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**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE EASTERN DISTRICT OF VIRGINIA
 ALEXANDRIA DIVISION**

In re:)	Chapter 11
ENVIVA INC., <i>et al.</i> ,)	Case No. 24-10453 (BFK)
Debtors. ¹)	(Jointly Administered)

**DEBTORS' MOTION FOR
 ENTRY OF AN ORDER (I) APPROVING
 PROCEDURES FOR FILING OMNIBUS OBJECTIONS
 TO CLAIMS, (II) APPROVING THE FORM AND MANNER OF THE
 NOTICE OF OMNIBUS OBJECTIONS, AND (III) GRANTING RELATED RELIEF**

The above-captioned debtors and debtors in possession (collectively, the “*Debtors*”) respectfully state as follows in support of this motion (the “*Motion*”):

* Subject to pending proceedings pursuant to 11 U.S.C. § 327.

¹ Due to the large number of Debtors in these jointly administered chapter 11 cases, a complete list of the Debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list may be obtained on the website of the Debtors’ claims and noticing agent at www.veritaglobal.net/enviva. The location of the Debtors’ corporate headquarters is: 7272 Wisconsin Avenue, Suite 1800, Bethesda, MD 20814.



RELIEF REQUESTED

1. The Debtors seek the entry of an order, substantially in the form attached hereto as **Exhibit A** (the “***Order***”): (a) approving the Omnibus Objection Procedures attached as **Exhibit 1** to the Order and incorporated by reference herein; (b) approving the proposed form and manner of notice that will be provided to affected creditors (the “***Objection Notice***”), substantially in the form attached as **Exhibit 2** to the Order and incorporated by reference herein; and (c) granting related relief.

JURISDICTION AND VENUE

2. The United States Bankruptcy Court for the Eastern District of Virginia (the “***Court***”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference from the United States District Court for the Eastern District of Virginia*, dated August 15, 1984. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). The Debtors confirm their consent, pursuant to Rule 7008 of the Federal Rules of Bankruptcy Procedure (the “***Bankruptcy Rules***”), to the entry of a final order by the Court in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The statutory bases for the relief requested herein are sections 105 and 502 of title 11 of the Bankruptcy Code, Bankruptcy Rules 2002(a), 3007, 7004, 9006, and 9014, and rule 3007-1 of the Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia (the “***Local Rules***”).

BACKGROUND

5. Enviva Inc. and its Debtor and non-Debtor subsidiaries (collectively, the “*Company*”) are the world’s largest producer of industrial wood pellets, a renewable and sustainable energy source produced by aggregating a natural resource—wood fiber—and processing it into a transportable form. The Company owns and operates ten industrial-scale wood pellet production plants located in Virginia, North Carolina, South Carolina, Georgia, Florida, and Mississippi. The Company exports its wood pellets through owned and leased deep-water marine terminals to customers in the United Kingdom, the European Union, and Japan who purchase the wood pellets through long-term, take-or-pay offtake contracts with the Company.

6. On March 12, 2024 (the “*Petition Date*”), each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtors are operating their businesses and managing their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. On March 14, 2024, the Court entered an order authorizing the procedural consolidation and joint administration of these chapter 11 cases pursuant to Bankruptcy Rule 1015(b). *See* Docket No. 84. On March 25, 2024, the Office of the United States Trustee appointed an official committee of unsecured creditors (the “*Committee*”). *See Appointment of Unsecured Creditors Committee* [Docket No. 172]. No request for the appointment of a trustee or examiner has been made in these chapter 11 cases.

7. Additional information regarding the Debtors and these chapter 11 cases, including the Debtors’ business operations, capital structure, financial condition, and the reasons for and

objectives of these chapter 11 cases, is set forth in the *Declaration of Glenn Nunziata in Support of Chapter 11 Petitions* [Docket No. 27] (the “*First Day Declaration*”).²

**THE DEBTORS’ CLAIMS PROCESS AND
OMNIBUS CLAIMS OBJECTION PROCEDURES**

8. Pursuant to the *Order (I) Establishing Bar Dates and Procedures and (II) Approving the Form and Manner of Notice Thereof* [Docket No. 321] (the “*Bar Date Order*”), subject to certain exceptions, all proofs of claim against the Debtors in these chapter 11 cases must have been filed with Kurtzman Carson Consultants LLC dba Verita Global (“*Verita*”), the Debtors’ claims and noticing agent, by June 14, 2024 (the “*General Bar Date*”), except for claims of governmental units. Governmental units must file proofs of claim against the Debtors on or before September 9, 2024.

9. Over 800 proofs of claim were filed on or before the General Bar Date, and the Debtors listed over 1,300 claims in their schedules (each, a “*Claim*” and collectively, “*Claims*”).³ In light of the voluminous number of Claims that have been asserted against the Debtors’ estates, and the number of objections the Debtors expect to file in response thereto, the Debtors seek authorization to file omnibus objections (each, an “*Omnibus Objection*”) to the Claims in accordance with the objection procedures described herein and attached as Exhibit 1 to the Order (the “*Omnibus Objection Procedures*”).

² The First Day Declaration is incorporated herein by reference. Capitalized terms used but not otherwise defined in this Motion shall have the meanings set forth in the First Day Declaration.

³ Nothing herein shall be deemed: (a) an admission as to the amount of, basis for, or validity of any claim against the Debtors under the Bankruptcy Code, any foreign bankruptcy or insolvency law, or other applicable nonbankruptcy law; (b) a waiver of the Debtors’ right to dispute any claim (or Claim) on any grounds; (c) a promise or requirement to pay any claim (or Claim); or (d) an implication or admission that any particular claim (or Claim) is of a type specified or defined in the Order or the Motion.

