

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re

BURGESS BIOPOWER, LLC, *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-10235 (LSS)

(Jointly Administered)

**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR HEARING ON  
MARCH 13, 2024 AT 2:30 P.M. (ET) BEFORE THE HONORABLE LAURIE SELBER  
SILVERSTEIN 824 N. MARKET STREET, 6TH FLOOR, COURTROOM NO. 2**

This hearing will be conducted in-person, any exceptions must be approved by chambers.

Parties may observe the hearing remotely by registering with the link below no later than March 12, 2024 at 4:00 p.m. (ET). To attend a hearing remotely, please register using the eCourt Appearances tool ([available here](#)) or on the court's website at <http://www.deb.uscourts.gov>.

\*The deadline to register for remote attendance is 4:00 p.m. (ET) the business day before the hearing unless otherwise noticed.\*

After the deadline has passed, an electronic invitation with the relevant audio or video link will be emailed to you prior to the hearing.

**RESOLVED MATTERS:**

1. Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing Payment of Certain Prepetition Taxes and Related Obligations and (II) Authorizing Financial Institutions to Honor All Related Checks and Electronic Payment Requests [D.I. [6](#); Filed 02/09/2024].

Objection Deadline: March 6, 2024 at 4:00 p.m. (ET)

Responses Received: None.

Related Documents:

- A. Interim Order (I) Authorizing Payment of Certain Prepetition Taxes and Related Obligations and (II) Authorizing Financial Institutions to Honor All Related Checks and Electronic Payment Requests [D.I. [187](#); File 02/28/2024].

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<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are Burgess BioPower, LLC (0971) and Berlin Station, LLC (1913). The Debtors' corporate headquarters are located at c/o CS Operations, Inc., 631 US Hwy 1, #300, North Palm Beach, FL 33408.

B. Certification of Counsel [D.I. [236](#); Filed 03/08/2024].

C. Final Order (I) Authorizing Payment of Certain Prepetition Taxes and Related Obligations and (II) Authorizing Financial Institutions to Honor All Related Checks and Electronic Payment Requests [D.I. [241](#); Entered 03/11/2024].

Status: An order has been entered by the Court.

2. Motion of the Debtors for Entry of Interim and Final Orders (I) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Utility Services; (II) Determining Adequate Assurance of Payment for Future Utility Services; (III) Establishing Procedures for Determining Adequate Assurance of Payment; and (IV) Granting Related Relief [D.I. [9](#); Filed 02/09/2024].

Objection Deadline: March 6, 2024 at 4:00 p.m. (ET).

Responses Received: None.

Related Documents:

A. Certification of Counsel [D.I. [91](#); Filed 02/13/2024].

B. Interim Order (I) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Utility Services; (II) Determining Adequate Assurance of Payment for Future Utility Services; (III) Establishing Procedures for Determining Adequate Assurance of Payment; and (IV) Granting Related Relief [D.I. [104](#); Entered 02/16/2024].

C. Certification of Counsel [D.I. [237](#); Filed 03/08/2024].

D. Final Order (I) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Utility Services; (II) Determining Adequate Assurance of Payment for Future Utility Services; (III) Establishing Procedures for Determining Adequate Assurance of Payment; and (IV) Granting Related Relief [D.I. [242](#); Entered 03/11/2024].

Status: An order has been entered by the Court.

3. Motion of the Debtors for Interim and Final Orders (I) Authorizing the Debtors to (A) Continue Their Insurance Policies and (B) Pay All Obligations with Respect Thereto; (II) Authorizing Continuation of Insurance Premium Financing Arrangements; and (III) Granting Related Relief [D.I. [10](#); Filed 02/09/2024].

Objection Deadline: March 6, 2024 at 4:00 p.m. (ET)

Responses Received: None.

Related Documents:

- A. Interim Order (I) Authorizing the Debtors to (A) Continue to Maintain Insurance Policies and Programs and (B) Honor All Insurance Obligations; (II) Authorizing Continuation of Insurance Premium Financing Arrangements; and (III) Granting Related Relief [D.I. [190](#); Entered 02/28/2024].
- B. Certification of Counsel [D.I. [234](#); Filed 03/08/2024].
- C. Final Order (I) Authorizing the Debtors to (A) Continue to Maintain Insurance Policies and Programs and (B) Honor All Insurance Obligations; (II) Authorizing Continuation of Insurance Premium Financing Arrangements; and (III) Granting Related Relief [D.I. [239](#); Entered 03/11/2024].

Status: An order has been entered by the Court.

- 4. Debtors' Motion for Interim and Final Orders (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief [D.I. [17](#); Filed 02/9/2024].

Objection Deadline: March 6, 2024 at 4:00 p.m. (ET)

Responses Received:

- A. Objection of Public Service Company of New Hampshire to (1) Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Prepetition Claims of Critical Vendors and (II) Granting Related Relief; and (2) Debtors' Motion for Interim and Final Orders (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief [D.I. [46](#); Filed 02/12/2024].

