

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

IN RE:

EASTERN LIVESTOCK CO., LLC,

Alleged Debtor.

Case No. 10-93904-BHL-11

Chapter 11

**EMERGENCY MOTION FOR AN EXPEDITED HEARING ON RECEIVER'S MOTION
TO OPERATE IN THE PRE-APPOINTMENT PERIOD**

State Court-Appointed Receiver, Elizabeth Lynch (the "Receiver"), as custodian for the Alleged Debtor, hereby respectfully moves, on an emergency basis, this Court for an Expedited Hearing (the "Expedited Hearing Motion") on the Motion of Receiver to Operate in the Pre-Appointment Period (the "Motion to Operate") [Doc. No. 52]. In support of this Expedited Hearing Motion, the Receiver respectfully states as follows:

JURISDICTION AND VENUE

1. As of the filing of this Motion, no order for relief has been entered in the Alleged Debtor's case. The Receiver is custodian of the Alleged Debtor's estate pursuant to Court's Order entered on December 8, 2010 (the "Custodian Order") [Doc. No. 35].

2. This Court has jurisdiction over this matter under 28 U.S.C. §§ 157(a)(b)(1) and 1334(b) and the standing order of reference of the United States District Court for the Southern District of Indiana, dated July 11, 1984. This is a core proceeding under 28 §§ 157(a)(b)(2) and venue is proper under 28 §§ 1408 and 1409(a).

RELIEF REQUESTED

3. By the Expedited Hearing Motion, the Receiver respectfully requests this Court to schedule an expedited hearing on Monday, December 13, 2010, at 1:30 PM Eastern Time at the United States Bankruptcy Court for the Southern District of Indiana, 121 West Spring Street, New Albany, Indiana 47150, Room 103, on the Motion to Operate.

4. Copies of the Expedited Hearing Motion and the Motion to Operate were served electronically in this case on the date hereof.

5. Pursuant to Bankruptcy Rule 9006(c), cause exists for the Court to reduce and restrict notice in the manner requested herein due to (i) the immediate need to obtain the relief set forth in the Motion to Operate and (ii) the absence of injury to any party that does not receive notice.

6. Further, cause also exists pursuant to 11 § 102(1) and Bankruptcy Rules 2002(b) and 9007 for the Court to limit the scope of notice to parties who receive electronic notices in this case.

7. As failure to grant the relief requested in the Motion to Operate would deteriorate the Alleged Debtor's estate the imminent threat of irreparable harm is sufficient to authorize the reduction of the period to notice of the hearing on the Motion to Operate in the manner set forth herein.

WHEREFORE, for the reasons set forth above, the Receiver respectfully requests that the Court grant the relief sought herein by (a) allowing the Motion to Operate to be heard on Monday, December 13, 2010, at 1:30 PM Eastern Time at the United States Bankruptcy Court for the Southern District of Indiana, 121 West Spring Street, New Albany, Indiana 47150, Room 103; (b) determining that the notice period is appropriate in these circumstances; and (c) granting such other relief as the Court deems just and proper.

NOTICE OF HEARING

PLEASE TAKE NOTICE that a hearing on the Motion to Operate shall be heard on Monday, December 13, 2010, at 1:30 PM Eastern Time at the United States Bankruptcy Court for the Southern District of Indiana, 121 West Spring Street, New Albany, Indiana 47150, Room 103. PLEASE TAKE FURTHER NOTICE that parties who wish to participate telephonically, may do so by dialing 888-354-0094 and entering the conference identification number 982151 when prompted

to do so. Parties wishing to have their views heard on the Motion to Operate should participate in the hearing.

Dated: December 13, 2010

Respectfully submitted,

DINSMORE & SHOHL LLP

/s/ Jeremy S. Rogers

Jeremy S. Rogers (IN # 24670 10)
1400 PNC Plaza
500 W. Jefferson St.
Louisville, KY 40202
Phone: (502) 540-2384

Kim Martin Lewis (OH #0043533)
Tim J. Robinson (OH #0046668)
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
Telephone: (513) 977-8200
Facsimile: (513) 977-8141
kim.lewis@dinslaw.com
tim.robinson@dinslaw.com

Counsel for Receiver

CERTIFICATE OF SERVICE

I hereby certify that on December 13th, 2010, a copy of the foregoing Expedited Hearing Motion was filed electronically. Notice of this filing will be sent through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

/s/ Jeremy S. Rogers
Counsel for Receiver