

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN RE: JOHN COLEMAN
Debtor

CHAPTER 11
CASE NO. 21-11833-SDM

ANSWER AND RESPONSE TO MOTION TO CONVERT TO CHAPTER 7

COMES NOW John Coleman (the “Debtor”), and files this his Answer and Response to the *Motion to Convert to Chapter 7* (the “Motion”) [DK #241], filed herein by the United States Trustee (the “UST”), and, responding to the Motion paragraph by paragraph, would respectfully respond as follows, to-wit:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted. Affirmatively, the “additional avenues” for investigation of potentially fraudulent transactions are meaningless, expensive and will only lead to additional costs, fees and expenses with no resulting recovery.
8. Admitted.
9. Admitted.
10. Admitted.
11. Denied. Monthly operating reports through December 2022 have been filed but they were not filed as of the filing of the Motion.
12. Debtor admits the noted code section speaks for itself.

13. Debtor admits the noted code section speaks for itself.

14. It is denied that, absent specific grounds for cause that are specified in the Motion, additional grounds can be brought forward.

Last Unnumbered Paragraph

Debtor denies that the UST is entitled to the relief demanded within the Last Unnumbered Paragraph of the Motion or to other relief in the premises.

AFFIRMATIVE RESPONSES

1. Debtor has been indicted by criminal indictments presented in both state court and in federal court. This means, in all likelihood, any further examination of the Debtor (in a § 341 meeting or otherwise) is likely to be presented with the Debtor's response being reliance upon by advice of counsel to invoke the Debtor's privilege against self-incrimination.

2. The most significant claim in the Debtor's Chapter 11 case is held by UMB Bank, N.A., and the claim is of such an amount that UMB Bank, N.A. will receive the vast majority of distributions of any funds held in the Debtor's accounts.

3. Conversion to a Chapter 7 would only increase the costs, fees and expenses in this case, to the benefit of no one.

4. A better, more efficient and cheaper result, would be for the Debtor to file a motion to distribute assets to creditors having filed proofs of claim, or whose claims are listed as non-contingent, undisputed and liquidated in order to dispose of the funds on hand.

5. Any other claims of creditors that remain unpaid after such a distribution motion can be liquidated in state or federal court, and creditors can take such action as is appropriate for them, although it appears that the Debtor is hopelessly insolvent.

6. Saddling a Chapter 7 trustee with duties and responsibilities would only increase the fees and expenses in this case with the result being less distribution for creditors and parties-in-interest.

7. However, in spite of these Affirmative Defenses, if the Court is inclined to convert the case, conversion should be delayed until all Chapter 11 professionals can file, and have allowed (or disallowed for that matter) their applications for compensation.

WHEREFORE, PREMISES CONSIDERED, Debtor respectfully prays that upon a hearing hereof this Honorable Court will enter its order dismissing the Motion but requiring Debtor to immediately to submit a motion to distribute proceeds to creditors and parties-in-interest. Debtor prays for general relief.

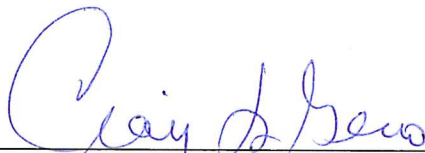
THIS, the 6th day of February, 2023.

Respectfully submitted,

JOHN COLEMAN

By His 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
587 Highland Colony Parkway
Ridgeland, MS 39157
601-427-0048 - Telephone
601-427-0050 - Facsimile
cmgeno@cmgenolaw.com

N:\Firm Data\Users\Bankrupt\Coleman, John\Pleadings\Ans,Resp to UST's Mot to Convert 2-6-23.wpd

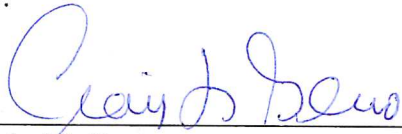
CERTIFICATE OF SERVICE

I, Craig M. Geno, do hereby certify that I have caused to be served this date, via email transmission and/or electronic filing transmission, a true and correct copy of the above and foregoing pleading to the following:

Abigail M. Marbury, Esq.
abigail.m.marbury@usdoj.gov

Chad J. Hammons, Esq.
chammons@joneswalker.com

THIS, the 6th day of February, 2023.



Craig M. Geno