
SO ORDERED,



A handwritten signature in dark ink, reading "Selene D. Maddox".

Judge Selene D. Maddox

United States Bankruptcy Judge

The Order of the Court is set forth below. The case docket reflects the date entered.

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN RE: EXPRESS GRAIN TERMINALS, LLC¹
Debtor

CHAPTER 11
CASE NO. 21-11832-SDM

**ORDER REFERRING 11 U.S.C. § 557 PROCEDURES TO MEDIATION,
APPOINTING MEDIATOR, AND ESTABLISHING MEDIATION PROCEDURES**

THIS MATTER is before the Court in connection with the *Order Establishing Procedures for Determination of Rights, Ownership Interests, Liens, Security Interests and All Other Interests in and to Grain and Proceeds of Grain [DK #1070]* (the “557 Procedures Order”) and the Common Legal Issues in connection with the 557 Procedures Order that are currently set for trial beginning March 31, 2022. The Court, being advised that a number of the parties to this litigation have voluntarily agreed to mediate the disputes presented, finds that mediation of the 11 U.S.C. § 557 procedures is in the best interest of the estate and creditors. The Court is authorized to refer this matter to mediation by 11 U.S.C. § 105(a), 28 U.S.C. § 651(b), and Federal Rules of Civil Procedures 16(c)(1) and (c)(2)(I) as incorporated by the Federal Rule of Bankruptcy Procedures 7016. The purpose of the following procedures is to provide for an informal process conducted by a mediator with the objective of helping the parties reach a mutually acceptable settlement of their dispute.

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

IT IS, THEREFORE, ORDERED THAT:

1. The 11 U.S.C. § 557 procedures are referred to mediation at the request of the parties.
2. William Houston Brown (“Mr. Brown”) has agreed to serve and is hereby appointed as mediator (the “Mediator”).
3. The mediation conference (the “Mediation Conference”) shall be held at Jones Walker, 190 East Capital Street, Suite 800, Jackson, Mississippi 39201, on March 17, 2022, beginning at 9:00 a.m. until concluded by the Mediator.
4. The mediation procedures set forth herein (the “Mediation Procedures”) are ordered in all respects, and the Mediation Conference shall be conducted in accordance with those procedures:
 - a. No party is required to submit any materials to the Mediator, although they are free to do so voluntarily. Any submissions to the Mediator are confidential and should not be served on other parties. The Mediator will participate in conference calls with the various parties the afternoon of March 16, 2022, upon his arrival in the Jackson, Mississippi, area. Scheduling of those conference calls is left to the discretion of the Mediator and the parties.
 - b. All parties should make reasonable efforts to be physically present at the entire Mediation Conference, and to make reasonable efforts to have a client representative or representatives at the Mediation Conference or readily available by telephone. At least one attorney of record shall be present (physically, via telephone or via video) for each party participating in the mediation.

- c. The Mediator is authorized by this Order to exercise control over the mediation and to direct all proceedings therein. The Mediator is specifically authorized to meet or consult privately with any party or their counsel during the Mediation Conference.
- d. The Mediator may recess the Mediation Conference at any time. The Mediator will determine if an impasse has been reached or if mediation should be terminated for any other reason. He will then inform the parties that mediation is terminated and he will be excused and relieved from any further responsibilities in this matter.
- e. Except upon the mutual consent of the parties, all communications in the Mediation Conference are confidential and shall not be discoverable or admissible in any proceeding, and shall not be communicated to a judicial officer exercising jurisdiction over the case while the case is pending. Nothing in this paragraph, however, shall preclude the Mediator from reporting the status of the mediation efforts to the Court.
- f. The parties are authorized to take all steps necessary or appropriate to implement the Mediation Procedures.

5. The Mediator's compensation is set at \$7,500.00 per day, together with actual, out-of-pocket expenses incurred by the Mediator. The Mediator will be paid from cash held by the Debtor. If the Mediator spends only part of a day devoted to the Mediation, the per day compensation will be prorated accordingly.

##END OF ORDER##

SUBMITTED BY:

Craig M. Geno, Esq. - MSB No. 4793
LAW OFFICES OF CRAIG M. GENO, PLLC
587 Highland Colony Parkway
Ridgeland, MS 39157
(601) 427-0048 - Telephone
(601) 427-0050 - Facsimile
cmgeno@cmgenolaw.com

N:\Firm Data\Users\Bankrupt\Express Grain Terminals, LLC\Pleadings\557 Procedures\Order Referring 557 Procedures to Mediation 3-14-22.wpd