

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

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

**MOTION FOR THIRD EXTENSION OF MAY 2, 2011 BAR DATE  
FOR FILING OF THE GIBSON TRUSTEE’S PURCHASE MONEY CLAIMS**

Kathryn L. Pry, chapter 7 trustee of the bankruptcy estate of Thomas P. Gibson and Patsy M. Gibson (the “Gibson Bankruptcy Estate”), Case No. 10-93867-BHL-7A (the “Gibson Trustee”), by counsel, for her *Motion for Third Extension of May 2, 2011 Bar Date for Filing of the Gibson Trustee’s Purchase Money Claims* (this “Motion”), states as follows:

1. The Gibson Trustee was appointed on December 1, 2010 (the “Gibson Petition Date”) and continues to investigate and identify assets of Thomas P. Gibson and Patsy M. Gibson (the “Gibsons”).
2. On January 24, 2011, this Court entered the *Order Granting Trustee’s Emergency Motion Regarding Payments on Debtor’s Cattle Sales* (the “Order”) [Docket No. 234]. The Order establishes a bar date of May 2, 2011, for filing of all “Purchase Money Claims”. Among other things, paragraph I. of the Order provides that any person that holds or wishes to assert a Purchase Money Claim must file a proof of claim, together with all supporting documentation, on or before 11:59 P.M. on May 2, 2011.
3. The Order authorized the Trustee to complete the sale of cattle free and clear of liens, claims, encumbrances and interests pursuant to Bankruptcy Code § 363 and to accept payment of purchase money “Purchase Money” with all liens, claims, encumbrances and interests attached thereto and to establish a segregated account for the purpose of holding the

Purchase Money. The Order defines “Purchase Money Claims” as any lien, claim, encumbrance or interest that may be asserted against the Purchase Money. The Gibson Trustee believes that the claims she may assert against the Debtor constitute Purchase Money Claims as defined therein.

4. Additionally, the Court’s order of March 31, 2011 established a bar date for filing all claims of May 2, 2011. While the Eastern Livestock Trustee’s Motion acknowledges that the Court previously set a bar date for Purchase Money Claims, it does not except Purchase Money Claims from the operation thereof.

5. The Gibson Trustee filed her *Motion for Extension of May 2, 2011 Bar Date for Filing of the Gibson Trustee’s Purchase Money Claims* [Docket No. 473] and the Court entered the *Order Granting Motion for Extension of May 2, 2011, Bar Date for Filing of the Gibson Trustee’s Purchase Money Claims* on May 13, 2011 [Docket No. 495] extending the deadline for filing the Gibson Trustee’s Purchase Money Claims and its Proof of Claim to August 1, 2011. The Gibson Trustee then filed its *Motion for Second Extension of May 2, 2011 Bar Date for Filing of the Gibson Trustee’s Purchase Money Claims*, the Trustee and the Gibson Trustee agreed to a 90-day extension, and the Court entered the *Order Approving Agreed Entry Granting Motions for Additional Extensions of May 2, 2011 Bar Date for Filing Claims and Purchase Money Claims*.

6. Despite extensive discovery efforts, the Gibson Trustee has been unable to completely track all of the various cattle transactions of the Gibsons. Additionally, because claims that could be filed by First Bank and Trust Company (“First Bank”) may involve the same Purchase Money, the Gibson Trustee and her counsel have joined in the discovery efforts of First Bank.

7. These efforts include numerous inquiries to the Eastern Livestock Trustee seeking information regarding transaction that may have involved cattle owned by the Debtors. The Gibson Trustee and her counsel have met with representatives of DSI on at least two occasions and reviewed various documents that may be relevant to the Gibson Trustee's ability to determine whether or not she has a claim to the funds on deposit in the Eastern Livestock Trustee's segregated account. On June 23, 2011, counsel for First Bank and the Gibson Trustee visited Eastern Livestock and requested more than two dozen boxes of documents. DSI made these documents available for scanning and imaging. By October 3, 2011, First Bank and the Gibson Trustee had received 31,069 documents (96,428 pages). First Bank, in connection with the Gibson Trustee, has been diligently reviewing and is continuing to review these do. In addition, First Bank and the Gibson Trustee are waiting for two additional boxes from Eastern Livestock's offices that are currently in the possession of the FBI and to which First Bank and the Gibson Trustee have not yet obtained access.

