

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:)	
)	
EASTERN LIVESTOCK CO., LLC)	Case No. 10-93904-BHL-11
)	
Debtor)	
_____)	

**SUPPLEMENTAL OBJECTION OF COFFEYVILLE LIVESTOCK
MARKET, LLC TO TRUSTEE’S PURCHASE MONEY CLAIMS
REPORT, MOTION TO TRANSFER FUNDS AND NOTICE
OF RELEASE OF PROCEEDS FROM ACCOUNT**

Comes now Coffeyville Livestock Market., LLC, by counsel, William E. Smith, III, of the Law Firm of Kightlinger & Gray, LLP, and submits this supplemental objection to the Trustee’s Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account on behalf of Coffeyville Livestock Market., LLC, (Coffeyville) a creditor in the above-captioned matter. In support of the Objection Coffeyville states as follows:

1. Coffeyville adopts all the arguments advanced by Superior Livestock Auction, Inc. in its Objection and Supplemental Objection as if fully set forth herein.
2. Coffeyville, filed its amended Purchase Money Claim on April 14, 2011 for the sum \$19,889.50, which amended its original claim filed on March 22, 2011 and identified as Claim No. 129.
3. On or about October 28, 2010 Eastern purchased twenty-five (25) head of cattle from Coffeyville and issued check No 124877 for \$19,889.50 for payment, drawn on its account at Fifth Third Bank.

4. Eastern's check was returned to Coffeyville unpaid and \$19,889.50 due Coffeyville remains unpaid.

5. The Notice of Filing of Amended Exhibit A to Trustee's Purchase Money Claims Report confirms that Eastern received the twenty-five (25) head of cattle from Coffeyville and sold and shipped them, along with other cattle, on or about October 20, 2010 to Steve Krajicek/Nutritional Advances.

6. Eastern received from Steve Krajicek/Nutritional Advances the sum of \$53,807.00 in payment for said cattle.

7. It is the position of Coffeyville that it retains a Purchase Money Claim in the proceeds received by Eastern from Steve Krajicek/Nutritional Advances in the amount of \$19,889.50 as shown by Coffeyville's Purchase Money Claim filed on April 14, 2011.

8. Furthermore, pursuant to Bankruptcy Rule 301(b), a party correctly filing a proof of claim is deemed to have established a prima facie case against the debtor's assets. The objecting party must produce evidence rebutting the claimant or else the claimant will prevail. *In re Hollars*, 198 B.R. 270, 271 (Bankr. S.D. Ohio 1996); See e.g. Bankruptcy Rule 3001(f); *Hood v. American Exp. Centurion Bank*, 2011 WL1519650 (S.D. Ill. April 20, 2011); See also *In re Fidelity Holding Co., Ltd.*, 837 F.2d 696, 698 (5th Cir.1988).

WHEREFORE, Coffeyville Livestock Market., LLC, respectfully requests that its claim be declared to be a duly filed Purchase Money Claim, that the Trustee's Motion and all relief requested therein be denied and for all other proper relief to which it may be entitled.

Respectfully submitted,

KIGHTLINGER & GRAY, LLP

By: /s/ William E. Smith, III
William E. Smith, III

Counsel for Coffeyville Livestock Market, LLC

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2011, a copy of the foregoing **“Supplemental Objection”** 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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