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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 MOTION FOR ENTRY OF AN ORDER  
EXTENDING THE EXCLUSIVITY PERIODS TO  
FILE AND SOLICIT ACCEPTANCES OF A CHAPTER 11 PLAN**

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) file this *Second Motion for Entry of an Order Extending the Exclusivity Periods to File and Solicit Acceptances of a Chapter 11 Plan* (the “Motion”) and in support respectfully submit the following:

**PRELIMINARY STATEMENT**<sup>2</sup>

1. In the eight months since the Petition Date, the Debtors have used their existing exclusivity periods to set these chapter 11 cases (the “Chapter 11 Cases”) on a consensual, viable path to a successful resolution. Prior to the Petition Date, and following months of hard-fought,

<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’ claims and noticing agent at <https://veritaglobal.net/enviva>. The location of the Debtors’ corporate headquarters is: 7500 Old Georgetown Road, Suite 1400 Bethesda, MD 20814.

<sup>2</sup> Capitalized terms used but not otherwise defined in this Motion shall have the meanings set forth in the *Amended Joint Chapter 11 Plan of Reorganization of Enviva Inc. and Its Debtor Affiliates* [Docket No. 1201] (as modified, amended, or supplemented from time to time, the “Plan”).



arm's-length negotiations, the Debtors and the Ad Hoc Group entered into a Restructuring Support Agreement that set forth the framework for a value-maximizing restructuring transaction. Since the Petition Date, and based in part on the restructuring transactions contemplated by the Restructuring Support Agreement, the Debtors' management has worked to, among other things, renegotiate their long-term offtake contracts with key customers and formulate a go-forward business plan reflecting the Debtors' revised portfolio. In parallel, the Debtors engaged in hard-fought negotiations with their key stakeholders, including the Ad Hoc Group, the Committee, and the RWE Committee, culminating in a global settlement as reflected in the Plan filed on October 4, 2024.

2. Filing the Plan with the support of every major constituency in these Chapter 11 Cases is one of many achievements in these Chapter 11 Cases. The Plan, once consummated, will reduce the Debtors' total debt burden by over \$1.3 billion, reduce annual interest expense by over \$70 million, provide meaningful recoveries to unsecured creditors, and capitalize the Reorganized Debtors with over \$1.3 billion of new money debt and equity investments to put them on a path to success upon emergence, which is expected to occur quickly after Confirmation. In accordance with the timeline provided by the Restructuring Support Agreement, the Debtors are pursuing Confirmation of the Plan by November 13, 2024, and exit from chapter 11 by early December 2024. Solely out of an abundance of caution, and to provide ample time to bring these Chapter 11 Cases to a successful close, the Debtors seek a further extension of the Exclusivity Periods (as defined below).

3. On August 19, 2024, the United States Bankruptcy Court for the Eastern District of Virginia (the "Court") entered the *Order Extending the Exclusivity Periods to File and Solicit Acceptances of a Chapter 11 Plan* [Docket No. 1000] (the "First Exclusivity Extension Order"),

granting the Debtors' first request to extend their statutory exclusive period to file a chapter 11 plan through and including November 7, 2024, and solicit votes through and including January 6, 2025 (the "First Exclusivity Motion").<sup>3</sup> By this Motion, the Debtors request an order extending their exclusive right to file a chapter 11 plan by an additional 120 days through and including March 7, 2025 (the "Filing Exclusivity Period"), and to solicit votes thereon by 120 days through and including May 6, 2025 (the "Soliciting Exclusivity Period," and together with the Filing Exclusivity Period, the "Exclusivity Periods").<sup>4</sup> This is the Debtors' second request for an extension of the Exclusivity Periods.

