

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

IN RE:

EXPRESS GRAIN TERMINALS, LLC<sup>1</sup>,

CASE NO. 21-11832-SDM

DEBTORS.

CHAPTER 11  
JOINTLY ADMINISTERED

**NOTICE OF 30(B)(6) DEPOSITION OF UMB BANK, N.A.**

PLEASE TAKE NOTICE that Bank of Commerce and First South Farm Credit, ACA (collectively, the “**Production Lenders**”) will take the corporate deposition of UMB BANK, N.A. (“**UMB**”), on **February 23, 2022 at 10:00 a.m. by virtual means** and may be videotaped, **and if not completed continuing to February 24, 2022**, or such other time, place and/or method as may be rescheduled as mutually convenient to the parties and their counsel, pursuant to Fed. R. Bankr. P. 7030, incorporating Fed. R. Civ. P. 30(b)(6), and the Amended Section 557 Procedures – Phase 2 Scheduling Order [Dkt. #1800]. UMB shall designate a representative(s) to answer questions on the topics identified in Exhibit A. *To join the deposition and to view instructions regarding deposition exhibits, see Exhibit B.*

DATED: February 4, 2022.

Respectfully submitted,  
BANK OF COMMERCE and  
FIRST SOUTH FARM CREDIT, ACA  
By Their Attorneys,  
JONES WALKER LLP

/s/ Kristina M. Johnson

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<sup>1</sup> The chapter 11 cases of the following Debtors have been administratively consolidated for joint administration pursuant to entry of the *Order Granting Motion for Joint Administration [Dkt. #1158]* dated November 18, 2021: *Express Biodiesel, LLC*, Case No. 21-11834-SDM (“**EB**”), and *Express Processing, LLC*, Case No. 21-11835-SDM (“**EP**”). EGT, EB, and EP are referred to collectively as “**Business Debtors**.”

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### CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2022, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the parties set forth in the Electronic Mail Notice List as of the date hereof, including the following:

Office of U. S. Trustee  
[USTPRegion05.AB.ECF@usdoj.gov](mailto:USTPRegion05.AB.ECF@usdoj.gov)

Craig M. Geno, Esq.  
[cmgeno@cmgenolaw.com](mailto:cmgeno@cmgenolaw.com)

DATED: February 4, 2022.

*/s/ Kristina M. Johnson* \_\_\_\_\_

## **EXHIBIT A**

### **Definitions**

The following definitions apply to the topics in Exhibit A set forth below.

1. The term “You” and “Your” means UMB, its present and formers officers, directors, employees, agents and all other persons acting or purporting to act on its behalf.
2. “Business Debtors” refers to and includes Express Grain Terminals, LLC, Express Biodiesel, LLC, and Express Processing, LLC, and any of their employees, representatives, and agents.
3. The term “transaction” shall encompass any purported sale or purchase of a commodity allegedly evidenced by a Warehouse Receipt or a Sales Ticket.

### **Topics**

1. UMB’s knowledge of the Business Debtors’ financial condition in 2017, 2018, 2019, 2020, and 2021.
2. All applications and documents and other information used by you to assess the creditworthiness of the Business Debtors.
3. All documents and other information upon which you have relied in agreeing to any extensions or renewals of any loans to the Business Debtors or any other transactions with the Business Debtors from 2018-2021.
4. Any internal audits of the relationship with the Business Debtors from 2018-2021, including any assessments of the loans or any other transactions by your credit department.
5. Any and all financial audits or financial assessments conducted by you or on your behalf related to the Business Debtors.
6. All financial audits of the Business Debtors submitted to you since 2016 by any entity or person related to or concerning the Business Debtors.
7. All internal procedures you used to ensure the Business Debtors had adequate income to meet their payments and obligations with respect to any loan or other transaction.
8. All communications between you, StoneX Commodity Solutions, LLC (“StoneX”) and/or Macquarie Commodities (USA) Inc. (“Macquarie”), including any of their employees or agents, regarding the Business Debtors.

9. All communications between you and CR3 regarding the Business Debtors and/or this bankruptcy case.
10. Your knowledge that the Business Debtors were not in compliance with your requirements with regard to loans and other transactions, including but not limited to, when you first acquired that knowledge and how you acquired that knowledge.
11. Your creditworthiness standards for line of credit and long-term debt borrowers, or other type of transactional participants, in effect in 2018-2021.
12. Your policies and procedures in effect in 2018-2021 related to line of credit and long-term debt, or other type of transactional debt, when a borrower or transactional participant is not in compliance with your requirements.
13. Any investigation and/or monitoring of the Business Debtors, including but not limited to monitoring of inventory, by you or any other entity or person in 2020 and 2021.
14. All in-person inspections of the Business Debtors in 2020 and 2021.
15. Your knowledge of the Business Debtors' operations, including the crushing operations.
16. Any delivery of soybeans by UMB to the Business Debtors and by the Business Debtors to UMB.
17. Any investigation of Mississippi law on the issuance of warehouse receipts for purchased grain, including any discussions with any representatives of the Mississippi Department of Agriculture and Commerce with respect to this issue.
18. The documents produced pursuant to the request for production of documents served on you by All Farm Groups.
19. The ordinary course of business between the Business Debtors and the farmers with unpriced basis contracts.
20. Any efforts to demand segregation of grain by one or more of the Business Debtors.
21. Any determination made to permit or prohibit one or more of the Business Debtors as "sellers" of grain to maintain possession of grain and to continue crushing the grain that may have been held by one or more of the Business Debtors at the time the warehouse receipts were issued.
22. The decision to renew and/or enter into new contracts with one or more of the Business Debtors.

23. Any efforts to investigate title to grain “purchased” from one or more of the Business Debtors and to ascertain whether such grain was subject to other liens/interests.
24. Efforts made to confirm the accuracy of the Borrowing Base Certificates.

## EXHIBIT B

### **To join video of the deposition on Zoom, click on this link:**

<https://us06web.zoom.us/j/85378683058?pwd=ZkhBM2N2UGd0TjQ1UE5wd3dHM3dsZz09>

or use the **Meeting ID: 853 7868 3058** and password “**edepo**” by clicking “Join” from the Zoom home screen.

### **Best Practices & Tips:**

- **Avoid talking over each other.** Once the deposition/examination begins, each participant should do their best to avoid talking over other participants.
- **Unless talking, keep phone microphone muted.** Only the questioning attorney and the witness should have their microphones unmuted. An attorney making an objection may also have their microphone unmuted, but if possible, only when making an objection.
- **Turn Phone on “Do Not Disturb.”** If possible, turn your phone on “do not disturb.” (On iPhones, this can be done by pulling down from the top of the screen and clicking on the moon icon.) This will ensure that no incoming phone calls will disrupt your audio.
- To change the layout of the Zoom screen, click in the top right corner of the screen.
- To enlarge a particular participant’s video, click on the “...” in the top right corner of the participant’s window and click “Pin Video.” This will enlarge this participant’s video for the remainder of the deposition.
- Additional audio options available as needed.

### **Exhibits:**

Any exhibits that may potentially be presented in the deposition and marked into the record throughout the web conference should be emailed to [ajones@edeposition.com](mailto:ajones@edeposition.com) no later than **24 hours before** the scheduled start of the deposition.

### **ADDITIONAL AUDIO OPTIONS:**

Dial by your location

+1 301 715 8592  
+1 312 626 6799

Meeting ID: 853 7868 3058  
Passcode: 722552

If you have any questions about how to join the deposition or any other technical questions, please reach out to Adam Jones at [ajones@edeposition.com](mailto:ajones@edeposition.com).