A. The Omnibus Objection Procedures.

10. The Omnibus Objection Procedures provide for efficient and economic resolution of Omnibus Objections to the Claims by: (a) providing a roadmap to the Claims objection process that clearly describes the form and manner of Omnibus Objections and the process by which claimants must file and serve responses thereto (each, a “*Response*”); and (b) ensuring that all parties in interest have sufficient access to the information they require to navigate the Claims objection process successfully and otherwise preserve and protect the rights they are afforded under the Bankruptcy Code.

11. Specifically, the Omnibus Objection Procedures describe the key aspects of the Claims resolution process, including: (a) the form of Omnibus Objections and supporting documentation, if necessary, including the exhibit to be attached and the information to be set forth therein; (b) the form of the Objection Notice; (c) the information claimants need to file a Response to the Omnibus Objection, the timeframe for doing so, and the implications of failing to timely file a Response; (d) the timeframe within which the Debtors are entitled to file a reply to a Response; (e) the number of Claims permitted to be included in each Omnibus Objection; and (f) information relating to hearings on Omnibus Objections (*e.g.*, attendance requirements, pre-hearing discovery, and the possibility and procedures for the rescheduling of such hearings).

12. Although the Debtors expect to object to a number of Claims on the grounds enumerated in Bankruptcy Rule 3007(d),⁴ the Debtors expect that certain Claims will necessitate

⁴ Bankruptcy Rule 3007(d) provides the following grounds for omnibus objection to claims:

- (1) they duplicate other claims;
- (2) they have been filed in the wrong case;
- (3) they have been amended by subsequently filed proofs of claim;
- (4) they were not timely filed;

objections on additional grounds not set forth expressly therein (collectively, the “*Additional Grounds*”). The Additional Grounds may include the following bases or bases similar thereto:

- a. the Claims are inconsistent with the Debtors’ books and records;
- b. the Claims fail to specify the amount or assert the amount as “unliquidated”;
- c. the Claims fail to specify sufficiently the basis for the Claim or provide sufficient supporting documentation for such Claim;
- d. the Claims seek to recover amounts for which the Debtors are not liable;
- e. the Claims are incorrectly or improperly classified;
- f. the Claims are filed against non-Debtors, the wrong Debtor, or against multiple Debtors, except to the extent permitted under the Bar Date Order;
- g. the Claims fail to specify a Debtor against which the Claim is asserted;
- h. the Claims are subject to subordination under section 510(b) of the Bankruptcy Code;
- i. the Claims are disallowed pursuant to section 502 of the Bankruptcy Code;
- j. the Claims are subject to satisfaction in full or in part by a party that is not a Debtor, including by one or more of the Debtors’ insurers with a legal obligation to satisfy such Claim; or
- k. the Claims have been withdrawn formally pursuant to either a pleading or the entry of a Court order.

13. The Debtors seek authority to object to multiple Claims on the Additional Grounds in an Omnibus Objection pursuant to Bankruptcy Rule 3007(c). This will allow the Debtors to

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- (5) they have been satisfied or released during the case in accordance with the Code, applicable rules, or a court order;
 - (6) they were presented in a form that does not comply with applicable rules, and the objection states that the objector is unable to determine the validity of the claim because of the noncompliance;
 - (7) they are interests, rather than claims; or
 - (8) they assert priority in an amount that exceeds the maximum amount under §507 of the Code.

minimize the cost, confusion, and delay attendant to preparing and filing individual objections on a Claim-by-Claim basis.

14. Finally, the Debtors seek authority to waive the requirements of Bankruptcy Rule 3007(e)(6) (requiring omnibus claims objections to contain no more than 100 proofs of claim) in order to allow the Debtors to include up to 250 Claims on Omnibus Objections. Waiver of Bankruptcy Rule 3007(e)(6) will further minimize costs and enable the Debtors to execute an efficient and expedient Claims resolution process. To date, over 800 Claims have been filed against the Debtors, the Debtors anticipate additional Claims will be filed prior to the governmental claims bar date, and the Debtors anticipate that numerous claims will be filed late, making the limitations imposed under Bankruptcy Rule 3007(e)(6) burdensome and counterproductive. Specifically, adherence to this rule could result in repetitive (not to mention costly) Claims objections that could confuse creditors and unnecessarily complicate the Court's docket. The relief requested herein is intended to maximize value without sacrificing the procedural safeguards contained in Bankruptcy Rule 3007(e) and the additional protections set forth in the Omnibus Objection Procedures.

B. The Objection Notice.

15. As set forth in the Omnibus Objection Procedures, each claimant whose Claim is the subject of an Omnibus Objection will be provided with an Objection Notice.⁵ The Objection Notice will, among other things: (a) describe the basic nature of the Omnibus Objection; (b) inform claimants that their rights may be affected by the Omnibus Objection and encourage them to read the Omnibus Objection carefully; (c) identify the deadline for filing and serving a

⁵ Although the Objection Notice will be generally in the form attached hereto, it may be tailored to address issues specific to particular claimants and/or certain types of Omnibus Objections where necessary or appropriate.

Response and describe the procedures for filing a response and the implications of failing to do so; (d) identify the date on which a hearing may be held to address Omnibus Objections and related Responses; and (e) describe how a copy of a Claim, the Omnibus Objection, and other pleadings filed in these chapter 11 cases may be obtained. An Objection Notice will be served on each creditor whose Claim is objected to by an Omnibus Objection.

