

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.)	Hon. Basil H. Lorch, III
)	
<hr/> RUSH CREEK RANCH, LLLP,)	Adversary Proceeding
)	
Plaintiff,)	CASE NO.: 4:11-ap-59104
)	
v.)	
)	
EASTERN LIVESTOCK COMPANY, LLC,)	
ARCADIA STOCKYARD, CATTLEMEN’S)	
LIVESTOCK MARKET, COLUMBIA LIVESTOCK)	
MARKET OF LAKE CITY, INC., HARDEE)	
LIVESTOCK MARKET, INC., NORTH FLORIDA)	
LIVESTOCK MARKET, OCALA LIVESTOCK)	
MARKET, INC., OKEECHOBEE LIVESTOCK)	
MARKET, SUMTER COUNTY FARMER’S)	
MARKET, INC., TOWNSEND LIVESTOCK)	
MARKET, FIFTH THIRD BANK, JAMES BYRD,)	
a/k/a I.E. BYRD, OAK LAKE CATTLE COMPANY,)	
INC., D&R TRUCKING, RON SIZEMORE)	
TRUCKING, INC., BANKS 1-25, and)	
DOES 25-50,)	
)	
Defendants.)	
)	

**FLORIDA CREDITORS’ MOTION TO SEAL REPLY TO TRUSTEE RESPONSE
AND NOTICE OF FILING EVIDENTIARY MATERIALS IN SUPPORT OF FLORIDA
CREDITORS RULE 7042 MOTION TO CONSOLIDATE
AND FOR EXPEDITED HEARING**

COMES NOW Defendants Hilliard–McKettrick Investments, Inc. d/b/a Arcadia
Stockyard; Cattlemen’s Livestock Market, Inc.; Columbia Livestock Market, Inc.; Hardee
Livestock Market, Inc.; North Florida Livestock Market, Inc.; Ocala Livestock Market, Inc.;
Okeechobee Livestock Market, Inc.; Sumter County Farmers Market, Inc.; and Madison County

Livestock Market, Inc. d/b/a Townsend Livestock Market (collectively “Florida Markets”); Ron Sizemore Trucking, Inc. (“Sizemore”); Oak Lake Cattle Co. (“Oak Lake”); Eagle Bay, Inc. (“Eagle”); and Daniel M. Byrd (“D. Byrd”) (and collectively “Florida Creditors”), by and through undersigned counsel, and pursuant to replies to the Trustee Response (Doc. 1018) and files *Florida Creditors’ Motion To Seal Reply To Trustee Response And Notice Of Filing Evidentiary Materials In Support Of Florida Creditors Rule 7042 Motion To Consolidate And For Expedited Hearing* (“Motion To Seal”) and state as follows:

1. The *Florida Creditors’ Rule 7042 Motion To Consolidate* (Doc. 975) (“Motion To Consolidate”) was filed and served electronically January 25, 2012. The *Trustee’s Response To Florida Creditors’ Rule 7042 Motion To Consolidate* (Doc. 1018) (“Response”) was filed February 8, 2012. The Court scheduled the Florida Creditors’ Rule 7042 Motion to be heard during the Omnibus hearing of February 13, 2012.

2. The Florida Creditors seek to file their *Reply To Trustee Response And Notice Of Filing Evidentiary Materials In Support Of Florida Creditors Rule 7042 Motion To Consolidate And For Expedited Hearing* (“Reply”) prior to the February 13, 2012 hearing. However, several exhibits to be filed in support of the Florida Creditors’ Reply have been designated as “Confidential” by the disclosing party, Fifth Third Bank, N.A. (namely Exhibits F, G, H, and K). The basis for Fifth Third’s designation of Confidential on the documents in question is unclear since they mainly consist of Fifth Third credit file documents regarding Debtor Eastern Livestock and contain no sensitive personal information or any sort and no privilege has been asserted. Although the Florida Creditors are seeking concurrently a waiver of the Confidential designation, in an abundance of caution and in accord with the Joint Stipulated Confidentiality

Agreement, particularly paragraph 11, the Florida Creditors seek to have the Reply filed under seal along with the attached Exhibits A-L.

3. Because of the short time frame before the Hearing on the Motion To Consolidate, the Florida Creditors also request an expedited consideration of their Motion To Seal.

4. The Florida Creditors anticipate that Fifth Third will reply expeditiously to their request to waive the “Confidential” designation. However, should the waiver not be granted or the answer for waiver not be forthcoming, the Florida Creditors will pick up the documents on or before May 30, 2012.

WHEREFORE for the reasons outlined above the Florida Creditors request that the Motion To Seal And for Expedited Hearing be GRANTED.