8. Additionally, First Bank in connection with the Gibson Trustee, has retained a computer forensic specialist to review and analyze the computer hard drive of Patti Turley, who handled much of the Gibsons' personal cattle business. Counsel for First Bank contacted AC Forensic for a copy of Ms. Turley's hard drive, and AC Forensics requested some method of identifying Ms. Turley's hard drive. Counsel for First Bank then contacted counsel for the Trustee, who permitted counsel for First Bank to contact Elizabeth Lynch of DSI directly. Ms. Lynch obtained a static photo image of the hard drive (which contained the serial number) and emailed it to counsel for First Bank. First Bank's computer forensic specialist then used the static photo image (and serial number) to obtain from AC Forensics a copy of the corresponding imaged hard drive that AC Forensics had created prior to the commencement of this bankruptcy

proceeding. On October 31, 2011, First Bank learned from its computer forensic specialist that the image of the hard drive that it received from AC Forensics does not include Patti Turley's profile, but instead includes profile information for another person. First Bank, therefore, will need to obtain a separate hard drive image for Patti Turley that will then need to be analyzed by First Bank's computer forensic specialist.

9. In addition to joint discovery efforts with First Bank, the Gibson Trustee continues in her investigation of whether the Gibson Bankruptcy Estate has a Purchase Money Claim.

10. This Motion is not being made for purposes of delay or any other improper purpose.

11. Based on the complexities of the transactions involved and the need for additional discovery as set forth above, the Gibson Trustee requests an extension of ninety (90) days to the deadline to file its Purchase Money Claims previously set in this Court's Orders of January 24, 2011, March 31, 2011, and August 11, 2011 and previously extended to October 31, 2011.

WHEREFORE, the Gibson Trustee, by counsel, respectfully requests that the Court enter an Order extending the May 2, 2011 deadlines established by its Orders of January 24, 2011, March 31, 2011, and August 11, 2011 for her to file her Claims and Purchase Money Claims for an additional period of ninety (90) days and for all other just and proper relief.

Respectfully submitted,

DALE & EKE, P.C.

By:       /s/ Meredith R. Thomas        
Meredith R. Thomas (Atty. No. 28804-49)  
Deborah J. Caruso (Atty. No. 4273-49)  
DALE & EKE, P.C.  
9100 Keystone Crossing, Suite 400  
Indianapolis, Indiana 46240  
Tel: (317) 844-7400  
Fax: (317) 574-9426  
Email: mthomas@daleeke.com  
Attorneys for Kathryn L. Pry, Trustee

**CERTIFICATE OF SERVICE**

I hereby certify that on October 31, 2011, a copy of the foregoing *Motion for Third Extension of May 2, 2011 Bar Date for Filing of the Gibson Trustee's Purchase Money Claims* 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
- Amelia Martin Adams aadams@dlgfir.com
- John W Ames jwa@gdm.com, shm@gdm.com;tlm@gdm.com;rtrowbridge@kslaw.com
- Jerald I. Ancel jancel@taftlaw.com, ecfclerk@taftlaw.com;krussell@taftlaw.com
- Christopher E. Baker cbaker@hklawfirm.com, thignight@hklawfirm.com
- T. Kent Barber kbarber@dlgfir.com, dlgecf@dlgfir.com;dlgecfs@gmail.com
- Robert A. Bell rabell@vorys.com, dmchilelli@vorys.com
- C. R. Bowles crb@gdm.com, shm@gdm.com
- Kent A Britt kabritt@vorys.com, cbkappes@vorys.com
- Lisa Koch Bryant courtmail@fbhlaw.net
- James M. Carr james.carr@bakerd.com, patricia.moffit@bakerd.com
- John R. Carr jrcciii@acs-law.com, sfinnerty@acs-law.com
- Deborah Caruso dcaruso@daleeke.com, mthomas@daleeke.com
- Bret S. Clement bclement@acs-law.com, sfinnerty@acs-law.com
- Jason W. Cottrell jwc@stuartlaw.com
- Kirk Crutcher kcrutcher@mcs-law.com, jparsons@mcs-law.com;cmarschall@mcs-law.com
- Jack S Dawson jdawson@millerdollarhide.com, jowens@millerdollarhide.com
- Dustin R. DeNeal dustin.deneal@bakerd.com, patricia.moffit@bakerd.com;sarah.herendeen@bakerd.com
- Laura Day DelCotto ldeltcotto@dlgfir.com, dlgecf@dlgfir.com;dlgecfs@gmail.com
- David Alan Domina dad@dominalaw.com, KKW@dominalaw.com;efiling@dominalaw.com

