

**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)

***SECOND AMENDED*² NOTICE OF AGENDA OF MATTERS SCHEDULED FOR
HEARING ON APRIL 15, 2024 AT 10:00 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 April 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. Application of the Debtors for Entry of an Order Authorizing the Employment and Retention of SSG Advisors, LLC as Investment Banker to the Debtors *Nunc Pro Tunc* to the Petition Date [[D.I. 245](#); Filed 03/11/2024].

Objection Deadline: March 25, 2024 at 4:00 p.m. (ET), *extended solely for the Senior Secured Lenders and DIP Lenders until April 1, 2024.*

Responses Received:

A. Informal comments from the Office of the United States Trustee.

B. Informal comments from the Senior Secured Lenders and DIP Lenders.

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.

² **Amended Items Appear in Bold.**

Related Documents:

- A. *Amended* Notice of Application [[D.I. 253](#); Filed 03/12/2024].
- B. Certification of Counsel [[D.I. 298](#); Filed 04/08/2024].
- C. Order Authorizing the Employment and Retention of SSG Advisors, LLC as Investment Banker to the Debtors *Nunc Pro Tunc* to the Petition Date [[D.I. 304](#); Entered 04/10/2024].

Status: An order has been entered by the Court.

- 2. Application for Entry an Order Authorizing the Retention and Employment of Foley Hoag LLP as Attorneys for the Debtors Effective *Nunc Pro Tunc* to the Petition Date [[D.I. 246](#); Filed 03/11/2024].

Objection Deadline: March 25, 2024 at 4:00 p.m. (ET), *extended solely for the Senior Secured Lenders and DIP Lenders until April 1, 2024.*

Responses Received:

- A. Informal comments from the Senior Secured Lenders and DIP Lenders.
- B. Request for additional information from the Office of the United States Trustee.

Related Documents:

- A. Certification of Counsel [[D.I. 300](#); Filed 04/08/2024].
- B. Order Authorizing the Retention and Employment of Foley Hoag LLP as Attorneys for the Debtors Effective *Nunc Pro Tunc* to the Petition Date [[D.I. 305](#); Entered 04/10/2024].

Status: An order has been entered by the Court.

- 3. Application of the Debtors for Entry of an Order Authorizing the Retention and Employment of Gibbons P.C. as Counsel to the Debtors Effective as of the Petition Date [[D.I. 247](#); Filed 03/11/2024].

Objection Deadline: March 25, 2024 at 4:00 p.m. (ET), *extended solely for the Senior Secured Lenders and DIP Lenders until April 1, 2024.*

Responses Received:

- A. Informal comments from the Senior Secured Lenders and DIP Lenders.
- B. Request for additional information from the Office of the United States Trustee.

Related Documents:

- A. Certification of Counsel [[D.I. 301](#)]; Filed 04/08/2024].
- B. Order Authorizing the Retention and Employment of Gibbons P.C. as Counsel for the Debtors Effective as of the Petition Date [[D.I. 306](#)]; Entered 04/10/2024].

Status: An order has been entered by the Court.

- 4. Application of the Debtors for Authority to Retain and Employ Epiq Corporate Restructuring, LLC as Administrative Advisor Effective as of the Petition Date [[D.I. 248](#)]; Filed 03/11/2024].

Objection Deadline: March 25, 2024 at 4:00 p.m. (ET), *extended solely for the Senior Secured Lenders and DIP Lenders until April 1, 2024.*

Responses Received:

- A. Informal comments from the Senior Secured Lenders and DIP Lenders.

Related Documents:

- A. Certification of Counsel [[D.I. 297](#)]; Filed 04/08/2024].
- B. Order Authorizing the Debtors to Retain and Employ Epiq Corporate Restructuring, LLC as Administrative Advisor Effective as of Petition Date [[D.I. 308](#)]; Entered 04/10/2024].

Status: An order has been entered by the Court.

- 5. Debtors' Motion for Entry of an Order (I) Authorizing the Employment and Retention of Applied Business Strategy, LLC to Provide Interim Management and Restructuring Services and (II) Designating Dean Vomero as the Debtors' Chief Restructuring Officer, *Nunc Pro Tunc* to the Petition Date; and (III) Granting Related Relief [[D.I. 249](#)]; Filed 03/11/2024].

