

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA**

PLAINTIFF

VS.

CIVIL ACTION NO.: 4:22-cv-59-DMB-JMV

**JENNEFER COLEMAN, MICHAEL
COLEMAN AND VIRGINIA COLEMAN**

DEFENDANTS

JOINT MOTION TO STAY PROCEEDINGS

Plaintiff Travelers Casualty and Surety Company of America (“Travelers”) and Defendants Jennefer Coleman, Michael Coleman, and Virginia Coleman (the “Defendants”), by and through their respective counsel, jointly move this Honorable Court for an Order staying this present litigation, including all currently pending deadlines, until a final decision related to Travelers’s liability, if any, related to claims on Warehouseman’s Bond No. 107114715 (the “Warehouse Bond”) issued by Travelers on behalf of Express Grain Terminals, LLC (“Express Grain”). As grounds for this Joint Motion, the Parties state as follows:

On or about March 10, 2022, the Director of the Grain Division of the Mississippi Department of Agriculture and Commerce filed a Petition for Determination and Payment of Claims (the “Petition”) before the Mississippi Department of Agriculture and Commerce (the “Department”) seeking to determine the liability of Travelers under the Warehouse Bond and Grain Dealers Bond No. 107114491 (the “Dealer Bond”) also issued by Travelers on behalf of Express Grain. (the “Administrative Proceeding”). Express Grain has filed for bankruptcy and Travelers faces claims under the Warehouse Bond and the Dealer Bond as set forth in more detail in the Petition. Travelers and the Department have reached an agreement regarding the resolution of claims under the Dealer Bond, but disputes remain related to Travelers’ liability under the Warehouse Bond.

This lawsuit arises out of the Defendants' obligations under an Indemnity Agreement executed by the Defendants and in favor of Travelers (Exhibit 1 to Travelers's Complaint; Doc. 1, Ex. 1). The Indemnity Agreement was executed as part of Express Grain's application for the Warehouse Bond and the Dealer Bond. Travelers filed this lawsuit to enforce its rights under the Indemnity Agreement for its loss arising from issuance of the Warehouse Bond and the Dealer Bond.

The Parties are actively engaged with the Department in the Administrative Proceeding and working toward a resolution of the claims therein. The Parties have also reached an interim agreement related to Travelers's obligations related to the Dealer Bond and Travelers's loss incurred to date. However, they are unable to determine Travelers's loss under the Warehouse Bond until the conclusion of the Administrative Proceeding and potential related litigation. Therefore, the Parties are also not able to litigate the Defendants' responsibility and liability under the Indemnity Agreement until Travelers's obligations under the Warehouse Bond are finally determined. The Parties had anticipated resolution of the Administrative Proceeding and Travelers's obligations and liability under the Dealer Bond and the Warehouse Bond well before the deadlines applicable to this case had expired. However, that has not occurred and the Parties seek to stay this action until the remaining issues between the Parties can either be amicably resolved or are otherwise ripe for adjudication.

The Case Management Order contains the following deadlines [Doc. 18]:

March 14, 2023	Completion of Discovery
July 26, 2023	Pretrial Conference
April 14, 2023	<i>Daubert</i> Motions
May 15, 2023	Dispositive Motions
July 5, 2023	Motions <i>in Limine</i>
July 12, 2023	Responses to Motions <i>in Limine</i>
July 19, 2023	ADR Report
August 28, 2023	Jury Trial

The Parties hereby request entry of an Order staying the case and the foregoing deadlines until the earlier of (i) further order of this Court lifting the stay or (ii) request from the Parties that the stay be lifted. .

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request that this Honorable Court enter an Order staying this litigation, including all currently pending deadlines. The Parties propose to provide a status report to the Court no less often than six (6) months from the date of the Order granting this Motion. A proposed Order granting the relief requested herein is enclosed as **Exhibit 1**.

Respectfully submitted,

/s/ Adrienne B. Fazio

Adrienne B. Fazio, MS Bar No. 101745

Jeffrey S. Price, *pro hac vice*

Manier & Herod

1201 Demonbreun St., Ste. 900

Nashville, TN 37203

615-244-0030 (Phone)

615-242-4203 (Fax)

afazio@manierherod.com

jprice@manierherod.com

*Attorneys for Plaintiff, Travelers Casualty
and Surety Company of America*

/s/ H. Scot Spragins

H. Scot Spragins

Hickman, Goza & Spragins, PLLC

Post Office Drawer 668

Oxford, MS 38655-0668

(662) 234-4000

sspragins@hickmanlaw.com

Attorney for Michael Coleman and Virginia Coleman

/s/ Charles J. Swayze III

Charles J. Swayze III
Charles J. Swayze, Jr.
Whittington, Brock and Swayze, P.A.
P.O. Box 941
Greenwood, MS 38930-0941
(662) 453-7325
cjsiii@whittingtonlaw.com
cjs@whittingtonlaw.com

Attorneys for Jennefer Coleman

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing was served upon the following via email on this the 14th day of March, 2023.

Charles J. Swayze III
Charles J. Swayze, Jr.
Whittington, Brock and Swayze, P.A.
P.O. Box 941
Greenwood, MS 38930-0941
(662) 453-7325
cjsiii@whittingtonlaw.com
cjs@whittingtonlaw.com

Attorneys for Jennefer Coleman

H. Scot Spragins
Hickman, Goza & Spragins, PLLC
Post Office Drawer 668
Oxford, MS 38655-0668
(662) 234-4000
sspragins@hickmanlaw.com

Attorney for Michael Coleman and Virginia Coleman

/s/ Adrienne B. Fazio
