

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:

VOLUNTEER ENERGY SERVICES, INC.,

Debtor.¹

)
) Chapter 11
)

) Case No. 22-50804
)

) Judge C. Kathryn Preston
)

**DEBTOR'S EMERGENCY MOTION FOR ENTRY OF AN ORDER
(I) AUTHORIZING THE DEBTOR TO IMPLEMENT PROCEDURES
FOR NOTIFYING CUSTOMERS OF THE COMMENCEMENT OF THE
DEBTOR'S CASE AND (II) GRANTING RELATED RELIEF**

Volunteer Energy Services, Inc., as debtor and debtor in possession (the “Debtor”) in the above-captioned chapter 11 case (the “Chapter 11 Case”), hereby submits this motion (the “Motion”) for entry of an order (the “Proposed Order”) pursuant to sections 105 and 342 of title 11 of the United States Code (the “Bankruptcy Code”) and Rules 2002, 9007, and 9008 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 9013-1 of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Southern District of Ohio (the “Local Rules”), substantially in the form attached hereto as **Exhibit A**, (i) authorizing the Debtor to implement certain procedures (the “Procedures”) for notifying the Debtor’s current and former customers of the commencement of the Chapter 11 Case and meeting of creditors held pursuant to Bankruptcy Code section 341 (the “Notice of Commencement”) and (ii) granting related relief. In support of this Motion, the Debtor relies upon the *Declaration of David Warner*

¹ The last four digits of the Debtor’s federal tax identification are (2693), and the address of the Debtor’s corporate headquarters is 790 Windmill Drive, Pickerington, Ohio 43147.

in Support of the Chapter 11 Petition and First Day Pleadings (the “First Day Declaration”),²
filed concurrently herewith, and respectfully states as follows:

JURISDICTION AND VENUE

1. The United States Bankruptcy Court for the Southern District of Ohio (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Reference entered in this District.

2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The bases for the relief requested herein are Bankruptcy Code sections 105 and 341 and Bankruptcy Rules 2002, 9007, and 9008.

BACKGROUND

I. The Chapter 11 Case

4. On the date hereof (the “Petition Date”), the Debtor commenced the Chapter 11 Case by filing a petition for relief under chapter 11 of the Bankruptcy Code.

5. The Debtor continues to operate its business and manage its property as a debtor in possession pursuant to Bankruptcy Code sections 1107(a) and 1108.

6. No trustee, examiner, creditors’ committee, or other official committee has been appointed in this Chapter 11 Case.

7. A description of the Debtor’s business operations, capital structure, and circumstances leading to the chapter 11 filing is set forth in the First Day Declaration filed contemporaneously herewith and incorporated herein by reference.

² Capitalized terms used but not defined herein have the meanings ascribed to them in the First Day Declaration.

II. Proposed Procedures for Providing Notice of Commencement to Customers

8. As set forth in greater detail in the First Day Declaration, the Debtor is a retail energy company that supplies natural gas and electricity in certain deregulated markets. Currently, the Debtor supplies natural gas and electricity to approximately 212,000 customers (the “Customers”). There are two subsets of Customers that may be owed amounts from the Debtor as a result of overpayments made by Customer to the Debtor.³ Aside from these customers, the Debtor is not aware of any claims that customers may have against the Debtor.

9. The first subset of Customer refunds has a maximum average exposure of approximately \$44 per Customer, with refunds to each Customer ranging from \$.02 to \$36,382.92.⁴ The second subset of Customer refunds has an average of approximately \$13.68 per Customer, with refunds ranging from \$.02 to \$4,724.10.

10. The Debtor has undertaken extensive efforts to strike a balance between Customer’s due process rights and the equities of this Chapter 11 Case, including the significant amount of costs that will be incurred for noticing customers through this Chapter 11 Case. As part of those efforts, the Debtor analyzed the number of Customers that are owed refunds at various threshold amounts in order to ensure that proper notice is being provided to Customers that may hold larger claims against the Debtor. Specifically, the Debtor has determined that limiting notice to Customers and former customers with potential refunds greater than \$250.00 will result in notice to approximately 3,600 Customers.

11. The Debtor commenced this Chapter 11 Case with minimal liquidity and an upside-down balance sheet. Given the reality of the Debtor’s financial situation, it is doubtful

³ The Debtor may also owe refunds to certain of its former customers.