Respectfully submitted this 10th day of February 2012,

W. SCOTT NEWBERN, PL

/s/ Walter Scott Newbern

W. Scott Newbern
2982 East Geverny
Tallahassee, FL 32309
(T) 850.591.1707
(F) 850.8940871
wsnewbern@msn.com

COUNSEL FOR FLORIDA LIVESTOCK
MARKETS AND CREDITORS

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

/s/ W. Scott Newbern

W. SCOTT NEWBERN

David L. Abt
davidabt@mwt.net

Dustin R. DeNeal
dustin.deneal@bakerd.com

James T. Young
james@rubin-levin.net

C.R. Bowles, Jr
crb@gdm.com

John Frederick Massouh
john.massouh@sprouselaw.com

David L. LeBas
dlebas@namanhowell.com

James A. Knauer
jak@kgrlaw.com

John W. Ames
jwa@gdm.com

Judy Hamilton Morse
judy.morse@crowedunlevy.com

John Hunt Lovell
john@lovell-law.net

Robert Hughes Foree
robertforee@bellsouth.net

John M. Thompson
john.thompson@crowedunlevy.com

Mark A. Robinson
mrobinson@vhrlaw.com

Kim Martin Lewis
kim.lewis@dinslaw.com

Jessica E. Yates
jyates@swlaw.com

Jeffrey R Erler
jeffe@bellnunnally.com

Jeremy S Rogers
Jeremy.Rogers@dinslaw.com

Matthew J. Ochs
matt.ochs@moyewwhite.com

Edward M King
tking@fbtlaw.com

Ivana B. Shallcross
ibs@gdm.com

Laura Day Delcotto
ldelcotto@dlgfirm.com

Randall D. LaTour
rdlatour@vorys.com

Deborah Caruso
decaruso@daleek.com

Kelly Greene McConnell
lisahughes@givenspursley.com

Bret S. Clement
bclement@acs-law.com

Meredith R. Thomas
mthomas@daleeke.com

T. Kent Barber
kbarber@dlgfirm.com

John R. Carr, III
jrciii@acs-law.com

William Robert Meyer, II
rmeyer@stites.com

Ross A. Plourde
ross.plourde@mcafeetaft.com

James M. Carr
jim.carr@bakerd.com

Christie A. Moore
cm@gdm.com

Walter Scott Newbern
wsnewbern@msn.com

Robert K. Stanley
robert.stanley@bakerd.com

Allen Morris
amorris@stites.com

Kirk Crutcher
kcrutcher@mcs-law.com

Terry E. Hall
terry.hall@bakerd.com

James Bryan Johnston
bjtexas59@hotmail.com

Todd J. Johnston
tjohnston@mcjllp.com

Timothy T. Pridmore
tpridmore@mcjllp.com

Theodore A Konstantinopoulos
ndohbky@jbandr.com

Karen L. Lobring
lobring@msn.com

Sandra D. Freeburger
sfreeburger@dsf-atty.com

Lisa Kock Bryant
courtmail@fbhlaw.net

Elliott D. Levin
robin@rubin-levin.net
edl@trustesolutions.com

John M. Rogers
johnr@rubin-levin.net

Jeremy S. Rogers
Jeremy.rogers@dinslaw.com

John David Hoover
jdhoover@hovverhull.com

Sean T. White
swhite@hooverhull.com

Robert H. Foree
robertforee@bellsouth.net

Sarah Stites Fanzini
sfanzini@hopperblackwell.com

Michael W. McClain
mike@kentuckytrial.com

William E. Smith
wsmith@k-glaw.com

Susan K. Roberts
skr@stuartlaw.com

James Edwin McGhee
mcghee@derbycitylaw.com

Thomas C. Scherer
tscherer@binghamchale.com

David A. Laird
david.laird@moyewhite.com

Jerald I. Ancel
jancel@taftlaw.com

Jeffrey J. Graham
jgraham@taftlaw.com

Trevor L. Earl
tearl@rwsvlaw.com

Christopher E. Baker
cbaker@hkfirm.com

David Alan Domina
dad@dominalaw.com

Kent A Britt
kabritt@vorys.com

Joshua N. Stine
jnstine@vorys.com

Jill Zengler Julian
Jill.Julian@usdoj.gov

Jeffrey L. Hunter
jeff.hunter@usdoj.gov

Amelia Martin Adams
aadams@gldfirm.com

Michael Wayne Oyler
moyler@rwsvlaw.com

Jason W. Cottrell
jwc@stuartlaw.com

Robert A. Bell
rabell@vorys.com

Andrea L. Wasson
andreawassonatty@gmail.com

Anthony G. Raluy
traluy@fbhlaw.net

Harmony A. Mappes
Harmony.mappes@faegrebd.com

James B. Lind
jblind@vorys.com

James E. Rossow, Jr.
jim@rubin-levin.net

Jeffrey R. Erler
jeffe@bellnunnally.com

Kelly Greene McConnell
lisahughes@givenspursley.com

Kevin M. Toner
Kevin.toner@faegrebd.com

Kim Martin Lewis
Kim.lewis@dinslaw.com

Melissa S. Giberson
msgiverson@vorys.com

John Huffaker
John.huffaker@sprouselaw.com

Shawna M. Eikenberry
Shawna.eikenberry@faegrebd.com

Wendy W. Ponader
Wendy.ponader@faegrebd.com