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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re:	§	**Chapter 11**
	§	
PILGRIM'S PRIDE CORPORATION,	§	**Case No. 08-45664 (DML)**
	§	
Debtor.	§	**Jointly Administered**

REORGANIZED DEBTORS' (A) REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT MOTION FOR SUMMARY JUDGMENT BASED ON UNTIMELY AND DISCHARGED ADMINISTRATIVE EXPENSE CLAIMS OF RICHARD HENDERSON, LORI HENDERSON, AND CAMP BRANCH FARMS AND (B) RESPONSE IN OPPOSITION TO MOTIONS TO PERMIT TARDY FILING OF ADMINISTRATIVE EXPENSE CLAIMS OR AMENDMENT OF PROOF OF CLAIM

[Relates to Docket No. 6077, 6078, 6079, 6190, 6191, and 6192]

Pilgrim's Pride Corporation ("Pilgrim's Pride"), and its affiliated reorganized debtors in the above-referenced chapter 11 cases (collectively, as reorganized, the "Debtors"),[1] file this Reply ("Reply") in Support of their Motion for Summary Judgment based on Untimely and Discharged Administrative Expense Claims of Richard Henderson, Lori Henderson, and Camp Branch Farms (the "Motion for Summary Judgment"), and Response (the "Response") in opposition to Motions to permit tardy

[1] The Reorganized Debtors in these cases are Pilgrim's Pride; PFS Distribution Company; PPC Transportation Company; To-Ricos, Ltd.; To-Ricos Distribution, Ltd.; Pilgrim's Pride Corporation of West Virginia, Inc.; and PPC Marketing, Ltd.

filing of administrative expense claims or amendment of proof of claim (the "Tardy Filed Motions") and would show the Court as follows:

In order to defeat Pilgrim's Pride's pending Motion for Summary Judgment, the certain growers from Alabama, Arkansas, Georgia and North Carolina (collectively, "Growers") must demonstrate that there is a genuine dispute of material fact and not merely allege that there is a factual dispute. *Scott v. Harris*, 550 U.S. 372, 380 (2007). A "genuine issue" exists when a reasonable trier of fact could resolve the disputed fact in favor of, or in the manner described by, the Growers. *Meadowbriar Home for Children, Inc. v. Gunn*, 81 F.3d 521, 533 (5th Cir. 1996). A "material" fact is one that can affect the outcome of the suit under the governing substantive law. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). The substantive law determines which facts are material. *Id.*; *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1423 n. 11 (5th Cir. 1996).

The Growers' Brief in Support of Response to Reorganized Debtors' Motion for Summary Judgment on Administrative Expense Claims of Richard Henderson, Lori Henderson, and Camp Branch Farms and alternative Motions to permit tardy filing of administrative expense claims or amendment of proof of claim [Dkt. No. 6191] ("Growers' Response") fails to establish the existence of a genuine issue of material fact. As set out in the accompanying Reply Brief, Pilgrim's Pride is entitled to summary judgment as to the Untimely Growers' administrative expense claims, because they have failed as a matter of law to establish excusable neglect or that amendment under FEDERAL RULE OF CIVIL PROCEDURE 15 is appropriate.

Notice of this Reply has been provided to: (i) the U.S. Trustee; (ii) the names and addresses where notices should be sent as listed on the Proofs of Claim; and (iii) the Master Service List filed with this Court. No other or further notice need be provided.

Dated: January 13, 2011
Dallas, Texas

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