Objection Deadline: March 25, 2024 at 4:00 p.m. (ET), *extended solely for the Senior Secured Lenders and DIP Lenders until April 1, 2024.*

Responses Received:

- A. Informal comments from the Office of the United States Trustee.

B. Informal comments from the Senior Secured Lenders and DIP Lenders.

Related Documents:

- A. Certification of Counsel [[D.I. 299](#); Filed 04/08/2024].
- B. Order (I) Authorizing the Employment and Retention of Applied Business Strategy, LLC to Provide Interim Management and Restructuring Services and (II) Designating Dean Vomero as the Debtors' Chief Restructuring Officer, *Nunc Pro Tunc* to the Petition Date; and (III) Granting Related Relief [[D.I. 307](#); Entered 04/10/2024].

Status: An order has been entered by the Court.

- 6. Motion of the Debtors for Entry of an Order (I) Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals and (II) Granting Related Relief [[D.I. 271](#); Filed 03/18/2024].

Objection Deadline: April 1, 2024 at 4:00 p.m. (ET), *extended solely for the Senior Secured Lenders and DIP Lenders until April 2, 2024.*

Responses Received: None.

Related Documents:

- A. Certificate of No Objection [[D.I. 295](#); Filed 04/08/2024].
- B. Order (I) Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals and (II) Granting Related Relief [[D.I. 302](#); Entered 04/10/2024].

Status: An order has been entered by the Court.

- 7. Motion of the Debtors for Entry of an Order (I) Authorizing the Retention and Compensation of Certain Professionals Utilized in the Ordinary Court of Business Effective as of the Petition Date and (II) Granting Related Relief [[D.I. 272](#); Filed 03/18/2024].

Objection Deadline: April 1, 2024 at 4:00 p.m. (ET)

Responses Received: None.

Related Documents:

- A. Certificate of No Objection [[D.I. 296](#); Filed 04/08/2024].

- B. Order (I) Authorizing the Retention and Compensation of Certain Professionals Utilized in the Ordinary Court of Business Effective as of the Petition Date and (II) Granting Related Relief [[D.I. 303](#); Entered 04/10/2024].

Status: An order has been entered by the Court.

UNCONTESTED MATTERS WITH CERTIFICATION OF COUNSEL:

8. Debtors' Motion for Entry of an Order (A) Approving the Adequacy of the Disclosure Statement; (B) Approving the Solicitation and Notice Procedures with Respect to Confirmation of the Joint Plan of Reorganization of Burgess BioPower, LLC and Berlin Station, LLC; (C) Approving the Forms of Ballots and Notices in Connection Therewith; (D) Scheduling Certain Dates with Respect Thereto; and (E) Granting Related Relief [[D.I. 252](#); Filed 03/11/2024].

Objection Deadline: April 8, 2024 at 4:00 p.m. (ET), *extended for the Senior Secured Lenders and DIP Lenders and the City of Berlin until April 9, 2024.*

Responses Received:

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

Related Documents:

- A. Joint Chapter 11 Plan for Burgess BioPower, LLC and Berlin Station, LLC [[D.I. 250](#); Filed 03/11/2024].
- B. Disclosure Statement for the Joint Plan of Reorganization of Burgess BioPower, LLC and Berlin Station, LLC Pursuant to Chapter 11 of the Bankruptcy Code [[D.I. 251](#); Filed 03/11/2024].
- C. Notice of Filing of First Amended Joint Chapter 11 Plan for Burgess BioPower, LLC and Berlin Station, LLC [[D.I. 311](#); Filed 04/11/2024].
- D. Notice of Filing of Disclosure Statement for the First Amended Joint Plan of Reorganization for Burgess BioPower, LLC and Berlin Station, LLC Pursuant to Chapter 11 of the Bankruptcy Code [[D.I. 312](#); Filed 04/11/2024].
- E. Certification of Counsel [[D.I. 313](#); Filed 04/11/2024].

F. Notice of Filing of Exhibits to Disclosure Statement for the First Amended Joint Plan of Reorganization for Burgess BioPower, LLC and Berlin Station, LLC Pursuant to Chapter 11 of the Bankruptcy Code [D.I. 317; Filed 04/12/2024].

Status: A Certification of Counsel has been filed. No hearing is required unless the Court has questions.

Dated: April 12, 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

*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

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