4. The First Exclusivity Extension Order was well-utilized and provided the Debtors with the time required to develop and file a value-maximizing consensual plan of reorganization for the benefit of their estates and stakeholders. For the reasons outlined in this Motion, affording the Debtors more time to complete the solicitation of votes on the Plan and confirm the Plan will provide for the most value-maximizing and expedient path towards resolution of these Chapter 11 Cases. This Motion is supported by the Debtors' key constituencies in these cases, including the Ad Hoc Group and the Committee.

### **BACKGROUND**

5. Enviva Inc. and its Debtor and non-Debtor subsidiaries (collectively, the "Company") are the world's largest producer of industrial wood pellets by annual tonnage, 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-

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<sup>3</sup> See *Motion for Entry of an Order Extending the Exclusivity Periods to File and Solicit Acceptances of a Chapter 11 Plan* [Docket No. 805].

<sup>4</sup> Pursuant to the Procedures for Complex Chapter 11 Cases in the Eastern District of Virginia as adopted by Rule 1075 of the Local Rules and Rule 9006-1 of the Local Rules, the filing of this Motion prior to the expiration of the Exclusivity Periods shall automatically extend the Exclusivity Periods until the Court acts on this Motion without the necessity for entry of a bridge order.

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 primarily 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 Order Directing Joint Administration of the Debtors’ Chapter 11 Cases* [Docket No. 84]. On March 25, 2024, the Office of the United States Trustee for the Eastern District of Virginia (the “U.S. Trustee”) appointed an official committee of unsecured creditors (the “Committee”), which Committee was amended on May 23, 2024. *See Appointment of Unsecured Creditors Committee* [Docket No. 172] and *Amended Appointment of Unsecured Creditors Committee* [Docket No. 603]. 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], incorporated herein by reference.

8. On October 4, 2024, the Debtors filed the *Amended Joint Chapter 11 Plan of Reorganization of Enviva Inc. and Its Debtor Affiliates* [Docket No. 1150] (as modified, amended,

or supplemented from time to time, the “Plan”) and the *Disclosure Statement for the Amended Joint Chapter 11 Plan of Reorganization of Enviva Inc. and Its Debtor Affiliates* [Docket No. 1151] (as modified, amended, or supplemented from time to time, the “Disclosure Statement”).<sup>5</sup> On the same day, the Debtors announced the terms of the Global Settlement among the Debtors, the Ad Hoc Group, the Committee, and the RWE Committee, which terms were incorporated into the Plan and the *Stipulation and Agreed Order* [Docket No. 1182]. The Global Settlement reflects a compromise between and among the foregoing parties in connection with the Plan and Confirmation of the Plan, including, without limitation, any and all issues relating to (i) the litigation and disputes relating to the Final DIP Order and DIP Appeal; (ii) the valuation of the Reorganized Debtors, Subscription Rights, and Reorganized Enviva Inc. Interests; (iii) the scope of the releases set forth in the Plan; and (iv) any and all disputes that might be raised impacting the allocation of value among the Debtors and their respective assets.

9. Also on October 4, 2024, the Court entered the *Order (I) Approving (A) the Adequacy of the Disclosure Statement, (B) the Solicitation Procedures and Notice Procedures with Respect to Confirmation of the Plan, (C) the Forms of Ballots, Other Solicitation Materials, and Notices in Connection Therewith, (D) the Scheduling of Certain Dates with Respect Thereto, (E) the Rights Offering Procedures, (F) the Overbid Procedures, and (II) Granting Related Relief* [Docket No. 1183] (the “Disclosure Statement Order”), pursuant to which, among other things, the Court approved the adequacy of the Disclosure Statement. Pursuant to, and in accordance with, the Disclosure Statement Order, the Debtors solicited and tabulated votes on the Plan.<sup>6</sup> A

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<sup>5</sup> The Debtors filed the initial plan on August 30, 2024 [Docket No. 1054]. The Debtors also filed the initial disclosure statement on August 30, 2024 [Docket No. 1055].