- Daniel J. Donnellon ddonnellon@ficlaw.com, knorwick@ficlaw.com
- Trevor L. Earl tearl@rwsvlaw.com
- Shawna M Eikenberry shawna.eikenberry@bakerd.com, sarah.herendeen@bakerd.com
- Jeffrey R. Erler jeffe@bellnunnally.com
- Sarah Stites Fanzini sfanzini@hopperblackwell.com, mroth@hopperblackwell.com
- Robert H. Foree robertforee@bellsouth.net
- Sandra D. Freeburger sfreeburger@dsf-atty.com, smattingly@dsf-atty.com
- Melissa S. Giberson msgiberson@vorys.com
- Jeffrey J. Graham jgraham@taftlaw.com,  
ECFClerk@taftlaw.com;krussell@taftlaw.com;aolave@taftlaw.com
- Terry E. Hall terry.hall@bakerd.com,  
sharon.korn@bakerd.com;sarah.herendeen@bakerd.com
- John David Hoover jdhoover@hooverhull.com
- John Huffaker john.huffaker@srouselaw.com,  
lynn.acton@srouselaw.com;rhonda.rogers@srouselaw.com
- Jeffrey L Hunter jeff.hunter@usdoj.gov, USAINS.ECFBankruptcy@usdoj.gov
- Jay Jaffe jay.jaffe@bakerd.com,  
tracy.whitman@bakerd.com;sarah.herendeen@bakerd.com
- James Bryan Johnston bjtexas59@hotmail.com, bryan@ebs-law.net
- Todd J. Johnston tjohnston@mcjllp.com
- Jill Zengler Julian Jill.Julian@usdoj.gov
- Edward M King tking@fbtlaw.com, dgioffre@fbtlaw.com
- James A. Knauer jak@kgrlaw.com, hns@kgrlaw.com
- Erick P Knoblock eknoblock@daleeke.com
- Theodore A Konstantinopoulos ndohbky@jbandr.com
- Randall D. LaTour RDLatour@vorys.com, khedwards@vorys.com;bjtobin@vorys.com
- David A. Laird david.laird@moyewwhite.com,  
lisa.oliver@moyewwhite.com;deanne.stoneking@moyewwhite.com
- David L. LeBas dlebas@namanhowell.com, koswald@namanhowell.com
- Elliott D. Levin robin@rubin-levin.net, edl@trustesolutions.com;edl@trustesolutions.net
- Elliott D. Levin edl@rubin-levin.net, atty\_edl@trustesolutions.com
- Kim Martin Lewis kim.lewis@dinslaw.com,  
lisa.geeding@dinslaw.com;patrick.burns@dinslaw.com
- James B. Lind jblind@vorys.com
- Karen L. Lobring lobring@msn.com
- John Hunt Lovell john@lovell-law.net, sabrina@lovell-law.net;shannon@lovell-law.net;paula@lovell-law.net
- Harmony A Mappes harmony.mappes@bakerd.com,  
betsy.smith@bakerd.com;sarah.herendeen@bakerd.com
- John Frederick Massouh john.massouh@srouselaw.com
- Michael W. McClain mike@kentuckytrial.com, laura@kentuckytrial.com
- Kelly Greene McConnell lisahughes@givenspursley.com
- James Edwin McGhee mcghee@derbycitylaw.com, bellriott@derbycitylaw.com
- William Robert Meyer rmeyer@stites.com
- Christie A. Moore cm@gdm.com, ljs2@gdm.com
- Allen Morris amorris@stites.com, dgoodman@stites.com

