

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: EXPRESS GRAIN TERMINALS, LLC**

**CHAPTER 11**

**BANKRUPTCY CASE NO: 21-11832-SDM**

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

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PLEASE TAKE NOTICE THAT that Farm Group,<sup>1</sup> Farm Group I,<sup>2</sup> Farm Group II<sup>3</sup> Farm Group III<sup>4</sup> (hereinafter collectively referred to as "All Farm Groups"<sup>5</sup>) will take the corporate deposition of UMB Bank, N.A. ("UMB") beginning on the 23rd day of February, 2022,

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<sup>1</sup> Farm Group consists of the following: Ashley Selman/Ashley Selman Farms Partnership, Brian Barham/Lagniappe Planting Company, Brian Lloyd/Triple L. Farms & Livestock LLC, Parker Adcock/d/b/a Island Farms, Clint Dunn/Dunn Farms I, II & III, Jim Osborn/Osborn Farms, Porter Planting Company, AR Farms, Ashland Plantation, Brown Farms, Buckhorn Farm Partners, PM Farms, Richard Brown, Ronnie Brown Farms LLC, Travis Davis/T&R Farms, Will Jones/Wyatt Farms, Killebrew Cotton Company, Murrah Hardy/Murrah Hardy Farms, Carty & Ashley Tillman Farms, Ashley Millican/AN&K Farms, Joe Bell/Bell Farms Inc., Gary Bright/Bright Farms, Matt Bell/Cattlemen's Advantage, Inc., Timothy Ellis/Bobo Farms and Ellis & Ellis Farms, Robert Moody/Moody Farms, William Dunn Farms II, Ronnie Moss Farms, Eric Easley/E-Farm LLC, Southside Farm/Darrell Green, Larry Killebrew, Eric Livingston, Ryan Lawrence/Aldy Farms II, Walt Diggs/Tchula Grain Company, Collier Tillman/Twin Bayou Farms, Clifton D. Steed/Random Shot Farms and D&J Land & Agriculture, Bradley Preston McGregor, Tony Morgan Farms, Tobin L Parker Farms/Toby Parker, Trey Hardin, William Livingston, Ray Hardy/Hardy Farms, Brad Funderburk/Funderburk Farms, Rocky and Will Fleming, Tommy Watkins/Waye Farms, Billy Whittington/Buckhorn Planting Company/Marsh Bayou Planting Co. and Whittington and Sumner Farms, LLC, Bryant Parrish Farms PTNR, Jay McBride/Jay McBride Farms, Chris Killebrew/Chris Killebrew Farms, Strider McCrory/MHC Farms, Inc., Joshua M. Henderson, Jim Suber/Jim Suber Farms, Milton Parrish/Tipple D Planting Co. II PTNR, Drew Parrish/Chenoah Planting, Johny Murtagh/Double J Farms PTNR, Mike Bowen Farms, James T. Thomas/Egypt Planting Company III, Thomas Farms and Howard Turner/Triple Tee Farms, Brian Andrus, Chuck Lawrence, Craig Rozier, Edmond Clark, Lashunkeita Clark, Herbert Hill, James Alderman, Jason Hyde, John Patridge, Josh James, Kyle Carter, Kenny Weeks, Nancy & Jerry Tindall, Tim Tindall, Jason Tindall, Seth Hutton, Tyler Gann, and Jerry Watkins.

<sup>2</sup> Farm Group I consists of the following: Adron Farms, Ashton Planting Company, BC Farms, Black Dog Farms, Buck Harris Planting Company, Champion Farms, D.W. Clark, Jr., Tonia T. Clardy, Corley Moses Farms, DLH Farms, David Bratton Farms, Davis and Davis Farms, DeLoach Farms, Dodson Planting Company, Fulgham Farms, Tyler Gilliland, Highlandale Planting Company, Howard Farms, Idlewood Plantation, Jennings Planting Company, KMC Farms, Jacob Lindsey, Lake Lindsey, Little Bee Lake Farms, LLC, Jim Locke, MBM Farms, Inc., O'Neal Planting Company, Poe Planting Company, Fred J. Poindexter, Porter Farms, Prestidge Farms II, Ridgecrest Farms, Scott Farms, Mary Annette Morgan Smith, Tackett Planting Company II, Taylor Farms, Kelsie Fennell Tribble, VK Farms, W B Farms, W.M. Jennings & Son, Westwood Farms, Lawyer Wheeler and Wolf Run Farms.

<sup>3</sup> Farm Group II consists of the following: Jody Murphey d/b/a Jody Murphey Farms, Bacon Bros. Farms Partnership, and Sam Stone.

<sup>4</sup> Farm Group III consists of the following: Dendy Farms, LLC, Flying Tater Farm, Inc., and Joe D. Evans.

<sup>5</sup> Subject to a few exceptions, those farmers comprising "All Farm Groups" constitute substantially all farmers represented by counsel in this matter.

commencing at 10:00 a.m., and if not completed continuing to the 24<sup>th</sup> day of February, 2022, pursuant to Rule 30(b)(6) of the Fed. R. of Civ. Proc., as incorporated by Rule 7030 of the Fed. R. Bankr. Proc. UMB shall designate a representative(s) to answer questions on the topics identified in Exhibit A. The deposition will be conducted virtually and may be videotaped.

This 2nd day of February, 2022.

Respectfully submitted,

FARM GROUP

J. Walter Newman, IV, MSB #3832  
Newman & Newman  
587 Highland Colony Pkwy  
Ridgeland, MS 39157  
(601) 948-0586  
[wnewman95@msn.com](mailto:wnewman95@msn.com)

Eileen N. Shaffer, MSB #1687  
P.O. Box 1177  
Jackson, MS 39215  
(601) 969-3006  
[eshaffer@eshaffer-law.com](mailto:eshaffer@eshaffer-law.com)

Derek A. Henderson, MSB #2260  
1765-A Lelia Dr., Suite 103  
Jackson, MS 39216  
(601) 948-3167  
[derek@derekhendersonlaw.com](mailto:derek@derekhendersonlaw.com)

FARM GROUP I

/s/ Jim F. Spencer, Jr.  
Jim F. Spencer, Jr., MSB #7736  
Kathy K. Smith, MSB #10350  
Watkins & Eager, PLLC  
P.O. Box 650  
Jackson, MS 39205  
(601) 965-1900  
[jspencer@watkinseager.com](mailto:jspencer@watkinseager.com)  
[ksmith@watkinseager.com](mailto:ksmith@watkinseager.com)

FARM GROUP II  
FARM GROUP III

D. Andrew Phillips (MSB #8509)  
Rosamond Hawkins Posey (MSB #101247)  
Mitchell, McNutt & Sams, P.A.  
P.O. Box 947  
Oxford, MS 38655-0947  
(662) 234-4845

**CERTIFICATE OF SERVICE**

I, Jim F. Spencer, Jr., do hereby certify that I have caused to be served the above and foregoing pleading on all parties requesting notice by using the ECF filing system of the court.

This the 2<sup>nd</sup> day of February, 2022.

/s/ Jim F. Spencer, Jr.  
Jim F. Spencer, Jr.

## **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 former 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 loan or purported sale or purchase of a commodity allegedly evidenced by a Warehouse Receipt or a Scale 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 or 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 or 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.