

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.) Hon. Basil H. Lorch III

**PROPOSED AGENDA OF MATTERS SCHEDULED FOR
HEARING ON OCTOBER 25, 2011 AT 3:00 P.M. EDT**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), by counsel, submits this proposed agenda for the hearing scheduled for September 28, 2011 at 10:00 a.m. EDT ("Hearing") in Room 103, U.S. Courthouse, 121 West Spring Street, New Albany, Indiana. The Trustee anticipates that the matters before the Court for the Hearing will take approximately ____ () [minutes/hours].

I. DIAL IN INFORMATION

The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-888-399-7768; passcode 586676, followed by the pound ("#") key.

II. CONTINUED MATTERS

1. **Purchase Money Claims Report – reserved funds for resolution**
 - a. Florida objections (Docket Nos. 556 and 670) pertaining to Fund No. 41
 - b. First Bank Objections (Docket Nos. 519, 554, 653, 668 and 669) pertaining to Fund Nos. 13, 54, 76 and 87
 - c. Stockman Oklahoma Livestock Marketing, Inc. (Docket No. 545) pertaining to Fund No. 65
 - d. Joplin Regional Stockyards (Docket Nos. 515, 542 and 553) pertaining to Fund No. 40
 - e. Rex Elmore (Docket Nos. 555, 652) pertaining to Fund Nos. 53, 54, and 55

- f. Bluegrass Stockyards of Campbellsville, LLC (Docket Nos. 539 and 651) pertaining to Fund Nos. 11 and 36
- g. Bluegrass Stockyards of Richmond, LLC (Docket Nos. 539 and 651) pertaining to Fund No. 62
- h. Piedmont Livestock Company, Inc. (Docket Nos. 539 and 651) pertaining to Fund No. 59

Status: *Arguments on the Kremlin Issue and the Dispositive Issue (pursuant to the Scheduling Order Regarding Contested Matter Involving Trustee's Purchase Money Claims Report And Objections Filed By SOLM, Crumpler Bros., Kuehny And The Bank Of Kremlin (docket #622))*

- 2. **["Peoples Bank & Trust"]** Peoples Bank & Trust Company of Pickett County's Motion For Relief From Automatic Stay And Abandonment Of Property (docket #300) *continued from March 11, 2011, April 15, 2011, May 11, 2011 and June 24, 2011*
 - (a) Peoples Bank & Trust Company of Pickett County's Motion For Relief From Automatic Stay And Abandonment Of Property (Corrected Motion) (docket #317)
 - (b) Trustee's Objection To Motion For Relief From Automatic Stay And Abandonment Of Property Filed By Peoples Bank & Trust Company of Pickett County (docket #334)
 - (c) Kathryn L. Pry's Joinder Of Trustee's Objection To Motion For Relief From Automatic Stay And Abandonment Of Property Filed By Peoples Bank & Trust Company Of Pickett County (docket #337)
 - (d) Supplement To Trustee's Objection To Motion For Relief From Automatic Stay And Abandonment Of Property Filed By Peoples Bank & Trust Company of Pickett County (docket #454)
 - (e) Motion For Final Hearing (docket #751)

Status: *Agreed Entry with an order approving was to be filed within 10 days following June 24, 2011 hearing*

III. NEW MATTERS

3. **["Motion to Collect Receivable"]** Motion Requesting Entry Of An Order Granting Trustee Authority To 1) Collect Receivable, 2) Hold Receivable Proceeds In Segregated Account Pending Determination Of Rights Therein, 3) Transfer Receivable Proceeds To Operating Account After Such Determination And 4) Continuing Briefing Schedule On The Foregoing (docket #732)

Status: No objection filed; going forward.

4. **["Discovery Protocols"]** Joint Motion And First Stipulation Regarding Discovery Protocols (docket #738)

Status: No objection filed; going forward.

IV. ADVERSARY PROCEEDINGS

5. **["Downs"]** James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Willie Downs (Adv. Proc. 11-59086)

Status: Pretrial conference.