- Judy Hamilton Morse judy.morse@crowedunlevy.com, ecf@crowedunlevy.com; donna.hinkle@crowedunlevy.com; karol.brown@crowedunlevy.com
- Walter Scott Newbern wsnewbern@msn.com
- Shiv Ghuman O'Neill shiv.oneill@bakerd.com
- Matthew J. Ochs kim.maynes@moyewhite.com
- Michael Wayne Oyler moyler@rsvlaw.com
- Ross A. Plourde ross.plourde@mcafeetaft.com, erin.clogston@mcafeetaft.com
- Wendy W Ponader wendy.ponader@bakerd.com, sarah.herendeen@bakerd.com
- Timothy T. Pridmore tpridmore@mcjllp.com, lskibell@mcjllp.com
- Jeffrey E. Ramsey jramsey@hopperblackwell.com, mhaught@hopperblackwell.com
- Eric C Redman ksmith@redmanludwig.com, kzewickel@redmanludwig.com
- Susan K. Roberts skr@stuartlaw.com, lbt@stuartlaw.com
- Mark A. Robinson mrobinson@vhrlaw.com, dalbers@vhrlaw.com
- Jeremy S Rogers Jeremy.Rogers@dinslaw.com, joyce.jenkins@dinslaw.com
- John M. Rogers johnr@rubin-levin.net, susan@rubin-levin.net
- Joseph H Rogers jrogers@millerdollarhide.com, cdow@millerdollarhide.com
- James E Rossow jim@rubin-levin.net, susan@rubin-levin.net; ATTY\_JER@trustesolutions.com
- Thomas C Scherer tscherer@binghammchale.com, mmcclain@binghammchale.com
- Ivana B. Shallcross ibs@gdm.com
- James E. Smith jsmith@smithakins.com, legalassistant@smithakins.com
- William E Smith wsmith@k-glaw.com, pballard@k-glaw.com
- Robert K Stanley robert.stanley@bakerd.com
- Joshua N. Stine jnstine@vorys.com
- Andrew D Stosberg astosberg@lloydmc.com, bmarks@lloydmc.com
- Meredith R. Thomas mthomas@daleeke.com
- John M. Thompson john.thompson@crowedunlevy.com, jody.moore@crowedunlevy.com, donna.hinkle@crowedunlevy.com
- Kevin M. Toner kevin.toner@bakerd.com, crystal.hansen@bakerd.com; judy.ferber@bakerd.com
- U.S. Trustee ustpreion10.in.ecf@usdoj.gov
- Andrea L Wasson andreawassonatty@gmail.com
- Stephen A. Weigand sweigand@ficlaw.com
- Charles R. Wharton Charles.R.Wharton@usdoj.gov, Charles.R.Wharton@usdoj.gov
- Sean T. White swhite@hooverhull.com, vwilliams@hooverhull.com
- Jessica E. Yates jyates@swlaw.com, jmillelli@swlaw.com; docket\_den@swlaw.com
- James T Young james@rubin-levin.net, ATTY\_JTY@trustesolutions.com; lemerson@rubin-levin.net; carmen@rubin-levin.net

I further certify that on October 31, 2011, a copy of the foregoing *Motion for Third Extension of May 2, 2011 Bar Date for Filing of the Gibson Trustee's Purchase Money Claims* was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to the following:

Greg L Bauer  
1310 Kansas  
PO Box 1349  
Great Bend, KS 67530

Bovine Medical Associates, LLC  
1500 Soper Road  
Carlisle, KY 40311

Adam R Burrus  
Fleeson Gooing Coulson & Kitch LLC  
301 N Main, Suite 1900  
Wichita, KS 67202

Ron C Campbell  
Fleeson, Gooing, Coulson & Kitch  
125 N Market St, Ste 1600  
PO Box 997  
Wichita, KS 67201

Eastern Livestock Co., LLC  
135 W. Market Street  
New Albany, IN 47150

Greenebaum Doll & McDonald PLLC  
3500 National City Tower  
101 South Fifth Street  
Louisville, KY 40202-3103

David M Jones  
Sprouse, Shrader & Smith PC  
PO Box 15008  
Amarillo, TX 79105-5008

James Kilroy  
Snell & Wilmer LLP  
1200 17th Ste 1900  
Denver, CO 80202

Justice B King  
Fisher, Patterson, Sayler & Smith  
3550 S.W. Fifth St  
PO Box 949  
Topeka, KS 66601-0949

Thomas J Lasater  
301 N Main, Ste 1900  
PO Box 997  
Wichita, KS 67201

Terry L Malone  
Martin, Pringle, Oliver,  
Wallace & Swartz LLP  
100 North Broadway, Ste 500  
Wichita, KS 67202

National Cattlemen's Beef Association  
c/o Alice Devine  
6031 SW 37th St.  
Topeka, KA 66610

W. Scott Newbern  
W. Scott Newbern, P.L.  
2982 E Giverny  
Tallahassee, FL 32309

Bryan K Nowicki  
Reinhart Boerner Van Deuren s.c.  
22 E Mifflin St., Ste 600  
Madison, WI 53703

Mark A Rondeau  
1321 Main Suite 300  
P O Drawer 1110  
Great Bend, KS 67530

Ashley S Rusher  
Blanco Tackabery & Matamoros PA  
PO Drawer 25008  
Winston-Salem, NC 27114-5008



Ann Ustad Smith  
Michael Best & Friedrich  
1 S Pinckney St #900 PO Box 1806  
Madison, WI 53701

Kevin M Toner  
Baker & Daniels LLP  
300 N Meridian Street Suite 2700  
Indianapolis, IN 46204-1782

/s/ Meredith R. Thomas  
Meredith R. Thomas