⁴ The Debtor is undertaking efforts to determine the specific customer refund amounts and anticipates that the amounts stated herein may be reduced. Until that process is completed, the Debtor has used maximum potential exposure amounts for the purposes of estimating Customer refunds.

whether the Debtor's obligations to its senior secured lender will be fully repaid, leaving little to no value for residual claimants. Consequently, it is imperative that the Debtor make every effort to minimize the administrative expenses incurred in this case.

12. The Debtor intends to send the Notice of Commencement directly by mail to approximately 1,200 non-Customer parties and the 3,600 Customers and former customers that are each owed refunds of greater than \$250.00 (collectively, the "Direct Notice Parties").⁵ If the Debtor is also required to mail the Notice of Commencement to its remaining Customers, that number would balloon to more than 216,000 parties, which would drastically increase the noticing costs and the administrative burden on the Debtor's estate. The Debtor calculates that the completion of a single mailing via first-class U.S. mail to roughly 212,000 Customers will cost the estate approximately \$180,000, including approximately \$120,000 in postage alone, plus the additional costs associated with photocopying the notice and paying for the services of Epiq Corporate Restructuring, LLC ("Epiq"), the Debtor's proposed noticing agent.

13. The Debtor intends to provide notice of this Chapter 11 Case to Customers by publishing the Notice of Commencement once in the following local newspapers in states where the Debtor operates:⁶ (a) *Columbus Dispatch*, (b) *Cleveland Plain Dealer*, (c) *The Courier-Journal (Louisville)*, (d) *Detroit Media Partnership (Detroit Free Press and Detroit News)*, and (e) *The Philadelphia Inquirer*.

14. In addition, the Debtor has or will be filing the *Debtor's First Omnibus Motion for Entry of an Order (A) Authorizing and Approving the Rejection of Certain Executory*

⁵ The Direct Notice Parties include certain of the Debtor's former customers whose contracts expired prior to the Petition Date.

⁶ In addition to the local newspaper publication, notice of the commencement of this Chapter 11 Case will be posted on the public utility companies' dockets for each state in which the Debtor operates.

Contracts and (B) Waiving the Requirements of Bankruptcy Rule 6006(f)(6) (the “Customer Contract Rejection Motion”), by and through which the Debtor will be seeking authority to reject all of the contracts under which the Debtor supplies natural gas and/or electricity to its Customers. In connection with the proposed rejection and the anticipated transfer of each Customer’s gas or electric service to the default service provider (however defined under applicable state law or by the applicable electric utility or natural gas local distribution company), the Debtor will mail each Customer a notice regarding the hearing (the “Rejection Hearing Notice”) on the Customer Contract Rejection Motion,⁷ along with a regulatory notice (the “Regulatory Notice”) regarding the anticipated termination of the Customer’s particular contract(s) with the Debtor. The Rejection Hearing Notice and the Regulatory Notice will, *inter alia*, (a) inform the Customers that the Debtor has commenced this Chapter 11 Case; (b) state that information regarding, and documents filed in, this Chapter 11 Case may be obtained for free by visiting the website for this Chapter 11 Case maintained by Epiq or by contacting Epiq directly; and (c) provide the contact information for Epiq and the web address for the website for this Chapter 11 Case. The Debtor will serve the Rejection Hearing Notice and the applicable Regulatory Notice on Customers as promptly as possible after the Court establishes initial omnibus hearing dates for this Chapter 11 Case.⁸

RELIEF REQUESTED

15. The Debtor seeks entry of the Proposed Order, substantially in the form attached hereto as **Exhibit A**: (i) authorizing the Debtor to implement the Procedures for notifying the

⁷ A copy of the form to be used for the Rejection Hearing Notice is attached to the Customer Contract Rejection Motion as Exhibit B.

⁸ As described in the Customer Contract Rejection Motion, the Debtor must specifically state the date on which Customer Contract Rejection Motion is scheduled to be heard by this Court. Thus, the Debtor cannot serve the Rejection Hearing Notice until omnibus hearing dates are established for this Chapter 11 Case.

Debtor's customers of the Notice of Commencement and (ii) granting related relief.

16. For the reasons set forth herein, the Debtor submits that the relief requested is in the best interests of the Debtor, its estate, creditors, and other parties in interest and therefore should be granted.

BASIS FOR REQUESTED RELIEF

I. The Court Has Broad Discretion to Limit Notice.

17. An estate's resources are always limited, so bankruptcy courts must use discretion in deciding how those limited assets should be allocated, including the cost of providing notice to parties. Consequently, the Bankruptcy Code, Bankruptcy Rules, and case law all recognize that there is no "one-size-fits-all" approach to notice. Instead, notice requirements must account for the realities of a given case.

