

**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)

**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR HEARING ON
JULY 12, 2024 AT 11:00 A.M. (ET) BEFORE THE HONORABLE LAURIE SELBER
SILVERSTEIN, 824 N. MARKET STREET, 6TH FLOOR, COURTROOM NO. 2**

**AS THERE ARE NO MATTERS GOING FORWARD, THE HEARING
HAS BEEN CANCELLED WITH THE PERMISSION OF THE COURT.**

I. ADJOURNED MATTERS:

1. Debtors' Motion for Entry of (A) an Order (I) Approving Bid Procedures Relating to the Sale of All or Substantially All of the Debtors' Assets, (II) Scheduling a Hearing to Consider the Sale, (III) Approving the Form and Manner of Notice of Sale By Auction, (IV) Establishing Procedures for the Assumption and/or Assumption and Assignment of Contracts and Leases and Approving the Form and Manner of Notice Thereof, and (V) Granting Related Relief; and (B) an Order (I) Authorizing the Sale of Assets Outside the Ordinary Course of Business, (II) Authorizing the Sale of Assets Free and Clear of all Liens, Claims, Encumbrances and Interests, (III) Authorizing the Assumption and/or Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (IV) Granting Related Relief [[D.I. 205](#); Filed 02/29/2024]

Sale Objection Deadline: March 14, 2024 at 4:00 p.m. (ET), *extended for the United States until May 29, 2024 at 12:00 p.m. (ET) and the City of Berlin until May 31, 2024 at 5:00 p.m. (ET).*

Contract Objection Deadline: April 19, 2024 at 4:00 p.m. (ET).

Amended Contract Objection Deadline: May 21, 2024 at 4:00 p.m. (ET).

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.

Responses Received:

- A. Limited Objection of Public Service Company of New Hampshire to Notice of Debtors' Intent to Assume and/or Assume and Assign Certain Unexpired Leases and Executory Contracts and Fixing Cure Amounts [[D.I. 316](#); filed 04/12/2024].
- B. City of Berlin's Objection to Cure Amounts [[D.I. 323](#); Filed 04/19/2024].
- C. Limited Objection of the State of New Hampshire Department of Environmental Services to (I) Confirmation of the Debtors' Joint Chapter 11 Plan and (II) Approval of the Sale of Substantially All of the Debtors' Assets [[D.I. 346](#); Filed 05/14/2024].
- D. Objection of Constellation NewEnergy, Inc. to Notice of Debtors' Intent to Assume and/or Assume and Assign Certain Additional Leases and Executory Contracts and Fixing of Additional Cure Amounts [[D.I. 353](#); Filed 05/16/2024].
- E. The United States of America's Reservation of Rights and Limited Objection to the Debtors' Plan and Sale Motion [[D.I. 363](#); Filed 05/29/2024].
- F. City of Berlin's Objection to Sale and/or Confirmation of Chapter 11 Plan [[D.I. 368](#); Filed 05/30/2024].
- G. Declaration of Pamela E. Laflamme in Support of the City of Berlin's Objection to Sale and/or Confirmation of Chapter 11 Plan [[D.I. 369](#); Filed 05/30/2024].

Related Documents:

- A. Declaration of J. Scott Victor in Support of the Motion of the Debtors for Approval of Bid Procedures and Related Relief [[D.I. 207](#); Filed 02/29/2024].
- B. Certification of Counsel [[D.I. 279](#); Filed 03/21/2024].
- C. Certification of Counsel [[D.I. 282](#); Filed 03/21/2024].
- D. Certification of Counsel [[D.I. 287](#); Filed 03/25/2024].
- E. Order (I) Approving Bid Procedures Relating to the Sale of All or Substantially All of the Debtors' Assets, (II) Scheduling a Hearing to Consider the Sale, (III) Approving the Form and Manner of Notice of Sale By Auction, (IV) Establishing Procedures for the Assumption and/or Assumption and Assignment of Contracts and Leases and Approving the Form and Manner of Notice Thereof, and (V) Granting Related Relief [[D.I. 288](#); Entered 03/25/2024].

- F. Notice of Debtors' Intent to Assume and/or Assume and Assign Certain Unexpired Leases and Executory Contracts and Fixing of Cure Amounts [[D.I. 290](#); Filed 03/29/2024].
- G. Notice of the Debtors' Intent to Assume and/or Assume and Assign Certain Additional Leases and Executory Contracts and Fixing of Additional Cure Amounts [[D.I. 332](#); Filed 05/06/2024]
- H. Notice of Adjournment of Auction [[D.I. 344](#); Filed 05/13/2024].
- I. Notice of Rescheduled Sale Hearing [[D.I. 348](#); Filed 05/15/2024].
- J. Notice of Rescheduled Sale Hearing and Confirmation Hearing [[D.I. 372](#); Filed 06/03/2024].
- K. Notice of Adjournment of Sale Hearing and Confirmation Hearing [[D.I. 383](#); Filed 06/14/2024].
- L. Notice of Rescheduled Sale Hearing and Confirmation Hearing [[D.I. 397](#); Filed 07/03/2024]

Status: This matter has been adjourned to a date and time to be determined.

- 2. First Amended Joint Chapter 11 Plan for Burgess BioPower, LLC and Berlin Station, LLC [[D.I. 311](#); Filed 04/11/2024].

