

MATTERS UNDER CERTIFICATION

1. Debtors' Application for Authorization to Employ and Retain Kurtzman Carson Consultants LLC as Administrative Advisor Effective as of the Petition Date [[D.I. 89](#); 5/9/23].

Objection Deadline: May 23, 2023 at 4:00 p.m. (ET).

Related Pleadings:

- a. Certification of Counsel Regarding Debtors' Application for Authorization to Employ and Retain Kurtzman Carson Consultants LLC as Administrative Advisor Effective as of the Petition Date [[D.I. 164](#); 5/24/23].
- b. **Order Authorizing the Debtors to Employ and Retain Kurtzman Carson Consultants LLC as Administrative Advisor Effective as of the Petition Date [[D.I. 172](#); 5/25/23].**

Objections Received: Informal comments from the U.S. Trustee.

Status: **An order has been signed. No hearing is necessary.**

2. Application of the Debtors for Entry of an Order Authorizing the Retention and Employment of Chipman Brown Cicero & Cole, LLP as Counsel to the Debtors Effective as of the Retention Date [[D.I. 90](#); 5/9/23].

Objection Deadline: May 23, 2023 at 4:00 p.m. (ET).

Related Pleadings:

- a. Declaration Of Matthew Karmel in Support of Application of the Debtors for Entry of an Order Authorizing the Retention and Employment of Chipman Brown Cicero & Cole, LLP as Counsel to the Debtors Effective as of the Retention Date [[D.I. 161](#); 5/24/23].
- b. Certification of Counsel Regarding Application of the Debtors for Entry of an Order Authorizing the Retention and Employment of Chipman Brown Cicero & Cole, LLP as Counsel to the Debtors Effective as of the Retention Date [[D.I. 165](#); 5/24/23].
- c. **Order Authorizing the Retention and Employment of Chipman Brown Cicero & Cole, LLP as Counsel to the Debtors Effective as of the Retention Date [[D.I. 173](#); 5/25/23].**

Objections Received: Informal comments from the U.S. Trustee.

Status: **An order has been signed. No hearing is necessary.**

3. Motion of Debtors for Entry of an Order Pursuant to Bankruptcy Rule 3003(c)(3) and Local Rule 2002-1(e) Establishing Bar Dates and Related Procedures for Filing Proofs Of Claim (Including for Administrative Expense Claims Arising Under Section 503(b)(9) of the Bankruptcy Code) and Approving the Form and Manner of Notice Thereof [[D.I. 93](#); 5/9/23].

Objection Deadline: May 23, 2023 at 4:00 p.m. (ET).

Related Pleadings:

- a. Certification of Counsel Regarding Motion of Debtors for Entry of an Order Pursuant to Bankruptcy Rule 3003(c)(3) and Local Rule 2002-1(e) Establishing Bar Dates and Related Procedures for Filing Proofs Of Claim (Including for Administrative Expense Claims Arising Under Section 503(b)(9) of the Bankruptcy Code) and Approving the Form and Manner of Notice Thereof [[D.I. 167](#); 5/24/23].
- b. Order Pursuant to Bankruptcy Rule 3003(c)(3) and Local Rule 2002-1(e) Establishing Bar Dates and Related Procedures for Filing Proofs Of Claim (Including for Administrative Expense Claims Arising Under Section 503(b)(9) of the Bankruptcy Code) and Approving the Form and Manner of Notice Thereof [[D.I. 174](#); 5/25/23].**

Objections Received: Informal comments from the U.S. Trustee.

Status: **An order has been signed. No hearing is necessary.**

4. Motion of Debtors for Entry of Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [[D.I. 94](#); 5/9/23].

Objection Deadline: May 23, 2023 at 4:00 p.m. (ET).

Related Pleadings:

- a. Certificate of No Objection Regarding Motion of Debtors for Entry of Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [[D.I. 163](#); 5/24/23].
- b. Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [[D.I. 175](#); 5/25/23].**

Objections Received: None.