<sup>6</sup> See *Certificate of Service of Darlene S. Calderon re: Solicitation Materials Served on or Before October 10, 2024* [Docket No. 1260].

hearing before this Court to confirm the Plan is scheduled to commence on November 13, 2024, at 10:30 a.m. (Prevailing Eastern Time).<sup>7</sup>

### **JURISDICTION AND VENUE**

10. 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.

11. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

12. The statutory bases for the relief requested herein are sections 105(a) and 1121 of title 11 of the United States Code (the “Bankruptcy Code”), Bankruptcy Rule 9006(b)(1), and rule 9013-1 of the Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia (the “Local Rules”).

### **RELIEF REQUESTED**

13. By this Motion, the Debtors seek entry of an order, substantially in the form attached hereto as Exhibit A: (a) extending the periods during which the Debtors have the exclusive right to (i) file a chapter 11 plan, by 120 days, through and including March 7, 2025, and (ii) solicit votes accepting or rejecting a plan by an additional 120 days, through and including

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<sup>7</sup> See Notice of Hearing to Consider Confirmation of the Chapter 11 Plan Filed by the Debtors and Related Voting and Objection Deadlines [Docket No. 1203].

May 6, 2025, without prejudice to the Debtors' right to seek further extensions of the Exclusivity Periods, as may be appropriate under the circumstances; and (b) granting related relief.

**BASIS FOR RELIEF REQUESTED**

14. Section 1121(b) of the Bankruptcy Code vests debtors with the exclusive right to propose a chapter 11 plan for the first 120 days of a chapter 11 case. 11 U.S.C. § 1121(b); *See In re Bryson Properties, XVIII*, 961 F.2d 496, 504 (4th Cir. 1992) ("Under the Bankruptcy Code, the debtor has the exclusive right to propose a reorganization plan for 120 days."). Section 1121(c)(3) of the Bankruptcy Code further extends the period of exclusivity for an additional 60 days, to a total of 180 days, where the debtor has filed a chapter 11 plan and is soliciting votes on such plan. 11 U.S.C. § 1121(c)(3). The purpose of exclusivity is "to promote an environment in which the debtor's business may be rehabilitated and a consensual plan may be negotiated." H.R. Rep. No. 103-835, at 36 (1994). In these Chapter 11 Cases, the Exclusivity Periods set forth in sections 1121(b) and (c) of the Bankruptcy Code will expire on November 7, 2024, and January 6, 2025, respectively, absent further order of the Court. The Debtors seek an extension of the Exclusivity Periods so they can continue to work toward their goal of confirming a consensual, value-maximizing chapter 11 plan of reorganization.

15. Section 1121(d)(1) of the Bankruptcy Code permits a court to extend a debtor's exclusivity "for cause," subject to certain limitations not relevant here. Specifically, section 1121(d) provides that "on request of a party in interest made within the respective periods . . . of this section and after notice and a hearing, the court may for cause reduce or increase the 120-day period or the 180-day period referred to in this section." 11 U.S.C. § 1121(d). Although the term "cause" is not defined by the Bankruptcy Code, such term should be viewed flexibly "in order to allow the debtor to reach an agreement." H.R. Rep. No. 95, 95th Cong., 1st Sess., 232 (1978); *see*

*also In re Public Serv. Co. of New Hampshire*, 88 B.R. 521, 534 (Bankr. D.N.H. 1988) (“legislative intent . . . [is] to promote maximum flexibility”); *see also In re Ames Dep’t Stores Inc.*, 1991 WL 259036 at \*3 (S.D.N.Y. Nov. 25, 1991) (“The purpose of the Bankruptcy Code’s exclusivity period is to allow the debtor flexibility to negotiate with its creditors.”).

