

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

MOTION TO LIMIT NOTICE OF MOTION FOR ORDER APPROVING PROPOSED AUCTION SALE OF CERTAIN PERSONAL PROPERTY ASSETS OF DEBTOR FREE AND CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES PURSUANT TO 11 U.S.C. § 363

James M. Knauer, chapter 11 trustee ("Trustee") in the above-captioned case ("Chapter 11 Case"), seeks the entry of an order, pursuant to Section 105(a) of Title 11 of the United States Code ("Bankruptcy Code"), Rule 2002(m) of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), and S.D. Ind. B-9013-3(f)(5) of the local rules of the United States Bankruptcy Court for the Southern District of Indiana (the "Local Bankruptcy Rules") limiting notice of the *Motion for Order Approving Proposed Auction Sale of Certain Personal Property Assets of Debtor Free and Clear of Liens, Claims and Encumbrances Pursuant to 11 U.S.C. § 363* [Dock. No. 758] (the "Motion"). In support of this request (the "Request to Limit Notice"), the Trustee respectfully represents as follows:

1. The Motion seeks authority under 11 U.S.C. § 363 to sell certain personal property assets of Eastern Livestock Co., LLC ("Debtor") pursuant to the terms and conditions of the auction agreement (the "Auction Agreement") with Norman J. Gallivan, Inc. ("Gallivan").
2. Pursuant to Bankruptcy Rule 2002, all "parties in interest" must receive, with certain exceptions, notice of, among other things, the "proposed use, sale, or lease of property of

the estate other than in the ordinary course of business, unless the court for cause shown shortens the time or directs another method of giving notice." (Bankruptcy Rule 2002(a)(2)).

3. As a result, Trustee is required to serve notice of the Motion on all parties unless the Court, for cause shown, authorizes limited notice of the Motion. There are currently over 1,400 creditors on the notice list in this case.

4. Given a) the large number of parties in interest in this case, b) the limited resources available to the Trustee, and c) the noncontroversial relief requested by the Motion, the Trustee seeks a Court order limiting notice of the Motion to parties that already receive notice via the Court's electronic noticing system. Absent this relief, Trustee would be required to expend substantial and disproportionate sums in copying costs, postage charges, and other handling expenses associated with mailing the Motion to over 1,400 creditors. Trustee therefore asks that the Court enter an order limiting notice of the Motion to: (i) the office of the United States Trustee for the Southern District of Indiana; (ii) the Internal Revenue Service; (iii) all secured creditors who are not represented by counsel; and (iv) any party who has filed an appearance or requested notice and served same on Trustee.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order (1) limiting notice of the Motion as set forth herein, and (2) granting Trustee such other and further relief as is just and proper.

Respectfully submitted,

By: /s/ Dustin R. DeNeal

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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.

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

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