18. The Bankruptcy Code reflects Congress's intent that notice requirements be tailored to the needs of a particular case. Bankruptcy Code section 342 provides that "[t]here shall be given such notice *as is appropriate* . . . of an order for relief in a case under this title." 11 U.S.C. § 342(a) (emphasis added); *see also In re Rady*, No. 15-52240, 2018 WL 5099217, at *3 (Bankr. N.D. Ohio Oct. 17, 2018) ("The Bankruptcy Code requires service of notice of the commencement of bankruptcy proceedings 'as is appropriate.'"). Similarly, the rules of construction in Bankruptcy Code section 102 indicate that "notice" is an elastic term meant to take into account the "particular circumstances." *See* 11 U.S.C. § 102(1) (stating that "notice" in "'notice and a hearing', or a similar phrase . . . means after such notice as is appropriate in the particular circumstances . . ."); *see also Rockwell Int'l Corp. v. Harnischfeger Indus., Inc. (In re Harnischfeger Indus., Inc.)*, 316 B.R. 616, 620 (D. Del. 2003) (explaining that the "policy of Section 102 is to permit the court flexibility, while ensuring that all parties have proper notice.").

Finally, Bankruptcy Code section 105 preserves a bankruptcy court's inherent equitable power to issue "necessary and appropriate" orders in furtherance of the Bankruptcy Code's provisions and to "prescrib[e] limitations and conditions as the court deems appropriate to ensure that the case is handled expeditiously and economically." 11 U.S.C. § 105(a), (d).

19. This same flexibility is reflected in the Bankruptcy Rules. Bankruptcy Rule 2002(m) contains a general grant of authority allowing the court to enter general orders setting forth standards for notices. Fed. R. Bankr. P. 2002(m). Bankruptcy Rule 9007 gives a court discretion to designate "the time within which, the entities to whom, and the form and manner in which notice shall be given." Fed. R. Bankr. P. 9007. Bankruptcy Rule 2002(l) empowers the Court to authorize notice by publication "if it finds that notice by mail is impracticable or that it is desirable to supplement the notice." Fed. R. Bankr. P. 2002(l). And in all cases, the "[Bankruptcy] [R]ules shall be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every case and proceeding." Fed. R. Bankr. P. 1001; *see also In re Dunaway*, 346 B.R. 449, 455 (Bankr. N.D. Ohio 2006) ("[I]t cannot be overlooked that the Bankruptcy Rules are required to be construed to secure the just, speedy, and inexpensive determination of every case and proceeding.") (quotations omitted).

20. Case law further recognizes that bankruptcy courts are obligated to balance the need to provide notice with the need to preserve an estate's limited resources. *Vancouver Women's Health Collective Soc. v. A.H. Robins Co., Inc.*, 820 F.2d 1359, 1364 (4th Cir. 1987) ("A bankrupt estate's resources are always limited and the bankruptcy court *must* use discretion in balancing these interests when deciding how much to spend on notification.") (emphasis added). As explained by the Sixth Circuit, by approving the use of publication notice, the

Supreme Court “established a balancing procedure in which costs and efficiency considerations are balanced against the probability that a procedure will effectuate notice.” *In re Park Nursing Ctr.*, 766 F.2d 261, 263 (6th Cir. 1985). With these dual aims in mind, “[w]hat is needed in bankruptcy proceedings is a form of notice which is likely to achieve actual notice in a large volume of cases but is not overly expensive or time consuming.” *Id.*

21. Given the foregoing, there is no doubt that bankruptcy courts possess significant discretion when determining what type of notice is appropriate in any given case. *See, e.g., In re Lundy*, 2016 WL 4706044 at *1 (Bankr. N.D. Ohio Sept. 8, 2016) (“The Federal Rules of Bankruptcy Procedure [] provide the court with general power to regulate notice, including the power to designate ‘the form and manner in which notice shall be given.’”); *In re of Killebrew*, 888 F.2d 1516, 1522 (5th Cir. 1989) (The Bankruptcy Code “leaves wide discretion as to what notice is appropriate in particular circumstances”); *In re Duncraggen Realty Corp.*, No. 92-B-40605 (PCB), 2007 WL 2492782, at *3 (Bankr. S.D.N.Y. Aug. 29, 2007) (citing Bankruptcy Rule 9007 and finding that, “[c]learly, this Court has the authority to regulate notices.”). Indeed, bankruptcy courts are required to exercise this discretion to ensure notice procedures are not unduly expensive and burdensome. *See Park Nursing Ctr.*, 766 F.2d at 263; *Vancouver Women’s Health*, 820 F.2d at 1364.