Objection Deadline: May 14, 2024 at 4:00 p.m. (ET), *extended for the United States until May 29, 2024 at 12:00 p.m. (ET) and the City of Berlin until May 31, 2024 at 5:00 p.m. (ET).*

Responses Received:

- A. Limited Objection of the State of New Hampshire Department of Environmental Services to (I) Confirmation of the Debtors' Joint Chapter 11 Plan and (II) Approval of the Sale of Substantially All of the Debtors' Assets [[D.I. 346](#); Filed 05/14/2024].
- B. Limited Objection of Public Service Company of New Hampshire to Notice of Filing Plan Supplement for the First Amended Joint Chapter 11 Plan for Burgess BioPower, LLC and Berlin Station, LLC [[D.I. 350](#); Filed 05/16/2024].
- C. Objection of Constellation NewEnergy, Inc. to Notice of Debtors' Intent to Assume and/or Assume and Assign Certain Additional Leases and Executory Contracts and Fixing of Additional Cure Amounts [[D.I. 353](#); Filed 05/16/2024].
- D. The United States of America's Reservation of Rights and Limited Objection to the Debtors' Plan and Sale Motion [[D.I. 363](#); Filed 05/29/2024].

- E. City of Berlin's Objection to Sale and/or Confirmation of Chapter 11 Plan [[D.I. 368](#); Filed 05/30/2024].
- F. Declaration of Pamela E. Laflamme in Support of the City of Berlin's Objection to Sale and/or Confirmation of Chapter 11 Plan [[D.I. 369](#); Filed 05/30/2024].

Related Documents:

- A. Joint Chapter 11 Plan for Burgess BioPower, LLC and Berlin Station, LLC [[D.I. 250](#); Filed 03/11/2024].
- B. Disclosure Statement for the Joint Plan of Reorganization of Burgess BioPower, LLC and Berlin Station, LLC Pursuant to Chapter 11 of the Bankruptcy Code [[D.I. 251](#); Filed 03/11/2024].
- C. Debtors' Motion for Entry of an Order (A) Approving the Adequacy of the Disclosure Statement; (B) Approving the Solicitation and Notice Procedures with Respect to Confirmation of the Joint Plan of Reorganization of Burgess BioPower, LLC and Berlin Station, LLC; (C) Approving the Forms of Ballots and Notices in Connection Therewith; (D) Scheduling Certain Dates with Respect Thereto; and (E) Granting Related Relief [[D.I. 252](#); Filed 03/11/2024].
- D. Notice of Filing of First Amended Joint Chapter 11 Plan for Burgess BioPower, LLC and Berlin Station, LLC [[D.I. 311](#); Filed 04/11/2024].
- E. Notice of Filing of Disclosure Statement for the First Amended Joint Plan of Reorganization for Burgess BioPower, LLC and Berlin Station, LLC Pursuant to Chapter 11 of the Bankruptcy Code [[D.I. 312](#); Filed 04/11/2024].
- F. Certification of Counsel [[D.I. 313](#); Filed 04/11/2024].
- G. Notice of Filing of Exhibits to Disclosure Statement for the First Amended Joint Plan of Reorganization for Burgess BioPower, LLC and Berlin Station, LLC Pursuant to Chapter 11 of the Bankruptcy Code [[D.I. 317](#); Filed 04/12/2024].
- H. Order (A) Approving the Adequacy of the Disclosure Statement; (B) Approving the Solicitation and Notice Procedures with Respect to Confirmation of the First Amended Joint Chapter 11 Plan of Reorganization of Burgess BioPower, LLC and Berlin Station, LLC; (C) Approving the Forms and Ballots and Notices in Connection Therewith; (D) Scheduling Certain Dates with Respect Thereto; and (E) Granting Related Relief [[D.I. 320](#); Entered 04/15/2024].
- I. Notice of Hearing to Consider Confirmation of the Chapter 11 Plan Filed by the Debtors and Related Voting and Objection Deadlines [[D.I. 324](#); Filed 04/19/2024].

- J. Notice of Filing of Plan Supplement for the First Amended Joint Chapter 11 Plan for Burgess BioPower, LLC and Berlin Station, LLC [[D.I. 334](#); Filed 05/07/2024].
- K. Notice of Rescheduled Confirmation Hearing, Modified Confirmation Key Dates and Deadlines [[D.I. 349](#); Filed 05/15/2024].
- L. Declaration of Emily Young, on Behalf of Epiq Corporate Restructuring, LLC, Regarding Solicitation and Tabulation of Ballots Cast on First Amended Joint Chapter 11 Plan for Burgess BioPower, LLC and Berlin Station, LLC [[D.I. 351](#); Filed 05/16/2024].
- M. Notice of Rescheduled Sale Hearing and Confirmation Hearing [[D.I. 372](#); Filed 06/03/2024].
- N. Notice of Adjournment of Sale Hearing and Confirmation Hearing [[D.I. 383](#); Filed 06/14/2024].
- O. Notice of Rescheduled Sale Hearing and Confirmation Hearing [[D.I. 397](#); Filed 07/03/2024]

Status: This matter has been adjourned to a date and time to be determined.

Dated: July 10, 2024
Wilmington, Delaware

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