

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

IN RE:

CHAPTER 11

JOHN COLEMAN

CASE NO. 21-11833-SDM

OBJECTION TO MOTION TO DISMISS

COMES NOW Ashley Selman/Ashley Selman Farms Partnership, Brian Barham/
Lagniappe Planting Company, Brian Lloyd/Triple L Farms & Livestock LLC, Parker Adcock
d/b/a Island Farms, Clint Dunn/Dunn Farms I, II & III, Jim Osborn/Osborn Farms, Porter
Planting Company, Owen Bruton/B&H Farms Partnership & Bruton Farms Partnership, AR
Farms, Ashland Plantation, Barn Farms, Buckhorn Farms, PM Farms, Richard Brown, Ronnie
Brown Farms LLC, Tracy Davis/T&R Farms, Will Jones/Wyatt Farms, Killebrew Cotton
Company, Murrah Hardy/Murrah Hardy Farms, Carty & Ashley Tillman Farms, Ashley
Millican/AN&K Farms, Joe Bell/Bell Farms, Inc., Gary Bright/Bright Farms, Matt
Bell/Cattlemen's Advantage, Inc., Timothy Ellis/Bobo Farms and Ellis & Ellis Farms, Robert
Moody/Moody Farms, William Dunn Farms II, Ronnie Moss Farms, Jason Hill, Eric Easley/E-
Farm, LLC, Southside Farm/Darrell Green, Larry Killebrew, Eric Livingston, Ryan
Lawrence/Aldy Farms II, Walt Diggs/Tchula Grain Company, Collier Tillman/Twin Bayou
Farms, Clifton D. Steed/Random Shot Farms and D&J Land & Agriculture, Bradley Preston
McGregor, Kellen Corbin/C2 Farms, Tony Morgan Farms, Tobin L. Parker Farms/Toby Parker,
Trey Hardin, William Livingston, Ray Hardy/Hardy Farms, Brad Funderburk/Funderburk Farms,
Rocky and Will Fleming, Tommy Watkins/Waye Farms, Billy Whittington/Buckhorn Planting
Company/Marsh Bayou Planting Co. and Whittington and Sumner Farms, LLC, Bryant Parrish
Farms PTNR, Jay McBride/Jay McBride Farms, Chris Killebrew/Chris Killebrew Farms, Strider

McCrorry/MHC Farms, Inc., Joshua M. Henderson, Jim Suber/Jim Suber Farms, Milton Parrish/Triple D Planting Co., II PTNR, Drew Parris/Chenoah Planting, Johnny Murtaugh/Double J. Farms PTNR, Mike Bowen Farms, James T. Thomas/Egypt Planting Company III, Thomas Farms, Nancy and Jerry Tindall, Jason Tindall, Tim Tindall, Chuck Lawrence, Craig Rozier, Josh James, James Alderman and Seth Hutton (herein collectively “Farm Group”), and files this their Objection to the Motion to Dismiss [Dkt. #66] filed on behalf of John Coleman, and would show unto the Court as follows, to-wit:

1. That on September 29, 2021, John Coleman (“Coleman”) filed for relief under Chapter 11 of the United States Bankruptcy Court.

2. That based on Coleman’s schedules, there are assets that are not exempt, and upon information and belief, there may be additional assets for the benefit of creditors.

3. That the 341(a) Hearing has not been concluded, and creditors have not been afforded an opportunity to question Coleman at a 341 hearing.

4. Pursuant to a court order, Coleman has sold real estate at 205 Riverside Drive, Greenwood, Mississippi [Dkt. #75], which resulted in proceeds that should be utilized for the benefit of creditors.

5. Express Grain Terminals, LLC (“Express Grain”) is listed as a creditor in Coleman’s bankruptcy proceeding. Additionally, in the schedules filed on behalf of Express Grain¹, Express Grain acknowledges that funds are owed to it by Coleman who is an insider of Express Grain’s bankruptcy proceeding pursuant to 11 U.S.C. §101(31)(B).

6. Coleman was a member of Express Grain at the time Express Grain filed its bankruptcy and upon information and belief, he is still involved in the operations of Express Grain.

¹ Case No. 21-11832-SDM.

7. That based on pleadings filed in the Express Grain bankruptcy proceeding, Coleman converted corporate assets for his own personal use prior to the bankruptcies being filed.

8. Additionally, based on recent developments² and various news stories³, the estate of Express Grain may have additional claims against Coleman in addition to the funds that have been converted.


9. That Express Grain owes a duty to its creditors to take all steps necessary to protect its claims against third parties, including Coleman. Any failure by Express Grain to not protect its claims against Coleman and/or Coleman's assets presents a problematic issue that this Court should consider.

WHEREFORE, PREMISES CONSIDERED the Farm Group respectfully requests that this Court enter an Order denying the Debtor's Motion to Dismiss, and for such other relief as is deemed just.

Respectfully submitted,

FARM GROUP

By:



EILEEN N. SHAFFER
J. WALTER NEWMAN, IV
DEREK A. HENDERSON
Attorneys for the Farm Group

EILEEN N. SHAFFER, MSB #1687
Post Office Box 1177
Jackson, Mississippi 39215
(601) 969-3006
eshaffer@eshaffer-law.com

² State of Mississippi Dept. Of Agriculture's Motion for Relief from Stay *Case No. 21-11832-SDM* [Dkt. #1526].

³ Jackson Jambalaya - Posts dated December 15, 2021 and December 20, 2021.

CERTIFICATE OF SERVICE

I, Eileen N. Shaffer, do hereby certify that I have this date served, via the ECF Notification Service, which provides electronic notice to all parties of record, a true and correct copy of the above and foregoing Objection to Motion to Dismiss.

SO CERTIFIED, this the 30th day of December, 2021.



EILEEN N. SHAFFER