22. In this Chapter 11 Case, the estate’s limited resources would be depleted if the Debtor were required to mail the Notice of Commencement to 212,000 Customers. Accordingly, except with respect to the Direct Notice Parties, the Debtor respectfully requests that the Court exercise its discretion by authorizing the Debtor to implement the Procedures and excuse the Debtor from mailing the Notice of Commencement to its Customers and former customers.

II. Publishing the Notice of Commencement Is Appropriate in This Case.

23. As indicated above, the Debtor intends to provide constructive notice to Customers and former customers by publishing the Notice of Commencement in local newspapers in states in which the Debtor operates. Providing notice in this manner is expressly authorized by the Bankruptcy Rules. Furthermore, case law recognizes that notice by publication is entirely appropriate in cases like this one where the number of interested parties is large in relation to the size of the estate.

24. As a general matter, the Bankruptcy Rules “recognize the affirmative duty of the court to exercise the authority conferred by the[] rules to ensure that bankruptcy cases and the proceedings within them are resolved not only fairly, but also without undue cost or delay.” Fed. R. Bankr. P. 1001, Notes of Advisory Committee. Indeed, “[t]he objective of ‘expeditious and economical administration’ of cases under the Code has frequently been recognized by the courts to be ‘a chief purpose of the bankruptcy laws.’” *Id.* (quoting *Katchen v. Landy*, 382 U.S. 323, 328 (1966)). To this end, Bankruptcy Rule 2002(l) empowers a court to “order notice by publication if it finds that notice by mail is impracticable.”

25. The Advisory Committee Notes provide examples of when notice is “impracticable,” one of which is “when the number of creditors with nominal claims is very large and the estate to be distributed may be insufficient to defray the costs of issuing the notices.” Fed. R. Bankr. P. 2002, Notes of Advisory Committee. Courts also recognize that publication notice is entirely proper when the cost of notice would be unduly burdensome to the estate. For example, in *Fogel v. Zell*, 221 F.3d 955, 963 (7th Cir. 2000), Judge Posner explained that, occasionally, “the sheer number of potential creditors in relation to the size of their claims may make it excessively costly to provide direct notice to all of them” and that providing direct

notice to all interested parties would threaten to “eat up the debtor’s estate.” In such cases, publication notice may be “entirely appropriate when potential claimants are numerous, unknown, or have small claims (whether nominally or . . . realistically).” *Id.*; *see also In re GAC Corp.*, 681 F.2d 1295, 1300 (11th Cir. 1982) (reasoning that publication notice is appropriate when it “would have been extremely burdensome and costly” to serve certain individual claimants within a larger class with actual notice of the bar date).

26. This Chapter 11 Case presents paradigmatic grounds for allowing the Notice of Commencement to be provided to Customers and former customers via publication. The Debtor has hundreds of thousands of Customers and former customers who are either owed nothing or owed a de minimis amount. Mailing the Notice of Commencement to all of the Debtor’s Customers would be impractical and would impose a significant administrative and economic burden upon the Debtor’s estate. A single mailing of a first-class letter to all the Debtor’s Customers will cost the estate over \$100,000 in postage alone. On the other hand, limiting service of the Notice of Commencement to those parties most interested in the case will reduce the Debtor’s administrative costs, conserve resources, and maximize the estate’s value.

27. The Debtor respectfully submits that given the high cost of completing mailings to over 212,000 additional parties, providing Customers with the Notice of Commencement by publication is appropriate in this case.

III. The Customers Are Only Entitled to Publication Notice.

28. Subdivisions (a) and (f) of Bankruptcy Rule 2002 require a debtor to provide certain notices to “creditors.” *See* Fed. R. Bankr. P. 2002(a), (f). However, not all “customers” are “creditors.” *See In re New Century TRS Holdings, Inc.*, 465 B.R. 38, 45 (Bankr. D. Del. 2012) (explaining that the “availability of the [customers’] names and address in the Debtors’

loan files may have reflected that [certain customers] were known *customers*, but without more, it did not make them ‘known *creditors*.’”) (emphasis in original). Although a subset of the Debtor’s Customers may have small refund claims against the Debtor, the majority of the Debtor’s customers will not have a claim in the Chapter 11 Case. Providing actual notice to all of these merely conceivable claimants would be impracticable and would deplete estate resources that would be better used for the purpose of compensating creditors with known claims.

