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*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. <sup>1</sup>	)	(Jointly Administered)

**SECOND SUPPLEMENTAL  
DECLARATION OF PETER J. BARRETT  
IN SUPPORT OF THE APPLICATION OF DEBTORS FOR ENTRY  
OF AN ORDER AUTHORIZING THE DEBTORS TO EMPLOY AND RETAIN  
KUTAK ROCK LLP AS CO-COUNSEL EFFECTIVE AS OF THE PETITION DATE**

I, Peter J. Barrett, hereby declare (this “*Supplemental Declaration*”), pursuant to 28 U.S.C. § 1746, that the following statements are true and correct, to the best of my knowledge and belief, after due inquiry described herein.

1. I am a partner with Kutak Rock LLP (“*Kutak Rock*” or the “*Firm*”),<sup>2</sup> a national law firm with approximately 500 lawyers in 19 offices located throughout the country, including an office in Richmond, Virginia located at 901 East Byrd Street, Suite 1000, Richmond, Virginia

<sup>1</sup> 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’ proposed claims and noticing agent at <https://veritaglobal.net/enviva>. The location of the Debtors’ corporate headquarters is: 7272 Wisconsin Avenue, Suite 1800, Bethesda, MD 20814.

<sup>2</sup> Capitalized terms used but not otherwise defined in this Supplemental Declaration shall have the meanings ascribed to them in the Application.



23219. I am an attorney, duly admitted and in good standing to practice in the Commonwealth of Virginia, the United States Bankruptcy Court for the Eastern District of Virginia, the United States District Court for the Eastern District of Virginia, and the United States Court of Appeals for the Fourth Circuit.

2. On March 27, 2024, the Debtors filed an application to employ and retain Kutak Rock as co-counsel for the Debtors [Docket No. 187] (the “**Application**”) pursuant to sections 327(a) and 330 of the Bankruptcy Code, rules 2014(a) and 2016 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and rules 2014-1 and 2016-1 of the Local Bankruptcy Rules for the Eastern District of Virginia (the “**Bankruptcy Local Rules**”).

2. My declaration in support of the Application (the “**Barrett Declaration**”) was attached to the Application as Exhibit B. On April 9, 2024, the Debtors filed the *Supplemental Declaration of Peter J. Barrett in Support of the Application of Debtors for Entry of an Order Authorizing the Debtors to Employ and Retain Kutak Rock LLP as Co-Counsel Effective as of the Petition Date* [Docket No. 259] (the “**First Supplemental Declaration**”).

3. On April 12, 2024, the Court entered the *Order Authorizing the Debtors to Employ and Retain Kutak Rock LLP as Co-Counsel Effective as of the Petition Date* [Docket No. 319] (the “**Retention Order**”).

4. In connection with the Application and the Retention Order, I submit this Supplemental Declaration to provide additional disclosures in accordance with rules 2014(a) and 2016(b) of the Bankruptcy Rules. This Supplemental Declaration is intended to supplement, but not replace, the Barrett Declaration and the First Supplemental Declaration.

5. I am duly authorized to make this Supplemental Declaration on behalf of Kutak Rock and to submit this Supplemental Declaration in support of the Application. Unless otherwise

stated in this Supplemental Declaration, I have personal knowledge of the facts hereinafter set forth. To the extent any information disclosed herein requires amendment or modification upon the Firm's completion of further analysis or as additional information becomes available, an additional supplemental declaration will be submitted to the Court reflecting such amended or modified information.

### **KUTAK ROCK'S DISINTERESTEDNESS**

6. As specifically set forth herein, Kutak Rock and certain of its partners, counsel, and associates have worked with, may currently work with and likely in the future will work with certain of the Debtors' creditors and other parties in interest in ongoing matters unrelated to these chapter 11 cases. To the best of my knowledge, none of these business relations constitute interests materially adverse to the Debtors or their bankruptcy estates.

7. In order to confirm that Kutak Rock does not represent an adverse interest, Kutak Rock has searched on its electronic database for connections with the additional persons and entities listed on **Schedule 1**<sup>3</sup> hereto, which are members of the ad hoc group, proposed committee professionals, and certain 2002 notice parties that were not included in the previous declarations. The information listed on **Schedule 1** may have changed without our knowledge and may change during the pendency of these chapter 11 cases. Accordingly, Kutak Rock will update this Supplemental Declaration as necessary and when it becomes aware of additional material information. **Schedule 1** is intended to supplement, but not replace, the Schedule 1 attached to the Barrett Declaration and the First Supplemental Declaration.

