## IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

er 11
No. 23-11069 (CTG)
ly Administered)
•

# SIXTH SUPPLEMENTAL DECLARATION OF BRIAN WHITTMAN IN SUPPORT OF APPLICATION OF THE DEBTORS TO 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

- I, Brian Whittman, under penalty of perjury, declare as follows:
- 1. I am a Managing Director with Alvarez & Marsal North America, LLC (together with employees of its professional service provider affiliates (all of which are wholly-owned by its parent company and employees), its wholly-owned subsidiaries and independent contractors, "A&M"), a restructuring advisory services firm with numerous offices throughout the world. I submit this declaration (this "Sixth Supplemental Declaration") to supplement my prior declaration(s) that have been submitted in connection with A&M's retention in these chapter 11 cases. Unless otherwise stated herein, I have personal knowledge of the facts set forth herein or have been informed of such matters by professionals of A&M.

<sup>&</sup>lt;sup>1</sup> A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at https://dm.epiq11.com/YellowCorporation. The location of the Debtors' principal place of business and the Debtors' service address in these chapter 11 cases is: 11500 Outlook Street, Suite 400, Overland Park, Kansas 66211.

- 2. On August 6, 2023 (the "Petition Date"), Yellow Corporation and its affiliated debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the "Petitors") commenced these cases by filing voluntary petitions for relief under chapter 11 of title 11 of the United States Code in the United States Bankruptcy Court for the District of Delaware (the "Court").
- 3. On August 30, 2023, the Debtors filed their Application of the Debtors to 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 (the "Application") and attached thereto was my declaration in support of the Application (the "Original Declaration").
- 4. On September 15, 2023, the Debtors filed the First Supplemental Declaration in support of the Application (the "First Supplemental Declaration").
- 5. On September 18, 2023, the Court entered the *Order Authorizing Debtors to 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*. ("The Order")
- 6. On December 14, 2023, the Debtors filed the Second Supplemental Declaration in support of the Application (the "Second Supplemental Declaration").
- 7. On April 2, 2024, the Debtors filed the Third Supplemental Declaration in support of the Application (the "Third Supplemental Declaration").
- 8. On June 6, 2024, the Debtors filed the Fourth Supplemental Declaration in support of the Application (the "Fourth Supplemental Declaration").
- 9. On July 15, 2024, the Debtors filed the Fifth Supplemental Declaration in support of the Application (the "Fifth Supplemental Declaration" and together with the Original

Declaration, the First, Second, Third, and Fourth Supplemental Declarations, the "<u>Prior</u> <u>Declarations</u>").

10. I submit this Sixth Supplemental Declaration to disclose certain additional information that has become available to A&M since the filing of the Prior Declarations. Capitalized terms used herein and not otherwise defined have the respective meanings set forth in the Prior Declarations.

#### **ADDITIONAL POTENTIAL PARTIES IN INTEREST**

- 11. In connection with its proposed retention by the Debtors in these cases, A&M has undertaken an ongoing analysis to determine whether any material relevant facts or relationships have arisen or been discovered. In connection therewith, it has come to A&M's attention that the entities identified on Schedule A hereto ("New Parties") are parties involved in the Debtors' Chapter 11 cases who were not identified on Schedule A to the Prior Declarations. The New Parties together with the parties identified on Schedule A to the Prior Declarations are hereinafter referred to as the "Potential Parties in Interest."
- 12. Based on the Firm Procedures described in the Original Declaration, the relationships with the New Parties are identified on Schedule B hereto.
- 13. Based on the results of its review, to the best of my knowledge, except as set forth in the Prior Declarations, A&M does not have an active relationship with any of Potential Parties in Interest in matters relating to the Debtors' chapter 11 cases.
- 14. To the extent any information disclosed herein requires amendment or modification upon A&M's completion of further review or as additional party-in-interest information becomes available to it, a further supplemental declaration reflecting such amended or modified information will be submitted to the Court.

Case 23-11069-CTG Doc 4458 Filed 09/27/24 Page 4 of 9

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct.

Dated September 27, 2024

/s/ Brian Whittman

Alvarez & Marsal North America, LLC Managing Director

### **SCHEDULE A**

**New Potential Parties in Interest** 

#### **Claims**

918 Heavy Recovery A & R Motor Express Inc

Above View Inc

Accessorie Air Compressor Systems Inc Aguilar, Mayra Edith Ramirez DBA Xiza

Transportes
Air Ground Xpress

All Around Fire Protection Inc

Alsco Inc

Altoona Water Authority

AN Deringer Inc Ar-Bel Associates LLC

Armada Transport Inc Basic Bob's Trucking

**Batory Foods** 

Bayview Construction Ltd Bigsam Transport LLC Branum Wrecker Service Bruger Incorporated Byron Township C&N Trucking LLC

Continental Tire Canada, Inc.

