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Proposed Co-Counsel to the Debtors and Debtors in Possession

**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE EASTERN DISTRICT OF VIRGINIA
 ALEXANDRIA DIVISION**

))	
In re:))	Chapter 11
))	
ENVIVA INC., <i>et al.</i> ,))	Case No. 24 – 10453 (BFK)
))	
Debtors. ¹))	(Jointly Administered)

**PROPOSED AGENDA FOR MATTERS SCHEDULED FOR HEARING
 ON APRIL 11, 2024, AT 2:00 P.M. (EASTERN PREVAILING TIME)**

PLEASE TAKE NOTICE that the following matters are scheduled for hearing by remote video conference April 11, 2024, at 2:00 p.m. (Eastern Prevailing Time). Interested parties who wish to participate by video or audio may do so by registering in advance at:

<https://www.zoomgov.com/meeting/register/vJIsdeirqzMiGUZJDZbXQ7JMXCgvBzYUA2U>

I. UNCONTESTED FIRST DAY MOTIONS

1. **“Wages Motion” Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses and (B) Continue Employee Benefits Programs, and (II) Granting Related Relief** [Docket No. 5]

¹ Due to the large number of Debtors in these jointly administered chapter 11 cases, a complete list of the Debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list may be obtained on the website of the Debtors’ proposed claims and noticing agent at www.kccllc.net/enviva. The location of the Debtors’ corporate headquarters is: 7272 Wisconsin Avenue, Suite 1800, Bethesda, MD 20814.



Pending Responses: None

Related Documents:

- A. *Interim Order (I) Authorizing the Debtors to (A) Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses and (B) Continue Employee Benefits Programs, and (II) Granting Related Relief* [Docket No. 88]

Status: This matter is uncontested and an order granting the relief requested has been or will be submitted to the Court for entry.

- 2. “Taxes Motion” *Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Payment of Certain Prepetition Taxes and Fees and (II) Granting Related Relief* [Docket No. 7]

Pending Responses: None

Related Documents:

- A. *Notice of Filing of Revised Proposed Interim Order (I) Authorizing the Payment of Certain Prepetition Taxes and Fees and (II) Granting Related Relief* [Docket No. 49]
- B. *Interim Order (I) Authorizing the Payment of Certain Prepetition Taxes and Fees and (II) Granting Related Relief* [Docket No. 89]

Status: This matter is uncontested and an order granting the relief requested has been or will be submitted to the Court for entry.

- 3. “Insurance Motion” *Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Continue Their Insurance Policies and Surety Bond Program and to Pay or Otherwise Satisfy Any Insurance Obligations and Surety Bond Obligations and (II) Granting Related Relief* [Docket No. 9].

Pending Responses: None

Related Documents:

- A. *Interim Order (I) Authorizing the Debtors to Continue Their Insurance Policies and Surety Bond Program and to Pay or Otherwise Satisfy Any Insurance Obligations and Surety Bond Obligations and (II) Granting Related Relief* [Docket No. 92]

Status: This matter is uncontested and an order granting the relief requested has been or will be submitted to the Court for entry.

4. “NOL Motion” *Emergency Motion of Debtors for Entry of Interim and Final Orders (I) Establishing Notification Procedures; (II) Approving Restrictions on Certain Transfers of Common Stock of the Debtors’ Estates and Claiming a Worthless Equity Deduction; and (III) Granting Related Relief* [Docket No. 14].

Pending Responses: None

Related Documents:

- A. *Interim Order (I) Establishing Notification Procedures; (II) Approving Restrictions on Certain Transfers of Common Stock of the Debtors’ Estates and Claiming a Worthless Equity Deduction; and (III) Granting Related Relief* [Docket No. 93]

Status: This matter is uncontested and an order granting the relief requested has been or will be submitted to the Court for entry.

5. “Vendors Motion” *Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Pay Critical Vendors, Foreign Vendors, Lien Claimants, and 503(b)(9) Claimants and (B) Honor Prepetition Payment Arrangements; (II) Confirming Administrative Expenses Priority of Outstanding Orders; and (III) Granting Related Relief* [Docket No. 10].

Pending Responses: None

Related Documents:

- A. *Interim Order (I) Authorizing the Debtors to (A) Pay Critical Vendors, Foreign Vendors, Lien Claimants, and 503(b)(9) Claimants and (B) Honor Prepetition Payment Arrangements; (II) Confirming Administrative Expense Priority of Outstanding Orders; and (III) Granting Related Relief* [Docket No. 94]

Status: This matter is uncontested and an order granting the relief requested has been or will be submitted to the Court for entry.

