

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

**IN RE: EXPRESS GRAIN TERMINALS, LLC¹
Debtor**

**CHAPTER 11
CASE NO. 21-11832-SDM**

APPLICATION TO EMPLOY ATTORNEYS

COMES NOW Heather Williams, the Liquidating Trustee in this Chapter 11 case, (the “Liquidating Trustee”), and files this her *Application to Employ Attorneys* (the “Application”), and in support thereof, would show unto the Court the following, 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”).

2. On March 24, 2023, the Court entered an Agreed Order [DK #3105] (the “Confirmation Order”) confirming the Debtor’s Plan of Liquidation [DK #2932] (the “Plan”). Pursuant to Paragraph 7 of the Confirmation Order, Heather Williams was appointed as the Liquidating Trustee, as of the Effective Date of the Plan. The Effective Date of the Plan was June 7, 2023.

3. In order to facilitate the prudent performance of her duties and the successful operation of prosecution of claims and causes of action in this case, it is necessary for the Liquidating Trustee to employ legal counsel. The professional services for which said attorneys will be retained to render shall include the following:

- a. To advise and consult with the Liquidating trustee regarding questions arising from multiple negotiations and transactions which will occur during the liquidation of assets, liabilities and the business by the Liquidating Trustee, and to prepare agreements, contracts and related documents to evidence such transactions;

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

- b. To evaluate and attack claims of various creditors who may assert various abuses to the Liquidating Trustee' and the estate and who may seek to disturb the continued liquidation;
- c. To appear in, prosecute, or defend suits and proceedings, and to take all necessary and proper steps and other matters and things involved in or connected with the affairs of the Liquidating Trustee;
- d. To represent the Liquidating Trustee in court hearings and to assist in the preparation of contracts, reports, accounts, complaints, petitions, applications, orders, transactions and other papers and documents as may be necessary in this proceeding;
- e. To advise and consult with the Liquidating Trustee regarding the prosecution of claims objections;
- f. To advise and consult with the Liquidating Trustee regarding the pursuit of adversary proceedings² for officer liability; and
- g. To perform such other legal services on behalf of the Liquidating Trustee as they become necessary in this proceeding.

4. The Liquidating Trustee desires to employ the Law Offices of Craig M. Geno, PLLC (the "Law Firm") for the performance of these legal services. The Law Firm, whose offices are in Ridgeland, Mississippi, is fully competent to advise the Liquidating Trustee on all matters which are anticipated to arise in the functioning of this case and to protect and preserve all rights of the Liquidating Trustee and the interests of creditors. The Liquidating Trustee desires to employ the Law Firm at the following hourly rates: Craig M. Geno at \$500 per hour, plus expenses; Associates at

² The Liquidating Trustee is also filing a separate Application to Employ Counsel to prosecute Chapter 5 claims.

\$250 per hour, plus expenses; and Paralegals at \$225 per hour, plus expenses. The Law Firm will bill at the rates set forth herein and, if necessary, submit requests for compensation to the Court for approval. The hourly rates are subject to adjustment annually following the end of the Law Firm's calendar year.

5. The Law Firm is now counsel for the Liquidating Trustee, and as represented in the Affidavit attached hereto as Exhibit "A", it represents no interests adverse to the Liquidating Trustee or the Debtor's estate and matters upon which it is to be engaged and its employment would be in the best interest of this estate. To the best of the Liquidating Trustee's knowledge, the Law Firm has no connection with the creditors herein or any other party-in-interest or their respective attorneys and accountants, or with the Office of the United States Trustee, or any employees of the Office of the United States Trustee, which are prohibited, which would interfere with or hinder the performance of its duties herein, or which need to be described herein, except that the Law Firm also represents Express Grain Terminals, LLC, the Debtor in this case, John Coleman, Case No. 21-11833-SDM, one of the Debtor's members, Express Biodiesel, LLC, Case No. 21-11834-SDM, in which the Debtor has membership interests, and Express Processing, LLC, Case No. 21-11835-SDM, in which one of the Debtor's members, John Coleman, has membership interests. In addition, the Law Firm has represented Kevin Kemp, a farmer who sold grain to the Debtor pre-petition, but who has resolved all claims. Mr. Kemp and the Debtor have consented to the Law Firm's representation of the Liquidating Trustee.

