

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:)	
)	Case No. 10-93904-BHL-11
EASTERN LIVESTOCK CO., LLC,)	Chapter 11
)	
Debtor.)	Hon. Basil H. Lorch III
)	

**APPLICATION OF
KUEHNY/KREMLIN FOR EXTENSION OF TIME TO FILE
DISPOSITIVE ISSUE MEMORANDUM (KREMLIN ISSUE)**

Brent Kuehny d/b/a Dollar K Cattle Co. (“Kuehny”) and The Bank of Kremlin (“Kremlin”) apply to the Court for an eight-day extension of time to submit their Dispositive Issue Memorandum regarding the dispositive legal issue (the Kremlin Issue) identified in this Court’s 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 (the “Scheduling Order”) entered herein on July 25, 2011 [Doc 622]. In support hereof, Kuehny and Kremlin state:

1. Pursuant to the Scheduling Order, the Trustee and any interested party were permitted to file memoranda in opposition to the argument asserted in the Response and Objection to the Trustee’s Purchase Money Claims Report, Motion to Transfer Funds, and Notice of Release of Proceeds from Account [Dock. No. 546] (the “Kremlin Issue”) on or before September 30, 2011. Pursuant to the Scheduling Order any reply regarding the Kremlin Issue was due October 14, 2011.

2. On October 12, 2011, this Court entered its Order Granting Agreed Motion to Extend Deadlines in Scheduling Order Regarding Contested Matters Involving Trustee’s Purchase Money Claims Report and Objections Filed by SOLM, Crumpler Bros., Kuehny and

The Bank Of Kremlin, which, *inter alia*, extended the deadline for any reply regarding the Kremlin Issue until November 14, 2011.

3. On October 28, 2011, Fifth Third Bank filed Fifth Third's Objection to the Response and Objection of Brent Kuehny d/b/a Dollar K Cattle Co., and The Bank of Kremlin to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds, and Notice of Release of Proceeds from Account. On October 31, 2011, the Trustee filed Trustee's Memorandum of Law on "Kremlin Issue". On November 8, 2011, J&F Oklahoma Holdings, Inc., filed J&F Oklahoma Holdings, Inc.'s Brief in Opposition to the Kremlin Issue.

4. The issues raised by the Trustee, Fifth Third Bank, and J&F Oklahoma Holdings, Inc. require Kuehny and Kremlin, in order to respond, to obtain additional documents and affidavits. Kuehny and Kremlin cannot complete their anticipated reply memorandum until such documents are obtained. Consequently, Kuehny and Kremlin seek an extension of eight days until November 22, 2011 to file their reply memorandum.

5. Pursuant to the Scheduling Order, oral argument on the Kremlin Issue was to be heard at the Omnibus Hearing on November 15, 2011. However, Kuehny, Kremlin, the Trustee, Fifth Third Bank, and J&F Oklahoma Holdings, Inc. have all agreed to seek a continuance of the oral argument until the December 14, 2011 Omnibus Hearing. Accordingly, the requested extension will not delay the hearing on the Kremlin Issue.

6. Counsel to the Trustee (the opposing signatory to the Scheduling Order) has been contacted and advises that the Trustee does not oppose the requested relief.

7. A proposed order is submitted contemporaneously herewith.

Respectfully submitted,

/s/ Ross A. Plourde

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CERTIFICATE OF SERVICE

I hereby certify that on November 15, 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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