

**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)

Hearing Date: March 13, 2024 at 2:30 p.m. (ET)

Obj. Deadline: March 6, 2024 at 4:00 p.m. (ET)

OMNIBUS NOTICE OF FIRST DAY MOTIONS AND FINAL HEARING THEREON

PLEASE TAKE NOTICE that, on February 9, 2024, the above-captioned debtors and debtors in possession (the “Debtors”) filed, among others, the following first day motions (collectively, the “First Day Motions”) with the United States Bankruptcy Court for the District of Delaware (the “Court”):

1. *Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing Payment of Certain Prepetition Taxes and Related Obligations and (II) Authorizing Financial Institutions to Honor All Related Checks and Electronic Payment Requests* [D.I. 6];
2. *Motion of the Debtors for Entry of Interim and Final Orders (I) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Utility Services; (II) Determining Adequate Assurance of Payment for Future Utility Services; (III) Establishing Procedures for Determining Adequate Assurance of Payment; and (IV) Granting Related Relief* [D.I. 9] (the “Utilities Motion”);
3. *Motion of the Debtors for Interim and Final Orders (I) Authorizing the Debtors to (A) Continue Their Insurance Policies and (B) Pay All Obligations with Respect Thereto; (II) Authorizing Continuation of Insurance Premium Financing Arrangements; and (III) Granting Related Relief* [D.I. 10];
4. *Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Prepetition Claims of Critical Vendors and (II) Granting Related Relief* [D.I. 11];
5. *Debtors’ Motion for Interim and Final Orders (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief* [D.I. 17];
6. *Debtors’ Motion for Interim and Final Orders (I) Approving Entry into a New Lead Market Participant Agreement and (II) Granting Related Relief* [D.I. 18];

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.

7. *Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Maintenance of Bank Accounts and Continued Use of Existing Business Forms and Checks, (II) Authorizing the Continued Use of Existing Cash Management System, (III) Granting Limited Relief from the Requirements of Bankruptcy Code Section 345(b), and (IV) Granting Related Relief* [D.I. 23]; and
8. *Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection to the Prepetition Secured Parties, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief* [D.I. 33].

PLEASE TAKE FURTHER NOTICE that hearings on the First Day Motions and certain other pleadings were held on February 13, 21, and 27, 2024. On February 28, 2024, the Court entered orders granting the First Day Motions on an interim basis (the “Interim Orders”).² See D.I. 104, 186, 187, 189, 190, 191, 194, & 200.

PLEASE TAKE FURTHER NOTICE that copies of the First Day Motions, the Interim Orders, and all other pleadings filed in these chapter 11 cases are available, free of charge, from the website of the Debtors’ Court-appointed claims agent, Epiq: <https://dm.epiq11.com/Burgess>.

PLEASE TAKE FURTHER NOTICE that any responses or objections to final approval of the First Day Motions must be in writing, filed with the Clerk of the Court, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801, and served upon the following parties on or before **March 6, 2024 at 4:00 p.m. (ET)** (the “**Objection Deadline**”): (a) the Debtors, c/o CS Operations, Inc., 631 US Hwy 1, #300, North Palm Beach, FL 33408, Attn: Dean Vomero; (b) Foley Hoag, 1301 Avenue of the Americas, 25th Floor, New York, New York 10019, Attn: Alison Bauer, Esq. (abauer@foleyhoag.com) and Jiun-Wen Bob Teoh, Esq. (jteoh@foleyhoag.com), and 155 Seaport Boulevard, Boston, Massachusetts 02210, Attn: Kenneth S. Leonetti, Esq. (ksl@foleyhoag.com); (c) Gibbons, P.C., 300 Delaware Ave., Suite 1015, Wilmington, Delaware 19801, Attn: Chantelle D. McClamb, Esq. (cmclamb@gibbonslaw.com), and One Gateway Plaza, Newark, New Jersey, 07102, Attn: Robert K. Malone, Esq. (rmalone@gibbonslaw.com); (d) the Office of the United States Trustee, 844 King Street, Suite 2207, Lockbox 35, Wilmington, Delaware; 19801, Attn: Jane M. Leamy, Esq. (jane.m.leafy@usdoj.gov); (e) counsel to the Senior Secured Noteholders, Greenberg Traurig, LLP, One International Place, Suite 2000, Boston, MA 02110, Attn: Julia Frost-Davies, Esq. (julia.frostdavies@gtlaw.com), and 222 Delaware Avenue, Suite 1600, Wilmington, Delaware 19801, Attn: Dennis Meloro, Esq. (melorod@gtlaw.com); and (f) counsel to any statutory committee appointed in these chapter 11 cases before the Hearing.

PLEASE TAKE FURTHER NOTICE THAT A HEARING ON FINAL APPROVAL OF THE FIRST DAY MOTIONS WILL BE HELD ON MARCH 13, 2024, AT 2:30 P.M. (ET) BEFORE THE HONORABLE LAURIE SELBER SILVERSTEIN, IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 N. MARKET STREET, 6TH FLOOR, COURTROOM NO. 2, WILMINGTON, DELAWARE 19801.

² The Interim Order granting the Utilities Motion was entered on February 16, 2024. See D.I. 104.

IF NO OBJECTIONS TO ANY OF THE FIRST DAY MOTIONS ARE TIMELY FILED, SERVED, AND RECEIVED IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN CONNECTION WITH SUCH FIRST DAY MOTIONS WITHOUT FURTHER NOTICE OR HEARING.

Dated: February 28, 2024
Wilmington, Delaware

/s/Chantelle D. McClamb

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