
SO ORDERED,



A handwritten signature in black ink that reads "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.

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

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

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

**ORDER TO EMPLOY THE LAW OFFICES OF CRAIG M. GENO, PLLC
AS COUNSEL TO THE LIQUIDATING TRUSTEE**

THIS CAUSE is before the Court upon the *Application to Employ Attorneys* [Dkt. No. 3212] (the "Application"), and upon the objection and response thereto, the *Joint Objection to Application to Employ Attorneys* [Dkt. No. #3212] and *Application to Employ Special Counsel for a Special Purpose* [Dkt. No. #3213] (the "Objection") [Dkt. No. 3242] filed by John Coleman and Dr. Michael Coleman. The parties appeared before the Court on August 1st, 2023, and were both heard regarding the Objection. The Court sustained the Objection and granted the Application of the Law Offices of Craig M. Geno, PLLC (the "Geno Law Firm"), in part, and the Court's bench opinion is incorporated by reference. The Court does hereby order, find and adjudicate as follows, to-wit:

1. On March 24, 2023, the Court entered an Agreed Order [Dkt. No. 3105] confirming the Debtor's Plan of Liquidation [Dkt. No. 2932] (the "Plan"). Pursuant to the Confirmation Order,

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

Heather Williams was appointed as the Liquidating Trustee, as of the effective date of the Plan: June 7, 2023.

2. The Liquidating Trustee requests counsel to facilitate the performance of her duties and the operation of prosecution of its claims and causes of action in this case, (the “Claims”).

3. Among other things, the counsel sought would appear in, prosecute, or defend suits and proceedings; advise and consult with the Liquidating Trustee regarding the prosecution of claims objections; and advise and consult with the Liquidating Trustee regarding the pursuit of adversary proceedings for officer liability.

4. Among the Claims, there may be claims adverse to Mr. John Coleman and Dr. Michael Coleman, former officers/managers/directors/members of Debtor, (hereinafter, the “Insider-Related Claims”).

5. The Trustee desires to employ the Geno Law Firm for the performance of the above referenced legal services, as detailed in the Application.

6. The Objection challenged and opposed the Geno Law Firm providing legal services for the Insider-Related Claims.

7. The Geno Law Firm’s application for retention by the Liquidating Trustee is granted; ***provided that***, such retention expressly excludes any legal services related, in any respect, to the Insider-Related Claims, which exclusion of the Geno Law Firm encompasses, but is not limited to:

- a. Any investigation or assessment of claims, causes of action or other actions against John Coleman and/or Dr. Michael Coleman, (the “Insiders”), individually or collectively, directly or indirectly, regardless of their capacity as employees, officers, directors, managers, or members;
- b. Pursuing or defending, directly or indirectly, any action or matter adverse to

the Insiders (including any claim objection), individually or collectively, whether in their individual capacity or as employees, officers, directors or members; and/or

- c. Using, or providing to another for use, any privileged materials of the Insiders, which includes materials, notes, documents, communications or other materials protected from disclosure under the attorney-client communications, attorney work-product or other applicable privilege.

8. Accordingly, the employment of the Geno Law Firm as attorneys and legal counsel for the Liquidating Trustee be, and it hereby is, approved in accordance with the terms of this Order pursuant to 11 U.S.C. § 327, effective June 7, 2023.

END OF ORDER

AGREED AS TO FORM:

/s/Charles S. Kelley
Charles S. Kelley
Counsel for John Coleman and Dr. Michael Coleman

/s/Craig M. Geno (with permission)
Counsel for the Debtor
Craig M. Geno, Esq. (MSB No. 4793)
Law Offices of Craig M. Geno, PLLC
587 Highland Colony Parkway
Ridgeland, MS 39157
Tel: 601-427-0048
Fax: 601-427-0050
Email: cmgeno@cmgenolaw.com

SUBMITTED BY:

Charles S. Kelley (*Admitted pro hac vice*)
Texas Bar No. 11199580
Carolina A. Herrera (*Admitted pro hac vice*)
Texas Bar No. 24126398
MAYER BROWN LLP
700 Louisiana St., Suite 3400
Houston, TX 77002
Tel: 713-238-2700
Fax: 713-238-4888
Email: ckelley@mayerbrown.com
cherrera@mayerbrown.com