

**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)

(Joint Administration Requested)

**NOTICE OF (I) FILING OF BANKRUPTCY PETITIONS
AND RELATED DOCUMENTS AND (II) AGENDA FOR HEARING ON FIRST DAY
MOTIONS SCHEDULED FOR A DATE AND TIME TO BE DETERMINED BEFORE
THE HONORABLE LAURIE SELBER SILVERSTEIN OF THE UNITED STATES
BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE²**

PLEASE TAKE NOTICE that, on February 9, 2024, the debtors and debtors in possession in the above-captioned cases (the “Debtors”) filed voluntary petitions (the “Petitions”) for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), and the related pleadings with the Clerk of the United States Bankruptcy Court for the District of Delaware. The Debtors are authorized to continue to operate their business and manage their properties as debtors in possession, pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

PETITIONS AND RELATED PLEADINGS

1. Voluntary Petitions
 - a. Burgess BioPower, LLC [Case No. 24-10235, [D.I. 1](#); Filed 2/9/2024].
 - b. Berlin Station, LLC [Case No. 24-10236, [D.I. 1](#); Filed 2/9/2024].
2. Declaration of Dean Vomero Pursuant to 28 U.S.C. § 1746 in Support of the Debtors’ Chapter 11 Petitions and First Day Pleadings [[D.I. 4](#); Filed 2/9/2024].

PLEASE TAKE FURTHER NOTICE that a hearing with respect to the following first day motions (collectively, the “First Day Motions”) is scheduled for **a date and time to be**

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.

² All motions and other pleadings referenced herein are available on the following website maintained by the Debtors’ proposed claims and noticing agent, Epiq: <https://dm.epiq11.com/Burgess>.

determined (the “First Day Hearing”) before The Honorable Laurie Selber Silverstein, United States Bankruptcy Judge for the District of Delaware.

FIRST DAY MOTIONS GOING FORWARD

3. Motion of the Debtors for Order (I) Directing Joint Administration of Chapter 11 Cases Pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure and (II) Granting Related Relief [[D.I. 3](#); Filed 2/9/2024].

Status: This matter is going forward.

4. Application of Debtors for Entry of an Order (I) Approving the Retention and Appointment of Epiq Corporate Restructuring, LLC as the Claims and Noticing Agent to the Debtors Effective *Nunc Pro Tunc* to the Petition Date, and (II) Granting Related Relief [[D.I. 5](#); Filed 2/9/2024].

Status: This matter is going forward.

5. 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](#); Filed 2/9/2024].

Status: This matter is going forward.

6. 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](#); Filed 2/9/2024].

Status: This matter is going forward.

7. Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Continue Their Insurance Policies and (B) Pay All Obligations with Respect Thereto, (II) Modifying Automatic Stay, and (III) Granting Related Relief [[D.I. 10](#); Filed 2/9/2024].

Status: This matter is going forward.

8. 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](#); Filed 2/9/2024].

Status: This matter is going forward.

9. 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](#); Filed 2/9/2024].

Status: This matter is going forward.

10. 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](#); Filed 2/9/2024].

Status: This matter is going forward.

11. 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](#); Filed 2/9/2024].

Status: This matter is going forward.

12. 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](#); Filed 2/9/2024].

Status: This matter is going forward.

Dated: February 9, 2024

Wilmington, Delaware

/s/ Katharina Earle

Chantelle D. McClamb (No. 5978)

Katharina Earle (No. 6348)

GIBBONS P.C.

300 Delaware Avenue, Suite 1015

Wilmington, Delaware 19801

Telephone: (302) 518-6300

E-mail: cmcclamb@gibbonslaw.com

kearle@gibbonslaw.com

-and-

Robert K. Malone (*pro hac vice* pending)

Kyle P. McEvilly (*pro hac vice* pending)

Alison D. Bauer (*pro hac vice* pending)

William F. Gray, Jr. (*pro hac vice* pending)

Jiun-Wen Bob Teoh (*pro hac vice* pending)

FOLEY HOAG LLP

1301 Avenue of the Americas, 25th Floor

New York, New York 10019

Telephone: (212) 812-0400

E-mail: abauer@foleyhoag.com

wgray@foleyhoag.com

jteoh@foleyhoag.com

-and-

GIBBONS P.C.

One Gateway Center
Newark, New Jersey 07102
Telephone: (973) 596-4500
E-mail: rmalone@gibbonslaw.com
kmcevilly@gibbonslaw.com

*Proposed Co-Counsel for Debtors Burgess
BioPower, LLC and Berlin Station, LLC*

Kenneth S. Leonetti (*pro hac vice* pending)
Christian Garcia (*pro hac vice* pending)
Jonathan Bard (*pro hac vice* pending)

FOLEY HOAG LLP

155 Seaport Boulevard
Boston, Massachusetts 02210
Telephone: (617) 832-1000
E-mail: ksl@foleyhoag.com
cgarcia@foleyhoag.com
ybard@foleyhoag.com

*Proposed Co-Counsel for Debtors Burgess
BioPower, LLC and Berlin Station, LLC*