

**UNITED STATES BANKRUPTCY COURT**  
**FOR THE DISTRICT OF Southern Indiana**  
**Minute Entry/Order**

**Hearing Information:**

**Debtor:** EASTERN LIVESTOCK CO., LLC  
**Case Number:** 10-93904-BHL-11 **Chapter:** 11  
**Date / Time / Room:** FRIDAY, MARCH 11, 2011 09:30 AM NA 103  
**Bankruptcy Judge:** BASIL H. LORCH  
**Courtroom Clerk:** KRISTIN GOSS  
**Reporter / ECR:** AMY BRUCKERT

**Matters:**

- 1) Final Hearing Re: Motion for Relief from Stay and Refusal to Waive 30-Day Preliminary & 60-Day Final Hearing Time Requirement filed by Mark A. Robinson on behalf of Creditors J&F Oklahoma Holdings, Inc., Cactus Growers, Inc., Friona Industries, LP [78] with Objections filed by Bret S. Clement on behalf of Creditor First Bank and Trust Company, The [149] [163] and Terry E. Hall on behalf of Trustee James A. Knauer [162]  
**R / M #:** 0 / 0  
**VACATED: Per TC on 3/4/11 - matter has been changed from final hearing to a pretrail conference. Agreed entry filed - to be approved. Final hearing to be continued.**
- 2) Hearing Re: Motion Of Trustee To Pay Post-Petition Receiver And Attorney Fees And Expenses And Certain Vendor Expenses filed by Terry E. Hall on behalf of Trustee James A. Knauer [259]  
**R / M #:** 0 / 0
- 3) Hearing Re: MOTION OF DINSMORE & SHOHL AND RECEIVER FOR PERMISSION TO SEEK ALLOWANCE OF PRE-PETITION ATTORNEY AND RECEIVER FEES AND REIMBURSEMENT OF PRE-PETITION EXPENSES IN THE RECEIVERSHIP COURT filed by Jeremy S Rogers on behalf of Other Professional Elizabeth M. Lynch [260] with an Objection to Motion for Authority filed by Bret S. Clement on behalf of Creditor First Bank and Trust Company, The [325]  
**R / M #:** 0 / 0
- 4) Hearing Re: Motion for Relief from Stay and Waiver of 30-Day Preliminary & 60-Day Final Hearing Time Requirement filed by Theodore A Konstantinopoulos on behalf of Creditor General Electric Capital Corporation [263]  
**R / M #:** 0 / 0
- 5) Final Hearing Re: Motion for Use of Cash Collateral Motion To Approve Trustee's Borrowing And Use Of Cash Collateral, Modify The Automatic Stay, Provide Adequate Protection Payments, Protect Confidential Information, And Schedule Final Hearing filed by James M. Carr on behalf of Trustee James A. Knauer. [271] with Objections filed by:
  - John M. Rogers on behalf of Petitioning Creditor Superior Livestock Auction, Inc [319]
  - Daniel J. Donnellon on behalf of Creditor First Bank and Trust Company, The [324]
  - Deborah Caruso on behalf of Other Professional Kathryn Pry [326]
  - David L. LeBas, John Hunt Lovell, John Frederick Massouh on behalf of Creditors Cactus Growers, Inc., Friona Industries, LP, J&F Oklahoma Holdings, Inc [327]
  - Cathy S. Pike on behalf of Creditor Phillip Taylor Reed [328]
  - Response in Opposition to Objection of Superior Livestock Auction (filed by John Rogers) filed by James M. Carr on behalf of Trustee James A. Knauer [340]
  - Response in Support of Motion for Use of Cash Collateral filed by Randall D. LaTour on behalf of Creditor Fifth Third Bank [349]**R / M #:** 0 / 0

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- 6) Hearing Re: Motion to Abandon, Motion for Relief from Stay and Refusal to Waive 30-Day Preliminary & 60-Day Final Hearing Time Requirement filed by Karen L. Lobring on behalf of Creditor FPC Financial, f.s. [279] with an Objection to Motion to Abandon, Motion for Relief from Stay filed by Dustin R. DeNeal on behalf of Trustee James A. Knauer [315]  
**R / M #:** 0 / 0
  
