

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.	:	Judge Basil H. Lorch, III
	:	
	:	
	:	

**FIFTH THIRD BANK'S MOTION TO SEAL APPENDICES TO FIFTH THIRD BANK'S
MOTION FOR CONTEMPT**

Pursuant to this court's order ("Confidentiality Order") (Doc. 731) adopting and entering in these Chapter 11 proceedings the terms of the stipulated confidentiality agreement ("Confidentiality Agreement") (Doc. 722), Fifth Third Bank ("Fifth Third") respectfully requests an order from this Court permitting Fifth Third to file the appendices to its Motion for Contempt (Doc. 1171) under seal. In support of its motion, Fifth Third states as follows:

1. Paragraph 11 of the Confidentiality Agreement indicates that while parties are permitted to use material designated as Confidential in support of any pleading filed with the Court, the Confidential Material "shall be filed under seal."
2. Fifth Third filed a Motion for Contempt on June 6, 2012 (Doc. 1171), and wishes to submit certain appendices in support of that motion.
3. The appendices that Fifth Third wishes to file in support of its Motion for Contempt include excerpts from Fed. R. Bankr. P. 2004 examinations of Fifth Third's employees and agents taken in the above-captioned case, all of which have been designated as "Confidential" pursuant to the Confidentiality Order; documents produced by Fifth Third in

these Chapter 11 proceedings, all of which have been designated as “Confidential” pursuant to the Confidentiality Order; and other documents that quote, cite, or otherwise reveal Fifth Third’s Confidential information.

3. Pursuant to Paragraph 13 of Confidentiality Agreement, materials designated as “Confidential” are to be returned to the disclosing party or destroyed upon the conclusion of these Chapter 11 proceedings. As such, Fifth Third does not anticipate that the appendices it seeks to file under seal will be unsealed at any time in the future.

4. In light of the foregoing, Fifth Third respectfully requests that this Court enter an order permitting Fifth Third to file under seal the appendices in support of Fifth Third’s Motion for Contempt.

Respectfully submitted,

/s/ Eric W. Richardson
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Attorneys for Fifth Third Bank

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2012, a copy of the foregoing Motion was filed and served electronically through the Court's CM/ECF System to the parties who are listed on the Court's Electronic Mail Notice List.

/s/ Eric W. Richardson
Eric W. Richardson

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**ORDER GRANTNG FIFTH THIRD BANK'S MOTION TO SEAL APPENDICES TO
FIFTH THIRD BANK'S MOTION FOR CONTEMPT**

This matter came before the Court upon *Fifth Third Bank's Motion to Seal Appendices to Fifth Third Bank's Motion for Contempt* ("the Motion to Seal"). The Court, after considering the Motion to Seal, finds the Motion to Seal well taken and hereby GRANTS the Motion to Seal. It is therefore:

ORDERED that Fifth Third shall file the appendices in support of the Motion for Contempt under seal.

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