

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

**IN RE:
JOHN COLEMAN**

**BANKRUPTCY NO. 21-11833-SDM
CHAPTER 11**

**OBJECTION OF MISSISSIPPI DEPARTMENT OF
AGRICULTURE AND COMMERCE TO MOTION TO DISMISS CASE**

COMES NOW, the Mississippi Department of Agriculture and Commerce (“Department”) and files its Objection to the Motion to Dismiss case and states:

1. The Department has statutory authority to enforce police and regulatory powers under relevant provisions of Miss. Code Annotated § 75-45-1 et seq.

2. The Department has reason to believe that the Debtor, John Coleman, acting for and on behalf of Express Grain Terminals, LLC, Case No. 21-11832-SDM, submitted documentation to the Department which was materially false, the extent and details of which cannot be disclosed at this time, with regard to the Department’s issuance of its current Grain Warehouse License.

3. Express Grain is prohibited from operating a grain warehouse or issuing a warehouse receipt, and from operating as a Grain Dealer unless it first obtains a license pursuant to the Grain Warehouse Law. Miss. Code Ann. § 75-44-9 and Miss. Code Ann. § 75-45-304. The Debtor’s application(s) for a license had to be accompanied by a certified financial statement in a form prescribed by the Commissioner and any other information as the Commissioner may have required by regulation. Miss. Code Ann. § 75-44-11.

4. The Department’s issuance of Grain Warehouse Licenses Nos. 145-WH (Sidon), 187-WH (Greenwood) and 188-WH (Minter City) to John Coleman, Express Grain Terminals LLC (Exhibit “A”), set to expire June 30, 2022, were specifically conditioned on Express Grain’s compliance with the requirements of the Grain Warehouse Law.

5. After the Department issued the Grain Warehouse Licenses effective July 1, 2021,

the Department recently discovered evidence that shows John Coleman and Express Grain may have materially misrepresented Express Grain's financial condition when it applied for renewal of its 2021 licenses.

6. It is in the best interest of creditors and parties in interest, including the Department, that the Court maintain jurisdiction over John Coleman and all possible assets of the Debtor.

7. The Department reserves the right to amend this Objection once it is granted authority to make additional filings.

8. Upon information and belief, substantial grounds exist to warrant denial of John Coleman's Motion for Dismiss this Chapter 11 case.

9. Other grounds to be shown upon a hearing hereof.

WHEREFORE, the Mississippi Department of Agriculture and Commerce prays that the Court will deny the Motion To Dismiss. The Department prays for such other relief as is just and proper under the circumstances.

DATED: December 20, 2021.

Respectfully submitted,
**MISSISSIPPI DEPARTMENT OF
AGRICULTURE AND COMMERCE**

By its attorneys,
McKAY LAWLER FRANKLIN
& FOREMAN, PLLC

/s/ Edward E. Lawler, Jr.

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CERTIFICATE OF SERVICE

I, Edward E. Lawler, Jr., certify that I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of such filing to all parties set forth in the electronic mail notice list as of the date hereof, including the following:

Office of the U.S. Trustee
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DATED: December 20, 2021.

/s/ Edward E. Lawler, Jr.

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