
SO ORDERED,



A handwritten signature in black 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.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE: EXPRESS GRAIN TERMINALS, LLC

CASE NO. 21-11832-SDM

DEBTOR

CHAPTER 11

**ORDER CONTINUING HEARING ON APPLICATION TO EMPLOY CR3 PARTNERS
AND MOTION TO APPOINT CHAPTER 11 TRUSTEE AND ESTABLISHING
PROCEDURES**

This matter is before the Court on the *Application to Employ CR3 Partners, LLC* (Dkt. #345), filed by the Debtor, Express Grain Terminals, LLC (“Express Grain”), and the *Motion to Appoint Trustee* (Dkt. #779), filed by AN&K Farms, AR Farms, Clay Adcock, and others in the above-styled Chapter 11 bankruptcy proceeding. The Court held a telephonic hearing on November 17, 2021, during which the Chief Executive Officer of Express Grain, John Coleman, did not appear telephonically to testify after being called as a witness. Further representations to the Court revealed that John Coleman signed and caused to be filed on behalf of the Debtor the

initial petition, schedules, and other documents under the extension granted by the Court. The Court has thus determined that it is in the best interests of the parties, including the Debtor, Creditors, and the bankruptcy estate to continue these matters to a later date so that the Court may conduct a live, in-person hearing. The Court believes that any party wishing to call John Coleman as a witness, or compel the attendance of any other witness, should be given the opportunity to compel his/her presence by any method allowable under the Federal Rules of Bankruptcy Procedure and the Bankruptcy Code.

The purpose of the following procedures is to provide for a process with the objective of allowing the parties to present evidence and arguments in a way that is productive for the Court and all parties.

It is, therefore, ORDERED that:

1. A live hearing on the *Application to Employ CR3 Partners* (Dkt. #345) and the *Motion to Appoint Trustee* (Dkt. #779) shall be held at the the Thad Cochran U.S. Courthouse, 703 Hwy 145 North, Aberdeen, Mississippi 39730 on Tuesday, November 30, 2021 at 10:00 a.m.

2. The procedures set forth in this Order are ordered in all respects, and the hearing shall be conducted in accordance with these procedures:

a. No later than Friday, November 26, 2021 at 5:00 p.m. CST, each party must submit any witness list(s) and exhibits pre-marked to the Court. Witness lists and exhibits shall be sent to all other parties electronically (i.e., via email) and Judge Maddox's Chambers at SDM_Chambers@msnb.uscourts.gov. Except for impeachment purposes, no undisclosed witnesses will be permitted to testify, and no undisclosed exhibits will be considered for admission in evidence.

b. Active participants¹ are to be physically present at the hearing but must abide by the COVID-19 safety protocols. Per the addendum to protocols for reopening courthouses and resuming normal operations effective September 27, 2021 for the Northern District of Mississippi, visitors (including attorneys, case participants, or witnesses entering a Northern District Court building, which includes the U.S. Bankruptcy Court in Aberdeen, MS) who are not fully vaccinated or decline to provide their vaccination status, must provide proof of a negative COVID-19 test from no later than the three previous days prior to entering a Northern District Court building, which includes the United States Bankruptcy Court in Aberdeen, MS.² In addition, masks are required to be worn while in the courthouse and/or courtroom. Any subpoenaed witness or any witness who may be treated as a hostile witness who fails to abide by the proof of vaccination or negative testing protocol is still required to appear if subpoenaed, and the Court shall make accommodations to allow for the subpoenaed/hostile witness to participate in the hearing.

c. Parties that are not active participants may appear telephonically and shall use the following dial-in information: (1) Complete the dial in instructions below at least 5 minutes prior to the time of the hearing; (2) Dial 877-336-1829, and when prompted, enter Access Code 5667710#; (3) Once you are connected to the

¹ “Active participants” include participating attorneys and testifying witnesses.

² Participants may present proof of vaccination status electronically (e.g., on their cellular device), so long as their identifying information is clearly ascertainable from the electronic or digital proof of vaccination. Similarly, participants who have not been vaccinated may present proof of a negative COVID-19 test electronically subject to the same condition.

call, identify yourself by stating your name; (4) Once your telephonic presence is acknowledged by the courtroom deputy, please mute your phone until further notice from the Court; (5) Do not place the call on hold at any time during the call as this may lead to disturbing noises for the other call participants. Should you experience difficulties connecting to the telephonic hearing, please contact the Clerk's Office at 662-369-2596.

##END OF ORDER##