

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

**IN RE: EXPRESS GRAIN TERMINALS, LLC CASE NO. 21-11832-SDM**  
**DEBTOR(S) CHAPTER 11**

---

**UNITED STATES TRUSTEE’S OBJECTION TO  
DEBTOR’S PLAN OF LIQUIDATION  
(DKT. #2932)**

---

COMES NOW David W. Asbach, Acting United States Trustee for Region 5 (“UST”), by and through undersigned counsel, and files this Objection to Debtor’s Plan of Liquidation (DKT. #2932), and in support thereof respectfully submits the following:

1. The Debtor is delinquent in the filing of its monthly operating reports (“MORs”). The last MOR was filed for November 2022. (DKT. #3074). The MORs for December 2022, and January 2023 are delinquent.

2. The UST objects to the Plan’s proposed payment of UST fees in that said provision violates 11 U.S.C. § 1129(a)(12) which requires that all fees payable under § 1930 either be paid by confirmation or that the plan provides for payment of such fees on the effective date of the plan. The Debtor is currently \$1,797.00 in arrears<sup>1</sup> which should be paid either at confirmation or upon the effective date of the Plan.

3. The UST objects to the sections of the Plan titled “Injunction” asserting that it is overbroad and violates § 1141(d)(3).

4. The UST objects to the language found in Article VII “Invalidation of Liens” pertaining to the confirmed Plan discharging the Debtor from all claims arising prior to

---

<sup>1</sup> This figure is subject to change once the December 2022 MOR is filed.

confirmation. The Plan is a liquidating plan, and Debtor is not entitled to a discharge. Therefore, the UST objects to this provision to the extent that it violates § 1141(d)(3).

5. The UST reserves the right to object on additional grounds at the hearing of this matter.

WHEREFORE, PREMISES CONSIDERED, the United States Trustee prays that the Court deny the Debtor's plan. The United States Trustee also prays for all general relief to which he may be entitled in these premises.

RESPECTFULLY SUBMITTED, this the 7th day of March 2023.

DAVID W. ASBACH  
Acting United States Trustee  
Region 5, Districts of  
Louisiana and Mississippi

By: /s/Abigail M. Marbury  
ABIGAIL M. MARBURY

ABIGAIL M. MARBURY (MSB #99626)  
TRIAL ATTORNEYS  
UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
501 EAST COURT STREET, SUITE 6-430  
JACKSON, MISSISSIPPI 39201  
TEL: (601) 965-5245  
FAX: (601) 965-5226  
EMAIL: [abigail.m.marbury@usdoj.gov](mailto:abigail.m.marbury@usdoj.gov)

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing pleading has been served on the below-named individual(s) this day via first class U.S. Mail at the address listed below or electronically served via the electronic mail address on file with the Court’s CM/ECF system:

Craig M. Geno  
*Attorney for Debtor*

DATED, this the 7th day of March 2023.

By: /s/Abigail M. Marbury  
ABIGAIL M. MARBURY