WHEREFORE, PREMISES CONSIDERED, the Liquidating Trustee respectfully requests that she be authorized to employ and appoint the Law Firm as her attorneys and legal counsel, effective June 7, 2023. The Liquidating Trustee prays for general relief.

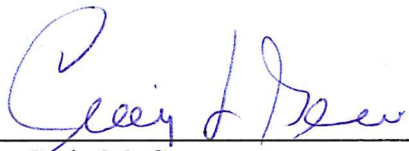
THIS, the 28th day of June, 2023.

Respectfully submitted,

HEATHER WILLIAMS, LIQUIDATING TRUSTEE

By Her Attorneys,

LAW OFFICES OF CRAIG M. GENO, PLLC

By: 
Craig M. Geno

OF COUNSEL:

Craig M. Geno; MSB No. 4793
LAW OFFICES OF CRAIG M. GENO, PLLC
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P. O. Box 3380
Ridgeland, MS 39158-3380
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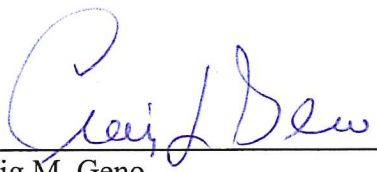
N:\Firm Data\Users\Bankrupt\Express Grain Terminals, LLC\Pleadings\Employ\CMG as Atty for Liquidating Trustee\Application.wpd

CERTIFICATE OF SERVICE

I, Craig M. Geno, do hereby certify that I have caused to be served this date, via Notice of Electronic Filing, a true and correct copy of the above and foregoing instrument to:

Abigail M. Marbury, Esq.
Office of the United States Trustee
abigail.m.marbury@usdoj.gov

THIS, the 28th day of June, 2023.


Craig M. Geno

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

**IN RE: EXPRESS GRAIN TERMINALS, LLC
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EXHIBIT "A"

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

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

AFFIDAVIT

PERSONALLY APPEARED BEFORE ME, the undersigned authority, in and for the jurisdiction aforesaid, Craig M. Geno (the "Affiant") of the Law Offices of Craig M. Geno, PLLC ("the Law Firm"), attorneys for the Liquidating Trustee, who after having been by me first duly sworn, stated on oath that this Affidavit is filed herein in support of the *Application to Employ Attorneys* (the "Application"), that the Law Firm now represents the Liquidating Trustee, it represents no interests adverse to the Liquidating Trustee or the Debtor's estate and matters upon which it is to be engaged, and the Law Firm's employment would be in the best interest of this estate. To the best of the Affiant's knowledge, the Law Firm has no connections with the creditors herein or any other party-in-interest or their respective attorneys and accountants, or with the Office of the U. S. Trustee, or any employees thereof, which are prohibited, which would interfere with or hinder the performance of its duties herein, or which need to be described herein, except that the Law Firm also represents Express Grain Terminals, LLC, the Debtor in this case, John Coleman, Case No. 21-11833-SDM, one of the Debtor's members, Express Biodiesel, LLC, Case No. 21-11834-SDM, in which the Debtor has membership interests, and Express Processing, LLC, Case No. 21-11835-SDM, in which one of the Debtor's members, John Coleman, has membership interests. In addition, the Law Firm has represented Kevin Kemp, a farmer who sold grain to the Debtor pre-petition, but who has resolved all claims he held. Mr. Kemp, the Debtor and the Liquidating Trustee have consented to the Law Firm's representation of the Debtor. The Affiant hereby makes application for the employment of the Law Firm as attorneys and legal counsel for the Liquidating Trustee.

Craig M. Geno
Craig M. Geno

STATE OF MISSISSIPPI

COUNTY OF Madison

SWORN TO AND SUBSCRIBED BEFORE ME, this the 20th day of June, 2023.



Kathryn Carter
NOTARY PUBLIC