



**IT IS ORDERED as set forth below:**

**Date: October 10, 2007**

*James E. Massey*

**James E. Massey  
U.S. Bankruptcy Court Judge**

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	:	
RELIABLE HEATING & AIR,	:	CHAPTER 11
	:	
Debtor,	:	JUDGE MASSEY
	:	
RELIABLE AIR, INC., d/b/a	:	
RELIABLE HEATING & AIR,	:	ADVERSARY
	:	
Plaintiff,	:	PROCEEDING NO. <b>07-06352</b>
	:	
VS.	:	
	:	
DANIEL L. JAPE and	:	
KIMBERLY RUSE,	:	
	:	
Defendants.	:	

**ORDER ON DEFENDANT’S MOTION FOR RECONSIDERATION**  
**OF THE COURT’S ORDER OF SEPTEMBER 14, 2007**

This matter is before the court on Defendant, Daniel Jape’s, Motion for Reconsideration of the Court’s Order entered September 14, 2007, granting in part and

denying in part Plaintiff, Reliable Air, Inc.'s motion for a preliminary injunction.

Defendant Jape objects to the Order of September 14, 2007, on the grounds, among others, that it is overly broad in that it prohibits Defendant from using the words "heating and air" in connection with the promotion of his business, directs him to transfer a phone number to plaintiff which transfer he can not effect because only the telephone company determines its customers and does not provide Defendant enough time to comply with the order. Mr. Jape also sought reconsideration of the Order of September 14, 2007, on various other grounds, which are set forth in that motion, but will not be recited here.

On October 1, 2007, the Court conducted a conference call with counsel for Defendant Jape and counsel for Reliable Air, Inc. in the adversary proceeding. Based upon the results of that conference call and upon consideration of the record, the court has determined that the Order of September 14, 2007, should be modified to more clearly restrict the injunction to its intended scope and to permit Defendant Jape to comply with the terms of that order.

Accordingly, the Court hereby GRANTS IN PART and DENIES IN PART Defendant Jape's motion for reconsideration as follows:

Defendant, Dan Jape, and all persons or entities in active concert or participation with him, including any limited liability companies or corporation owned in whole or in part by him, is enjoined from directly or indirectly (1) transacting business under the name "Reliable Heating & Air" or any name using the name or word "Reliable" in connection with the sale and servicing of heating, air conditioning and ventilating equipment and systems in the greater metropolitan Atlanta, Georgia, metropolitan area, (2) from utilizing a service mark consisting of a capital letter "R" followed by the words "Reliable Heating & Air" or any combination of the letter "R" and the word or name

“Reliable” in connection with the sale and servicing of heating, air conditioning and ventilating equipment and systems in the greater metropolitan Atlanta, Georgia, metropolitan area,

Defendant Jape is further ORDERED AND DIRECTED to cease using the telephone number (770) 594-9096 and to cooperate with Plaintiff in attempting to switch, if possible, the telephone number (770) 594-9096 from Defendant Jape to Plaintiff, so that persons dialing the telephone number (770) 594-9096 will be automatically routed or forwarded to the Plaintiff’s telephone number (770) 594-9066.

Except as modified herein, the Court’s Order of September 14, 2007, remains of full force and effect.

\*\*\*\*END OF ORDER\*\*\*\*

Prepared and submitted by:

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Approved as to form only:

/s/ Louis G. McBryan (by CCM)  
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