

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
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Debtor.	:	Judge Basil H. Lorch, III
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FIFTH THIRD BANK’S MOTION FOR EXTENSION OF TIME TO FILE REPLY IN SUPPORT OF MOTION TO SEAL APPENDICES TO FIFTH THIRD’S MOTION FOR CONTEMPT

Fifth Third Bank (“Fifth Third”) respectfully moves the Court for an extension of time to file its reply in support of its Motion to Seal Appendices to Fifth Third’s Motion for Contempt (“Motion to Seal”) [Doc. # 1173]. In support of its motion, Fifth Third states as follows:

1. On June 11, 2012, the Court held a hearing on several motions pertaining to the confidentiality of Fifth Third Bank’s documents and testimony. Specifically, the Court addressed three motions: (1) First Bank and Trust Company’s Motion to Remove Publicly Filed Documents from Strictures of Order Granting Motion for Entry of Stipulated Confidentiality Agreement (“Motion to De-Designate”) [Doc. # 1165]; (2) Fifth Third Bank’s Motion for Contempt (“Motion for Contempt”) [Doc. # 1171]; and (3) Fifth Third Bank’s Motion to Seal.

2. At the June 11, 2012 hearing, the Court determined that the question of whether Fifth Third’s documents were properly designated as confidential should be mediated, and instructed the parties not to submit any further briefing on the various motions until the mediation was completed. (T.p. 29, Ins. 14-23).

3. On June 20, 2012, the Court clarified its instruction and issued an Amended Order [Doc. # 1199] expressly stating that the ordered mediation would address the Motion to De-Designate and the Motion for Contempt. The order, however, did not mention whether or not the mediation would also cover Fifth Third's Motion to Seal.

4. As a result, Fifth Third contacted the Court on June 21, 2012 to determine whether it needed to file its reply in support of its Motion to Seal pursuant to the regular briefing schedule, or whether the Court's comments in the June 11, 2012 hearing effectively stayed any further briefing of the motion. The Court indicated that it would confer with Chief Judge Lloyd, the appointed mediator, to respond with an answer.

5. Accordingly, Fifth Third respectfully requests that the Court enter an order extending the time for Fifth Third to file a reply in support of its Motion to Seal, such that (1) if Chief Judge Lloyd elects not to include Fifth Third's Motion to Seal in the mediation, Fifth Third shall have until seven (7) days after notice of such determination to file a reply in support of its Motion to Seal; and (2) if the Motion to Seal is included in the mediation before Chief Judge Lloyd, all briefing regarding the Motion to Seal will be stayed pending the outcome of the mediation.

Respectfully submitted,

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

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2012, a copy of the foregoing Motion was filed and served electronically through the Court's CM/ECF System to the following parties who are listed on the Court's Electronic Mail Notice List.

/s/ Eric W. Richardson
Eric W. Richardson