- 7) Hearing Re: Motion to Abandon, Motion for Relief from Stay and Refusal to Waive 30-Day Preliminary & 60-Day Final Hearing Time Requirement filed by Karen L. Lobring on behalf of Creditor Deere & Company [281] with an Objection to Motion to Abandon, Motion for Relief from Stay filed by Dustin R. DeNeal on behalf of Trustee James A. Knauer [316]  
**R / M #:** 0 / 0
  
- 8) Pretrial Conference Re: Motion for Relief from Stay and Refusal to Waive 30-Day Preliminary & 60-Day Final Hearing Time Requirement filed by Mark A. Robinson on behalf of Creditors J&F Oklahoma Holdings, Inc., Cactus Growers, Inc., Friona Industries, LP [78] with Objections filed by Bret S. Clement on behalf of Creditor First Bank and Trust Company, The [149] [163] and Terry E. Hall on behalf of Trustee James A. Knauer [162]  
**R / M #:** 0 / 0
  
- 9) Preliminary Hearing Re: Corrected Motion to Abandon, Corrected Motion for Relief from Stay (Refusal to Waive Time Requirement filed previously) (receipt # 15020992) filed by Lisa Koch Bryant on behalf of Creditor Peoples Bank & trust Co. of Pickett County [317] with an Objection to Corrected Motion to Abandon, Corrected Motion for Relief from Stay filed by Dustin R. DeNeal on behalf of Trustee James A. Knauer [334] and  
  
Response in Support of Objection by Trustee J. Knauer filed by Meredith R. Thomas on behalf of Other Professional Kathryn Pry [337]  
**R / M #:** 0 / 0
  
- 10) Expedited Hearing Re: Application to Employ The BMC Group, Inc. as Notice and Claims Agent filed by Terry E. Hall on behalf of Trustee James A. Knauer [320]  
**R / M #:** 0 / 0

**Appearances:**

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In Court Appearances:

JAMES M. CARR, ATTORNEY FOR JAMES A. KNAUER  
JAMES A. KNAUER, ATTORNEY FOR JAMES A. KNAUER  
ROBERT K STANLEY, ATTORNEY FOR JAMES A. KNAUER  
DAN DONNELLON - ATTORNEY FOR FIRST BANK AND TRUST COMPANY, THE  
LISA KOCH BRYANT, ATTORNEY FOR PEOPLES BANK & TRUST CO. OF PICKETT COUN  
BRET S. CLEMENT, ATTORNEY FOR FIRST BANK AND TRUST COMPANY, THE  
KAREN L. LOBRING, ATTORNEY FOR DEERE & COMPANY, FPC FINANCIAL, F.S.B.  
EDWARD M KING, ATTORNEY FOR FIFTH THIRD BANK  
JEFFREY E. RAMSEY/SARAH FANZINI , ATTORNEY FOR INTRUST BANK, NA  
MARK A. ROBINSON, ATTORNEY FOR CACTUS GROWERS, INC., FRIONA INDUSTRIES, LP, J&F OKLAHOMA HOLDINGS, INC.  
C.R. BOWLES/JOHN W AMES, ATTORNEY FOR DAVID L. RINGS, MOSELEY CATTLE AUCTION, LLC, SOUTHEAST LIVESTOCK EXCHANGE LLC,  
SUPERIOR LIVESTOCK AUCTION, INC.  
JOHN M. ROGERS, ATTORNEY FOR SUPERIOR LIVESTOCK AUCTION, INC.  
ELLIOTT LEVIN, ATTORNEY FOR SUPERIOR LIVESTOCK AUCTION, INC.  
ROBERT FOREE - ATTORNEY FOR KENTUCKY CATTLEMEN'S ASSOCIATION  
KIM MARTIN LEWIS - ATTORNEY FOR ELIZABETH LYNCH, STATE COURT RECEIVER  
RANDALL LATOUR - ATTORNEY FOR FIFTH THIRD BANK

