

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

In re:

EXPRESS GRAIN TERMINALS, LLC et al.,

Debtor.

Case No. 21-11832-SDM

Chapter 11

Jointly Administered

**MOTION FOR PAYMENT OF
ALLOWED ADMINISTRATIVE EXPENSE CLAIM**

Dr. Michael Coleman (“Dr. Coleman”) files this Motion for Allowance and Payment of Administrative Expense Pursuant to 11 U.S.C. §§ 105(a), 503(b), and 507(a)(2) of the Bankruptcy Code (the “Motion”), and in support hereof, Dr. Coleman would show the Court as follows:

RELIEF REQUESTED

1. By this Motion, Dr. Coleman seeks entry of a final order allowing his administrative expense claim for post-petition loans to the estate for payment of, among other things, wages, expenses, utility and other necessary expenses of the Debtor to avoid cessation of operations and loss of employees and other services through a post-petition loan in the amount of \$2,779,869 and the immediate payment thereof.

JURISDICTION, VENUE, AND AUTHORITY

2. The United States Bankruptcy Court for the Northern District of Mississippi (the “Court”) has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334.
3. This matter is a core proceeding under 28 U.S.C. § 157(b).

4. Venue of the Chapter 11 Case and related proceedings is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

DISCUSSION

5. The Debtor was an agricultural processing and marketing company with facilities in Greenwood, Minter City, and Sidon, Mississippi. Debtors' business included manufacturing, marketing and distributing a variety of products including soybean oil, high protein soybean meal, soybean hulls and pellets and biodiesel.

6. On September 29, 2021 (the "Petition Date"), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code.

7. On the Petition Date, the Debtors' biodiesel operations were operating with little or no liquidity and unable to pay employees, expenses or other necessary operating expenses for its business.

8. Following the Petition Date, on or about October 1, 2021, and upon the request of Debtors (and due to the immediate need of Debtors), Dr. Coleman loaned monies to Debtor in expectation of repayment to enable the Debtor to pay employee wages, costs of operation, utilities and such other necessary expenses to prevent sudden loss of operations, cessation of operations, all of which enabled Debtors' estate to continue to generate product for sale and, in fact, preserved and protected the value of the Debtors' estate.

9. The loan Dr. Coleman made to Debtor Express Grain Terminals post-petition was in the amount of \$2,779,869.

10. As noted, the amount loaned post-petition added value to the estate by preserving operations, retention of employees and protection / preservation of estate assets,

and the loan has not been repaid. Dr. Coleman seeks repayment of the Loan as an administrative expense of the estate.

NO PRIOR REQUEST

11. Dr. Coleman has not previously sought the relief requested herein from the Court or any other court.

CONCLUSION

12. WHEREFORE, Dr. Coleman respectfully requests that the Court enter an Order substantially in the form attached hereto as Exhibit A, granting the relief requested herein, and grant Dr. Coleman such other and further relief this Court deems proper and just.

Dated: April 28, 2023

Respectfully submitted,

/s/ H. Scot Spragins
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CERTIFICATE OF SERVICE

I hereby certify that on this day the foregoing was filed through the Court's electronic document filing system and was served electronically by ECF on all parties who are registered to receive electronic service in this case.

Dated: April 28, 2023

/s/ H. Scot Spragins