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<sup>3</sup> The Firm's inclusion of parties in the following schedules is solely to illustrate its conflict search process and is not an admission that any party has a valid claim against the Debtors or that any party properly belongs in the schedules or has a claim or legal relationship to the Debtors of the nature described in the schedules.

8. **Schedule 2** attached hereto identifies certain creditors, equity holders or other parties in interest that Kutak Rock currently represents or has represented within the past five years. Unless identified on **Schedule 2** or otherwise described herein, to the best of my knowledge, Kutak Rock does not currently represent and has not represented within the past five years the parties listed on **Schedule 1** as of the date of the filing of this Application.<sup>4</sup>

9. Based on the conflicts searches conducted to date and described herein, to the best of my knowledge, neither I, nor any partner, counsel or associate of Kutak Rock, insofar as I have been able to ascertain, currently represent or has represented, while with Kutak Rock, within the past five years the parties listed on **Schedule 1**, except as disclosed on **Schedule 2** or otherwise described herein.

*[Remainder of Page Intentionally Left Blank]*

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<sup>4</sup> Certain individuals or entities identified by the Debtors fall into more than one of the categories provided on **Schedule 1**. For the purposes of this Declaration and the accompanying schedules, any such individual or entity is only identified once.

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

Richmond, Virginia  
Dated: July 3, 2024

By: /s/ Peter J. Barrett  
Peter J. Barrett  
Partner  
Kutak Rock LLP

**Schedule 1**

**Conflicts Parties Searched**

<b><u>Schedule</u></b>	<b><u>Category</u></b>
1(a)	Ad Hoc Group Members
1(b)	Proposed Committee Professionals
1(c)	2002 Notice Parties
1(d)	Statements and Schedules Parties

**Schedule 1(a)**

**Ad Hoc Group Members**

AMERICAN INDUSTRIAL PARTNERS  
BOSTON MANAGEMENT AND RESEARCH  
CALVERT RESEARCH AND MANAGEMENT  
OAKTREE CAPITAL MANAGEMENT, LP  
MONARCH ALTERNATIVE CAPITAL LP

**Schedule 1(b)**

**Proposed Committee Professionals**

ALIX PARTNERS  
AKIN GUMP  
DUCERA PARTNERS  
HIRSCHLER FLEISCHER  
KEVIN HOWELL



**Schedule 1(c)**

**2002 Notice Parties**

COCRF INVESTOR 232, LLC  
DAMPSKIBSSELSKABET NORDEN A/S  
DOMINION ENERGY  
GEORGIA POWER COMPANY  
HANCOCK NATURAL RESOURCE GROUP, INC.  
JOHN HANCOCK LIFE INSURANCE COMPANY OF NEW YORK  
MANSFIELD OIL COMPANY  
MUNISTRATEGIES SUBCDE#41, LLC  
PCL (SHIPPING) PTE. LTD.  
SHW STORAGE AND HANDLING SOLUTIONS, INC.  
UBCD SUB CDE MIDWAY, LLC  
VIRGINIA ELECTRIC AND POWER COMPANY

**Schedule 1(d)**

**Statement and Schedules Parties**

A&D ENGINEERING INC	CARPENTER'S POLE AND PILING COMPANY
A.M. LOGGING INC	CARR PROPERTIES OC LLC
ABUNDIA GLOBAL IMPACT GROUP LLC	CARRIERES ET FOURS A CHAUX DUMONT-WAUTIER SA
ACQUIOM AGENCY SERVICES LLC	CCC GROUP INC
ALA-MISS	CHARLES CITY TIMBER & MAT INC
ALLCO ELECTRIC INC	CHARLES INGRAM LUMBER
ALLIANCE EXECUTIVE SEARCH	CHATAGNIER, DALE
AN VIET PHAT ENERGY COMPANY LIMITED	CHIPS INC
ARBORMAX TREE SERVICE LLC	CITY OF AMORY, MISSISSIPPI
ARELLANO, MARIBEL	CLARENCE LEE RHODES III; SUZAN RHODES HARRIS; BOYD CHANDLER RHODES
ATKINSREALIS USA	CLEAR SPAN INC
AUTEN, MICHAEL	COLUMBIA LAND & TIMBER
B&B INVESTMENTS	COMMONWEALTH OF VIRGINIA DEPARTMENT OF LABOR AND SAFETY
BALDWIN POLE AND PILING CO INC (BAY MINETTE)	CONTROL UNION UK LIMITED
BEALL TIMBER	COPPINGER, ROBERT A.
BEAMON, NATHANIEL	COX TELEPHONE SERVICE INC
BECTON TIMBER LLC	CP ANDERSON
BELLEAU WOOD FOREST PRODUCTS LLC	CUNA MUTUAL RETIREMENT
BERRIOS, HOPE	CUSTOM LOGGING
BERTON, DANIEL	DATA SURGE LLC
BOARD OF COMMISSIONERS OF ROADS AND REVENUES, WILKES COUNTY, GEORGIA	DAVENPORT LAND & TIMBER
BOLLINGER QUICK REPAIR, L.L.C.	DEBERRY LAND & TIMBER INC
BRASINGTON, CHARLES A.	DESIGN GROUP FACILITY SOLUTIONS INC
BRITT, HENRY	DIXIE GREEN AND NGC-LLC ENTITIES
BRUMBAUGH LUMBER	DOW JONES
BY PRODUCTS DISTRIBUTORS INC	DURHAM'S HARDWOOD
BY- PRODUCTS DISTRIBUTORS INC	EAST COAST CONSTRUCTION SERVICES LLC
C TERRY HUNT INDUSTRIES INC	EVOLVE PERSONNEL SOLUTIONS LLC
C.L. LOGGING LLC	FACES SOUTH INC
CANNADY, ROBBIE	FELS-WERKE GMBH
CAN'T BE BEAT FENCE & CONSTRUCTION LLC	FERRARA, CORY
CARDULLO, JOSEPH P.	
CAROLINA CRATE & PALLET CO	

