

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.)

**TRUSTEE'S MOTION FOR ORDER
ESTABLISHING DEPOSITION PROTOCOLS**

James Knauer, chapter 11 Trustee for Eastern Livestock Company LLC, respectfully moves the Court to enter an order, pursuant to Fed. R. Civ. P. 26(f)(3) and 30, made applicable by Fed. R. Bankr. P. 7026 and 7030, approving the protocols for depositions upon oral examination described below and as set forth in the proposed order attached as Exhibit 1. In support of this motion, the Trustee states as follows:

1. The Trustee believes it would be impractical to allow every party involved in the adversary proceedings and contested matters in this case to conduct their own single day, seven hour examination of each fact or expert witness. Accordingly, counsel for the Trustee have conferred with fourteen of the counsel of record for other active parties in this case to suggest deposition arrangements that hopefully will help balance the interests and burdens of the parties, counsel, and witnesses in this case.

2. These proposed protocols are intended to establish a few default rules for conducting the depositions and Rule 2004 examinations in all proceedings in this chapter 11 case, subject, of course, to modification by the Court for good cause and to accommodate particular circumstances as they may arise. The protocols mostly address notice and duration issues. The Trustee also believes the protocols would encourage coordination and cooperation

among counsel and provide incentives to complete the anticipate depositions in an efficient manner.

3. As set forth more specifically in the attached exhibit, this proposal would require witnesses to be made available upon notice (and, if necessary, subpoena) for up to two deposition days of testimony, preferably on consecutive days. Each day would be limited to no more than seven hours of testimony unless the witness and participants otherwise agree. All deposition notices would be required to be served electronically in the main chapter 11 Electronic Case File (ECF) at least fourteen calendar days prior to the first day of examination. Those who intend to examine the witness would be required to contact the counsel who served a deposition notice and then attempt to agree among themselves to designate a "lead attorney" for the examination. The lead attorney would be permitted no more than six hours of examination time, unless the other participants agree to allow the lead attorney additional time. The total time witnesses would be required to testify would be limited to fourteen (14) hours absent mutual consent of all participants and the witness, or an order of the Court.

4. While undersigned counsel for the Trustee believes there are some areas of general agreement about this proposal among the counsel who have considered it, a few counsel may present written objections or propose modifications. The Trustee cannot at this time represent to the Court that the proposed order has been stipulated to by all parties.

WHEREFORE, James Knauer, as chapter 11 Trustee for Eastern Livestock Company LLC, respectfully moves the Court to grant the Proposed Order Establishing Deposition Protocols attached as Exhibit 1.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on June 29, 2012, a copy of the foregoing was served electronically on the following counsel at the addresses listed below:

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