

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. )

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**PROPOSED AGENDA OF MATTERS SCHEDULED FOR  
HEARING ON APRIL 23, 2012 AT 10:00 A.M. EDT**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), by counsel, submits this proposed agenda for the hearing scheduled for April 23, 2012 at 10:00 a.m. EDT ("Hearing") in Room 103, U.S. Courthouse, 121 West Spring Street, New Albany, Indiana. The Trustee anticipates that the matters before the Court for the Hearing will take approximately two hours. **DIAL IN INFORMATION** The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-888-399-7768; passcode 586676, followed by the pound ("#") key.

**RELATED CASES**

**In re East-West Trucking, Case No. 10-93799**

1. ["**Claims Objections**"] Trustee's First Omnibus Objection To Claims And Notice Of Response Deadline (docket #257)
  - a) Stipulation Resolving Trustee's First Omnibus Objection To Claim Of Cattlemen's Feedlot, Ltd (Claim 38) (docket #259)
  - b) Response of Fifth Third Bank to Trustee's First Omnibus Objection to Claims and Notice of Response Deadline (docket #262)
  - c) ELC Trustee's Response To Trustee's First Omnibus Objection To Claims And Notice Of Response Deadline (docket #263)
  - d) Creditor Grant Gibson's response (docket #265)
  - e) Stipulation Resolving Trustee's First Omnibus Objection to Claim of Grant Gibson (Claim 30) (docket #276)

*Status: Claim objections and responses going forward*

**In re Thomas and Patsy Gibson, Case No. 10-93867**

2. **["Motion for Enlargement of Time"]** Trustee's Sixth Motion for Order Enlarging Time in Which the Trustee May Elect to Assume Executory Contracts and Unexpired Leases (docket #564)

*Status: No objections filed; going forward*

3. **["Fee Application"]** Application For Allowance Of Fees Of Beckort Auctions, LLC (docket #569)

*Status: No objections filed; going forward*

**MAIN CASE**

**4. Matters continued from prior hearings**

- a. **["Motion for Protective Order"]** Motion of Fifth Third Bank, N.A. to Limit or, Alternatively, for a Protective Order (docket #1005) *continued from February 13, 2012 and March 12, 2012*
- i. Exhibits A & B To Motion Of Fifth Third Bank, N.A. To Limit Discovery Or, Alternatively, For A Protective Order (Dkt No. 1005) (docket #1011)
- ii. [Joplin Regional Stockyards and Superior Livestock Auction, Inc.] Objection To Motion Of Fifth Third Bank To Limit Discovery Or , Alternatively, For A Protective Order (docket #1021)
- iii. [Florida Creditors] Joinder In Objection To The Trustee's Motion For Release Of Proceeds From Account (docket #1024)
- iv. [The First Bank and Trust Company] Objection To Motion Of Fifth Third Bank, N.A. To Limit Discovery Or, Alternatively, For A Protective Order (docket #1025)

*Status: Order Granting in Part and Continuing in Part the Motion of Fifth Third Bank, N.A. to Limit Discovery, or, Alternatively, for a Protective Order (docket #1051). See Agenda item 5.a below.*

**5. Matters filed since last hearing**

- a. **["Motion for Extension of Time"]** The First Bank and Trust Company's Motion For Extension Of Time And For Clarification Of Deposition Discovery Protocol (docket #1126) *[Pertains to Agenda item 4.a]*

- i. Limited Objection Of Fifth Third Bank, N.A. To First Bank And Trust Company's Motion For Extension Of Time And For Clarification Of Deposition Discovery Protocol (docket #1132)

Status: *Going forward for determination.*

- b. **["Joint Motion for Extension of Time"]** 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 Campbellville, LLC, Bluegrass Stockyards Of Richmond, LLC, And Piedmont Livestock Company, Inc. (docket #1127)

