

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.)

**JOINT MOTION TO EXTEND AND STAY CERTAIN DEADLINES IN
CONTESTED MATTER INVOLVING TRUSTEE'S PURCHASE MONEY CLAIMS
REPORT AND OBJECTIONS FILED BY BLUEGRASS STOCKYARDS OF
CAMPBELLSVILLE, LLC, BLUEGRASS STOCKYARDS OF RICHMOND, LLC,
AND PIEDMONT LIVESTOCK COMPANY, INC.**

James A. Knauer ("Trustee") and Bluegrass Stockyards of Campbellsville, LLC, Bluegrass Stockyards of Richmond, LLC, and Piedmont Livestock Company, Inc. (collectively, the "Parties") respectfully request that the Court extend and stay certain deadlines set forth in the *Order Granting Agreed Motion to Extend Deadlines in Agreed Scheduling Order on Contested Matter Involving Trustee's Purchase Money Claims Report and Objections Filed by Bluegrass Stockyards of Campbellsville, LLC, Bluegrass Stockyards of Richmond, LLC, and Piedmont Livestock Company, Inc.* (the "Scheduling Order") (Doc. No. 1014). The Parties state the following in support:

This contested matter involves the same or similar legal and factual issues raised in adversary proceeding no. 11-59093 – the "Texas Interpleader." Per the Court's Order on Trustee's Motion for Partial Summary Judgment (the "Constructive Trust Order") issued on February 10, 2012, defendants in that proceeding were given 90 days to conduct discovery and submit designations of evidence and additional briefs in opposition to the portions of the Trustee's motion for partial summary judgment concerning the classification of Eastern Livestock under the PSA. *See Constructive Trust Order* at 20, Doc. No. 379, AP No. 11-59093.

Because of the overlap in the issues and the likelihood that the Court's decision on those matters pending in the Texas Interpleader will affect the Parties' positions, settlement negotiations, and scope of discovery in this contested matter, the Parties seek to reset certain deadlines contained in the Scheduling Order. Specifically, the Parties request the following: (1) that the deadline by which depositions shall be completed, currently set for April 23, 2012, be extended to May 10, 2012, to coincide with the 90-day discovery period in the Texas Interpleader that was established by the Court's Constructive Trust Order, and continue to be automatically extended in accordance with any extensions of this 90-day period granted in subsequent Orders of the Court in the Texas Interpleader, or as may be otherwise agreed upon by the Parties; (2) that the deadline by which the Parties shall file with the Court a stipulation of material facts not in dispute and a notice identifying their suggested fact and legal issues to be decided by the Court, currently set for May 7, 2012, be stayed pending the Court's ruling on the Trustee's motion in the Texas Interpleader; and (3) that the dispositive motion deadline, currently set for May 30, 2012, be stayed pending the Court's ruling on the Trustee's motion in the Texas Interpleader.

Following the Court's ruling on the deferred portions of the Trustee's motion for partial summary judgment in the Texas Interpleader, the Parties will confer and file a proposed schedule re-establishing the deadlines for this contested matter, including deadlines for any remaining discovery, filing stipulated facts and identification of issues, and dispositive motions.

WHEREFORE, the Parties respectfully request that the Court enter an order resetting the deadlines contained in the Scheduling Order as requested herein and granting the Parties all other appropriate relief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2012, a copy of the foregoing 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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