

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

In re:)	
)	
MISSISSIPPI PHOSPHATES CORPORATION, et al.,)	CASE NO. 14-51667-KMS
)	Chapter 11
)	
)	(Joint Administration)
Debtors)	
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**MOTION OF TRAMMO, INC. FOR ALLOWANCE AND PAYMENT OF
ADMINSTRATIVE EXPENSE CLAIM PURSUANT TO 11 U.S.C. § 503(b)(9)**

Trammo, Inc., (“Trammo”) by and through its undersigned counsel, hereby files this motion and request pursuant to section 503(b)(9) of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”) for allowance and payment of an administrative expense claim in the amount of \$1,508,473.62 (the “Motion”). In support of the Motion, Trammo respectfully states as follows:

BACKGROUND

1. On October 27, 2014 (the “Petition Date”), Mississippi Phosphates Corporation (“MPC”) and its affiliated debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code.
2. MPC continues to operate its business as a debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.
3. Prior to the Petition Date, in the ordinary course of its business, MPC purchased anhydrous ammonia from Trammo.
4. In the 20 days preceding the Petition Date (the “503(b)(9) Period”), MPC received from Trammo, in the ordinary course of MPC’s business, anhydrous ammonia with an

aggregate value of \$1,508,473.62 (the “503(b)(9) Goods”), as reflected in the invoices attached hereto as Exhibits A, B and C. Trammo has not received any payment on account of such goods, and Trammo has simultaneously filed its Proof of Claim in this case for that and other claims it has.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

6. The statutory basis for the relief requested is section 503(b)(9) of the Bankruptcy Code.

RELIEF REQUESTED

7. By this Motion, Trammo seeks entry of an order allowing its administrative expense claim pursuant to section 503(b)(9) of the Bankruptcy Code with respect to the 503(b)(9) Goods.

BASIS FOR RELIEF

8. Section 503(b)(9) of the Bankruptcy Code provides that:

(b) After notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under section 502(f) of this title, including . . .

(9) the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor’s business.

9. The 503(b)(9) Goods were sold by Trammo to MPC in the ordinary course of MPC’s business and received by MPC within the 503(b)(9) Period, and Trammo has not received payment for such goods. Accordingly, pursuant to section 503(b)(9) of the Bankruptcy

Code, Trammo is entitled to an allowed administrative expense claim for the full value of the goods delivered by Trammo to MPC during the 503(b)(9) Period. *See In re Brown & Cole Stores, LLC*, 375 B.R. 873 (B.A.P. 9th Cir. 2007) (affirming bankruptcy court's ruling that creditor was entitled to an administrative priority claim for goods received by debtor in the twenty days before the petition date and in the ordinary course of debtor's business).

WHEREFORE, Trammo respectfully requests the entry of an order, in substantially the form attached hereto as Exhibit D, granting Trammo (a) an allowed first priority, administrative expense claim in the amount of \$1,508,473.62 pursuant to section 503(b)(9) of the Bankruptcy Code and (b) such other relief as this Court deems just and proper, including authorizing the Debtor to pay Trammo the administrative expense claim requested in the Motion.

Respectfully submitted,

PHELPS DUNBAR LLP

By: /s/ James W. O'Mara

James W. O'Mara, MS Bar No. 3929
Jerome C. Hafter, MS Bar No. 5097
Richard Montague, MS Bar No. 3711
PHELPS DUNBAR LLP
4270 I-55 North
Jackson, Mississippi 39211
Post Office Box 16114
Jackson, Mississippi 39236-6114
Telephone: (601) 352-2300
Facsimile: (601) 360-9777
www.phelpsdunbar.com

CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading was filed electronically through the Court's ECF system and that the same was served electronically on all parties enlisted to receive service electronically and was also served by U.S. Mail on all parties required to be served under Federal and Local Rules of Bankruptcy Procedure at the addresses listed on the Debtor's mailing matrix.

SO CERTIFIED, this __ day of February, 2015.

/s/ James W. O'Mara _____