

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 LEAVE TO FILE DOCUMENT UNDER SEAL**

Trustee James A. Knauer, by his undersigned counsel, respectfully moves the Court for leave to file under seal a document that has been previously designated as Confidential Material by the producing party, Fifth Third Bank. In support of this motion, the Trustee states as follows:

1. The Trustee's August 13, 2012 Response To Motions To Remove Trustee (Docket No. 1329) and the Trustee's Response To Renewal Of Objection of First Bank to Application to Employ Baker & Daniels LLP (Docket No. 1327) refer to the Participation Agreement By And Between Wells Fargo Business Credit, Inc. And Fifth Third Bank (Dated as of February 9, 2005) ("Participation Agreement").

2. The Participation Agreement was produced to the Trustee in response to the Trustee's subpoena and the document was designated as Confidential Material by the producing party, Fifth Third Bank.

3. Section 10 of the Stipulated Confidentiality Agreement (Docket 722), as approved in the Court's Order Granting Motion for Entry of Stipulated Confidentiality Agreement (Docket 731), limits the use of Confidential Materials to this case and requires those submitting such materials to the Court to present them under seal.

4. Pursuant to S.D. Ind. Rule 5.3(c) and (d) and the CM/ECF Electronic Case Filing Administrative Policies and Procedures Manual, incorporated by S.D. Ind. B-5005-4, the Participation Agreement was not filed or served electronically via CM/ECF. Notice, however, was provided on August 13 to all parties listing the production numbers for the produced copy of the Participation Agreement and explaining that the exhibit is available electronically at <https://eastlivestock.brickftp.com> to all counsel who have requested and received access to the Trustee's electronic repository. (Docket No. 1331).

WHEREFORE, Trustee James A. Knauer respectfully requests leave to file the Participation Agreement under seal, for an order directing the Clerk not to make the hard copy of the document publicly available, and for all other necessary and appropriate relief.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Kevin M. Toner

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 14, 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 August 14, 2012, a copy of the foregoing pleading was served via electronic mail transmission on the following:

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