Status: **An order has been signed. No hearing is necessary.**

5. Debtors' Application to Employ and Retain Alvarez & Marsal Canada ULC as Financial Advisors to Debtors and Debtors in Possession Pursuant to Sections 327(a) and 328 of the Bankruptcy Code [[D.I. 95](#); 5/9/23].

Objection Deadline: May 23, 2023 at 4:00 p.m. (ET).

Related Pleadings:

- a. Certification of Counsel Regarding Debtors' Application to Employ and Retain Alvarez & Marsal Canada ULC as Financial Advisors to Debtors and Debtors in Possession Pursuant to Sections 327(a) and 328 of the Bankruptcy Code [[D.I. 185](#); [5/26/23](#)].

Objections Received: Informal comments from the U.S. Trustee.

Status: A revised form of order **has been** submitted under certification.

6. Debtors' Application for Entry of an Order (i) Authorizing the Retention and Employment of Miller Buckfire as Investment Banker, Effective as of the Petition Date, (ii) Waiving Certain Informational Requirements, and (iii) Granting Related Relief [[D.I. 96](#); 5/9/23].

Objection Deadline: May 23, 2023 at 4:00 p.m. (ET).

Related Pleadings:

- a. Supplemental Declaration of Kevin Haggard in Support of Debtors' Application for Entry of an Order (i) Authorizing the Retention and Employment of Miller Buckfire as Investment Banker, Effective as of the Petition Date, (ii) Waiving Certain Informational Requirements, and (iii) Granting Related Relief [[D.I. 168](#); 5/25/23].
- b. Certification of Counsel Regarding Debtors' Application for Entry of an Order (i) Authorizing the Retention and Employment of Miller Buckfire as Investment Banker, Effective as of the Petition Date, (ii) Waiving Certain Informational Requirements, and (iii) Granting Related Relief [[D.I. 169](#); 5/25/23].
- c. **Order (i) Authorizing the Retention and Employment of Miller Buckfire as Investment Banker, Effective as of the Petition Date, (ii) Waiving Certain Informational Requirements, and (iii) Granting Related Relief [[D.I. 176](#); 5/25/23].**

Objections Received: Informal comments from the U.S. Trustee.

Status: **An order has been signed. No hearing is necessary.**

7. Application of Debtors for Entry of an Order Authorizing Retention and Employment of Gowling WLG (Canada) LLP as Special Counsel Effective as of the Petition Date [[D.I. 97](#); 5/9/23].

Objection Deadline: May 23, 2023 at 4:00 p.m. (ET).

Related Pleadings:

- a. Notice of Application of Debtors for Entry of an Order Authorizing Retention and Employment of Gowling WLG (Canada) LLP as Special Counsel Effective as of the Petition Date [[D.I. 98](#); 5/9/23].
- b. Declaration Of Matthew Karmel in Support of Application of Debtors for Entry of an Order Authorizing Retention and Employment of Gowling WLG (Canada) LLP as Special Counsel Effective as of the Petition Date [[D.I. 162](#); 5/24/23].
- c. Certification of Counsel Regarding Application of Debtors for Entry of an Order Authorizing Retention and Employment of Gowling WLG (Canada) LLP as Special Counsel Effective as of the Petition Date [[D.I. 166](#); 5/24/23].
- d. **Order Authorizing Retention and Employment of Gowling WLG (Canada) LLP as Special Counsel Effective as of the Petition Date [[D.I. 177](#); 5/25/23].**

Objections Received: Informal comments from the U.S. Trustee.

Status: **An order has been signed. No hearing is necessary.**

MATTERS GOING FORWARD

8. Debtors' Motion Seeking Entry of an Order (A)(I) Approving Bidding Procedures, (II) Approving Stalking Horse Protections and Debtors' Entry into Stalking Horse Purchase Agreement (III) Scheduling the Bid Deadline and the Auction, (IV) Scheduling Hearings and Objection Deadlines with Respect to the Sale, (V) Approving the Form and Manner of the Notice Thereof, (VI) Approving Contract Assumption and Assignment Procedures, and (VII) Granting Related Relief and (B)(I) Approving the Sale of the Assets Free and Clear of All Liens, Claims, Interests, and Encumbrances, (II) Approving Assumption and Assignment of Executory Contracts and Unexpired Leases, and (III) Granting Related Relief [[D.I. 16](#); 4/24/23].