BASIS FOR RELIEF

C. Ample Authority Exists for Approval of the Omnibus Objection Procedures.

16. A debtor may rebut a proof of claim by filing an objection under Bankruptcy Rule 3007. *See Gentry v. Siegel*, 668 F.3d 83, 88 (4th Cir. 2012). If a debtor rebuts a claim’s presumptive validity, the burden shifts back to the creditor who has the ultimate burden of persuasion with respect to the validity of the claim. *See, e.g., In re Anderson*, 349 B.R. 448 (E.D. Va. 2006); *Carter Enterprises, Inc. v. Ashland Specialty Co., Inc.*, 257 B.R. 797 (S.D. W. Va. 2001). Bankruptcy Rule 3007(c) provides that a debtor can file multiple objections to claims in the same pleading in accordance with Bankruptcy Rule 3007(d) or as “ordered by the court.”

17. The Court may also rely on its general equitable powers to grant the relief requested in this Motion pursuant to section 105(a) of the Bankruptcy Code, which empowers the Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].” 11 U.S.C. § 105(a); *Canal Corp. v. Finnman (In re Johnson)*, 960 F.2d 396, 404 (4th Cir. 1992) (“the allowance or disallowance of a claim in bankruptcy is a matter of federal law left to the bankruptcy court’s exercise of its equitable powers.”).

D. Approval of the Omnibus Objection Procedures Benefits Parties in Interest.

18. The Omnibus Objection Procedures comply with the Local Rules and are comparable to omnibus objection procedures approved by this Court in other large chapter 11 cases. *See, e.g., In re Nordic Aviation Capital Designated Activity Company*, No. 21-33693 (KRH)

(Bankr. E.D. Va. Apr. 6, 2022); *In re Le Tote, Inc.*, No. 20-33332 (KLP) (Bankr. E.D. Va. Nov. 24, 2020); *In re Intelsat, S.A.*, No. 20-32299 (KLP) (Bankr. E.D. Va. Sept. 1, 2020); *In re Pier 1 Imports, Inc.*, No. 20-30805 (KRH) (Bankr. E.D. Va. Mar. 17, 2020); *In re Toys “R” Us, Inc.*, No. 17-34665 (KLP) (Bankr. E.D. Va. Aug. 8, 2018); and *In re The Gymboree Corp.*, No. 17-32986 (KLP) (Bankr. E.D. Va. Nov. 13, 2017).

19. The Omnibus Objection Procedures not only facilitate an efficient administration of the Claims reconciliation process, but also protect and preserve the value of the Debtors’ estates by reducing the costs and expenses that would result if individual objections were required to be filed for each Claim (or if omnibus objections were allowed without the benefit of approval of the Omnibus Objection Procedures). The Omnibus Objection Procedures also afford substantial protection with respect to creditors’ due process rights, providing all claimants with sufficient notice and an opportunity to be heard.

20. Similarly, allowing the Debtors to object to Claims on the Additional Grounds in an omnibus format, and allowing the Debtors to include up to 250 Claims on Omnibus Objections, will promote the efficient and cost-effective administration of the Debtors’ estates. Moreover, the Claims objection process will be streamlined and well-organized, and all parties in interest will benefit from the Omnibus Objection Procedures with proper due process that will result in fewer pleadings, fewer hearings, and greater efficiency. The Debtors believe that the Omnibus Objection Procedures appropriately balance judicial and administrative efficiency with due process rights.

E. The Omnibus Objection Procedures Are Consistent With Bankruptcy Rule 3007(c).

21. Bankruptcy Rule 3007(c) provides a mechanism by which debtors may request entry of an order approving tailored Claims objection procedures, and provides, “unless otherwise ordered by the court or permitted by [Bankruptcy Rule 3007(d) (the omnibus claim objection provision)], objections to more than one claim shall not be joined in a single objection.” Fed. R.

Bankr. P. 3007(c). Although the requirements of Bankruptcy Rule 3007(e) are mandatory if the omnibus objection is being filed under Bankruptcy Rule 3007(d), they are not explicitly required under Bankruptcy Rule 3007(c) if the bankruptcy court “order[s] otherwise.”

22. Importantly, although an Omnibus Objection will address multiple Claims, the Objection Notice will be provided for each claimant affected by such Omnibus Objection, clearly informing it of the Omnibus Objection and how to preserve its rights with respect thereto. Consequently, from the creditors’ standpoint, they can easily determine if the Debtors are objecting to their Claim, and upon what grounds.

F. The Omnibus Objection Procedures Provide for Adequate Notice and Service.

23. While Bankruptcy Rule 3007 describes the form of omnibus objections to proofs of claim, it does not address issues relating to notice and service. As set forth in the Omnibus Objection Procedures, the Debtors propose to serve the Objection Notice on the party that signed the Claim form or any counsel of record who filed an appearance on behalf of such party in connection with these chapter 11 cases. Therefore, the Debtors submit that the Omnibus Objection Procedures provide for adequate notice and appropriate service of process in accordance with the Bankruptcy Rules.

24. Given the number of Claims that the Debtors anticipate will be filed in these cases, the proposed Omnibus Objection Procedures will ensure the efficient and fair resolution of the Claims. The Omnibus Objection Procedures will not alter the substantive rights of creditors and simply provide parties in interest with transparency and predictability with respect to the resolution of the Claims. No Claim subject to the Omnibus Objection Procedures will be expunged, altered, reclassified, or otherwise affected without a further order of this Court or the agreement of the Debtors and such claimant. Accordingly, the Debtors believe the Omnibus Objection Procedures

are fair and equitable and request that the Court approve the Omnibus Objection Procedures and Objection Notice in light thereof.

