

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	CASE NO. 05-85627
)	
RELIABLE AIR, INC. d/b/a)	Chapter 11
RELIABLE HEATING AND AIR,)	
)	JUDGE MASSEY
Debtor.)	

NOTICE OF DEPOSITION OF DANIEL L. JAPE AND REQUEST FOR DOCUMENTS

TO: Daniel L. Jape
c/o Louis G. McBryan, Esq.
Howick, Westfall, McBryan & Kaplan LLP
Suite 600, One Tower Creek
3010 Tower Creek Parkway
Atlanta, GA 303039

PLEASE TAKE NOTICE that Reliable Air, Inc., d/b/a Reliable Heating & Air, (“Reliable”), pursuant to Federal Rule of Civil Procedure 30, made applicable hereto by Federal Rule of Bankruptcy Procedure 7030, will take the deposition upon oral examination of Daniel L. Jape, beginning at 10:00 a.m. on Tuesday, October 23, 2007, at the office of Scroggins & Williamson, 1500 Candler Building, 127 Peachtree St., N.E., Atlanta, GA 30303, or at such other time and place as counsel for the parties may agree.

Pursuant to Bankruptcy Rule 7034 and Rule 34 of the Federal Rules of Civil Procedure, Reliable requests that Mr. Jape produce for inspection and copying the documents identified on Exhibit “A” which are in Mr. Jape’s possession, custody or control, no later than 10:00 a.m. on October 23, 2007. The deposition will be taken before an authorized court reporter for the purpose of discovery and for any other purpose authorized by the Federal Rules of Civil and Bankruptcy Procedure.

EXHIBIT A

As used herein, the terms listed below are defined as follows:

- (A) "Document" and "Documents" shall mean all written, recorded or graphic matters, however produced or reproduced, whether or not privileged, within the possession, custody or control of Mr. Jape or of which the deponent has knowledge. This definition includes, but is not limited to, any and all originals, copies or drafts of any and all of the following: correspondence, memoranda, tapes, stenographic or handwritten notes, records, summaries, schedules, studies, publications, books, pamphlets, maps, surveys, minutes or statistical compilations, contracts or agreements, drawings, sketches, invoices, orders or acknowledgments, diaries, reports, forecasts, or appraisals, memoranda of telegrams, telexes, or cables prepared, drafted, received or sent, tapes, transcripts or recordings, photographs, drawings, pictures, films, microfilms, voice recordings, computer data, e-mail or other graphic, symbolic, recorded or written materials of any nature whatsoever. Any document which contains any comments, notation, addition, insertion, or mark of any kind which is not part of another document, is to be considered a separate document.
- (B) "Mr. Jape" means Daniel L. Jape.
- (C) "Person" means any natural person, corporation, partnership, proprietorship, association, organization, group of persons or other entity.
- (D) "Reliable" means Reliable Air, Inc., d/b/a Reliable Heating & Air, a debtor-in-possession in Chapter 11 Case No. 05-85627.

If privilege is claimed as to any document otherwise covered by this Notice of Deposition, the party asserting such privilege shall identify all such document(s) in a manner such that the Court may determine whether or not such document is entitled to be accorded privileged status. The identification should include the name(s) of the author(s) of the document, the date of the document, the recipient(s) of the document, and a general description of the subject matter of the document.

DOCUMENTS REQUESTED

1. Any and all documents which evidence, relate to, support or refute any of the objections set forth in Daniel L. Jape's Objection to Debtor's Amended Plan of Reorganization and/or any supplement or amendments thereto.
2. Any and all documents Mr. Jape intends to introduce at the hearing on confirmation of the

Debtor's First Amended Plan of Reorganization.

3. Any and all documents which evidence Mr. Jape's ability to purchase the name "Reliable Heating and Air" from the Debtor for a purchase price of \$250,000.00.

CERTIFICATE OF SERVICE

This is to certify that on this date I served a true and correct copy of the within and foregoing **Notice of Deposition of Daniel L. Jape and Request for Documents**, by causing same to be sent via FACSIMILE and FIRST CLASS MAIL as indicated below and addressed to the following persons:

Louis G. McBryan, Esq.
Howick, Westfall, McBryan & Kaplan LLP
Suite 600, One Tower Creek
3010 Tower Creek Parkway
Atlanta, GA 30309

and sent via FIRST CLASS MAIL deposited in the United States Mail with adequate postage affixed thereon as indicated below and addressed to the following persons:

Office of the United States Trustee
362 Richard Russell Federal Building
75 Spring Street, S. W.
Atlanta, Georgia 30303

This 19th day of October, 2007.

SCROGGINS & WILLIAMSON

/s/ Ashley R. Ray

J. ROBERT WILLIAMSON
Georgia Bar No. 765214
ASHLEY REYNOLDS RAY
Georgia Bar No. 601559
Counsel for Reliable Air, Inc.

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