Related Documents:

- A. Interim Order (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief [D.I. [105](#); Filed 02/16/2024].
- B. Motion of the Debtors for Leave to File Debtors' Reply in Response to the Objection of Public Service Company of New Hampshire to (1) Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Prepetition Claims of Critical Vendors and (II) Granting Related Relief; and (2) Debtors' Motion for Interim and Final Orders (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief [[D.I. 114](#); Filed 2/20/2024].

- C. Declaration of Dean Vomero In Support of the Debtors' Reply in Response to the Objection of Public Service Company of New Hampshire to (1) Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Prepetition Claims of Critical Vendors and (II) Granting Related Relief; and (2) Debtors' Motion for Interim and Final Orders (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief [D.I. [117](#); Filed 2/20/2024].
- D. Certification of Counsel [D.I. [183](#); Filed 02/27/2024].
- E. Interim Order (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief [D.I. [191](#); Filed 02/28/2024].
- A. Certification of Counsel [D.I. [235](#); Filed 03/08/2024].
- B. Final Order (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief [D.I. [240](#); Entered 03/11/2024].

Status: An order has been entered by the Court.

- 5. Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Maintenance of Bank Accounts and Continued Use of Existing Business Forms and Checks, (II) Authorizing the Continued Use of Existing Cash Management System, (III) Granting Limited Relief from the Requirements of Bankruptcy Code Section 345(b), and (IV) Granting Related Relief [D.I. [23](#); Filed 02/9/2024].

Objection Deadline: March 6, 2024 at 4:00 p.m. (ET)

Responses Received: None.

Related Documents:

- A. Certification of Counsel [D.I. [176](#); Filed 02/27/2024].
- B. Interim Order (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief [D.I. [186](#); Entered 02/28/2024].
- C. Certification of Counsel [D.I. [228](#); Filed 03/08/2024].
- D. Final Order (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief [D.I. [238](#); Entered 03/11/24].

Status: An order has been entered by the Court.

**UNCONTESTED MATTERS WITH CERTIFICATE OF NO OBJECTION:**

6. Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Prepetition Claims of Critical Vendors and (II) Granting Related Relief [D.I. [11](#); Filed 02/09/2024].

Objection Deadline: March 6, 2024 at 4:00 p.m. (ET)

Responses Received:

- A. Objection of Public Service Company of New Hampshire to (1) Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Prepetition Claims of Critical Vendors and (II) Granting Related Relief; and (2) Debtors' Motion for Interim and Final Orders (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief [D.I. [46](#); Filed 02/12/2024].

Related Documents:

- C. Motion of the Debtors for Leave to File Debtors' Reply in Response to the Objection of Public Service Company of New Hampshire to (1) Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Prepetition Claims of Critical Vendors and (II) Granting Related Relief; and (2) Debtors' Motion for Interim and Final Orders (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief [D.I. [114](#); Filed 02/20/2024].
- D. Declaration of Dean Vomero In Support of the Debtors' Reply in Response to the Objection of Public Service Company of New Hampshire to (1) Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Prepetition Claims of Critical Vendors and (II) Granting Related Relief; and (2) Debtors' Motion for Interim and Final Orders (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief [D.I. [117](#); Filed 02/20/2024].
- E. Notice of Filing of Revised Proposed Interim and Final Orders for the Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Prepetition Claims of Critical Vendors and (II) Granting Related Relief [D.I. [134](#); Filed 02/20/2024].
- F. Interim Order (I) Authorizing the Debtors to Pay Prepetition Claims of Critical Vendors and (II) Granting Related Relief [D.I. [189](#); Entered 02/28/2024].
- G. Certificate of No Objection [D.I. [224](#); Filed 03/07/2024].

Status: A certificate of no objection has been filed. No hearing is required unless the Court has questions.

**MATTERS GOING FORWARD:**

7. Debtors' Motion for Interim and Final Orders (I) Approving Entry into a New Lead Market Participant Agreement and (II) Granting Related Relief [D.I. [18](#); Filed 02/9/2024].

Objection Deadline: March 6, 2024 at 4:00 p.m. (ET)

Responses Received:

- A. Objection of Public Service Company of New Hampshire to Debtors' Motion for Interim and Final Orders (I) Approving Entry into a New Lead Market Participant Agreement and (II) Granting Related Relief [D.I. [44](#); Filed 02/12/2024].
- B. Informal comments from the United States of America.