II. UNCONTESTED SECOND DAY MOTIONS

6. “Bar Date Motion” *Motion for Entry of an Order (I) Establishing Bar Dates and Procedures, (II) Approving the Form and Manner of Notice Thereof, and (III) Granting Related Relief* [Docket No. 180]

Pending Responses: None

Related Documents: None

Status: This matter is uncontested and an order granting the relief requested has been or will be submitted to the Court for entry.

7. “OCP Motion” *Motion of Debtors for Entry of an Order (I) Authorizing the Debtors to Retain and Compensate Professionals Utilized in the Ordinary Course of Business and (II) Granting Related Relief* [Docket No. 189]

Pending Responses: None

Related Documents: None

Status: This matter is uncontested and an order granting the relief requested has been or will be submitted to the Court for entry.

8. “Interim Comp Motion” *Motion of Debtors for Entry of an Order (I) Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals and (II) Granting Related Relief* [Docket No. 190]

Pending Responses: None

Related Documents: None

Status: This matter is uncontested and an order granting the relief requested has been or will be submitted to the Court for entry.

III. RETENTION APPLICATIONS

9. “A&M Application” *Debtors’ Application to Employ and Retain Alvarez & Marsal North America, LLC as Financial Advisors to Debtors and Debtors in Possession Pursuant to Sections 327(a) and 328 of the Bankruptcy Code Effective as of the Petition Date* [Docket No. 185]

Pending Responses: None

Related Documents: None

Status: This matter is going forward.

10. “Kutak Rock Application” *Application of Debtors for Entry of an Order Authorizing the Debtors to Employ and Retain Kutak Rock LLP as Co-Counsel Effective as of the Petition Date* [Docket No. 187]

Pending Responses: None

Related Documents:

- A. *Supplemental Declaration of Peter J. Barrett in Support of the Application of Debtors for Entry of an Order Authorizing the Debtors to Employ and Retain Kutak Rock LLP as Co-Counsel Effective as of the Petition Date* [Docket No. 259]

Status: This matter is going forward.

IV. CONTESTED MOTION

11. “Utilities Motion” *Motion of Debtors for Entry of Interim and Final Orders (I) Approving Debtors’ Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving Debtors’ Proposed Procedures for Resolving Additional Adequate Assurance Requests, and (IV) Granting Related Relief* [Docket No. 8]

Pending Responses:

- A. *Response and Limited Objection of Atmos Energy Corporation to Debtors’ Motion Seeking Approval of Adequate Assurance of Payment for Utility Services* [Docket No. 227]

Related Documents:

- A. *Interim Order (I) Approving Debtors' Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving Debtors' Proposed Procedures for Resolving Additional Adequate Assurance Requests, and (IV) Granting Related Relief* [Docket No. 91]
- B. *Objection of Certain Utility Companies to the Motion of Debtors for Entry of Interim and Final Orders (I) Approving Debtors’ Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving Debtors’ Proposed Procedures for Resolving Additional Adequate Assurance Requests, and (IV) Granting Related Relief* [Docket No. 162]
- B. *Declaration of Javier Cuebas, Esq. in Support of Objection of Certain Utility Companies to the Motion of Debtors for Entry of Interim and Final Orders (I) Approving Debtors’ Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving Debtors’ Proposed Procedures for Resolving Additional Adequate Assurance Requests, and (IV) Granting Related Relief* [Docket No. 206]
- C. *Declaration of Sherry R. Ward in Support of Objection of Certain Utility Companies to the Motion of Debtors for Entry of Interim and Final Orders (I) Approving Debtors’ Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving Debtors’ Proposed Procedures for Resolving Additional Adequate Assurance Requests, and (IV) Granting Related Relief* [Docket No. 214]
- D. *Notice of Withdrawal of Objection of Certain Utility Companies to the Motion of Debtors for Entry of Interim and Final Orders (I) Approving*

Debtors' Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Companies From Altering, Refusing, or Discontinuing Services, (III) Approving Debtors' Proposed Procedures for Resolving Additional Adequate Assurance Requests, and (IV) Granting Related Relief [Docket No. 260]

Status: This matter is going forward.