Status: *No objection filed. Parties request an order approving motion.*

## 6. Current Contested Proceedings Status

- a. *"Joplin Contested Matter"* (arising from Trustee's Purchase Money Fund #40): Discovery ongoing; no pending motions; no hearing date set.
- b. *"Elmore Contested Matter"* (arising from Trustee's Purchase Money Fund #53, 54, 55): Discovery ongoing; no pending motions; no hearing date set.
- c. *"First Bank Contested Matter"* (arising from Trustee Purchase Money Fund # 13, 54, 76, 87): Discovery ongoing; no pending motions; no hearing date set.
- d. *"BlueGrass and Piedmont Contested Matter"* (arising from Trustee Purchase Money Fund 11, 36, 59, 62): Discovery ongoing; no pending motions; no hearing date set.
- e. *"Coffeyville Contested Matter"* (arising from the Trustee Purchase Money Funds): All deadlines stayed pending entry regarding constructive trust ruling; no pending motions; no hearing date set.
- f. *"Rex Elmore Contested Matter"* (arising from the Trustee Purchase Money Fund 53,54,55): All deadlines stayed pending entry regarding constructive trust ruling; no pending motions; no hearing date set.
- g. *Kuehny and Kremlin Contested Matter"* (arising from an account receivable to be collected by the Trustee): Proposed settlement with Kremlin was not completed.
- h. *"SOLM Contested Matter"* (arising from the Trustee Purchase Money Fund 64): No pending motions; no hearing date set.

## **ADVERSARY PROCEEDINGS**

7. **["Downs"]** *James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Willie Downs, et al.* (Adv. Proc. 11-59086). Bench Trial set for August 1-3, 2012.

- a. *Matters under advisement*
  - (1) Deferred consideration of Trustee's motion for partial summary judgment as to PASA issues – responsive briefs currently due May 10, 2012.
- b. *Continued matters*

- (1) [Bluegrass Stockyards, LLC, Bluegrass Stockyards East, LLC, and Bluegrass Stockyards of Richmond, LLC] Motion For Determination As To Confidentiality Of Documents Produced To Data Room Or, Alternatively, To File Documents Under Seal As Required By Discovery Protocol And Confidentiality Agreement (docket #52) (Continued from February and March 2012 omnibus hearings).

c. *New Matters Filed Since Last Omnibus*

- (1) Motion for extension of time
  - a. Cattle Producers' Motion For Extension Of Time (docket #79)
  - b. Trustee's Response To Motions For Extension Of Time (docket # 83)

Status: *Going forward for determination*

- (2) Motion To Grant Defendant Laurel Livestock Leave To File An Amended Pleading (docket #81)

Status: *No objections filed.*

8. **["Superior"]** Superior Livestock Auction, Inc. vs Eastern Livestock Co., LLC (Adv. Proc. 11-59088)

- a. *Matters under advisement - NONE*
- b. *Continued matters*
  - (1) Deposition discovery protocol (See Court Order, Docket No. 124)
- c. *New matters - NONE*

9. **["Friona"]** Friona Industries, LP, et al. vs Eastern Livestock Co., LLC, et al. (Adv. Proc. 11-59093)

- a. *Matters under advisement*
  - (1) Superior Livestock motion for partial summary judgment on the pleadings related to five lots of cattle [Docket Nos. 274, 275]. Matter is fully briefed and awaiting ruling.
  - (2) Deferred consideration of Trustee's motion for partial summary judgment as to PASA issues – responsive briefs currently due May 10, 2012.
  - (3) Cross motions for summary judgment filed by Cactus Growers and Nichols defendants and Trustee's joinder to Cactus Growers motion [Docket Nos. 279, 263 and 310]. Matters fully briefed and awaiting ruling.
- b. *Continued matters*
  - (1) Motion of Fifth Third Bank, N.A. to Limit or, Alternatively, for a Protective Order (docket #366)

