

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	)	
	)	CASE NO. 05-85627-JEM
RELIABLE AIR, INC, d/b/a	)	
RELIABLE HEATING AND AIR,	)	CHAPTER 11
	)	
Debtor	)	
_____	)	
RELIABLE AIR, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ADVERSARY NO. 07-06352
	)	
	)	
DANIEL L. JAPE and KIMBERLY RUSE,	)	JURY TRIAL DEMANDED
	)	
Defendants.	)	
_____	)	

**DEFENDANTS' REQUEST TO OFFER FURTHER EVIDENCE**

COMES NOW, Daniel L. Jape and Kimberly E. Ruse (collectively, the "Defendants") and files this, their Request to Offer Further Evidence in this adversary proceeding, and show the Court as follows:

1.

On August 7, 2007, the Court held an evidentiary hearing on the Plaintiff's Motion for a Preliminary Injunction. Subsequent to the hearing, the Court entered an Order reopening bankruptcy cases 90-03062 and 94-65276, which Barbara Jape and Daniel Jape had filed under Chapter 13 of the bankruptcy code. The Order provided that any party desiring to offer further evidence file a request to do so.

2.

Defendants request the Court to allow them to offer further evidence regarding the sworn statements made by Daniel Jape and Barbara Jape in their personal bankruptcy cases.

3.

The evidence to be offered will be by non-party witnesses which will require subpoena.

WHEREFORE, Defendants pray that the Court grant their request to offer further evidence and for such other and further relief as is just.

This 29<sup>th</sup> day of August, 2007.

Respectfully submitted,

HOWICK, WESTFALL, McBRYAN  
& KAPLAN, LLP

/s/

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UNITED STATES BANKRUPTCY COURT  
 NORTHERN DISTRICT OF GEORGIA  
 ATLANTA DIVISION

IN RE:	)	
	)	CASE NO. 05-85627-JEM
RELIABLE AIR, INC, d/b/a	)	
RELIABLE HEATING AND AIR,	)	CHAPTER 11
	)	JUDGE MASSEY
Debtor	)	
_____	)	
RELIABLE AIR, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ADVERSARY NO. 07-06352
	)	
	)	
	)	
DANIEL L. JAPE and KIMBERLY RUSE,	)	JURY TRIAL DEMANDED
	)	
Defendants.	)	
_____	)	

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served the foregoing **DEFENDANTS' REQUEST TO OFFER FURTHER EVIDENCE** by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage affixed thereon to assure delivery to:

J. Robert Williamson, Esq. Ashley Reynolds Ray, Esq. Scroggins & Williamson 1500 Candler Building 127 Peachtree Street, N.E. Atlanta, GA 30305	C. Cyrus Malone, Esq. Freisem, Macon, Swann & Malone, LLP 2905 Piedmont Road, N.E., Suite C Atlanta, Georgia 30305
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This 29<sup>th</sup> day of August, 2007.

/s/ \_\_\_\_\_  
 Louis G. McBryan, Georgia Bar No. 480993