

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN RE: EXPRESS GRAIN TERMINALS, LLC¹
Debtor

CHAPTER 11
CASE NO. 21-11832-SDM

THIRD MOTION TO EXTEND EXCLUSIVITY PERIOD

COMES NOW Express Grain Terminals, LLC (the “Debtor” or “Movant”), and files this its *Third Motion to Extend Exclusivity Period* (the “Motion”), and in support thereof, would respectfully show unto this Honorable Court as follows, to-wit:

1. On September 29, 2021, the Debtor herein filed with this Court its Voluntary Petition for bankruptcy under Chapter 11 of the Bankruptcy Code (the “Petition”). Movant is the Debtor-in-Possession in this Chapter 11 case. Subsequent thereto, the Debtor has been, and is, the duly qualified, and acting Debtor-in-Possession in this Chapter 11 case. The Debtor is in control of its assets and is managing and operating the Debtor-in-Possession’s businesses.

2. This Honorable Court has jurisdiction of the subject matter herein and the parties hereto pursuant to 28 U.S.C. §§ 157 and 1334; 11 U.S.C. §§ 105, 363, 1107, 1109, 1121, related statutes, related rules and various orders of reference. This is a core proceeding.

3. Under the Court’s prior Order [DK #2816], the periods of exclusivity for the filing and obtaining of confirmation of a plan of reorganization were extended to August 8, 2022.

4. While the Court’s Memorandum Opinion and Order [DK #2785] Approving Joint Application to Compromise Controversy [DK #2718] approved the Joint Motion, resolves many of the pending 11 U.S.C. § 557 issues, there are further matters and milestones with respect to those issues as set forth in the Court’s Memorandum Opinion and Order, the Joint Motion and the underlying settlement agreement which have not yet occurred.

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

5. Further, Debtor's counsel needs additional time to incorporate these matters and milestones which have not yet occurred with respect to those issues as set forth in the Court's Memorandum Opinion and Order, the Joint Motion and the underlying settlement agreement into a confirmable plan of reorganization. The Debtor is also finalizing the prior sales and transition/support agreement open issues.

6. Accordingly, the filing of a disclosure statement and plan of reorganization at this point in this case, without the 11 U.S.C. § 557 procedures having been resolved in their entirety, and without the Joint Motion (and underlying settlement agreement) having been fully consummated, would perhaps be a waste of time and expense because of the uncertainties involved.

7. Debtor moves the Court for an additional seven (7) days from the current due date of August 8, 2022, within which to file its disclosure statement and plan of reorganization, and a concomitant extension within which to obtain confirmation of any plan that may be filed.

8. Other grounds to be assigned upon a hearing hereof.

WHEREFORE, PREMISES CONSIDERED, Debtor respectfully prays that upon a hearing hereof this Honorable Court will enter its order granting the Motion and extending the Debtor's period of exclusivity within which to file its disclosure statement and plan for an additional seven (7) days from the current due date of August 8, 2022, and a concomitant extension within which to obtain confirmation of any plan that may be filed. Debtor prays for general relief.

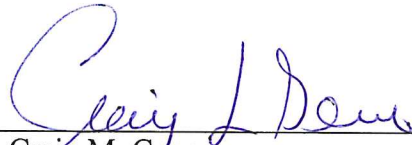
THIS, the 4th day of August, 2022.

Respectfully submitted,

EXPRESS GRAIN TERMINALS, LLC

By Its Attorneys,

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Craig M. Geno

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CERTIFICATE OF SERVICE

I, Craig M. Geno, do hereby certify that I have caused to be served this date, via electronic filing transmission, a true and correct copy of the above and foregoing to the following:

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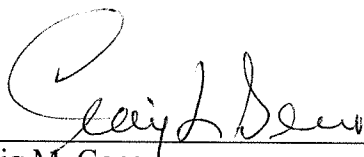
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THIS, the 4th day of August, 2022.



Craig M. Geno