16. In particular, courts examine a number of factors to determine whether a debtor has had an adequate opportunity to develop, negotiate, and propose a chapter 11 plan and thus whether there is “cause” for extension of the Exclusivity Periods. These factors include:

- a. the size and complexity of the case;
- b. the need for sufficient time to permit the debtor to negotiate a plan of reorganization and prepare adequate information;
- c. whether the debtor has made progress in negotiations with its creditors;
- d. the existence of good faith progress toward reorganization;
- e. whether the debtor is seeking to extend exclusivity to pressure creditors to accede to the debtor’s reorganization demands;
- f. whether the debtor has demonstrated reasonable prospects for filing a viable plan;
- g. the fact that the debtor is paying its bills as they become due;
- h. the amount of time which has elapsed in the case; and/or
- i. whether an unresolved contingency exists.

*See, e.g., In re Adelphia Commc’ns Corp.*, 336 B.R. 610, 674 (Bankr. S.D.N.Y. 2006) (denying motion to terminate exclusivity based on factors for cause); *see In re Quality Inns Int’l, Inc. v. L.B.H. Associates Ltd. P’Ship*, 911 F.2d 724 (4th Cir. 1990); *In re Fountain Powerboat Indus., Inc.*, No. 09-07132-8-RDD, 2009 WL 4738202, at \*3 (Bankr. E.D.N.C. Dec. 4, 2009) (utilizing the nine-factor test used in other cases, including *Adelphia*, because “the Court has found no Fourth Circuit cases that have considered this issue”).



17. Not all factors are relevant in every case. The absence of any given factor is not a bar to extending exclusivity; indeed, the existence of even one factor may establish sufficient cause to extend the Exclusivity Periods. *See, e.g., In re Express One Int'l, Inc.*, 194 B.R. 98, 100–01 (Bankr. E.D. Tex. 1996) (listing all nine factors later set forth in *Adelphia*, but determining “cause” to extend exclusivity existed without finding that every factor was met); *see also In re Quality Inns*, 911 F.2d 724 (affirming the bankruptcy court’s grant of an exclusivity extension where (a) the debtor was involved in protracted litigation, (b) the case was complex, (c) the debtor had been making every effort to rehabilitate itself, and (d) there was a promise of success).

18. The facts and circumstances of these Chapter 11 Cases weigh heavily in favor of an extension of the Exclusivity Periods. As described above, since the Petition Date, the Debtors have engaged with the Ad Hoc Group, the Committee, the RWE Committee, and additional key stakeholders in an effort to smoothly and expediently emerge from chapter 11 on a consensual basis. While the Debtors have made progress towards this goal, an extension of the Exclusivity Periods will provide the Debtors with additional time required to solicit votes on the Plan and take other necessary steps toward emergence.

19. The Debtors submit that sufficient “cause” exists pursuant to section 1121(d) of the Bankruptcy Code to extend the Exclusivity Periods as provided herein, solely out of an abundance of caution. As discussed in detail below, each of the relevant factors either weighs in favor of an extension of the Exclusivity Periods or is inapplicable in light of the current posture of these Chapter 11 Cases. The Debtors seek to ensure an orderly and efficient confirmation and emergence process over the course of the coming weeks by avoiding the potential distraction and confusion that would result from the filing of a competing plan by another party.

**A. The Debtors' Chapter 11 Cases Are Large and Complex.**

20. The size and complexity of the Debtors' Chapter 11 Cases alone supports that there is cause to extend the Debtors' exclusivity periods. The legislative history of section 1121(d) of the Bankruptcy Code provides that "if an unusually large company were to seek reorganization under chapter 11, the court would probably need to extend the time in order to allow the debtor to reach an agreement." H.R. Rep. No. 95-595, at 208 (1978). Similarly, "[t]he large size of the debtor and the consequent difficulty in formulating a plan . . . for a huge debtor with a complex financial structure are important factors which generally constitute cause for extending the exclusivity periods." *In re Texaco, Inc.*, 76 B.R. 322, 326 (Bankr. S.D.N.Y. 1987).

