



11. Subsequent thereto the Debtor has continued the operation of his business as a debtor-in-possession pursuant to 11 U.S.C. § 1107(a).

4. On April 12, 2016, this Court entered an Agreed Scheduling Order which provides in part that that the Debtor shall on or before July 1, 2016, file a disclosure statement containing adequate information as set forth in 11 U.S.C. § 1125 and a confirmable plan of reorganization.<sup>2</sup>

5. The Debtor subsequently obtained three (3) extensions of time to file a disclosure statement and plan with the final extension expiring January 19, 2017.<sup>3</sup>

6. As of today the Debtor has failed to file a disclosure statement and plan.<sup>4</sup>

#### **Cause for Conversion or Dismissal**

7. Under 11 U.S.C. § 1112(b) the court, after notice and a hearing, shall convert a chapter 11 case to chapter 7 or dismiss the case, whichever is in the best interests of creditors and the estate, if the movant establishes cause<sup>5</sup> unless the court specifically identifies unusual

---

<sup>2</sup> Dkt. # 272.

<sup>3</sup> See Dkt. # 295, Dkt. # 304 and Dkt. # 325.

<sup>4</sup> In the case of most chapter 11 debtors, a plan of reorganization can be effectuated, if at all, within a matter of months, not years. *United Sav. Ass'n of Texas v. Timbers of Inwood Forest Associates, Ltd.*, 808 F. 2d 363, 371 (5th Cir. 1987) (en banc), *aff'd* 484 U. S. 365 (1988).

<sup>5</sup> Cause includes substantial or continuing loss to or diminution of the estate and the absence of a reasonable likelihood of rehabilitation; gross mismanagement of the estate; failure to maintain appropriate insurance that poses a risk to the estate or to the public; unauthorized use of cash collateral substantially harmful to one or more creditors; failure to comply with an order of the court; unexcused failure to satisfy timely any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter; failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under Rule 2004 of the Federal Rules of Bankruptcy Procedure without good cause shown by the debtor; failure timely to provide information or attend meetings reasonably requested by the United States trustee (or the bankruptcy administrator, if any); failure timely to pay taxes owed after the date of the order for relief or to file tax returns due after the date of the order for relief; failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court; failure to pay any fees or charges required under chapter 123 of title 28; revocation of an order of confirmation under section 1144; inability to effectuate substantial consummation of a confirmed plan; material default by the debtor with respect to a confirmed plan; termination of a confirmed plan by reason of the occurrence of a condition specified in the plan; and failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition. 11 U.S.C. § 1112(b)(4). The list is not exhaustive.

circumstances that establish that the requested conversion or dismissal is not in the best interests of creditors and the estate.

8. The Debtor has failed to take the steps necessary to achieve an orderly and expeditious disposition of this case. Cause exists to convert or dismiss this case including, but not limited to:

1. Failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court; and
2. Unreasonable delay that is prejudicial to creditors.

WHEREFORE, the United States Trustee moves for an order converting the above styled proceeding to a chapter 7 proceeding.

Alternatively, the case should be dismissed.

The UST further prays for all general and equitable relief to which entitled.

Respectfully Submitted,

HENRY G. HOBBS, JR.  
Acting United States Trustee  
Region 5, Judicial Districts of  
Louisiana and Mississippi

By: /s/ Ronald H. McAlpin  
RONALD H. McALPIN

RONALD H. McALPIN (MSB #2182)  
Assistant U. S. Trustee  
United States Department of Justice  
501 East Court Street, Suite 6-430  
Jackson, Mississippi 39201  
Telephone: (601) 965-5247  
Fax: (601) 965-5226  
Email: [ronald.mcalpin@usdoj.gov](mailto:ronald.mcalpin@usdoj.gov)

**CERTIFICATE OF SERVICE**

I, Ronald H. McAlpin, Assistant U. S. Trustee, do hereby certify that a copy of the foregoing pleading has been served this day on the below named individual(s) via first class U. S. Mail at the address listed below or by the Notice of Electronic Filing via the email address on file with the Court's CM/ECF system:

Craig M. Geno  
Law Offices of Craig M. Geno, PLLC  
587 Highland Colony Parkway  
Ridgeland, MS 39157  
Email: [cmgeno@cmgenolaw.com](mailto:cmgeno@cmgenolaw.com)

Date: January 30, 2017

/s/ Ronald H. McAlpin  
Ronald H. McAlpin  
Assistant U. S. Trustee