Related Documents:

- A. Notice of Filing of Exhibit C to the Debtors' Motion for Interim and Final Orders (I) Approving Entry into a New Lead Market Participant Agreement and (II) Granting Related Relief [D.I. [42](#); Filed 02/12/2024].
- B. Motion of the Debtors for Leave to File Debtors' Reply in Response to the Objection of Public Service Company of New Hampshire to Debtors' Motion for Interim and Final Orders (I) Approving Entry Into New Lead Market Participant Agreement and (II) Granting Related Relief [D.I. [113](#); Filed 02/20/2024].
- C. Statement of Senior Secured Noteholders In Support of the Debtors' LMP Motion, Rejection Motion, and DIP Motion [D.I. [122](#); Filed 02/20/2024].
- D. Notice of Filing of Revised Proposed Interim and Final Orders for the Motion of the Debtors for Interim and Final Orders (I) Approving Entry into a New Lead Market Participant Agreement and (II) Granting Related Relief [D.I. [127](#); Filed 02/20/2024].
- E. Notice of Filing of Further Revised Proposed Interim and Final Orders for the Motion of the Debtors for Interim and Final Orders (I) Approving Entry into a New Lead Market Participant Agreement and (II) Granting Related Relief [D.I. [168](#); Filed 02/27/2024].
- F. Interim Order (I) Approving Entry into a New Lead Market Participant Agreement and (II) Granting Related Relief [D.I. [194](#); Entered 02/28/2024].

Status: The Debtors anticipate filing a certification of counsel resolving this matter prior to the hearing. This matter is currently going forward.

8. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection to the Prepetition Secured Parties, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [D.I. [33](#); Filed 02/9/2024].

Objection Deadline: March 6, 2024 at 4:00 p.m. (ET), *extended to March 11, 2024 at 11:15 a.m. (ET) solely for the City of Berlin.*

Responses Received:

- A. Preliminary Objection of Public Service Company of New Hampshire to Debtors' Motion For Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection to the Prepetition Secured Parties, (V) Modifying The Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [D.I. [84](#); Filed 02/13/2024].
- B. Informal comments from the United States of America.
- C. Supplement to Preliminary Objection of Public Service Company of New Hampshire to Debtors' Motion For Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection to the Prepetition Secured Parties, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief. [D.I. [140](#); Filed 02/20/2024].
- D. Informal comments from the City of Berlin.

Related Documents:

- A. Statement of Senior Secured Noteholders In Support of the Debtors' LMP Motion, Rejection Motion, and DIP Motion [D.I. [122](#); Filed 02/20/2024].
- B. Declaration of Neil Gupta In Support of the Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection to the Prepetition Secured Parties, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [D.I. [123](#); Filed 02/20/2024].

- C. Notice of Filing of Fee Proposal [D.I. [166](#); Filed 02/26/2024].
- D. Notice of Filing of Revised Exhibit M to the Declaration of Dean Vomero Pursuant to 28 U.S.C. § 1746 in Support of the Debtors' Chapter 11 Petitions and First Day Pleadings [D.I. [171](#); Filed 02/27/2024].
- E. Notice of Filing of (A) Revised Proposed Form of Interim Order Granting Debtors' Motion For Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection to the Prepetition Secured Parties, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief, (B) Revised Budget, And (C) Revised Dip Credit Agreement [D.I. [174](#); Filed 02/27/2024].
- F. Certification of Counsel Regarding Revised Proposed Interim Order (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection to the Prepetition Secured Parties, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [D.I. [198](#); Filed 02/28/2024].
- G. Interim Order (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection to the Prepetition Secured Parties, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [D.I. [200](#); Entered 02/28/2024].
- H. Notice of Filing of Proposed Form of Final Order Granting Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection to the Prepetition Secured Parties, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [D.I. [243](#); Filed 03/11/2024].

Status: The Debtors anticipate filing a certification of counsel resolving this matter prior to the hearing. This matter is currently going forward.

- 9. Debtors' Motion for Entry of an Order (I) Establishing Deadlines for the Filing of Proofs of Claim Including Claims Arising Under Section 503(B)(9) of the Bankruptcy Code; (II) Approving the Form and Manner of Notice Thereof; and (III) Granting Related Relief [D.I. [212](#); Filed 03/06/2024].

Objection Deadline: At the Hearing.



Responses Received: None.

Related Documents:

- A. Debtors' Motion for An Order Shortening Notice with Respect to Debtors' Motion for Entry of an Order (I) Establishing Deadlines for the Filing of Proofs of Claim Including Claims Arising Under Section 503(B)(9) of the Bankruptcy Code; (II) Approving the Form and Manner of Notice Thereof; and (III) Granting Related Relief [D.I. [213](#); Filed 03/06/2024].
- B. Order Shortening Notice with Respect to Debtors' Motion for Entry of an Order (I) Establishing Deadlines for the Filing of Proofs of Claim Including Claims Arising Under Section 503(B)(9) of the Bankruptcy Code; (II) Approving the Form and Manner of Notice Thereof; and (III) Granting Related Relief [D.I. [214](#); Entered 03/06/2024].
- C. Notice of Hearing [D.I. [215](#); Filed 03/06/2024]

Status: This matter is going forward.

Dated: March 11, 2024  
Wilmington, Delaware

/s/ Katharina Earle  
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