

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 JUNE 11, 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 June 11, 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.

**A. Matters Continued from Last Hearing**

1. Pretrial Conferences in Accounts Receivable Litigation (see below, Section D, 7-12).

**B. New Matters Since Last Hearing**

1. Confidentiality Order - Fifth Third Documents and Testimony. [Expedited preliminary hearing set for June 11 at 10:00 a.m. (Dkt. #1170)]
  - i. First Bank and Trust Company's Motion to Remove Publicly Filed Documents from Strictures of Order Granting Motion for Entry of Stipulated Confidentiality Agreement (Dkt. #1165).
  - ii. Fifth Third Bank's Motion for Contempt (Dkt. #1171).
  - iii. Fifth Third Bank's Motion to Seal Appendices to Fifth Third Bank's Motion for Contempt (Dkt. #1173).
2. Trustee's Motion to Approve Compromise and Settlement with Florida Creditors (Dkt. #1157).
  - i. No objections to date.
  - ii. Set for telephonic hearing July 9 at 10 a.m., if objections filed on or before July 3.

### C. Contested Matters Status Updates

1. *SOLM Contested Matter*
  - i. Constructive trust issue fully briefed and awaiting ruling. Pursuant to the agreed scheduling order (Dkt. #610), the parties have fully briefed this as the "dispositive issue." (Dkt. ## 796, 818, 829).
2. *First Bank Contested Matter*
  - i. Deadlines stayed; parties conducting discovery
3. *Joplin Contested Matter*
  - i. Discovery schedule on track with August P&SA deadline in Texas Interpleader; other deadlines stayed
4. *BlueGrass and Piedmont Contested Matter*
  - i. Discovery schedule on track with August P&SA deadline in Texas Interpleader; other deadlines stayed
5. *Coffeyville Contested Matter*
  - i. Deadlines stayed
6. *Elmore Contested Matter*
  - i. Objection to Purchase Money Claim withdrawn by Elmore (Dkt. 1158); contested matter resolved
7. *Kuehny and Kremlin Contested Matter*
  - i. Proposed settlement with Kremlin was not completed.

### D. Adversary Proceeding Status Updates

1. *Downs Adversary* (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Willie Downs, et al., Adv. Proc. 11-59086)
  - i. P&SA discovery and summary judgment response brief deadline is August 15.
2. *Superior Adversary* (Superior Livestock Auction, Inc. vs Eastern Livestock Co., LLC, Adv. Proc. 11-59088)
  - i. Parties are conducting discovery.

#### **Interpleaders:**

3. *Texas Interpleader* (Friona Industries, LP, et al. vs Eastern Livestock Co., LLC, et al., Adv. Proc. 11-59093)
  - i. P&SA discovery and response brief deadline August 15
  - ii. Superior Livestock motion for partial summary judgment on the pleadings related to five lots of cattle (Dkt. 274, 275). Motion is fully briefed and awaiting ruling.

- iii. Cactus motion for summary judgment against Robert Nichols is fully briefed and awaiting ruling. See May 3 Order (Dkt. #425) listing items filed in support and in opposition.
- 4. ***Innovative Interpleader*** (Innovative Livestock Services, Inc., et al. vs Eastern Livestock Co., LLC, et al., Adv. Proc. 11-59098)
  - i. No activity.
- 5. ***Rush Creek Ranch Interpleader*** (Rush Creek Ranch, LLP vs Eastern Livestock Company, LLC, et al., Adv. Proc. 11-59104)
  - i. Trustee and Fifth Third have settled with Florida Creditors pending approval of the Court. Upon approval, parties will propose agreed judgment for disposition of the case and dispersal of interpleaded funds.
- 6. ***Fredin Brothers Interpleader*** Fredin Brothers, Inc. vs Bankers Bank, et al., Adv. Proc. 11-59108)
  - i. No activity.

**Accounts Receivable Litigation:**

- 7. ***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)
  - i. Initial Pretrial Conference
- 8. ***Demaio Farms & Ranches*** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Demaio Farms & Ranches, Inc., Adv. Proc. 12-59011)
  - i. Initial Pretrial Conference
- 9. ***Allen Barry*** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Allen Barry, Adv. Proc. 12-59012)
  - i. Initial Pretrial Conference
- 10. ***Kenny Ogden*** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Kenny Ogden, Adv. Proc. 12-59013)
  - i. Initial Pretrial Conference
- 11. ***Pesetsky Land & Cattle*** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Pesetsky Land & Cattle, LLC (Adv. Proc. 12-59014)
  - i. Initial Pretrial Conference

12. ***Ron Shephard*** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Ron Shephard, Adv. Proc. 12-59015)
  - i. Initial Pretrial Conference

**E. Proceedings in Related Cases**

1. ***In re East-West Trucking***, Case No. 10-93799
  - i. Hearing re Trustee's First Omnibus Objection to claims and Notice of Response Deadline
    1. Trustee's Objection (Dkt. #257) – resolved by agreement and approved by the Court (Dkt. # 293).
    2. Fifth Third's Response (Dkt. #262)
2. ***In re Thomas and Patsy Gibson***, Case No. 10-93867
  - i. No matters scheduled.

**F. Next Omnibus Hearing Date**

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

<u><i>Hearing Date</i></u>	<u><i>Time</i></u>
July 9, 2012	10:00 a.m. EDT

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Kevin M. Toner

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 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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