

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

In re:) Chapter 11
)
EASTERN LIVESTOCK CO., LLC, et al.,¹) Case No. 10-93904-BHL-11
)
)
Debtors.) JOINTLY ADMINISTERED

**TRUSTEE'S RESPONSE TO MOTION TO COMPEL TRUSTEE TO FILE
MANDATORY REPORT REQUIRED BY 11 U.S.C § 1106(a), TO AMEND SCHEDULES
AND STATEMENT OF FINANCIAL AFFAIRS, AND PRODUCE BUDGETS**

James A. Knauer, as chapter 11 trustee (the "Trustee") for Eastern Livestock Co., LLC ("Debtor"), respectfully objects to the *Motion to Compel Trustee to File Mandatory Report Required by 11 U.S.C. § 1106(a), to Amend Schedules and Statement of Financial Affairs, And Produce Budgets* [Dock. No. 983] (the "Superior Motion") filed by Superior Livestock Auction, Inc. ("Superior") on January 27, 2012. The Trustee has already provided the requested budget and financial information and has agreed to provide to the Court and/or counsel (as the Court directs) the remaining items once the Trustee's ongoing investigation is complete. Accordingly, the Superior Motion is largely moot and the relief requested is unnecessary.

The Superior Motion asks the Court to enter an order "requiring the Trustee to: (a) File the Report required by 11 U.S.C. § 1106(a)(4); (b) Supplement and amend the Schedules and SOFA to provide the most accurate information currently known to the Trustee; and (c) Furnish the Budgets and financial information described in the Motion to Compel."

The Trustee already complied with request (c) by posting updated budget and financial information to the Trustee's Internet blog on January 30, 2012. *See* www.easternlivestockbkinfo.com/trustees-blog.html. With respect to item (a), the Trustee has agreed to file the 11 U.S.C. § 1106(a)(4) report once his counsels' investigation into the estate's

causes of action is complete. Trustee's Special Counsel is hard at work on discovery and analysis of potential claims. During the December 14, 2011 hearing, the Court directed that a preliminary report be prepared by March 13, 2012. Disclosure of information and analysis before the preliminary report is completed risks adversely affecting potential litigation and would hamper counsel's ability to conduct a proper investigation.

Finally, as to item (b) of Superior's requests, the Trustee is committed to provide updates, where appropriate, via the Internet blog maintained by the Trustee. The Trustee has also established an Internet repository of items produced in discovery. The Trustee will also supplement and/or amend the Schedules and SOFA as necessary and efficient after he has completed his investigation of Debtor's assets, liabilities and affairs.

WHEREFORE, the Trustee asks that the Court deny the Superior Motion and grant the Trustee such relief as is just and proper.

Respectfully submitted,

By: /s/ Dustin R. DeNeal

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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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