6. **["Superior"]** Superior Livestock Auction, Inc. vs Eastern Livestock Co., LLC (Adv. Proc. 11-59088)

Status: Request made at September 28, 2011 hearing to establish an Ad Hoc Committee. Motion was to be filed and set for hearing on October 25, 2011.

7. **["Friona"]** Friona Industries, LP, et al. vs Eastern Livestock Co., LLC, et al. (Adv. Proc. 11-59093)

- a. Friona Industries L.P.'s First Amended Complaint in the Nature of Interpleader (docket #30)
- b. J&F Oklahoma Holdings, Inc.'s First Amended Intervention And Complaint in the Nature of Interpleader (docket #33)
- c. Cactus Growers, Inc.'s First Amended Complaint In Intervention In The Nature Of Interpleader (docket #34)
- d. Motion Of Superior Livestock Auction, Inc. To Stay Proceedings (docket #170)

- i. Trustee James Knauer's Response In Opposition To Superior Livestock Auction, Inc.'s Motion To Stay (docket #182)
- ii. Interpleader Plaintiffs' Joint Reply To Motion To Stay Proceedings And Motion To Consolidate Or Dismiss (docket #183)

Status: *Status conference.*

8. **["Innovative"]** Innovative Livestock Services, Inc., et al. vs Eastern Livestock Co., LLC, et al. (Adv. Proc. 11-59098)
 - a. Motion Of Superior Livestock Auction, Inc. To Stay Proceedings (docket #25)

Status: *Status conference.*

9. **["Rush Creek Ranch"]** Rush Creek Ranch, LLLP vs Eastern Livestock Company, LLC, et al. (Adv. Proc. 11-59104)

Status: *Status conference.*

10. **["Fredin Brothers"]** Fredin Brothers, Inc. vs Bankers Bank, et al. (Adv. Proc. 11-59108)

Status: *Status conference.*

V. RELATED CASES

In re Thomas and Patsy Gibson 10-93867

11. **["Motion for 2004 Examination"]** The First Bank and Trust Company's Motion For Examination And Production Of Documents Pursuant To Fed. R. Bankr. P. 2004 (docket #303)

Status: *No objection filed; going forward.*

In re East-West Trucking Co., LLC 10-93799

12. **["Motion to Destroy Records"]** Trustee Michael J. Walro's Motion For Authority To Destroy Debtor's Records (docket #211)
 - a. Eastern Livestock Trustee's Objection To Motion For Authority To Destroy Debtor's Records (docket #217)
 - b. Agreed Entry Resolving Eastern Livestock Trustee's Objection To Motion For Authority To Destroy Debtor's Records (docket #220)

Status: *Order Approving Agreed Entry (docket #224)*

13. **["Motion to Pay Priority Claim"]** Trustee's Motion For Authority To Pay Priority Claim Of David Sells (docket #219)

a. Amended Trustee's Motion For Authority To Pay Priority Claim Of David Sells (docket #222)

Status: *No objection filed; going forward.*

Respectfully submitted,

BAKER & DANIELS LLP

By: /s/Terry E. Hall

Counsel for James A. Knauer, Chapter 11 Trustee

James M. Carr (#3128-49)
Terry E. Hall (#22041-49)
Dustin R. DeNeal (#27535-49)
300 N. Meridian Street, Suite 2700
Indianapolis, IN 46204-1782
Telephone: (317) 237-0300
Facsimile: (317) 237-1000
jim.carr@bakerd.com
terry.hall@bakerd.com
dustin.deneal@bakerd.com

Wendy W. Ponader (#14633-49)
Baker & Daniels LLP
600 East 96th Street, Suite 600
Indianapolis, IN 46240
Telephone: (317) 569-9600
Facsimile: (317) 569-4800
wendy.ponader@bakerd.com

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2011, a copy of the foregoing pleading 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.