NOTICE

25. Notice of this Motion has been provided by delivery to the following parties or their counsel, as applicable: (a) the Assistant United States Trustee for the Eastern District of Virginia; (b) Akin Gump Strauss Hauer & Feld LLP as co-counsel to the Committee; (c) Hirschler Fleischer PC as co-counsel to the Committee; (d) Davis Polk & Wardwell LLP as co-counsel to the Ad Hoc Group; (e) McGuireWoods LLP as co-counsel to the Ad Hoc Group; (f) McDermott Will & Emery LLP as counsel to the agent under the DIP Facility; (g) Cahill Gordon & Reindel LLP as counsel to the agent under the Senior Secured Credit Facility; (h) Kilpatrick Townsend & Stockton LLP as counsel to the indenture trustee under the 2026 Notes; (i) Kramer Levin Naftalis & Frankel LLP as counsel to the indenture trustees under the Bond Green Bonds and the Epes Green Bonds; (j) those persons who have formally appeared in these chapter 11 cases and requested service pursuant to Bankruptcy Rule 2002; (k) the United States Attorney's Office for the Eastern District of Virginia; (l) the Securities and Exchange Commission; (m) the Internal Revenue Service; and (n) all applicable government agencies or other parties to the extent required by the Bankruptcy Rules or the Local Rules (collectively, the "*Notice Parties*").

26. In light of the nature of the relief requested in this Motion, the Debtors submit that no further notice is necessary.

NO PRIOR REQUEST

27. No prior request for the relief sought in this Motion has been made to this or any other court.

[Remainder of page intentionally left blank]

WHEREFORE, the Debtors respectfully request that the Court enter the Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Richmond, Virginia
Dated: June 27, 2024

/s/ Jeremy S. Williams
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*Proposed counsel to the Debtors and Debtors in Possession**

* Subject to pending proceedings pursuant to 11 U.S.C. § 327.

Exhibit A

Proposed Order

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**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE EASTERN DISTRICT OF VIRGINIA
 ALEXANDRIA DIVISION**

In re:)	Chapter 11
ENVIVA INC., <i>et al.</i> ,)	Case No. 24-10453 (BFK)
Debtors. ¹)	(Jointly Administered)

**ORDER (I) APPROVING PROCEDURES
 FOR FILING OMNIBUS OBJECTIONS TO CLAIMS,
 (II) APPROVING THE FORM AND MANNER OF THE NOTICE
 OF OMNIBUS OBJECTIONS, AND (III) GRANTING RELATED RELIEF**

* Subject to pending proceedings pursuant to 11 U.S.C. § 327.

¹ Due to the large number of Debtors in these jointly administered chapter 11 cases, a complete list of the Debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list may be obtained on the website of the Debtors' claims and noticing agent at www.veritaglobal.net/enviva. The location of the Debtors' corporate headquarters is: 7272 Wisconsin Avenue, Suite 1800, Bethesda, MD 20814.

Upon the motion (the “**Motion**”)² of the above-captioned debtors (the “**Debtors**”) for entry of an order (this “**Order**”), approving (a) procedures for filing omnibus objections to Claims asserted in the above-captioned cases (the “**Omnibus Objection Procedures**”) (b) the form and manner of the notice of objections (the “**Objection Notice**”), and (c) granting related relief; all as more fully set forth in the Motion; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference* from the United States District Court for the Eastern District of Virginia, dated August 15, 1984, and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that the Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Motion is in the best interests of the Debtors’ estates, their creditors, and other parties in interest; and the Court having found that the Debtors’ notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and that no other notice need be provided; and the Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before the Court (the “**Hearing**”); and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted as set forth in this Order.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

2. The Debtors are authorized to file Omnibus Objections to Claims pursuant to the Omnibus Objection Procedures, attached hereto as **Exhibit 1**, which are incorporated herein by reference and hereby approved in their entirety.

3. Notwithstanding anything to the contrary in the Bankruptcy Code, the Bankruptcy Rules, or the Local Rules, the Debtors may object to no more than 250 Claims in a single Omnibus Objection on any of the bases set forth in Bankruptcy Rule 3007(d) or on the Additional Grounds.

4. The Debtors may schedule a hearing on an Omnibus Objection no sooner than 30 days following the service thereof. The requirement of Bankruptcy Rule 3007(a) is waived with respect to the relief granted herein.

5. The Objection Notice, substantially in the form attached hereto as **Exhibit 2**, but which may be modified from time to time, as necessary and appropriate, to address issues specific to particular claimants and/or certain types of Omnibus Objections, is hereby approved as the form by which the Debtors shall provide notice to claimants whose Claims are the subject of an applicable Omnibus Objection.

6. Nothing in this Order shall affect the Debtors' authority to settle or satisfy claims to the extent authorized by a separate order of the Court or by a stipulation among the parties.

7. For the avoidance of doubt, the Debtors may include scheduled Claims in Omnibus Objections and without the need to amend such schedules.

8. The Debtors' noticing and claims agent is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

9. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief (including any payment made in accordance therewith), nothing herein shall be deemed: (a) an admission as to the amount of, basis for, or validity of any claim (including any

asserted “Claim” as defined in the Motion) against the Debtors under the Bankruptcy Code, any foreign bankruptcy or insolvency law, or other applicable nonbankruptcy law; (b) a waiver of the Debtors’ or any other party in interest’s right to dispute any claim (or Claim) on any grounds; (c) a promise or requirement to pay any claim (or Claim); (d) an implication, admission or finding that any particular claim (or Claim) is an administrative expense claim, other priority claim or otherwise of a type specified or defined in this Order or the Motion; (e) a request or authorization to assume, adopt, or reject any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; (f) a waiver of the Debtors’ or any other party in interest’s rights under the Bankruptcy Code or any other applicable law; or (g) a concession by the Debtors that any liens (contractual, common law, statutory, or otherwise) satisfied pursuant to the Motion are valid, and the rights of all parties in interest are expressly reserved to contest the extent, validity, priority, amount, or perfection or seek avoidance of all such liens.

