

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

| | | |
|----------------------------|---|--------------------------|
| IN RE: |) | CHAPTER 11 |
| |) | |
| EASTERN LIVESTOCK CO., LLC |) | CASE NO. 10-93904-BHL-11 |
| |) | |
| Debtor. |) | |

CREDITOR REX ELMORE’S RULE 26(a)(1) INITIAL DISCLOSURES

Comes now (“Elmore”), by counsel, and submits the following Initial Disclosures to the Plaintiff, pursuant to Federal Rule of Civil Procedure 26(a)(1):

I. Individuals

In compliance with FED.R.CIV.P. 26(a)(1)(A)(I), Elmore identifies individuals likely to have discoverable information which Elmore may use to support its claim for a constructive trust, except for individuals whose testimony may be used solely for impeachment purposes:

1. Rex Elmore; subjects of information: Cattle transactions and damages;
2. Thomas Gibson-Eastern Livestock; subjects of information: books and records of banking account information for Eastern Livestock; subject cattle transaction; logging/recording of each cattle acquired/bought/sold/transferred; sales of the cattle in question; the checks issued to Rex Elmore.
3. Steve McDonald - Eastern Livestock; subjects of information: books and records of banking account information for Eastern Livestock; subject cattle transaction; logging/recording of each cattle acquired/bought/sold/transferred; sales of the cattle in question; the checks issued to Rex Elmore.
4. John Gibson - Eastern Livestock; subjects of information: books and records of banking account information for Eastern Livestock; subject cattle transaction; logging/recording of each cattle acquired/bought/sold/transferred; sales of the cattle in question; the checks issued to Rex Elmore.
5. Patsy Gibson - Eastern Livestock; subjects of information: books and records of banking account information for Eastern Livestock; subject cattle transaction; logging/recording of each cattle acquired/bought/sold/transferred; sales of the cattle in question; the checks issued to Rex Elmore.

6. Representatives of Eastern Livestock; subjects of information: books and records of banking account information for Eastern Livestock; subject cattle transaction; logging/recording of each cattle acquired/bought/sold/transferred; sales of the cattle in question; the checks issued to Rex Elmore.
7. Representatives of First Third; subjects of information: Eastern Livestock's bank account; bank account balances and activity of relevant time in question; Eastern Livestock's bank account agreement with Fifth Third.
8. Purchasers or their representatives of Rex Elmore's cattle; Subject of information: purchase of Rex Elmore's cattle from Eastern Livestock.
9. Any witness identified by the Chapter 11 Trustee; and
10. Discovery is still on-going.

II. Documents

In compliance with FED.R.CIV.P. 26(a)(1)(A)(ii), Defendant provides a description of documents or categories of documents in its possession, custody, and control which may be used to support its claim, except for documents covered by the attorney-client privilege or the qualified privilege for trial preparation materials, and documents which may be used solely for impeachment purposes:

1. Eastern Livestock checks written from its Fifth Third Account with check numbers 16105, 16064 and 16135, along with the corresponding check stubs;
2. Chart of Eastern Livestock Co., LLC checks not honored;
3. Eastern Livestock receipts dated, October 25, 201; October 30, 2010; and November 1, 2010;
4. Eastern Livestock's Fifth Third Account Statements from 2010 through 2011;
5. Eastern Livestock's log book, records, receipts, documents memorializing cattle ear-tagging and/or other documents recording the intake of cattle into Eastern Livestock;
6. Eastern Livestock's log book, records, receipts, invoices and/or other documents recording or memorializing the sale and export of cattle from Eastern Livestock;

7. Any documents identified by the Chapter 11 Trustee; and
8. Discovery and investigation continue.

Respectfully submitted,

/s/ Jason W. Cottrell

Jason W. Cottrell
STUART & BRANIGIN LLP
300 Main Street, Suite 900
P.O. Box 1010
Lafayette, IN 47902-1010
Telephone: 765.423.1561
Facsimile: 765.742.8175

CERTIFICATE OF SERVICE

The undersigned hereby certified that a true and accurate copy of the foregoing has been forwarded to the following, via ECF Noticing System or United States mail, first class, postage prepaid, on the 7th day of October, 2011:

Terry E. Hall
Chapter 11 Trustee
300 N. Meridian Street, Suite 2700
Indianapolis, IN 46204-1782
terry.hall@bakerd.com

/s/ Jason W. Cottrell

JASON W. COTTRELL