

**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.)	

MOTION TO QUASH SUBPOENA

COMES NOW Reliable Air, Inc. d/b/a Reliable Hearing and Air, Debtor and Debtor-in-Possession in the above-styled case ("Debtor"), by and through its undersigned counsel, hereby files this Motion to Quash Subpoena, showing the Court as follows:

1.

On November 22, 2005, Debtor filed its Voluntary Petition for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code").

2.

Debtor continues in the operation and management of its business as Debtor-in-Possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

3.

On September 13, 2007, this Court entered an Order and Notice (1) Approving Disclosure Statement, (2) Directing Debtor's Counsel to Serve the Disclosure Statement, Plan and a Ballot on Creditors and Equity Security Holders, (3) Fixing Time for Filing Acceptances or Rejections of the Plan, (4) Fixing Time for Filing Objections to Confirmation of the Plan, and (5) Fixing the Date of the Hearing on Confirmation of the Plan (the "Order Approving Disclosure Statement"). In the Order Approving Disclosure Statement, the Court scheduled a confirmation hearing on October 24, 2007.

4.

On October 9, 2007, Daniel L. Jape issued a subpoena (the "Subpoena") upon Frank Infante, an employee of the Debtor and proposed investor under the Debtor's First Amended Plan of Reorganization (the "Plan"), seeking the production of documents and scheduling an examination for Monday, October 15, 2007. A copy of the Subpoena is attached hereto as Exhibit A.

5.

The Subpoena directs Mr. Infante to produce and permit inspection of documents listed on Exhibit A. Exhibit A to the Subpoena reads as follows:

"Reliable Air, Inc. shall designate one or more persons who can testify to each of the following matters:

1. Personal financial statements and any other documents which evidence Mr. Infante's ability to invest \$25,000 in the reorganized debtor."

6.

The Debtor has provided counsel for Mr. Jape with documentation evidencing Mr. Infante's ability to purchase stock in the reorganized debtor as proposed in the Plan. The Debtor notified counsel for Mr. Jape that Mr. Infante would not be available for deposition on the date noticed, that the information provided was sufficient to address the issues raised in the Subpoena, however, in the event Mr. Jape still wished to examine Mr. Infante, the Debtor provided alternative dates to conduct such examination. Mr. Jape has refused to release Mr. Infante from the Subpoena or agree to an alternative date.

7.

The Subpoena provides an unreasonably short period of time for Mr. Infante to prepare for the Deposition. Mr. Jape has known about the Confirmation Hearing for approximately one month; however, he waited to issue the Subpoena and provided a mere six (6) days notice of the intended

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the **Motion to Quash Subpoena** by causing it to be deposited in the United States Mail in a properly addressed envelope with adequate postage affixed thereon addressed as follows:

Louis G. McBryan
Howick, Westfall, McBryan & Kaplan, LLP
Suite 600, One Tower Creek
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Atlanta, Georgia 30339

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

This 12th day of October, 2007.

Respectfully submitted,

SCROGGINS & WILLIAMSON

/s/ Ashley R. Ray

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