10. Notwithstanding the relief granted herein or any action taken hereunder, nothing contained in this Order shall create any rights in favor of or enhance the status of any claim held by any party in interest.

11. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.

12. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

13. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: _____
Alexandria, Virginia

United States Bankruptcy Judge

WE ASK FOR THIS:

/s/

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Co-Counsel and Proposed Co-Counsel to the Debtors and Debtors in Possession

CERTIFICATION OF ENDORSEMENT UNDER LOCAL RULE 9022-1(C)

Pursuant to Local Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/

Exhibit 1

Omnibus Objection Procedures

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In re:)	
)	Chapter 11
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)	Case No. 24-10453 (BFK)
Debtors. ¹)	
)	(Jointly Administered)

PROCEDURES FOR FILING OMNIBUS OBJECTIONS TO CLAIMS

Omnibus Objection Procedures

1. ***Grounds for Omnibus Objections.*** Bankruptcy Rule 3007(d) sets forth the following grounds on which, in whole or in part, the Debtors may file omnibus objections to claims (each, an “***Omnibus Objection***”):

- a. they duplicate other claims;

* Subject to pending proceedings pursuant to 11 U.S.C. § 327.

¹ Due to the large number of Debtors in these jointly administered chapter 11 cases, a complete list of the Debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list may be obtained on the website of the Debtors’ claims and noticing agent at www.veritaglobal.net/enviva. The location of the Debtors’ corporate headquarters is: 7272 Wisconsin Avenue, Suite 1800, Bethesda, MD 20814.

- b. they have been filed in the wrong case;
- c. they have been amended by subsequently filed proofs of claims;
- d. they were not timely filed;
- e. they have been satisfied or released during the case in accordance with the Code, applicable rules, or a court order;
- f. they were presented in a form that does not comply with the applicable rules, or a court order;
- g. they are interests, rather than claims; or
- h. they assert priority in an amount that exceeds the maximum amount under section 507 of the Bankruptcy Code.

2. ***Additional Grounds for Omnibus Objections.*** In addition to those grounds expressly set forth in Bankruptcy Rule 3007(d), the Debtors may file Omnibus Objections to claims, in whole or part, on the following additional grounds or grounds similar thereto (collectively, the “***Additional Grounds***”):

- a. the Claims are inconsistent with the Debtors’ books and records;
- b. the Claims fail to specify the amount or assert the amount as “unliquidated”;
- c. the Claims fail to specify sufficiently the basis for the Claim or provide sufficient supporting documentation for such Claim;
- d. the Claims seek to recover amounts for which the Debtors are not liable;
- e. the Claims are incorrectly or improperly classified;
- f. the Claims are filed against non-Debtors, the wrong Debtor, or against multiple Debtors, except to the extent permitted under the Bar Date Order;
- g. the Claims fail to specify a Debtor against which the Claim is asserted;
- h. the Claims are subject to subordination under section 510(b) of the Bankruptcy Code;
- i. the Claims are disallowed pursuant to section 502 of the Bankruptcy Code;
- j. the Claims are subject to satisfaction in full or in part by a party that is not a Debtor, including by one or more of the Debtors’ insurers with a legal obligation to satisfy such Claim; or
- k. the Claims have been withdrawn formally pursuant to either a pleading or the entry of a Court order.

3. **Form of Omnibus Objection.** Omnibus Objections will be numbered consecutively, regardless of basis.

4. **Number of Proofs of Claim per Omnibus Objection.** The Debtors may object to no more than 250 Claims per Omnibus Objection. There is no limit on the number of individual objections that may be filed in a calendar month.

5. **Omnibus Objection Notice.** Each Omnibus Objection will be accompanied by a notice of such Omnibus Objection (each, an “**Objection Notice**”) in substantially the form attached to the Order as Exhibit 2. The Objection Notice will, among other things: (a) describe the basic nature of the Omnibus Objection; (b) inform claimants that their rights may be affected by the Omnibus Objection and encourage them to read the Omnibus Objection carefully; (c) identify the deadline for filing and serving a Response and describe the procedures to inform claimants that their written response (each, a “**Response**”) to the Omnibus Objection must be timely received by the appropriate parties and the implications of failing to do so; (d) identify the date on which a hearing may be held to address Omnibus Objections and related Responses; and (e) describe how Claims, the Omnibus Objection, and other pleadings in the chapter 11 cases may be obtained. Although the Objection Notice generally will be in the form attached hereto, it may be tailored specifically to address particular claimants or types of Omnibus Objections.

6. **Claim Exhibits.** An exhibit listing the Claims that are subject to the Omnibus Objection will be attached to each Omnibus Objection. Each exhibit will include, among other things, the following information: (a) an alphabetized list of the claimants whose Claims are the subject of the Omnibus Objection; (b) the claim numbers of the Claims that are the subject of the Omnibus Objection; (c) the asserted amount of the Claim, if applicable; and (d) the grounds for the objections that are the subject of the Omnibus Objection. Where applicable, additional information may be included in the exhibits, including: (a) for Claims that the Debtors seek to reclassify, the proposed classification of such Claims; (b) for Omnibus Objections in which the Debtors seek to reduce the amount of Claims, the proposed reduced claim amount; and (c) for Claims that the Debtors propose to be surviving claims where related claims will be disallowed and expunged, the surviving claim number.