21. The Debtors' Chapter 11 Cases are sufficiently large and complex to warrant the requested extension of the Exclusivity Periods. The Debtors have approximately \$1.8 billion in funded debt obligations and numerous active constituents, including numerous sophisticated contract counterparties, lenders, and stakeholders. The size and complexity of these chapter 11 cases thus weigh in favor of extending the Exclusivity Periods.

**B. The Debtors Have Made Good Faith Progress Toward a Restructuring.**

22. The Debtors have used their previous extension of the Exclusivity Periods by engaging in substantive negotiations with key stakeholders and their advisors, including by renegotiating customer contracts, engaging in trilateral negotiations and entering into a settlement agreement with its joint venture partner and key contract counterparty, presenting the Debtors' long-term business plan to key constituencies, negotiating a global resolution of issues among the Debtors, the Ad Hoc Group, the Committee, and the RWE Committee ultimately culminating in the Global Settlement, negotiating, drafting, and filing a plan of reorganization that maximizes the Debtors' value, benefits their stakeholders, and complies with the milestones set in the DIP Facility and the Restructuring Support Agreement, drafting and filing the Disclosure Statement and motion

to approve the Disclosure Statement, in accordance with the Final DIP Order and the Overbid Procedures, implementing an Overbid Process to market offers for Alternative Transactions, and, in accordance with the Plan and Restructuring Support Agreement, negotiating exit financing to be implemented upon emergence. In short, the Debtors are working expeditiously to exit chapter 11 and conclude these Chapter 11 Cases as quickly and successfully as possible.

23. The Debtors' efforts and the progress achieved to date in these Chapter 11 Cases further support extending the Exclusivity Periods.

**C. Extending the Exclusivity Periods Will Not Prejudice Creditors.**

24. Continued exclusivity will permit the Debtors to maintain flexibility so competing plans do not derail the Debtors' restructuring process. Being required to dual-track negotiations across multiple plans could give rise to uncertainty and significantly increase professional costs to the detriment of all stakeholders. As described in detail above, throughout these Chapter 11 Cases, the Debtors have had regular and transparent communications with all of their major stakeholder groups. Ultimately, extending the Exclusivity Periods will benefit the Debtors' estates, their creditors, and all other key parties in interest by allowing the Debtors time to continue to work to solicit and confirm the Plan.

**D. The Debtors Are Paying Their Bills as They Come Due.**

25. Since the Petition Date, the Debtors have paid, and will continue to pay, their post-petition debts in the ordinary course of business or as otherwise provided by Court order, which further supports an extension of exclusivity.

**E. The Cases Are Less Than Eight Months Old.**

26. This is the Debtors' second request for an extension of the Exclusivity Periods, and it comes only eight months after the Petition Date. During this short time, the Debtors have accomplished a great deal despite the complexity and challenges arising out of these Chapter 11

Cases and the numerous parties involved, and continue to work diligently towards their timely emergence from chapter 11. The Debtors are requesting the Exclusive Periods extension solely out of an abundance of caution to facilitate consummation of the Plan free of the distraction and delay a competing plan may cause, to the detriment of all stakeholders.

**F. The Debtors Are Not Pressuring Creditors by Requesting an Extension of the Exclusivity Periods.**

27. The Debtors are not seeking an extension of the Exclusivity Periods to pressure any of their stakeholders. To the contrary, all creditor groups or their advisors have had an opportunity to actively participate in substantive discussions with the Debtors throughout these Chapter 11 Cases, and the Debtors' key constituencies have been on notice since the outset of these cases that the Debtors' Restructuring Support Agreement milestones extend beyond the initial and current exclusivity periods. Further, the Debtors consulted with and provided their key stakeholders, including the Ad Hoc Group, the Committee, and the RWE Committee with an opportunity to review and comment on the Debtors' request for an extension of the Exclusivity Periods prior to filing this Motion. The Debtors are seeking an extension of the Exclusivity Periods to preserve and capitalize on the progress made to date in their restructuring negotiations.