Sale Objection Deadline: May 18, 2023 at 4:00 p.m. (ET). Extended to May 23, 2023 at 4:00 p.m. (ET) for the Environmental Protection Agency and Walmart. Extended to May 26, 2023 at 4:00 p.m. (ET) for the Committee.

Cure Objection Deadline: May 23, 2023 at 4:00 p.m. (ET).

Related Pleadings:

- a. Declaration of Kevin Haggard in Support of Debtors' (A) Bidding Procedures Motion and (B) Motion to Shorten Notice Regarding Bidding Procedures Motion [[D.I. 19](#); 4/24/23].
- b. Order (I) Approving Bidding Procedures, (II) Approving Stalking Horse Protections and Debtors' Entry into Stalking Horse Purchase Agreement, (III) Scheduling the Bid Deadlines and the Auction, (IV) Scheduling Hearings and Objection Deadlines with Respect to the Sale, (V) Approving the Form and Manner of the Notice Thereof, (VI) Approving Contract Assumption and Assignment Procedures, and (VII) Granting Related Relief [[D.I. 87](#); 5/8/23].
- c. Notice of (I) Potential Assumption and Assignment of Contracts and Lease and (II) Cure Amounts and Adequate Assurance in Connection Therewith [[D.I. 92](#); 5/9/23].
- d. **Notice of Auction Results and Designation of Winning Bidder** [[D.I. 178](#); 5/25/23].
- e. **Supplemental Declaration of Kevin Haggard in Support of Debtors' Sale Motion** [[D.I. 183](#); 5/26/23].

Sale Objections Received: **Informal comments from the U.S. Trustee, Environmental Protection Agency, and the Committee.**

Cure Objections Received:

- a. Objection of J.E. Dunn Construction Company to Debtors' Notice of (I) Potential Assumption and Assignment of Contracts and Lease and (II) Cure Amounts and Adequate Assurance in Connection Therewith [[D.I. 158](#); 5/23/23].
- b. Objection of Level 10 Construction, LP to Debtors' Proposal of Cure Amount [[D.I. 159](#); 5/23/23].

Status: This matter is going forward with respect to approval of the sale. This matter has been adjourned to the June 15, 2023 omnibus hearing with respect to cure objections.

9. Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to Implement Key Employee Incentive and Retention Plans and (II) Granting Related Relief [[D.I. 139](#); 5/19/23].

Objection Deadline: May 26, 2023 at 4:00 p.m. (ET).

Related Pleadings:

- a. Declaration of Brian L. Cumberland in Support of Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to Implement Key Employee Incentive and Retention Plans and (II) Granting Related Relief [[D.I. 140](#); 5/19/23].
- b. Supplemental Declaration of Anthony Tillman in Support of Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to Implement Key Employee Incentive and Retention Plans and (II) Granting Related Relief [[D.I. 141](#); 5/19/23].
- c. Order Granting Debtors' Motion to Shorten Notice Regarding Motion for Entry of an Order (I) Authorizing the Debtors to Implement Key Employee Incentive and Retention Plans and (II) Granting Related Relief [[D.I. 145](#); 5/19/23].
- d. Notice of Hearing and Motion Regarding Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to Implement Key Employee Incentive and Retention Plans and (II) Granting Related Relief [[D.I. 146](#); 5/19/23].

Objections Received:

- a. **Objection of Walmart Inc. to Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to Implement Key Employee Incentive Plan and Key Employee Retention Plan and (II) Granting Related Relief [[D.I. 191](#), 5/26/23].**
- b. **Limited Objection of the United States Trustee to Debtors' Motion for Approval of an Insider Bonus Plan [[D.I. 192](#); 5/26/23].**

Status: This matter is going forward.

Dated: May 26, 2023
Wilmington, Delaware

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