

**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)

Re: D.I. 6, 187

**FINAL ORDER (I) AUTHORIZING PAYMENT OF CERTAIN PREPETITION TAXES
AND RELATED OBLIGATIONS AND (II) AUTHORIZING FINANCIAL
INSTITUTIONS TO HONOR ALL RELATED CHECKS AND ELECTRONIC
PAYMENT REQUESTS**

Upon consideration of the *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* (the “Motion”),² and upon the *Declaration of Dean Vomero Pursuant to 28 U.S.C. § 1746 in Support of the Debtors’ Chapter 11 Petitions and First Day Pleadings*; and the Court finding that: (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated February 29, 2012; (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and (c) the Court may enter a final order consistent with Article III of the United States Constitution; and upon the record herein; and after due deliberation thereon; and it appearing that sufficient notice of the Motion has been given and that no other or further notice is necessary; and good cause appearing therefor; it is hereby

ORDERED THAT:

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 Capitalized terms used but not otherwise defined herein shall have the same meanings given to them in the Motion.

1. The Motion is GRANTED on a final basis, as set forth herein.
2. The Debtors are authorized, but not directed, to remit and pay Taxes to the Taxing Authorities in the ordinary course of business in an amount not to exceed \$290,000.00.
3. Nothing in this Final Order shall be construed as authorizing the Debtors to pay any amounts on account of past due taxes or to prepay any taxes.
4. All applicable banks and other financial institutions are hereby authorized, when requested by the Debtors in the Debtors' discretion, to receive, process, honor, and pay any and all checks and funds transfers evidencing amounts paid by the Debtors pursuant to the Motion, whether presented or issued prior to or after the Petition Date, provided that sufficient funds are available in the applicable bank accounts to make such payments. Such banks and financial institutions are authorized to rely on the representations of the Debtors as to which checks are issued or authorized to be paid pursuant to this Interim Order and any such bank shall not have liability to any party for relying on such representations by the Debtors, as provided for in this Final Order.
5. The Debtors are authorized to issue postpetition checks, or to effectuate postpetition funds transfer requests, in replacement of any checks or fund transfer requests that are dishonored as a consequence of the Chapter 11 Cases with respect to prepetition amounts owed in connection with the Taxes.
6. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Final Order in accordance with the Motion.
7. Notwithstanding the relief granted herein or any actions taken pursuant thereto, nothing in this Final Order shall be deemed: (a) an admission as to the validity, priority or

classification of any claim against the Debtors; (b) a waiver of the rights of the Debtors, their successors, or any other party's rights to dispute any claim on any grounds; (c) a promise or requirement to pay any claim; (d) an implication or admission that any particular claim is of a type specified or defined hereunder; (e) a request or authorization to assume any agreement, contract or lease pursuant to Bankruptcy Code Section 365; or (f) a waiver of the rights of the Debtors under the Bankruptcy Code or any other applicable law.

8. Notwithstanding any applicability of Bankruptcy Rule 6004(h), the terms and provisions of this Final Order shall be immediately effective and enforceable upon its entry.

9. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Final Order.

Dated: March 11th, 2024
Wilmington, Delaware


LAURIE SELBER SILVERSTEIN
UNITED STATES BANKRUPTCY JUDGE