V. ADJOURNED MATTERS

12. "Cash Management Motion" *Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Maintain the Cash Management System, (B) Continue Using Existing Business Forms, and (C) Continue Intercompany Transfers, (II) Providing Administrative Expense Priority Status for Postpetition Intercompany Claims, and (III) Granting Related Relief [Docket No. 13]*

Pending Responses: None

Related Documents:

- A. *Exhibit C – List of Bank Accounts [Docket No. 45]*
- B. *Exhibit D – Diagram of Cash Management [Docket No. 45]*
- C. *Interim Order (I) Authorizing the Debtors to (A) Maintain the Cash Management System, (B) Continue Using Existing Business Forms, and (C) Continue Intercompany Transfers; (II) Providing Administrative Expense Priority Status for Postpetition Intercompany Claims, and (III) Granting Related Relief [Docket No. 102]*

Status: This matter is being adjourned to the next scheduled hearing.

13. "DIP Motion" *Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, and (V) Granting Related Relief [Docket No. 24].*

Pending Responses:

- A. *Limited Objection of the NMTC Participants to Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, and (V) Granting Related Relief [Docket No. 258];*

Related Documents:

- A. *Declaration of Christian Tempke in Support of the Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, and (V) Granting Related Relief [Docket No. 29];*
- B. *Declaration of Mark Rajceovich in Support of the Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, and (V) Granting Related Relief [Docket No. 30];*
- C. *Amended Exhibit C re: Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, and (V) Granting Related Relief [Docket No. 55];*
- D. *Notice of Filing of Revised Proposed Interim Order (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, and (V) Granting Related Relief [Docket No. 98];*
- E. *Interim Order (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, and (V) Granting Related Relief [Docket No. 103]*
- F. *Statement Regarding Status of Final Hearing on DIP Financing Motion [Docket No. 245]*

Status: This matter is being adjourned to a date to be determined by the Court.

14. “V&E Application” Debtors’ Application for Entry of an Order Authorizing the Retention and Employment of Vinson & Elkins L.L.P. as Attorneys for the Debtors and Debtors in Possession Effective as of the Petition Date [Docket No. 183]

Pending Responses: None

Related Documents:

- A. *Order Continuing Hearing on Debtor’s Application to Employ Vinson & Elkins, L.L.P. and Setting Briefing Schedule* [Docket No. 224]

Status: This matter is being adjourned to the omnibus hearing date scheduled for May 9, 2024, at 2:00 p.m. (Eastern Prevailing Time).

15. “Lazard Application” Debtors’ Application for Entry of an Order Authorizing the Retention and Employment of Lazard Freres & Co. LLC as Investment Banker for the Debtors and Debtors in Possession Effective as of the Petition Date [Docket No. 184]

Pending Responses: None

Related Documents: None

Status: This matter is being adjourned to the omnibus hearing date scheduled for May 9, 2024, at 2:00 p.m. (Eastern Prevailing Time).

16. “PWC Application” Debtors’ Application for Entry of an Order Authorizing the Retention and Employment of PWC US Tax LLP as Tax Compliance, Tax Restructuring, and Tax Consulting Services Provider to the Debtors, Effective as of the Petition Date [Docket No. 186]

Pending Responses: None

Related Documents: None

Status: This matter is being adjourned to the next scheduled hearing.

17. “Motion to Reconstitute” Motion of the Successor Indenture Trustee for the 6.500% Senior Notes Due 2026 for Entry of an Order Directing the United States Trustee to (I) Reconstitute the Official Committee of Unsecured Creditors and (II) Appoint the Successor Indenture Trustee to the Official Committee of Unsecured Creditors [Docket No. 193]

Pending Responses: None

Related Documents:

- A. *Debtors’ Statement in Support of Motion to Reconstitute Creditors’ Committee* [Docket No. 218]

- B. *The Indenture Trustee for the Epes Green Bonds' Statement in Support of Motion of the Successor Indenture Trustee for the 6.500% Senior Notes Due 2026 to Reconstitute the Official Committee of Unsecured Creditors* [ECF No. 193] [Docket No. 228]
- C. *Order Continuing Hearing on Motion of Wilmington Savings Fund Society, FSB, as Successor Trustee* [Docket No. 243]

Status: This matter is being adjourned to the omnibus hearing date scheduled for May 9, 2024, at 2:00 p.m. (Eastern Prevailing Time).

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Richmond, Virginia
Dated: April 9, 2024

/s/ Peter J. Barrett

KUTAK ROCK LLP

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