FIA TIMBER GROWTH FLORIDA 1  
LLC  
FINANCIAL SEARCH GROUP  
FORDHAM TIMBER CO  
FORDHAM, MICHAEL  
FORESTRY TRANSPORT INC  
FOUNTAIN, JAMES A.  
FRITH, CHARLES HUNTER  
GAMBINO, MATT E.  
GASTON VOLUNTEER FIRE  
DEPARTMENT  
GEORGE COUNTY, MISSISSIPPI  
GEORGIA ENVIRONMENTAL  
PROTECTION DIVISION  
GLENN R SHELTON LOGGING  
GPC LAND AND TIMBER  
GR MABREY INC  
GREEN ENGINEERING PLLC  
GREGORY PALLET COMPANY LLC  
GROOME INDUSTRIAL SERVICE  
GROUP LLC  
GWINNET COUNTY MAGISTRATE  
COURT  
HARDWOODS UNLIMITED  
HARRELLSVILLE METAL WORKS  
INC  
HARRIS LOGGING LLC  
HASER, MARK A.  
HEAD- LEE LANDSCAPE  
MATERIALS INC  
HERTZ EQUIPMENT INC  
HOANG DAI VUONG CO LTD  
HR DIRECT  
HSA BANK  
INDUSTRIAL COMMERCIAL FIRE  
PROTECTION INC  
INDUSTRIAL ELECTRIC MOTOR  
WORKS INC  
INDUSTRIAL FOREST PRODUCTS  
LLC  
INDUSTRIAL TIMBER AND PULP  
INTERNATIONAL LLC  
INGRAM WOODYARDS INC  
INTRALINKS INC

IVP FOREST PRODUCTS LLC  
J CRAWFORD LOGGING INC  
JAMES GRAY RECRUITMENT LTD  
JM PERKINSON ENGINEERING CORP  
KATESVILLE PALLET MILL INC  
KEELS LAND & TIMBER CO INC  
KING, SARAH  
KING, THOMAS  
KWL TRUCKING  
LAKHANI, FAUZUL  
LAND MAX LLC  
LEWIS TRUCKING  
LUCEDALE FORESTRY PRODUCT  
LLC  
MAGNOLIA TIMBER CO INC  
MAGNOLIA WOOD FIBERS  
MECHANICAL SPECIALTIES INC  
METLIFE SERVICE CORP  
MIDSOUTH LAND SERVICES INC  
MIDTOWN PROPERTY SERVICES  
LLC  
MIKE THORNTON TRUCKING  
MIKE THORNTON TRUCKING INC  
MISSISSIPPI DEVELOPMENT  
AUTHORITY  
MMA GLOBAL ENTERPRISES INC  
MSS SOLUTIONS LLC  
MULLIS MILLWORKS  
NANNA HUBBA TIMBER CO LLC  
NC FORESTRY ASSOCIATION INC  
NCFA SFI-SIC  
NEAL LAND & TIMBER COMPANY  
NEW SOUTH LOGGING  
NGO, HIEN  
NORRIS LUMBER & MILLING  
NORTH CAROLINA STATE PORTS  
AUTHORITY  
NORTH HILLS TOWER II, LLC  
NORTHLAND CAPITAL FINANCIAL  
SERVICES  
NVENT THERMAL LLC  
OKATOMA WOOD PRODUCTS LLC  
OLD DOMINION INSULATION  
O'NEAL TIMBER COMPANY

