

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

In re

BURGESS BIOPOWER, LLC, *et al.*¹

Debtors.

Chapter 11

Case No. 24-10235 (LSS)

(Jointly Administered)

**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR HEARING ON MARCH 25,
2024 AT 11:00 A.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 22, 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.

MATTERS GOING FORWARD:

1. Debtors' Motion for Entry of (A) an Order (I) Approving Bid Procedures Relating to the Sale of All or Substantially All of the Debtors' Assets, (II) Scheduling a Hearing to Consider the Sale, (III) Approving the Form and Manner of Notice of Sale By Auction, (IV) Establishing Procedures for the Assumption and/or Assumption and Assignment of Contracts and Leases and Approving the Form and Manner of Notice Thereof, and (V) Granting Related Relief; and (B) an Order (I) Authorizing the Sale of Assets Outside the Ordinary Course of Business, (II) Authorizing the Sale of Assets Free and Clear of all Liens, Claims, Encumbrances and Interests, (III) Authorizing the Assumption and/or Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (IV) Granting Related Relief [[D.I. 205](#); Filed 02/29/2024]

Objection Deadline: March 14, 2024 at 4:00 p.m. (ET)

¹ 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.

Responses Received:

- A. Informal comments from the U.S. Trustee.
- B. Informal comments from the DIP Lenders and the Prepetition Secured Lenders.
- C. Informal comments from the United States of America.
- D. Informal comments from the City of Berlin.

Related Documents:

- A. Declaration of J. Scott Victor in Support of the Motion of the Debtors for Approval of Bid Procedures and Related Relief [[D.I. 207](#); Filed 02/29/2024].

Status: The Debtors intend to submit a certification of counsel prior to the Hearing.

Dated: March 21, 2024
Wilmington, Delaware

/s/ Katharina Earle
Katharina Earle (No. 6348)
GIBBONS P.C.
300 Delaware Avenue, Suite 1015
Wilmington, Delaware 19801
Telephone: (302) 518-6300
E-mail: kearle@gibbonslaw.com

-and-

Robert K. Malone (admitted *pro hac vice*)
Kyle P. McEvilly (admitted *pro hac vice*)
GIBBONS P.C.
One Gateway Center
Newark, New Jersey 07102
Telephone: (973) 596-4500
E-mail: rmalone@gibbonslaw.com
kmcevilly@gibbonslaw.com

*Proposed Co-Counsel for Debtors Burgess
BioPower, LLC and Berlin Station, LLC*

Alison D. Bauer (admitted *pro hac vice*)
William F. Gray, Jr. (admitted *pro hac vice*)
Jiun-Wen Bob Teoh (admitted *pro hac vice*)
FOLEY HOAG LLP
1301 Avenue of the Americas, 25th Floor
New York, New York 10019
Telephone: (212) 812-0400
Email: abauer@foleyhoag.com
wgray@foleyhoag.com
jteoh@foleyhoag.com

-and-

Kenneth S. Leonetti (admitted *pro hac vice*)
Christian Garcia (admitted *pro hac vice*)
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, Massachusetts 02210
Telephone: (617) 832-1000
Email: ksl@foleyhoag.com
cgarcia@foleyhoag.com

*Proposed Co-Counsel for Debtors Burgess
BioPower, LLC and Berlin Station, LLC*