proceeding, the movant has created bogus e-mail messages which, purportedly, show the Judge was a co-conspirator in an alleged scheme which caused movant's ouster as chief executive officer of the Debtor corporations. Reportedly, these alleged events occurred prior to the Debtor corporations being placed involuntarily into bankruptcy proceedings. Once the several bankruptcies were filed, other fabricated e-mails alleged that other co-conspirators would take steps to insure that the Debtors' consolidated bankruptcy cases were steered to the docket of the undersigned judge for adjudication. Incredibly, these fabricated e-mail messages were allegedly authenticated by a paralegal forensic expert. Not a modicum of truth is found in any of the movant's assertions in this regard. As additional factual findings, the several averments set forth in the Plan Administrator's objection to the recusal motion are wholly adopted herein. (*See* September 21, 2009 Order denying Maloof's Motion to Recuse).

Notably, none of Movant's allegations to support recusal in his second recusal motion were mentioned in his unsuccessful initial recusal motion. (*See* this Court's May 6, 2008 Order in Case No. 02-16172). Supposedly, his second recusal effort was caused by the so-called discoveries made subsequent to his original recusal effort. He alleged in his first recusal motion that the undersigned judge was a former federal criminal prosecutor who successfully caused the arrest and conviction of certain organized crime figures. The movant failed to show any nexus between such allegation and adjudication of the subject bankruptcy cases. As determined in this Court's earlier Order

denying recusal, there simply was no truth to the allegations presented in such recusal motion. It is apparent from his persistent efforts to obtain judicial recusal, the Movant is undeterred in obtaining his objective, regardless of the level of outrageous allegations.

Accordingly, this adversary proceeding is referred back to the Clerk of Courts for reassignment, consistent with this ruling.

**. IT IS SO ORDERED.**  
Dated, this 21<sup>st</sup> day of  
September, 2009.

  
**JUDGE RANDOLPH BAXTER**  
**UNITED STATES BANKRUPTCY COURT**

cc: Mr. Kenneth J. Hirz  
Clerk of Court