29. Furthermore, it is well established that a debtor is “not required to give actual notice to creditors with merely conceivable, conjectural or speculative claims.” *In re Charter Co.*, 125 B.R. 650, 656 (M.D. Fla. 1991) (holding that debtor’s knowledge that “there was a possibility of a claim by [the creditor]” did not make the creditor a “known creditor” for notice purposes); *see also In re BGI, Inc.*, 476 B.R. 812, 823 (Bankr. S.D.N.Y. 2012) (“In determining its creditors, a debtor is not obligated to try to find and serve notice on any individual who could potentially be a creditor.”). To the contrary, “[d]ebtors cannot be required to provide actual notice to anyone who potentially could have been affected by their actions” because “such a requirement would completely vitiate the important goal of prompt and effectual administration and settlement of debtors’ estates.” *Chemetron Corp. v. Jones*, 72 F.3d 341, 348 (3d Cir. 1995); *DePippo v. Kmart Corp.*, 335 B.R. 290, 297 (S.D.N.Y. 2005) (same).

30. Here, the fact that some Customers could hold a claim against the Debtor does not entitle all Customers to actual notice. Indeed, requiring the Debtor to provide direct notice to all its Customers on the basis that a small portion could conceivably hold a claim against the Debtor “would completely vitiate the important goal of prompt and effectual administration and settlement of [the Debtor’s] estate[.]” *Chemetron*, 72 F.3d at 348. Limiting notice to Customers is therefore both beneficial to the estate and consistent with due process.

IV. The Debtor Is Providing Notice to Customers by Other Means.

31. Providing the Notice of Commencement to Customers by mail would be superfluous because the Debtor is already providing similar notice by other means. First, the Debtor will publish the Notice of Commencement in newspapers in areas where the Debtor operates, which in itself is sufficient notice under these circumstances.⁹ Further, the Customers will receive the Rejection Hearing Notice and a Regulatory Notice that will, *inter alia*, inform each Customer of the existence of this Chapter 11 Case and explain how the Customers may obtain information and documents relevant to this Chapter 11 Case.¹⁰

32. In addition, the Regulatory Notice will inform the Customers that their service will be automatically transferred to the default utility provider and that there will be no service interruptions as a result of the Chapter 11 Case. The Debtor therefore believes that service of the Rejection Hearing Notice along with the Regulatory Notice is a far more adequate means of addressing the concerns that Customers may have regarding the commencement of the Chapter 11 Case without causing them undue stress or uncertainty regarding their gas or electric service. This will also help ensure that the Debtor is not inundated with inquiries from Customers concerned about the status of their service. Thus, providing notice of the Chapter 11 Case via the Rejection Hearing Notice and the Regulatory Notice constitutes a sufficient method of notice of the Debtor's commencement of this case, as it will avoid Customer confusion and, in turn, reduce the administrative burden on the Debtor.

⁹ In addition to the local newspaper publication, notice of the commencement of this Chapter 11 Case will be posted on the public utility companies' dockets for each state that the Debtor operates.

¹⁰ The Debtor's former customers will not receive a Rejection Hearing Notice or Regulatory Notice, as former customers did not have executory contracts with the Debtor as of the Petition Date. Nonetheless, the Debtor submits that publication notice of the Notice of Commencement to former customers – as well as direct notice to those former customers that are Direct Notice Parties – is sufficient notice to the Debtor's former customers.

33. Other courts have similarly modified notice and service procedures for customers in cases where mailing such notice would be unduly burdensome to the estate. *See, e.g., In re GNC Holdings, Inc.*, Case No. 20-11662 (KBO), Docket No. 117 (Bankr. D. Del. June 25, 2020) (authorizing service of notices by email to customers whose email addresses were known); *In re Munchery, Inc.*, Case No. 19-30232 (HLB), Docket No. 35 (Bankr. N.D. Cal. March 7, 2019) (authorizing debtor to serve all notices and pleadings to customers via electronic mail); *In re David's Bridal, Inc.*, Case No. 18-12635 (LSS), Docket No. 95 (Bankr. D. Del. November 20, 2018) (authorizing debtors to provide notice of case commencement to certain customers by electronic mail and by posting notice on their website and in retail stores); *In re Fresh & Easy, LLC*, No. 15-12220 (BLS), Docket No. 59 (Bankr. D. Del. Nov. 5, 2015) (excusing debtors from including rewards program customers from the creditor list and providing that the notice of commencement could be provided through email and posting in the debtors' retail stores and on the debtors' website); *In re AMR Corp.*, No. 11-15463 (SHL), Docket No. 77 (Bankr. S.D.N.Y. Nov. 30, 2011) (authorizing debtors to send an email to customers in the debtors' rewards program directing such customers to the website of the claims and noticing agent containing the notice of commencement of the debtors' chapter 11 cases). The Debtor submits that the Court should likewise relieve the estate of the substantial and unnecessary burden of mailing the Notice of Commencement to its Customers and former customers, except the Direct Notice Parties.

