

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

In re:)
EXPRESS GRAIN TERMINALS, LLC,) Case No. 21-11832-SDM
Debtors.) Chapter 11
)
)
)

**EXAMINER ALBERT ALTRO’S MOTION
FOR ACCESS TO INTEREST DATA ROOM**

COMES NOW Albert Altro, CPA, CIRA, Managing Director of Traverse LLC, and court-appointed examiner (the “Examiner”) in *In re John Coleman*, No. 21-11833 (Bankr. N.D. Miss.) (the “Coleman Case”), and files this motion (the “Motion for Access”) seeking entry of an order granting the Examiner access to the Interest Data Room in the above-captioned case for the purposes of conducting his examination in the Coleman Case to uncover any potential payments made or transfer of assets by John Coleman or on his behalf. In support thereof, the Examiner respectfully represents the following:

1. The Coleman Case was commenced on September 29, 2021 by John Coleman.¹
2. On January 12, 2022, the Court entered an order denying John Coleman’s Motion to Dismiss² and appointing an examiner pursuant to 11 U.S.C. § 1104(c) (the “Appointment Order”).³ The Appointment Order contemplates the Examiner

¹ Coleman Case Dkt. # 1.
² Coleman Case Dkt. # 66.
³ Coleman Case Dkt. # 94.

conducting an “investigation pursuant to § 1104(c) of [John Coleman], his assets, any and all payments made on behalf of [John Coleman] prepetition, and any other potential transfer of assets by the [John Coleman] or on his behalf. Further, the examiner shall conduct an investigation as is appropriate considering the actions and conduct of [John Coleman] prepetition and postpetition.”⁴

3. On January 31, 2022, the United States Trustee selected Albert Altro, CPA, CIRA and founding member of Traverse, LLC, to serve as the examiner in the Coleman Case.⁵ On February 2, 2022, the Court entered an order approving the appointment of the Examiner.⁶

4. On March 25, 2022, the Court issued its bench ruling in the above-captioned case concerning an unauthorized access to the Interest Data Room and reiterated the Court’s *Protective Order*.⁷ In its ruling, the Court stressed that only “Participating Parties,” as defined by the *Amended Section 557 Procedures – Phase 2 Scheduling Order*,⁸ are allowed access to the Interest Data Room.

5. To further his investigation into payments made and transfers of assets on behalf of John Coleman, the Examiner previously gained access to the Interest Data Room by contacting CR3 Partners, LLC, the Chief Restructuring Officer for the Debtor, pursuant to the directions of the *Notice of Establishment of Interest Data Room*.⁹

⁴ Coleman Case Dkt. # 94 at 7.

⁵ Coleman Case Dkt. # 101.

⁶ Coleman Case Dkt. #106.

⁷ Dkt. # 1801.

⁸ Dkt. # 1800 at 13.

⁹ Dkt. # 1193.

6. In the interest of fulfilling his duties pursuant to the Appointment Order and 11 U.S.C. § 1104(c) to investigate John Coleman, his assets, any and all payments made on behalf of John Coleman prepetition, and any other transfer of assets by John Coleman or on his behalf and compile and submit to the Court a report on related findings, the Examiner respectfully requests that the Court enter an order authorizing the Examiner to access the Interest Data Room solely for the purposes of conducting his investigation and preparing a report for the Court. The Examiner, his employees, agents, and counsel of record will abide by the terms of the Protective Order, including but not limited to its requirement that no parties with access to the Interest Data Room disclose any Documents as defined by the Protective Order.

7. Good cause exists for granting the relief sought by the Examiner herein, with such relief sought in good faith and without detriment to any parties in interest in this case.

WHEREFORE, PREMISES CONSIDERED, the Examiner respectfully requests entry of an order granting him access to the Interest Data Room, subject to the terms and conditions of the Protective Order, for the purposes of conducting his examination in the Coleman Case. The Examiner further requests general relief.

THIS the 30th day of March, 2022.

Respectfully submitted,

ALBERT ALTRO

BY: /s/ Garrett A. Anderson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a complete and correct copy of the foregoing filing was provided to all parties receiving notices and filings herein pursuant to the Court's ECF noticing system.

This the 30th day of March, 2022.

/s/ Garrett A. Anderson
Of Counsel