

IN THE CHANCERY COURT OF LEFLORE COUNTY, MISSISSIPPI

EXPRESS GRAIN TERMINALS, LLC

PLAINTIFF

v.

CASE NO. 22-CV-23-WJP

**MISSISSIPPI DEPARTMENT OF
AGRICULTURE AND COMMERCE**

DEFENDANT

MOTION TO WITHDRAW APPEAL

COMES NOW Express Grain Terminals, LLC (the “Appellant”), and files this its *Motion to Withdraw Appeal* (the “Motion”), and in support thereof, would respectfully show as follows, to-wit:

1. In its underlying Chapter 11 bankruptcy case (*In re Express Grain Terminals, LLC*, Case No. 21-11832-SDM), pending in the United States Bankruptcy Court for the Northern District of Mississippi, the Appellant filed, and the Bankruptcy Court granted, a motion to sell substantially all of the Appellant’s assets.

2. The sale of assets, in connection with the court approval, “closed” on June 29, 2022.

3. As a result, Appellant no longer has any possibility of an active, ongoing grain storage, grain warehouse or grain processing operation since it has sold all of its right, title and interest in and to all of those business functions it previously carried out.

4. There is no further need to prosecute the appeal in this Court, in light of the sale of assets and, further, in light of the pervasive settlement approved by the Bankruptcy Court of the Northern District of Mississippi with respect to distribution of substantially all of the cash proceeds held by the Appellant held from the sale/processing of grain and grain products.

5. Accordingly, Appellant moves the Court for an order allowing it to withdraw the appeal.

6. Other grounds to be assigned upon a hearing hereof if necessary.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully moves the Court for an order withdrawing the appeal in this Honorable Court. Appellant prays for general relief.

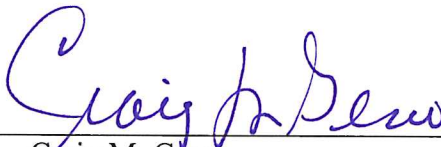
THIS, the 30th day of June, 2022.

Respectfully submitted,

EXPRESS GRAIN TERMINALS, LLC

By Its 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

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CERTIFICATE OF SERVICE

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

Edward E. Lawler, Jr., Esq.
elawler@mckaylawler.com

Robert W. Graves, Esq.
bob.graves@ago.ms.gov

THIS, the 30th day of June, 2022.


Craig M. Geno