Phone Appearances:

TERRY E. HALL, ATTORNEY FOR JAMES A. KNAUER  
CHARLES R. WHARTON, ATTORNEY FOR U.S. TRUSTEE  
LAURA DAY DELCOTTO, ATTORNEY FOR BLUE GRASS MAYSVILLE STOCKYARDS, LLC, BLUE GRASS SOUTH LIVESTOCK MARKET, LLC, BLUE  
GRASS STOCKYARDS EAST, LLC, BLUE GRASS STOCKYARDS OF CAMPBELLSVILLE,, BLUE GRASS STOCKYARDS OF RICHMOND, LLC, BLUE  
GRASS STOCKYARDS, LLC  
THEODORE A KONSTANTINOPOULOS, ATTORNEY FOR GENERAL ELECTRIC CAPITAL CORPORATION  
JOHN FREDERICK MASSOUH, ATTORNEY FOR FRIONA INDUSTRIES, LP  
STEPHEN A. WEIGAND, ATTORNEY FOR FIRST BANK AND TRUST COMPANY, THE  
DAVID L. LEBAS, ATTORNEY FOR J&F OKLAHOMA HOLDINGS, INC.  
JAMES BRYAN JOHNSTON, ATTORNEY FOR BILL DAVIS, BOBBY BYNUM, BYNUM RANCH CO., DAVIS QUARTER HORSE, EDDIE EICKE, FRANK  
POWELL, JOHNNY MAYO, TOM SVOBODA  
JOHN HUFFAKER, ATTORNEY FOR FRIONA INDUSTRIES, LP  
JESSICA E. YATES, ATTORNEY FOR CPC LIVESTOCK, LLC  
ROSS A. PLOURDE, ATTORNEY FOR STOCKMAN OKLAHOMA LIVESTOCK MARKETING, I  
WALTER SCOTT NEWBERN, ATTORNEY FOR FLORIDA ASSOCIATION LIVESTOCK MARKETS  
DEBORAH CARUSO - ATTORNEY FOR TRUSTEE PRY IN GIBSON CASE  
JUSTIN STEINER - FOR AGRIBEEF  
CHRIS BRUMFIELD - SUPERIOR LIVESTOCK OPTION  
J. WAGGONER - ATTORNEY FOR WELLS FARGO BANK  
CURCY PEOPLES - FOR CACTUS GROWERS

**Proceedings:**

\* AMENDED Disposition: Hearing held.

- (1) Vacated: Per TC on 3//4/11 - matter has been changed from final hearing to a pretrail conference. Agreed entry filed - to be approved. Final hearing to be continued.
- (2) Motion Granted. Order to be submitted.
- (3) Motion Granted. Revised Order to be submitted.
- (4) Agreed Entry to be filed.
- (5) Agreement reached. Jim Carr to draft order. Carr to circulate order to all interested parties prior to submission to Court.
- (6) Agreed Entry to be filed.
- (7) Agreed Entry to be filed.
- (8) Matter continued to Hearing on 4/15/11 @ 9:30 a.m. (Eastern) in New Albany. Notice given in open court.
- (9) Matter continued to Hearing on 4/15/11 @ 9:30 a.m. (Eastern) in New Albany. Notice given in open court.
- (10) Application Granted. Order to be submitted.

Note: Additional Omnibus date(s):

5/11/11 @ 10:00 a.m. in New Albany

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**IF COUNSEL HAS BEEN DIRECTED BY THE COURT TO SUBMIT AN ORDER BASED ON THE COURT'S RULING OR THE PARTIES' AGREEMENT, THEN NO FURTHER NOTICE OR REMINDER WILL BE ISSUED. THE COURT WILL NOT KEEP A CASE OPEN SOLELY BECAUSE THE ORDER WAS NOT SUBMITTED WITHIN THE TIME PERIOD DIRECTED BY THE COURT. IN SUCH INSTANCE, A REOPENING FEE WILL APPLY.**