28. An objective analysis of the relevant factors demonstrates that the Debtors are doing everything that they should be doing as chapter 11 debtors to facilitate a successful conclusion to these complex Chapter 11 Cases. Accordingly, the Debtors respectfully submit that sufficient cause exists to extend the Exclusivity Periods as provided herein. Courts in this and other districts have granted relief similar to that requested herein. *See, e.g., In re Intelsat S.A.*, No. 20-32299 (KLP) (Bankr. E.D. Va. Apr. 21, 2021) (granting a second exclusivity extension of 179 days); *In re Toys "R" Us, Inc.*, No. 17-34665 (KLP) (Bankr. E.D. Va. Aug. 8, 2018) (granting a second exclusivity extension of 121 days); *In re Revlon, Inc.*, No. 22-10760 (DSJ) (Bankr.

S.D.N.Y. Jan. 5, 2023) (granting a second exclusivity extension of 110 days); *In re Intelsat S.A.*, No. 20-32299 (KLP) (Bankr. E.D. Va. Sep. 9, 2021) (granting a third exclusivity extension of 92 days).<sup>8</sup>

### **NOTICE**

29. 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

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<sup>8</sup> Because of the voluminous nature of the orders cited herein, such orders have not been attached to this Motion. Copies of these orders are available upon request to the Debtors' counsel.

Rules or the Local Rules. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

**NO PRIOR REQUEST**

30. No prior motion for the relief requested herein has been made to this Court or any other court.

Wherefore, the Debtors respectfully request that the Court enter the Order, substantially in the form attached as Exhibit A, and grant such other and further relief to which the Debtors may be entitled.

Richmond, Virginia  
Dated: November 7, 2024

/s/ Jeremy S. Williams

**KUTAK ROCK LLP**

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*Counsel to the Debtors and Debtors in Possession*

**EXHIBIT A**

**Proposed Order**



Paul M. Basta (admitted *pro hac vice*)  
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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 ORDER EXTENDING THE EXCLUSIVITY PERIODS TO  
FILE AND SOLICIT ACCEPTANCES OF A CHAPTER 11 PLAN**

Upon the Motion<sup>2</sup> filed by the above-referenced debtors and debtors in possession (collectively, the “Debtors”) for entry of an order (the “Order”) extending the Filing Exclusivity Period through and including March 7, 2025, and the Debtors’ Soliciting Exclusivity Period through and including May 6, 2025, without prejudice to the Debtors’ right to seek further extensions of the Exclusivity Periods, as set forth in the Motion; and the Court having jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. § 1334; 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

<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’ claims and noticing agent at <https://veritaglobal.net/enviva>. The location of the Debtors’ corporate headquarters is: 7500 Old Georgetown Road, Suite 1400 Bethesda, MD 20814.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Motion.

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 and their respective estates, creditors, and other parties in interest; and the Court having found that proper and adequate notice of the Motion and hearing thereon has been given and that no other or further notice is necessary; and the Court having found that good and sufficient cause exists for the granting of the relief requested in the Motion after having given due deliberation upon the Motion and all of the proceedings had before the Court in connection with the Motion, it is HEREBY ORDERED THAT:

1. The Debtors' Filing Exclusivity Period pursuant to section 1121(b) of the Bankruptcy Code is hereby extended through and including March 7, 2025.
2. The Debtors' Soliciting Exclusivity Period pursuant to section 1121(c) of the Bankruptcy Code is hereby extended through and including May 6, 2025.
3. Nothing herein shall prejudice the Debtors' right to seek further extensions of the Exclusivity Periods, or the rights of any other party in interest to seek or oppose relief with respect to the Exclusivity Periods, in each case consistent with section 1121(d) of the Bankruptcy Code.
4. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).
5. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

6. The Court retains jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: \_\_\_\_\_  
Alexandria, Virginia

\_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

/s/ Jeremy S. Williams

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**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/ Jeremy S. Williams