

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

**SECOND AMENDED
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 amended proposed agenda for the hearing scheduled for October 25, 2011 at 3:00 p.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 one (1) hour.

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

Status: Status conference; a stipulation seeking to consolidate the contested matter regarding the Florida objections with the Rush Creek Ranch adversary proceeding was filed on October 21, 2011 (Docket No. 765).

- b. First Bank Objections (Docket Nos. 519, 554, 653, 668 and 669) pertaining to Fund Nos. 13, 54, 76 and 87

Status: *Status conference; a scheduling order regarding this contested matter was entered by the Court on September 28, 2011 (Docket No. 723).*

- c. Stockman Oklahoma Livestock Marketing, Inc. (Docket No. 545) pertaining to Fund No. 65 along with objections filed by The Bank of Kremlin (Docket No. 544), Brent Kuehny (Docket No. 544) and Crumpler Bros. (Docket No. 546)

Status: *Status conference; briefing and arguments on the "Kremlin Issue" and the "Dispositive Issue" (as those terms are defined in Docket No. 622) were continued until October 31, 2011 and November 15, 2011, respectively, pursuant to Docket No. 744.*

- d. Joplin Regional Stockyards (Docket Nos. 515, 542 and 553) pertaining to Fund No. 40

Status: *Status conference; a scheduling order regarding this contested matter was uploaded by the parties on October 20, 2011.*

- e. Rex Elmore (Docket Nos. 555, 652) pertaining to Fund Nos. 53, 54, and 55

Status: *Status conference; a scheduling order regarding this contested matter was entered by the Court on September 20, 2011 (Docket No. 702).*

- f. Bluegrass Stockyards of Campbellsville, LLC (Docket Nos. 539 and 651) pertaining to Fund Nos. 11 and 36

Status: *Status conference; a scheduling order regarding this contested matter was uploaded by the parties on October 20, 2011*

- g. Bluegrass Stockyards of Richmond, LLC (Docket Nos. 539 and 651) pertaining to Fund No. 62

Status: *Status conference; a scheduling order regarding this contested matter was uploaded by the parties on October 20, 2011*

- h. Piedmont Livestock Company, Inc. (Docket Nos. 539 and 651) pertaining to Fund No. 59

Status: *Status conference; a scheduling order regarding this contested matter was uploaded by the parties on October 20, 2011*

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: *Final hearing scheduled for November 15, 2011.*

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 is scheduled for November 15, 2011.*

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

- a. Superior Livestock Auction, Inc.'s Motion For Partial Judgment On The Pleadings (docket #32)
- b. Third Party Defendants' Joint Motion To Consolidate Or To Dismiss (docket #37)

Status: *Status conference.*

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)

- b. Trustee James Knauer's Response In Opposition to Superior Livestock Auction, Inc.'s Motion to Stay (docket #35)

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) entered October 19, 2011.*

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.*

VI. NEXT SCHEDULED HEARINGS

The dial-in telephone number for interested parties to participate in the upcoming scheduled hearings, as indicated below, by conference call is 1-888-399-7768; passcode 586676, followed by the pound ("#") key. The hearings will be held in Room 103, U.S. Courthouse, 121 West Spring Street, New Albany, Indiana.

<u>Hearing Date</u>	<u>Time</u>
November 15, 2011	1:30 p.m. EST
December 14, 2011	10:00 a.m. EST

Respectfully submitted,

BAKER & DANIELS LLP

By: /s/Terry E. Hall

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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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