7. **Supporting Documentation.** To the extent appropriate, Omnibus Objections may be accompanied by an affidavit or declaration that states that the affiant or the declarant has reviewed the Claims included therein and applicable supporting information and documentation provided therewith, made reasonable efforts to research the Claim on the Debtors’ books and records, and believes such documentation does not provide *prima facie* evidence of the validity and amount of such Claims.

8. **Reply of the Debtors or the Debtors, as Applicable.** The Debtors may file a reply or omnibus reply (each, a “**Reply**”) to any Response or multiple Responses, as applicable, to an Omnibus Objection, or a Response related to a specific Claim, no later than one calendar day before a hearing on the Omnibus Objection, or may reply in oral argument at the hearing.

9. **Rescheduling the Hearing.** If the Court determines that the hearing on a particular Omnibus Objection to a Claim will require substantial time for the presentation of argument and/or

evidence, then the Court, in its discretion, may reschedule the hearing on that Claim for a different hearing date and time. The Debtors may reschedule a hearing on an Omnibus Objection, upon proper notice to claimants.

10. **Hearing.** A hearing on the Omnibus Objections may take place during a scheduled hearing date that is no less than 30 calendar days after mailing of the Omnibus Objection. By the Objection Notice, claimants who have filed a Response to the Omnibus Objection will be informed that if they file a Response to the Omnibus Objection, then they should plan to appear at the hearing on the Omnibus Objection. The date of such hearing will be stated in the Objection Notice. The Debtors, however, reserve the right to continue any hearing with respect to the Omnibus Objection and/or the Response.

11. **Additional Discovery.** Upon receipt of a Response, the Debtors may determine that discovery is necessary in advance of the hearing on the Omnibus Objection to the Claims subject to such Response. In such event, the Debtors will serve notice on the affected claimant that the scheduled hearing will be treated as a status conference during which the parties will request that the Court enter a scheduling order. Notwithstanding the foregoing, nothing herein modifies any parties' right to seek discovery or request that the scheduled hearing be treated as a status conference.

12. **Order if No Response.** The Debtors may submit an order to the Court sustaining each Omnibus Objection to which the Debtors did not receive a timely Response without further notice to such claimants. The Debtors may submit an order for Claims in an Omnibus Objection to which no response is filed, even if there are Responses to certain Claims objected to in such Omnibus Objection.

13. **Each Objection Is a Contested Matter.** Each Claim subject to an Omnibus Objection and the Response thereto shall constitute a separate contested matter as contemplated by Bankruptcy Rule 9014, and any order entered by the Court will be deemed a separate order with respect to such Claim.

Requirements For All Responses To Objections

Parties who disagree with an Omnibus Objection are required to file a Response in accordance with the procedures set forth herein.² If a claimant whose Claim is subject to an Omnibus Objection does not file and serve a Response in compliance with the procedures below, the Court may sustain the Omnibus Objection with respect to such Claims without further notice to the claimant and without holding a hearing thereon.

I. Contents. Each Response must contain the following (at a minimum):

² For the avoidance of doubt, a Response to an objection to a single Claim in an Omnibus Objection will not impact the objections to the other Claims contained in the Omnibus Objection.

- A. a caption setting forth the name of the Court, the name of the Debtors, the case number, and the title of the Omnibus Objection to which the Response is directed;
- B. the claimant's name and an explanation for the amount of the Claim;
- C. a concise statement setting forth the reasons why the Court should not sustain the Omnibus Objection, including, without limitation, the specific factual and legal bases upon which the claimant will rely in opposing the Omnibus Objection;
- D. a copy of any other documentation or other evidence of the Claim, to the extent not already included with the Claim, upon which the claimant will rely in opposing the Omnibus Objection at the hearing; and
- E. the claimant's name, address, telephone number, and email address and/or the name, address, telephone number and email address of the claimant's attorney and/or designated representative to whom the attorneys for the Debtors should serve a reply to the Response, if any (collectively, the "*Notice Addresses*"). If a Response contains Notice Addresses that are different from the name and/or address listed on the Claim, the Notice Addresses will control and will become the service address for future service of papers, but only with respect to all of the claimant's Claims listed in the Omnibus Objection (including all Claims to be disallowed and expunged and the surviving Claims).

II. *Additional Information.* To facilitate a resolution of the Omnibus Objection, the Response should also include the name, address, telephone number, and email address of the party with authority to reconcile, settle, or otherwise resolve the Omnibus Objection on the claimant's behalf (the "*Additional Addresses*"). Unless the Additional Addresses are the same as the Notice Addresses, the Additional Addresses will not become the service address for future service of papers.

III. *Failure to File a Timely Response.* A written Response to an Omnibus Objection must be received on or before the date that is 30 days after service of the Omnibus Objection (the "*Response Deadline*"). If the claimant fails to file and serve a Response on or before 30 days after service of the Omnibus Objection in compliance with the procedures set forth herein, the Debtors will present to the Court an appropriate order granting the relief requested in the Omnibus Objection without further notice to the claimant.

