

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

EMMIE JONES, as Parent and)	
Guardian of MJ, a minor,)	
)	
Plaintiff,)	
)	Docket no. 2:11-cv-437-GZS
v.)	
)	
FAIRBANK RECONSTRUCTION CORP.)	
et al,)	
)	
Defendants.)	

ORDER ON MOTION TO PRESERVE AND HOLD EVIDENCE

Before the Court is Greater Omaha Packing Company’s Motion for Order Requiring AFA/Fairbank and Related Entities and Buyers to Preserve and Hold Evidence (ECF No. 48). By this Order, the Court DENIES the Motion.

To the extent that the Motion seeks an order requiring Defendant Fairbank Reconstruction Corp. to preserve and hold evidence, the Court does not find that there is an adequate showing that such an order is necessary. The claims between the parties in this action (like the claims in prior actions) relate to beef purchased and processed in September 2009. On the record presented and given the ongoing litigation between the parties in multiple forums, Fairbank has been and remains under an obligation to preserve evidence related to the claims in this case. In their response to the pending motion, Fairbank has acknowledged these obligations and further represented that it has complied with those obligations. (See Fairbank Response (ECF No. 50) at 3.)

To the extent that the Motion asks this Court to order preservation of evidence by various non-parties, the Court additionally concludes that GOPAC has not established that the Court even has jurisdiction to make such an order. Rather, any such request is more properly made to the Bankruptcy Court overseeing the transactions.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 31st day of September, 2012.

Plaintiff

EMMIE JONES

as Parent and Guardian of MJ

represented by **ERIC W. HAGEMAN**
PRITZKER OLSEN, PA
PLAZA VII SUITE 2950
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402
612-338-0202
Email: eric@pritzkerlaw.com
ATTORNEY TO BE NOTICED

FRED H. PRITZKER
PRITZKER OLSEN, PA
PLAZA VII SUITE 2950
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402
612-338-0202
Email: fhp@pritzkerlaw.com
ATTORNEY TO BE NOTICED

MICHAEL J. WAXMAN
LAW OFFICE OF MICHAEL
WAXMAN
ONE MONUMENT WAY, SUITE
206
P.O. BOX 375
PORTLAND, ME 04112-0375
772-9558
Email: mjwaxy@aol.com
ATTORNEY TO BE NOTICED

RYAN M. OSTERHOLM
PRITZKER OLSEN, PA
PLAZA VII SUITE 2950
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402
612-338-0202
Email: ryan@pritzkerlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

**FAIRBANK RECONSTRUCTION
CORP**

doing business as

represented by **RALPH A. WEBER**
GASS WEBER MULLINS LLC
309 NORTH WATER STREET

FAIRBANK FARMS

SUITE 700
MILWAUKEE, WI 53202
(414) 224-7698
Email:
weber@gasswebermullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SHAWN K. STEVENS
GASS WEBER MULLINS LLC
309 NORTH WATER STREET
SUITE 700
MILWAUKEE, WI 53202
(414) 224-7784
Email:
stevens@gasswebermullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PAUL C. CATSOS
THOMPSON & BOWIE, LLP
THREE CANAL PLAZA
P.O. BOX 4630
PORTLAND, ME 04112
207-774-2500
Email: pcatsos@thompsonbowie.com
ATTORNEY TO BE NOTICED

Defendant

**GREATER OMAHA PACKING
COMPANY INC**

represented by **DAVID PATTERSON GLOOR**
GLOOR LAW GROUP
225 W. WACKER DRIVE
SUITE 1800
CHICAGO, IL 60606
312-752-3700
Email: pgloor@gloorlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

STEPHEN P ELLENBECKER
GLOOR LAW GROUP
225 W. WACKER DRIVE
SUITE 1800
CHICAGO, IL 60606
312-752-3700
Email: sellenbecker@gloorlaw.com

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

ALISON DENHAM
DOUGLAS, DENHAM, BUCCINA
& ERNST
103 EXCHANGE STREET
P.O. BOX 7108
PORTLAND, ME 04112-7108
207-774-1486
Email: adenham@dougden.com
ATTORNEY TO BE NOTICED

Cross Claimant

**GREATER OMAHA PACKING
COMPANY INC**

represented by **DAVID PATTERSON GLOOR**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

STEPHEN P ELLENBECKER
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

ALISON DENHAM
(See above for address)
ATTORNEY TO BE NOTICED

V.

Cross Defendant

**FAIRBANK RECONSTRUCTION
CORP**

represented by **RALPH A. WEBER**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

SHAWN K. STEVENS
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

PAUL C. CATSOS
(See above for address)
ATTORNEY TO BE NOTICED

Cross Claimant

**FAIRBANK RECONSTRUCTION
CORP**

represented by **RALPH A. WEBER**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SHAWN K. STEVENS
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PAUL C. CATSOS
(See above for address)
ATTORNEY TO BE NOTICED

V.

Cross Defendant

**GREATER OMAHA PACKING
COMPANY INC**

represented by **DAVID PATTERSON GLOOR**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

STEPHEN P ELLENBECKER
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ALISON DENHAM
(See above for address)
ATTORNEY TO BE NOTICED