Cookdad.com Ltd

Crown Equipment Corporation

Cubedash LLC

Cummings & Bricker Inc D & D Truck Repair Inc

D Truck Dr

D&K Truck Company Inc

Dade Lift Parts & Equipment Inc Diesel Services of WNY Inc

Eastern Carolina Delivery Service Inc

Euler Hermes Agent Bessemer Management

Euler Hermes Agent for Fast Staff LLC

Excel Truck & Diesel Service

Excel Truck Group F & D Transport LLC

Flooring.org

Floyd's Truck Center, Inc Forest City Staffing Freight Concepts Inc Freightwell Logistics LLC

Georgia Chemical Equipment Company Inc

Ghuman Logistics Inc Gorski Construction Grade A Funding Inc Gregg Distributors LP GTY Services LLC GW Equipment Service

Hetmeyer Xpress LLC JCC Transport Inc JLF Logistics LLC

Grace Beauty LLC

Johnny Fleeman Gourmet Foods

Johnson Controls Security Solutions LLC

JRC Transports LLC

Judoe Inc

JVF Transport LLC

K2 CMC Consulting LLC
Kel & Jon Trucking LLC
Kenworth of Pennsylvania
Kings Fleet Service NW, LLC
Kirton's Landscape Maintenance Inc

Lakeside Trailer Service Larry J Fleet Services Ltd Limitless Logistics Inc

Linx Logistics

**Lodge Cleaning Business** 

M & W Towing & Recovery Inc

Mainline Equipment Ltd Marco Polo Int'l Trading Inc Marquis Industries Inc Match Freight Lines

Metro Cleveland Security Inc

Modern Logistics LLC

Mojack Terminal Maintenance Inc Morris Nichols Arsht & Tunnell LLP

Neptune Tanzanite LLC

New Mexico Trucking Association Inc

Nilfisk

North Logistics Company

Novexco

Nuline Delivery

Odaa Bultum Express Oseguera Trucking Otesco Logistics LLC

Pack Films Inc Pioneer Athletics Premier Trailers, LLC Pride Plumbing Services **QTI Trans LLC** 

Randy Ritchey D/B/A Randy's Auto Service

Reeds Auto Truck LLC

Roadrunner Mobile Truck Repair

Roane Transportation Services LLC

Romexpress Inc

Ron Freight

Roshi Freight & Dispatching LLC

Rounds & Associates Inc

Royal X Inc

Runyon Surface Prep

Ryobi Die Casting

Service Transfer Inc

Sigler

Span Alaska Transportation, LLC

Spicers Canada ULC

Stan the Man Trucking LLC

State of New Jersey Division of Taxation

Bankruptcy Section

Superior Fastener Co Inc

Tantara Transportation Corp

Ten By Three

Tesfalem Trucking LLC

**Thomson Reuters** 

Thoroughbred Direct Intermodal Services

**TP Trucking** 

Trans Expert Inc

Travel Centers of America

Treasure Valley Coffee Inc

Triumph Financial Services LLC

Triway Industries Inc

Tyler Union

Tyme-It Transportation Co Inc

Van Den Berge Pest Control

Vlasic Freight LLC

Wades Forklift Service LLC

Wanxiang International (USA) Ltd

Weiss Bros of Hagerstown LLC

Wes Kochel Inc

XPO Logistics Freight Inc

Zavalas Trucking

Zoom Express Logistics Ltd

## SCHEDULE B

#### **Yellow Corporation**

# Current and Former Clients of A&M and/or its Affiliates <sup>1</sup>

Alsco Inc Crown Equipment Corporation Euler Hermes Agent Bessemer Management Premier Trailers, LLC Thomson Reuters Travel Centers of America XPO Logistics Freight Inc

# **Significant Equity Holders of Current** and Former A&M Clients<sup>2</sup>

Thomson Reuters XPO Logistics Freight Inc

#### **Professionals & Advisors**<sup>3</sup>

Morris Nichols Arsht & Tunnell LLP Thomson Reuters

#### A&M Vendors<sup>4</sup>

Morris Nichols Arsht & Tunnell LLP Thomson Reuters

<sup>&</sup>lt;sup>1</sup> A&M and/ or an affiliate is currently providing or has previously provided certain consulting or interim management services to these parties or their affiliates (or, with respect to those parties that are investment funds or trusts, to their portfolio or asset managers or their affiliates) in wholly unrelated matters.

<sup>&</sup>lt;sup>2</sup> These parties or their affiliates (or, with respect to those parties that are investment funds or trusts, their portfolio or asset managers or other funds or trusts managed by such managers) are significant equity holders of clients or former clients of A&M or its affiliates in wholly unrelated matters.

<sup>&</sup>lt;sup>3</sup> These professionals have represented clients in matters where A&M was also an advisor (or provided interim management services) to the same client. In certain cases, these professionals may have engaged A&M on behalf of such client.

<sup>&</sup>lt;sup>4</sup> These parties or their affiliates provide or have provided products, goods and/or services (including but not limited to legal representation) to A&M and/or its affiliates