IV. *Service of the Response.* A written Response to an Omnibus Objection, consistent with the requirements described herein and in the Objection Notice, will be deemed timely filed with the Court only if the Response is *actually filed* on the Court's docket on or before the deadline to respond. A written Response to an Omnibus Objection, consistent with the requirements described herein and in the Objection Notice, will be deemed timely served only if a copy of the Response is *actually received* by counsel for the Debtors on or before the deadline to respond (which deadline will be clearly set forth in the Objection Notice) by counsel for the Debtors:

Vinson & Elkins LLP

Attn: David S. Meyer, Jessica C. Peet, Matthew J. Pyeatt and Trevor G. Spears
1114 Avenue of the Americas
32nd Floor
New York, New York 10036

Kutak Rock LLP

Attn: Peter J. Barrett, Jeremy S. Williams and Adolyn C. Wyatt
1021 East Cary Street, Suite 810
Richmond, Virginia 23219

V. *Reservation of Rights.* Nothing in the Objection Notice or the Omnibus Objection will constitute a waiver of the right to assert any claims, counterclaims, rights of offset or recoupment, preference actions, fraudulent-transfer actions, or any other claims against the claimant of the Debtors. Unless the Court allows a Claim or specifically orders otherwise, the Debtors have the right to object on any grounds to the Claims (or to any other Claims or causes of action filed by a claimant or that have been scheduled by the Debtors) at a later date. In such event, the respective claimant will receive a separate notice of any such objections.

Exhibit 2

Objection Notice

Michael A. Condyles (VA 27807)
 Peter J. Barrett (VA 46179)
 Jeremy S. Williams (VA 77469)
KUTAK ROCK LLP
 1021 East Cary Street, Suite 810
 Richmond, Virginia 23219-0020
 Telephone: (804) 644-1700
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 1114 Avenue of the Americas, 32nd Floor
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Counsel to the Debtors and Debtors in Possession

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 Trevor G. Spears (admitted *pro hac vice*)
VINSON & ELKINS LLP
 Trammell Crow Center
 2001 Ross Avenue, Suite 3900
 Dallas, Texas 75201
 Telephone: (214) 220-7700
 Facsimile: (214) 220-7716

*Proposed counsel to the Debtors and Debtors in Possession**

**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE EASTERN DISTRICT OF VIRGINIA
 ALEXANDRIA DIVISION**

In re:)	Chapter 11
ENVIVA INC., <i>et al.</i> ,)	Case No. 24-10453 (BFK)
Debtors. ¹)	(Jointly Administered)

**NOTICE OF THE DEBTORS’
 [] OMNIBUS OBJECTION TO CLAIMS**

PLEASE TAKE NOTICE THAT on [], 2024, Enviva Inc. and its debtor affiliates (collectively, the “*Debtors*”)² filed the *Debtors’ [] Omnibus Objection to Claims* [Docket No. ____] (the “*Omnibus Objection*”) with the Court. A copy of the Omnibus Objection is attached to this notice (the “*Objection Notice*”) as **Exhibit 1**. By the Omnibus Objection, the Debtors are

* Subject to pending proceedings pursuant to 11 U.S.C. § 327.

¹ Due to the large number of Debtors in these jointly administered chapter 11 cases, a complete list of the Debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list may be obtained on the website of the Debtors’ claims and noticing agent at www.veritaglobal.net/enviva. The location of the Debtors’ corporate headquarters is: 7272 Wisconsin Avenue, Suite 1800, Bethesda, MD 20814.

² Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Objection.

seeking to [disallow and expunge / modify / reclassify] claims, including your claim(s), as set forth on Exhibit A thereto.

PLEASE TAKE FURTHER NOTICE THAT on [___], 2024, the Court entered the *Order (I) Approving Procedures for Filing Omnibus Objections to Claims, (II) Approving the Form and Manner of the Notice of Omnibus Objections, and (III) Granting Related Relief* [Docket No. [●]] (the “**Order**”), by which the Court approved procedures for filing omnibus objections to proofs of claim (collectively, the “**Claims**” and each individually, a “**Claim**”) in connection with the above-captioned chapter 11 cases (the “**Omnibus Objection Procedures**”).

YOU ARE RECEIVING THIS OBJECTION NOTICE BECAUSE ALL PROOFS OF CLAIM LISTED HEREIN THAT YOU FILED AGAINST ONE OR MORE OF THE DEBTORS IN THE ABOVE-CAPTIONED CHAPTER 11 CASES ARE SUBJECT TO THE OBJECTION. YOUR RIGHTS MAY BE AFFECTED BY THE OBJECTION. THEREFORE, YOU SHOULD READ THIS OBJECTION NOTICE (INCLUDING THE OBJECTION AND OTHER ATTACHMENTS) CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.

MOREOVER, UNDER THE OMNIBUS OBJECTION PROCEDURES, UNLESS A WRITTEN RESPONSE AND A REQUEST FOR A HEARING ARE FILED WITH THE CLERK OF THE COURT AND SERVED ON THE OBJECTING PARTY WITHIN 30 CALENDAR DAYS OF THE MAILING OF THIS OBJECTION (THE “**RESPONSE DEADLINE**”), THE COURT MAY DEEM ANY OPPOSITION WAIVED, TREAT THE OBJECTION AS CONCEDED, AND ENTER AN ORDER GRANTING THE RELIEF REQUESTED WITHOUT A HEARING.

Critical Information for Claimants

Consensually Resolving the Objection

Resolving Objections: To facilitate the consensual resolution of the Objection, certain of the Debtors’ personnel and advisors will be available to discuss and potentially resolve the Objection to disputed Claims without the need for filing a formal response or attending a hearing. To facilitate such a discussion, please contact Jeremy S. Williams Kutak Rock LLP, counsel to the Debtors, by (a) emailing jeremy.williams@kutakrock.com or (b) calling (804) 343-5257 within 20 calendar days after the date of this notice. Please have your Proof(s) of Claim and any related material available for any such discussions.

Choosing to File a Response to the Omnibus Objection

Who Needs to File a Response: If you oppose the objection of your Claim(s) and if you are unable to resolve the Omnibus Objection with the Debtors before the deadline to object, then you must file and serve a written response (the “**Response**”) to the Omnibus Objection in accordance with this Objection Notice.

