

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:)
)
EASTERN LIVESTOCK CO., LLC) CASE NO. 10-93904-BHL-11
)
Debtor.)

**THIRD AMENDED NOTICE OF DEPOSITION OF SEAN WHITE
AND SUBPOENA DUCES TECUM**

PLEASE TAKE NOTICE that, pursuant to Rules 30, 34 and 45 of the Federal Rules of Civil Procedure, made applicable to contested matters under the Bankruptcy Code pursuant to Fed. R. Bankr. P. 7030, 7034, and 9014(c) and 9016, Superior Livestock Auction, Inc., by and through the undersigned attorneys, will take the oral deposition of Sean White on **August 1, 2012 at 9:00 A.M. at the law offices of Faegre Baker Daniels LLP, 300 N. Meridian Street, Suite 2700, Indianapolis, Indiana 46204.**

The deposition will be conducted before an officer duly authorized to administer an oath and will be recorded by **audio and/or video** means.

The witness and his counsel shall bring to the deposition each of the following things and make them available for inspection and copying during the deposition:

- A. All drafts, memoranda, spreadsheets, correspondence, e-mails or other writings in your possession custody or control created by you, the Trustee, counsel for the Trustee, DSI or any representatives of such parties which relate to, are identified in or described in the *Report of the Trustee, James A. Knauer Regarding Investigation and Analysis of Potential Claims Against Fifth Third Bank* ("Report") or any draft thereof which relate directly or indirectly to (1) causes of actions against Fifth Third; or (2) the claim filed by Fifth Third in the Eastern Livestock bankruptcy case.
- B. The analysis prepared by DSI which is referenced in either the Trustee's Report and/or the *Comments and Adoption by Hoover Hull LLP of Report of the Trustee, James A. Knauer, Regarding Investigation and Analysis of Potential Claims*

Against Fifth Third Bank ("Comments") filed by Hoover Hull, and all drafts thereof and supporting documentation relating thereto.

- C. All timesheets, statements, or other billing documentation relating to or evidencing work performed by you or your firm relating to the Trustee's Report and/or matters described or identified therein.
- D. All written communications in your possession custody or control, including but not limited to letters and e-mails, relating to the Trustee's Report or any draft thereof and/or any matter described therein.
- E. All documents and writings in your custody, possession or control relating to the settlement or settlement negotiations between the Trustee and any of his representations, Fifth Third Bank and any of its representatives, or Wells Fargo Bank and any of its representatives referenced in the Report.
- F. All documents, including but not limited to electronic documents, which are in your possession custody or control, relating to Eastern Livestock bankruptcy estate assets or projected or estimated recoveries which were provided at any time by you, the Trustee, or any representative of the Trustee to Fifth Third Bank, Wells Fargo, or any of their representatives.
- G. All writings, documents, and electronic data or information in your possession custody or control received by you, the Trustee, or any representative of the Trustee from Fifth Third Bank and/or Wells Fargo in response to or in connection with any formal or informal discovery request or subpoena which have not been posted to the Trustee's repository in the Eastern Livestock Case.
- H. All notes, correspondence, memoranda, documents or electronic data or information pertaining to, describing, or otherwise relating to former Fifth Third employee Michael Herr and any discussions or communications with Michael Herr involving you, the Trustee, or any representative of the Trustee.

The deposition will be taken for the purpose of discovery, for use at hearings and trials, and for all other uses permitted by the Federal Rules of Civil Procedure, and the Federal Rules of Bankruptcy Procedure.

Respectfully submitted,

RUBIN & LEVIN, P.C.

By: /s/ John M. Rogers

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ONE OF COUNSEL FOR SUPERIOR
LIVESTOCK AUCTION, INC.

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2012, a copy of the foregoing 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 July 30, 2012, a copy of the foregoing was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to the following:

National Cattlemen's Beef Association
c/o Alice Devine
6031 SW 37th St.
Topeka, KA 66610

/s/ John M. Rogers
John M. Rogers