OPACITY CONSULTANTS  
OSBORNE HAMILTON REYNOLDS;  
JAMES MCKENDREE REYNOLDS;  
ANNE REYNOLDS GORDON  
OVERTON'S TRUCKING LLC  
PALMETTO PULPWOOD & TIMBER  
PARKER-HANNIFIN CORPORATION  
PASTURE MANAGEMENT SYSTEMS  
INC  
PHILLIPS, JAMES H.  
PIEDMONT SERVICE GROUP LLC  
POPE, SYBARIS  
PORTER, RICARDO M.  
POWERBLANKET  
PRACTICING LAW INSTITUTE  
PREMIER TIMBER LLC  
QUALITY VENEER LLC  
R&A CONSTRUCTION LLC  
RAYMOND REVETTE TIMBER LLC  
REDMOND'S INC  
RETFERFORD, JEFFREY  
REYNOLDS, TOMMIE D.  
RHINERSON FARMS INC  
RICHMOND GROUP USA  
RICHTON TIE & TIMBER  
ROBERSON LOGGING LLC  
ROSEBURG SOUTH LUMBER LLC  
ROUTH TRANSPORTATION  
RTR LAND, WORKS, AND  
EXCAVATION  
RUDE, JACOB  
S&D TRUCKING LLC  
S.C. DEPT. OF HEALTH AND  
ENVIRONMENTAL CONTROL  
SAFFO CONTRACTORS INC  
SC DEPARTMENT OF LABOR  
LICENSING  
SCHAEFFER'S SPECIALIZED  
LUBRICANTS  
SCHRADER, STEVE  
SCOTT, MARK  
SEFA GROUP INC  
SEW EURODRIVE INC  
SMITH COMPANIES

SMITH TIMBER  
SOGGY BOTTOM FORESTRY INC  
SOUTHERN PINES TIMBER LLC  
SOUTHERN VENEER SPECIALTY  
PRODUCTS  
SOUTHLAND PROPERTY  
PRESERVATION SERVICES  
STATE FARM FIRE AND CASUALTY  
COMPANY A/S/O GEORGE BRAGG  
STEVE ROBERTS TREE FARM  
STONE COUNTY UTILITY  
AUTHORITY  
STURDIVANT WOODYARD  
SUGANO, RIEMI  
SUMITOMO (KAITA)  
SUMTER COUNTY ALABAMA  
SUPER SHRED  
SWETMAN SECURITY SERVICE INC  
SYSTEMS SERVICE  
TAYLOR, MICHAEL  
TB ENTERPRISES INC  
TECHNICAL ASSOCIATES OF  
CHARLOTTE PC  
TERRY LEGGET LOGGING CO  
TH BLUE INC  
THE LIGHTNING GROUP LLC  
THE UTILITIES BOARD OF THE CITY  
OF LIVINGSTON, ALABAMA  
TIDEWATER FOREST PRODUCTS  
TIDEWATER LUMBER  
TIMBERMEN  
TONEY LUMBER  
TRC STAFFING SERVICES INC  
TRES LOGGING  
TRUAX, RYAN J.  
UNIVERSAL TIMBER  
UNIVERSITY OF WEST ALABAMA  
VALENTINE LAND & TIMBER  
VIRGINIA CAROLINA BELTING INC  
WELLS BROTHERS CONSTRUCTION  
CO INC  
WIGGINS TIMBER LLC  
WILSON, ANNIE RUTH  
WOLFRAM RESEARCH, INC

WOODROW REYNOLDS & SON  
TIMBER CO INC  
XIE, ZHAOZHAO

YOUNG, ANGELA M.  
ZHAO, HAIXU  
ZUCKERMAN SPAEDER LLP

**SCHEDULE 2**  
**Kutak Rock Disclosures**

Conflict Search Results

Name of Entity Searched	Name of Entity and/or Affiliate of Entity that is a Kutak Rock LLP Client	Status	Nature of Representation
Boston Management and Research	Eaton Vance Management and Boston Manage	Open	Representation in matter unrelated to Debtors
Georgia Power	Georgia Power Company	Open	Representation in matter unrelated to Debtors
Sumitomo	Mitsui Sumitomo Marine Management USA	Open	Representation in matter unrelated to Debtors
	Sumitomo Mitsui Banking Corporation	Closed	Representation in matter unrelated to Debtors
	Sumitomo Mitsui Finance and Leasing	Open	Representation in matter unrelated to Debtors