

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

**IN RE: EXPRESS GRAIN TERMINALS, LLC¹
Debtor**

**CHAPTER 11
CASE NO. 21-11832-SDM**

**MOTION FOR ADDITIONAL TIME WITHIN WHICH TO OBJECT TO
MOTION FOR PAYMENT OF ALLOWED ADMINISTRATIVE EXPENSE
CLAIM AND TO ADD A COUNTERCLAIM TO THE OBJECTION**

COMES NOW Express Grain Terminals, LLC (the “Debtor”), and files this its *Motion for Additional Time Within Which to Object to Motion for Payment of Allowed Administrative Expense Claim and to Add a Counterclaim to the Objection* (the “Motion”), and in support thereof, would show unto the Court the following, to-wit:

1. The response to the *Motion for Payment of Allowed Administrative Expense Claim* (the “Admin Expense Motion”) [DK #3151] filed herein by Dr. Michael Coleman (“Dr. Coleman”) is due May 24, 2023.

2. Heather Williams has been appointed as the liquidating trustee (the “Liquidating Trustee”) under the confirmed Plan of Liquidation. The Liquidating Trustee is subject to the Plan Effective Date of sixty (60) days after the confirmation order becomes final and non-appealable. Accordingly, the Liquidating Trustee will not actually become “active” until June 7, 2023.

3. As a result, the putative Liquidating Trustee has not fully formulated her responses and defenses to the Admin Expense Motion.

4. The Liquidating Trustee does, however, plan to object to the Admin Expense Motion in its entirety. In addition, the Liquidating Trustee must explore the possibility of including a counterclaim in response to the Admin Expense Motion, or filing a separate adversary proceeding which would seek to combine the Admin Expense Motion with the adversary proceeding under

¹Jointly administered with *In re Express Biodiesel, LLC*, Case No. 21-11834-SDM and *In re Express Processing, LLC*, Case No. 21-11835-SDM.

which the Liquidating Trustee may assert directors and officers claims back against Dr. Coleman, who was an insider and should have been a decision maker at the Debtor during all times, pre-petition.

5. Moreover, if the Liquidating Trustee elects to pursue those claims, she must engage counsel and that will take a separate application, notice and a hearing process.

6. Accordingly, the Debtor moves the Court for an order granting it an additional sixty (60) days within which to respond to the Admin Expense Motion (at which time the putative Liquidating Trustee will be the liquidating trustee), to make the decision as to whether or not the Liquidating Trustee should file a counterclaim or separate adversary proceeding seeking affirmative relief against Dr. Coleman and within which to engage counsel.

7. Other grounds to be assigned if necessary.

WHEREFORE, PREMISES CONSIDERED, Debtor respectfully prays that upon a hearing hereof this Honorable Court will enter its order granting the Motion. Debtor prays for general relief.

THIS, the 24th day of May, 2023.

Respectfully submitted,

EXPRESS GRAIN TERMINALS, LLC

By Its Attorneys,

LAW OFFICES OF CRAIG M. GENO, PLLC

By: /s/ Craig M. Geno
Craig M. Geno

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, Craig M. Geno, do hereby certify that I have caused to be served this date, via electronic filing transmission, a true and correct copy of the above and foregoing to the following:

Abigail M. Marbury, Esq.
Office of the United States Trustee
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THIS, the 24th day of May, 2023.

/s/ Craig M. Geno
Craig M. Geno