
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 SPECIAL COUNSEL FOR A SPECIFIC PURPOSE

THIS CAUSE is before the Court upon the *Application to Employ Special Counsel for a Special Purpose* [Dkt. No. 3213] (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

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

the Debtor's Plan of Liquidation [Dkt. No. 2932] (the "Plan"). Pursuant to the Confirmation Order, Heather Williams was appointed as the Liquidating Trustee, as of the effective date of the Plan: June 7, 2023.

2. The remaining business of the Liquidating Trustee includes the prosecution of avoidance claims and causes of action under Chapter 5 of the Bankruptcy Code, and collection of debts owed to the Debtor and now the Liquidating Trustee, (hereinafter, the "Claims").

3. 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").

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

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

6. 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.

7. 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)
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