If you do not oppose the objection of your Claim(s), then you do not need to file a written Response to the Omnibus Objection and you do not need to appear at the hearing.

Response Deadline: The Response Deadline is **[4:00] p.m. prevailing Eastern Time on [] , 2024 (the “Response Deadline”).**

THE COURT WILL ONLY CONSIDER YOUR RESPONSE IF YOUR RESPONSE IS FILED BY THE RESPONSE DEADLINE.

Your Response will be deemed timely filed only if the Response is **actually received** on or before the Response Deadline by counsel for the Debtors:

Vinson & Elkins LLP

Attn: David S. Meyer, Jessica C. Peet, Matthew J. Pyeatt and Trevor G. Spears
1114 Avenue of the Americas
32nd Floor
New York, New York 10036

Kutak Rock LLP

Attn: Peter J. Barrett, Jeremy S. Williams and Adolyn C. Wyatt
1021 East Cary Street, Suite 810
Richmond, Virginia 23219

Unless otherwise adjourned by the Court or the Debtors pursuant to the Omnibus Objection Procedures, the hearing on the Omnibus Objection and your Response will be held at [] a.m./p.m. prevailing Eastern Time on [] , 2024, at:

United States Bankruptcy Court
200 S. Washington St., Courtroom I
Alexandria, VA 22314

Procedures for Filing a Timely Response and Information Regarding the Hearing on the Omnibus Objection

Contents. Each Response must contain the following (at a minimum):

- A. a caption setting forth the name of the Court, the name of the Debtors, the case number, and the title of the Omnibus Objection to which the Response is directed;
- B. the claimant’s name and an explanation for the amount of the Claim;
- C. a concise statement setting forth the reasons why the Court should not sustain the Omnibus Objection with respect to your Claim(s), including, without limitation, the specific factual and legal bases upon which the claimant will rely in opposing the Omnibus Objection;
- D. a copy of any other documentation or other evidence of the Claim, to the extent not already included with the Claim, upon which the claimant will rely in opposing the Omnibus Objection at the hearing; and
- E. the claimant’s name, address, telephone number, and email address and/or the name, address, telephone number and email address of the

claimant's attorney and/or designated representative to whom the attorneys for the Debtors should serve a reply to the Response, if any (collectively, the "**Notice Addresses**"). If a Response contains Notice Addresses that are different from the name and/or address listed on the Claim, the Notice Addresses will control and will become the service address for future service of papers with respect to all of the claimant's Claims listed in the Omnibus Objection (including all Claims to be disallowed and expunged and the surviving Claims) and only for those Claims in the Omnibus Objection.

Additional Information. To facilitate a resolution of the Omnibus Objection, your Response should also include the name, address, telephone number, and email address of the party with authority to reconcile, settle, or otherwise resolve the Omnibus Objection on the claimant's behalf (the "**Additional Addresses**"). Unless the Additional Addresses are the same as the Notice Addresses, the Additional Addresses will *not* become the service address for future service of papers.

Failure to File Your Timely Response. If you fail to file your Response on or before the Response Deadline in compliance with the procedures set forth in this Objection Notice and timely serve it on the Debtors' attorneys, the Debtors will present to the Court an appropriate order granting the relief requested in the Omnibus Objection *without further notice* to you.

Hearing Attendance. If you file a Response to the Omnibus Objection, then you should plan to appear at the hearing on the Omnibus Objection. The Debtors, however, reserve the right to continue the hearing with respect to the Omnibus Objection and the Response.

Rescheduling the Hearing. If the Court determines that the hearing on the Omnibus Objection will require substantial time for the presentation of argument and/or evidence, then the Court, in its discretion, may reschedule the hearing.

Each Objection Is a Contested Matter. Each Claim subject to an Omnibus Objection and the Response thereto shall constitute a separate contested matter as contemplated by Bankruptcy Rule 9014, and any order entered by the Court will be deemed a separate order with respect to such Claim.

Additional Information

Reply of the Debtors. The Debtors may file a reply to your Response or reply in oral argument at the hearing. In such event, the Debtors are permitted to file their reply no later than one calendar day before the hearing on the Omnibus Objection and the Response.

Additional Discovery. Upon receipt of your Response, the Debtors may determine that discovery is necessary in advance of the hearing on the Omnibus Objection and your Response. In such event, the Debtors will serve separate notice to the Notice Addresses that the scheduled hearing will be treated as a status conference during which the parties will request that the Court issue a scheduling order to facilitate resolution of the Response. Notwithstanding the foregoing,

nothing herein modifies any parties' right to seek discovery or request that the scheduled hearing be treated as a status conference.

Requests for Information. If you have any questions regarding the Omnibus Objection and/or if you wish to obtain a copy of the Omnibus Objection or related documents, you may call the Debtors' dedicated call center at (888) 249-2695 (U.S./Canada) or (310) 751-2601 (international). You may also obtain a copy of the Omnibus Objection or related documents by visiting the Debtors' restructuring website at www.veritaglobal.net/enviva.

Reservation of Rights. Nothing in this Objection Notice or the Omnibus Objection constitutes a waiver of the Debtors' right to assert any claims, counterclaims, rights of offset or recoupment, preference actions, fraudulent-transfer actions, or any other claims against the claimant of the Debtors. Unless the Court allows your Claims or specifically orders otherwise, the Debtors have the right to object on any grounds to the Claims (or to any other Claims or causes of action you may have filed or that have been scheduled by the Debtors) at a later date. In such event, you will receive a separate notice of any such objections.

Richmond, Virginia
Dated: June 27, 2024

/s/ Jeremy S. Williams

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* Subject to pending proceedings pursuant to 11 U.S.C. § 327.