

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

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

**AGREED MOTION TO CONTINUE TELEPHONIC HEARING
SCHEDULED FOR SEPTEMBER 28, 2011**

The United States of America, United States Department of Agriculture (“USDA”), by counsel, Joseph H. Hogsett, United States Attorney for the Southern District of Indiana, and Jeffrey L. Hunter, Assistant United States Attorney, and Walter S. Newbern, III counsel for Florida Association Livestock Markets, respectfully requests that the Court continue the telephonic hearing scheduled for September 28, 2011, at 10:00 a.m., for a period of approximately thirty (30) days. In support thereof, the parties advise the Court of the following:

1. This case is set for a telephonic hearing on September 28, 2011, on the Motion to Quash Order Granting Motion for 2004 Examination upon the United States Department of Agriculture, Grain Inspection, Packers & Stockyards, accompanying brief filed by the United States and Creditor, Florida Association Livestock Markets’ Response in Opposition to Motion to Quash.
2. Some progress has been made regarding a resolution of the matters at issue; the parties anticipate additional progress will be made.
3. In addition, Mr. Newbern has a personal matter that conflicts with the scheduled conference.

4. In light of the above, in the interest of efficiency, the telephonic hearing should be continued in order to permit time for the parties to resolve all matters that they can resolve without need for action by the Court.

WHEREFORE, the parties respectfully request that the telephonic hearing on the Motion to Quash Order Granting Motion for 2004 Examination upon the United States Department of Agriculture, Grain Inspection, Packers & Stockyards, accompanying brief filed by the United States and Creditor, Florida Association Livestock Markets' Response in Opposition to Motion to Quash, currently set for September 28, 2011, at 10:00 a.m., be continued for a period of approximately thirty days.

Respectfully submitted,

JOSEPH H. HOGSETT
United States Attorney

By: /s/ Jeffrey L. Hunter
Jeffrey L. Hunter
Assistant United States Attorney

10 W. Market Street, Suite 2100
Indianapolis, Indiana 46204

By: /s/ Walter S. Newbern, III
Walter S. Newbern, III
Counsel for Florida Association Livestock
Markets

2982 East Gevemy
Tallahassee, FL 32309

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2011, a copy of the foregoing AGREED MOTION TO CONTINUE TELEPHONIC HEARING SCHEDULED FOR SEPTEMBER 28, 2011, was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

U.S. Trustee
ustpreion10.in.ecf@usdoj.gov

Stephen P. Taylor
ecfdocket@gmail.com

Ann M. DeLaney
ecfdelaney@trustee.13.com

David L. Abt
davidabt@mwt.net

Amelia M. Adams
aadams@dlgfirm.com

John W. Ames
jwa@gdm.com

Jerald I. Ancel
jancel@taftlaw.com

Christopher E. Baker
cbaker@hklawfirm.com

T. Kent Barber
kbarber@dlgfirm.com

C. R. Bowles, Jr.
crb@gdm.com

Kent A. Britt
kabritt@vorys.com

Lisa K. Bryant
courtmail@fbhlaw.net

James M. Carr
james.carr@bakerd.com

John R. Carr, III
jrciii@acs-law.com

Deborah Caruso
dcarus@daleeke.com

Jesse Cook-Dubin
jcookdubin@cohenkinne.com

Kirk Crutcher
krutcher@mcs-law.com

Laura Day DelCotto
ldelcotto@dlgfirm.com

David A. Domina
dad@dominalaw.com

Daniel J. Donnellon
ddonnellon@ficlaw.com

Trevor L. Earl
tearl@rwsvlaw.com

Jeffrey R. Erler
jeffe@bellnunnally.com

Sarah Stites Fanzini
sfanzini@hopperblackwell.com

Robert H. Foree
robertforee@bellsouth.net

Sandra D. Freeburger
sfreeburger@dsf-atty.com

Jeffrey J. Graham
jgraham@taftlaw.com

Terry E. Hall
terry.hall@bakerd.com

John D. Hoover
jdhooover@hooverhull.com

John Huffaker
john.huffaker@sprouselaw.com

James B. Johnston
bjtexas59@hotmail.com

Todd J. Johnston
tjohnston@mcjllp.com

Edward M. King
tking@fbtlaw.com

James A. Knauer
jak@kgrlaw.com

Theodore A. Konstantinopoulos
ndohbky@jbandr.com

Randall D. LaTour
rldatour@vorys.com

David A. Laird
david.laird@moyewwhite.com

David L. LeBas
dlebas@namanhowell.com

Elliott D. Levin
robin@rubin-levin.net

Kim Martin Lewis
kim.lewis@dinslaw.com

Karen L. Lobring
lobring@msn.com

John Hunt Lovell
john@lovell-law.net

John F. Massouh
john.massouh@sprouselaw.com

Michael W. McClain
mike@kentuckytrial.com

Kelly Greene McConnell
lisahughes@givenspursley.com

James E. McGhee, III
mcghee@derbycitylaw.com

William R. Meyer, II
rmeyer@stites.com

Allen Morris
amorris@stites.com

Judy H. Morse
judy.morse@crowedunlevy.com

Walter S. Newbern, III
wsnewbern@msn.com

Matthew J. Ochs
matt.ochs@moyewwhite.com

Ross A. Plourde
ross.plourde@mcafeetaft.com

Wendy W. Ponader
wendy.ponader@bakerd.com

Jeffrey E. Ramsey
jramsey@hopperblackwell.com

Susan K. Roberts
skr@stuartlaw.com

Mark A. Robinson

Jeremy S. Rogers

mrobinson@vhlaw.com

Ashley S. Rusher
asr@blancolaw.com

Ivana B. Shallcross
ibs@gdm.com

Robert K. Stanley
robert.stanley@bakerd.com

Meredith R. Thomas
mthomas@daleeke.com

Stephen A. Weigand
sweigand@ficlaw.com

Sean T. White
swhite@hoverhull.com

James T. Young
james@rubin-levin.net

jeremy.rogers@dinslaw.com

Thomas C. Scherer
tscherer@binhammchale.com

William E. Smith, III
wsmith@k-glaw.com

Joshua N. Stine
jnstine@vorys.com

John M. Thompson
john.thompson@crowedunlevy.com

Charles R. Wharton
charles.r.wharton@usdoj.gov

Jessica E. Yates
jyates@swlaw.com

/s/ Jeffrey L. Hunter
Jeffrey L. Hunter
Assistant United States Attorney

Office of the United States Attorney
Southern District of Indiana
10 West Market Street, Suite 2100
Indianapolis, Indiana 46204-3048
Telephone: 317-226-6333