David L. Abt
davidabt@mwt.net

Mark A. Robinson
mrobinson@vhlaw.com

Randall D. LaTour
rdlatour@vorys.com

Daniel J. Donnellon
ddonnellon@ficlaw.com

John W. Ames
jwa@gdm.com

Jeremy S Rogers
Jeremy.Rogers@dinslaw.com

Meredith R. Thomas
mthomas@daleeke.com

Charles R. Wharton
Charles.R.Wharton@usdoj.gov

David L. LeBas
dlebas@namanhowell.com

Jessica E. Yates
jyates@swlaw.com

Laura Day Delcotto
ldelcotto@dlgfirm.com

Ross A. Plourde
ross.plourde@mcafeetaft.com

Todd J. Johnston
tjohnston@mcjllp.com

Karen L. Lobring
lobring@msn.com

Elliott D. Levin
robin@rubin-levin.net
edl@trustesolutions.com
Sean T. White
swhite@hooverhull.com

Michael W. McClain
mike@kentuckytrial.com

James Edwin McGhee
mcghee@derbycitylaw.com

Jerald I. Ancel
jancel@taftlaw.com

David Alan Domina
dad@dominalaw.com

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

Jeffrey R. Erler
jeffe@bellnunnally.com

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

Stephen A. Weigand
sweigand@ficlaw.com

Robert Hughes Foree
robertforee@bellsouth.net

Ivana B. Shallcross
ibs@gdm.com

William Robert Meyer, II
rmeyer@stites.com

James Bryan Johnston
bjtexas59@hotmail.com

Judy Hamilton Morse
judy.morse@crowedunlevy.com

John Huffaker
john.huffaker@sprouselaw.com

Kelly Greene McConnell
lisahughes@givenspursley.com

Walter Scott Newbern
wsnewbern@msn.com

Timothy T. Pridmore
tpridmore@mcjllp.com

Sandra D. Freeburger
sfreeburger@dsf-atty.com

John M. Rogers
johnr@rubin-levin.net

Robert H. Foree
robertforee@bellsouth.net

William E Smith
wsmith@k-glaw.com

Thomas C Scherer
tscherer@binghamchale.com

Jeffrey J. Graham
jgraham@taftlaw.com

Kent A Britt
kabritt@vorys.com

John Hunt Lovell
john@lovell-law.net

Edward M King
tking@fbtlaw.com

Bret S. Clement
bclement@acs-law.com

John Frederick Massouh
john.massouh@sprouselaw.com

Kim Martin Lewis
kim.lewis@dinslaw.com

Deborah Caruso
dcaruso@daleeke.com

Allen Morris
amorris@stites.com

James T. Young
james@rubin-levin.net

John M. Thompson
john.thompson@crowedunlevy.com

Matthew J. Ochs
matt.ochs@moyewwhite.com

T. Kent Barber
kbarber@dlgfirm.com

Kirk Crutcher
kcrutcher@mcs-law.com

Theodore A Konstantinopoulos
ndohbky@jbandr.com

Lisa Koch Bryant
courtmail@fbhlaw.net

John David Hoover
jdhoover@hooverhull.com

Sarah Stites Fanzini
sfanzini@hopperblackwell.com

Susan K. Roberts
skr@stuartlaw.com

David A. Laird
david.laird@moyewwhite.com

Trevor L. Earl
tearl@rwsvlaw.com

Joshua N. Stine
jnstine@vorys.com

Jill Zengler Julian
Jill.Julian@usdoj.gov

Jeffrey L Hunter
jeff.hunter@usdoj.gov

Amelia Martin Adams
aadams@dlgfirm.com

Michael Wayne Oyler
moyler@rwsvlaw.com

Jason W. Cottrell
jwc@stuartlaw.com

Robert A. Bell
rabell@vorys.com

James E. Rossow
jim@rubin-levin.net

James B. Lind
jblind@vorys.com

Melissa S. Giberson
msgiberson@vorys.com

I further certify that on October 24, 2011, a copy of the foregoing pleading was served via electronic mail transmission on the following:

Ashley S. Rusher
asr@blancolaw.com

Darla J. Gabbitas
darla.gabbitas@moyewhite.com

/s/ Terry E. Hall