MOTION PRACTICE

34. This Motion includes citations to the applicable rules and statutory authorities upon which the relief requested herein is predicated and a discussion of their application to this Motion. Accordingly, the Debtor submits that this Motion satisfies Local Rule 9013-1(a).

NOTICE

35. The Debtor will provide notice of this Motion to: (a) the United States Trustee; (b) counsel to PNC Bank, National Association; (c) the holders of the 20 largest unsecured claims against the Debtor; (d) all official committees appointed, as of the filing of this Motion, in the Chapter 11 Case and their counsel; (e) the offices of the attorneys general for Ohio, Pennsylvania, Michigan, Kentucky, and West Virginia; (f) the United States Attorney's Office for the Southern District of Ohio; (g) the Internal Revenue Service; (h) the Debtor's state and local taxing authorities in Ohio, Pennsylvania, Michigan, Kentucky, and West Virginia; (i) the Public Utilities Commission of Ohio, Pennsylvania Public Utilities Commission, Kentucky Public Service Commission, and Michigan Public Service Commission; (j) the U.S. Environmental Protection Agency; (k) the Federal Energy Regulatory Commission; and (l) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtor submits that, in light of the nature of the relief requested, no other or further notice is required.

NO PRIOR REQUEST

36. No prior motion for the relief requested herein has been made in this or any other court.

WHEREFORE, the Debtor respectfully requests that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, authorizing the Debtor to implement the procedures described above for providing the Debtor's current and former customers the Notice of Commencement of this Chapter 11 Case and (ii) granting related relief.

Dated: March 26, 2022
Columbus, Ohio

Respectfully submitted,

/s/ Philip K. Stovall

David M. Whittaker (0019307)

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Proposed Counsel to the Debtor

Exhibit A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:

VOLUNTEER ENERGY SERVICES, INC.,

Debtor.¹

)
) Chapter 11
)

) Case No. 22-50804
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) Judge C. Kathryn Preston
)

**ORDER (I) AUTHORIZING THE DEBTOR TO IMPLEMENT PROCEDURES
FOR NOTIFYING CUSTOMERS OF THE COMMENCEMENT OF THE
DEBTOR'S CASE AND (II) GRANTING RELATED RELIEF
[RELATED TO DOCKET NO. [__]]**

Upon the motion (Doc. __) (the “Motion”)² of the Debtor for entry of an order (this “Order”): (i) authorizing the Debtor to implement procedures for notifying current and former customers of the Notice of Commencement and (ii) granting related relief, all as more fully set

¹ The last four digits of the Debtor’s federal tax identification are (2693), and the address of the Debtor’s corporate headquarters is 790 Windmill Drive, Pickerington, Ohio 43147.

² Capitalized terms used but not defined herein have the meanings ascribed to them in the Motion.

forth in the Motion; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before the Court; and upon consideration of the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Reference entered in this District; and the matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and venue of this proceeding and the Motion in this District being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and due and sufficient notice of the Motion having been given under the particular circumstances; and it appearing that no other or further notice is necessary; and it appearing that the relief requested in the Motion is in the best interests of the Debtor, its estate, creditors, and other parties in interest; and after due deliberation thereon; and good and sufficient cause appearing therefor; it is hereby

ORDERED, ADJUDGED, AND DECREED that:

1. The Motion is granted as set forth herein.
2. The Debtor is not required to mail the Notice of Commencement to its Customers and former customers that have potential claims against the Debtor in an amount not greater than \$250.00.
3. The Debtor shall cause the Notice of Commencement to be published (i) once in (a) *Columbus Dispatch*, (b) *Cleveland Plain Dealer*, (c) *The Courier-Journal (Louisville)*, (d) *Detroit Media Partnership (Detroit Free Press and Detroit News)*, and (e) *The Philadelphia Inquirer* and (ii) on the website established by Epiq.
4. The Debtor is authorized to take all actions necessary to implement the relief granted in this Order.

5. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

SO ORDERED.

Copies to: Default List