- (2) [Bluegrass Stockyards, LLC, Bluegrass South Livestock Market, LLC, Bluegrass Stockyards East, LLC, Bluegrass Stockyards of Campbellsville, LLC, Bluegrass-Maysville Stockyards, LLC, Alton Darnell, East Tennessee Livestock Center, Inc., Moseley Cattle Auction, LLC, Piedmont Livestock Company, Inc., and Southeast Livestock Exchange, LLC] Motion For Determination As To Confidentiality Of Documents Produced To Data Room Or, Alternatively, To File Documents Under Seal As Required By Discovery Protocol And Confidentiality Agreement (docket #376)

c. *New Matters*

- (1) Motions for Enlargements of Time regarding PASA Trust issue (See 9.A.2 above)
  - a) Defendant CPC Livestock's Motion For Extension Of Time To Oppose Summary Judgment On CPC's Statutory Trust Claim (docket #421)
  - b) Cattle Producers' Motion For Extension Of Time (docket #422)
  - c) Trustee's Response To Motions For Extension Of Time (docket #427)
  - d) Defendant CPC Livestock's Reply In Support Of Motion For Extension Of Time To Oppose Summary Judgment On CPC's Statutory Trust Claim (docket #428)

Status: *Going forward for determination*

10. ["**Innovative**"] Innovative Livestock Services, Inc., et al. vs Eastern Livestock Co., LLC, et al. (Adv. Proc. 11-59098)

- a. *Matters under advisement – NONE*
- b. *Continued Matters*

- (1) Motion of Fifth Third Bank, N.A. to Limit or, Alternatively, for a Protective Order (docket #59)

Status: *Going forward*

11. ["**Rush Creek Ranch**"] Rush Creek Ranch, LLLP vs Eastern Livestock Company, LLC, et al. (Adv. Proc. 11-59104) (contested matter consolidated into this adversary proceeding; amended answer and claims filed April 5, 2012)

- a. *Matters under advisement – NONE*
- b. *Continued Matters*

- (1) Motion of Fifth Third Bank, N.A. to Limit or, Alternatively, for a Protective Order (docket #34)

Status: *Going forward*

12. ["**Fredin Brothers**"] Fredin Brothers, Inc. vs Bankers Bank, et al. (Adv. Proc. 11-59108)

- a. *Matters under advisement*

- (1) People's Bank motion for summary judgment [Docket No. 42]. Fully briefed and ready for ruling.

- b. *Continued matters*

- a) Motion of Fifth Third Bank, N.A. to Limit or, Alternatively, for a Protective Order (docket #79)

Status: *Going forward*

13. ["**Corey Kay and Schroeder Feeders**"] James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Corey Kay and Schroeder Feeders Starter Yard, L.L.C. (Adv. Proc. 12-59010)

Status: *Plaintiff's Motion For Continuance Of Pretrial Conference*

14. ["**Demaio Farms & Ranches**"] James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Demaio Farms & Ranches, Inc. (Adv. Proc. 12-59011)

Status: *Plaintiff's Motion For Continuance Of Pretrial Conference*

15. ["**Allen Barry**"] James A. Knauer, Chapter 11 Trustee of Eastern **Livestock** Co., LLC vs Allen Barry (Adv. Proc. 12-59012)

Status: *Plaintiff's Motion For Continuance Of Pretrial Conference*

16. ["**Kenny Ogden**"] James A. Knauer, Chapter 11 Trustee of Eastern **Livestock** Co., LLC vs Kenny Ogden (Adv. Proc. 12-59013)

Status: *Plaintiff's Motion For Continuance Of Hearing filed*

17. ["**Pesetsky Land & Cattle**"] James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Pesetsky Land & Cattle, LLC (Adv. Proc. 12-59014)

Status: *Plaintiff's Motion For Continuance Of Pretrial Conference*

18. ["**Ron Shephard**"] James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Ron Shephard (Adv. Proc. 12-59015)

Status: *Plaintiff's Motion For Continuance Of Pretrial Conference*

**VI. NEXT SCHEDULED HEARINGS**

The dial-in telephone number for interested parties to participate in the upcoming scheduled hearings, as indicated below, by conference call is 1-888-399-7768; passcode 586676, followed by the pound ("#") key. The hearings will be held in Room 103, U.S. Courthouse, 121 West Spring Street, New Albany, Indiana.

<u>Hearing Date</u>	<u>Time</u>
May 14, 2012	10:00 a.m. EDT
June 11, 2012	10:00 a.m. EDT

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/Terry E. Hall

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 20, 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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I further certify that on April \_\_, 2012, a copy of the foregoing pleading was served via electronic mail transmission on the following:

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