Michael A. Condyles (VA 27807) Peter J. Barrett (VA 46179) Jeremy S. Williams (VA 77469) Adolyn C. Wyatt (VA 97746) **KUTAK ROCK LLP** 1021 East Cary Street, Suite 810 Richmond, Virginia 23219-0020 Telephone: (804) 644-1700 Facsimile: (804) 783-6192

Counsel to the Reorganized Debtors

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

)

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In re:

ENVIVA INC., et al.,

Reorganized Debtors.<sup>1</sup>

Chapter 11

Case No. 24-10453 (BFK)

(Jointly Administered)

## NOTICE OF REORGANIZED DEBTORS' SECOND OMNIBUS OBJECTION TO CERTAIN SATSIFIED CLAIMS

**PLEASE TAKE NOTICE THAT** on January 7, 2025, Enviva Inc. (n/k/a Enviva, LLC) and its reorganized debtor affiliates (collectively, the "<u>Reorganized Debtors</u>")<sup>2</sup> filed the *Reorganized Debtors' Second Omnibus Objection to Certain Satisfied Claims* (the "<u>Omnibus Objection</u>") with the Bankruptcy Court. A copy of the Omnibus Objection is attached to this notice (the "<u>Objection Notice</u>"). By the Omnibus Objection, the Reorganized Debtors are seeking to expunge certain claims, including your claim(s), as set forth on <u>Schedule 1</u> attached hereto, because the Reorganized Debtors allege your claim(s) is a claim which has previously been satisfied and for which the Debtors reflect no ongoing liability.

**PLEASE TAKE FURTHER NOTICE THAT** on July 12, 2024, the Bankruptcy 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. 814] (the "Order"), by which the Bankruptcy Court approved procedures for filing omnibus objections to proofs of claim and requests for allowance and payment of administrative expenses (collectively, the "Claims" and each individually, a "Claim") in connection with the above-captioned chapter 11 cases (the "Omnibus Objection Procedures").

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



<sup>&</sup>lt;sup>1</sup> Due to the large number of debtors (the "<u>Debtors</u>") 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.

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YOU ARE RECEIVING THIS NOTICE BECAUSE ALL CLAIMS LISTED HEREIN THAT YOU FILED AGAINST ONE OR MORE OF THE DEBTORS IN THE ABOVE-CAPTIONED CHAPTER 11 CASES ARE SUBJECT TO THE OBJECTION. <u>YOUR</u> <u>RIGHTS MAY BE AFFECTED BY THE OBJECTION</u>. THEREFORE, YOU SHOULD READ THIS 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 IS FILED WITH THE CLERK OF THE COURT WITHIN 30 CALENDAR DAYS OF THE MAILING OF THIS OBJECTION (THE "<u>RESPONSE</u> <u>DEADLINE</u>") AND SERVED ON THE OBJECTING PARTY, 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

<u>Resolving Objections</u>: 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 Reorganized 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

<u>Who Needs to File a Response</u>: If you oppose the objection of your Claim(s) and if you are unable to resolve the Omnibus Objection with the Reorganized Debtors before the deadline to object, then you <u>must</u> file and serve a written response (the "<u>Response</u>") 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.

<u>Response Deadline</u>: The Response Deadline is <u>February 6, 2025 (the "Response</u> <u>Deadline")</u>.

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 Reorganized Debtors:

### Kutak Rock LLP

Attn: Peter J. Barrett, Jeremy S.Williams and Adolyn C. Wyatt1021 East Cary Street, Suite 810Richmond, Virginia 23219

Unless otherwise adjourned by the Court or the Reorganized Debtors pursuant to the Omnibus Objection Procedures, the hearing on the Omnibus Objection and your Response will be held at **2:00 p.m. prevailing Eastern Time on February 13, 2025, 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):

- (i) 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;
- (ii) the claimant's name and an explanation for the amount of the Claim;
- (iii) 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;
- (iv) 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
- (v) 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 Reorganized Debtors should serve a reply to the Response, if any (collectively, the "<u>Notice Addresses</u>"). 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 "<u>Additional Addresses</u>"). 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 Reorganized Debtors' attorneys, the Reorganized 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 Reorganized 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 Reorganized Debtors**. The Reorganized Debtors may file a reply to your Response or reply in oral argument at the hearing. In such event, the Reorganized 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 Reorganized Debtors may determine that discovery is necessary in advance of the hearing on the Omnibus Objection and your Response. In such event, the Reorganized 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 Reorganized 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.

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**Reservation of Rights.** Nothing in this Objection Notice or the Omnibus Objection constitutes a waiver of the Reorganized 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 Reorganized 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.

January 7, 2025 Richmond, Virginia

<u>/s/ Jeremy S. Williams</u> Michael A. Condyles (VA 27807) Peter J. Barrett (VA 46179) Jeremy S. Williams (VA 77469) Adolyn C. Wyatt (VA 97746) **KUTAK ROCK LLP** 1021 East Cary Street, Suite 810 Richmond, Virginia 23219-0020 Telephone: (804) 644-1700 Facsimile: (804) 783-6192

Counsel to the Reorganized Debtors

Michael A. Condyles (VA 27807) Peter J. Barrett (VA 46179) Jeremy S. Williams (VA 77469) Adolyn C. Wyatt (VA 97746) **KUTAK ROCK LLP** 1021 East Cary Street, Suite 810 Richmond, Virginia 23219-0020 Telephone: (804) 644-1700 Facsimile: (804) 783-6192

Counsel to the Reorganized Debtors

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

)

)

In re:

ENVIVA INC., et al.,

Reorganized Debtors.<sup>1</sup>

Chapter 11

Case No. 24-10453 (BFK)

(Jointly Administered)

## **REORGANIZED DEBTORS' SECOND OMNIBUS OBJECTION TO CERTAIN SATSIFIED CLAIMS**

Enviva Inc. (n/k/a Enviva, LLC) and its reorganized debtor affiliates (collectively, the "<u>Reorganized Debtors</u>"), file this omnibus objection (this "<u>Objection</u>") and seek entry of an order, substantially in the form attached hereto as <u>Exhibit A</u> (the "<u>Order</u>") disallowing and expunging the claims identified on <u>Schedule 1</u> to the Order (the "<u>Disputed Claims</u>") in their entirety because, based on the Debtors' books and records, such claims have been paid or satisfied and no liability exists in connection therewith.

In support of this Objection, the Reorganized Debtors submit the Declaration of James Geraghty in Support of the Reorganized Debtors' Second Omnibus Objection to Certain Satisfied

<sup>&</sup>lt;sup>1</sup> Due to the large number of debtors (the "<u>Debtors</u>") 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.

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*Claims* (the "<u>Geraghty Declaration</u>"), attached to this Objection as <u>Exhibit B</u>, and respectfully state as follows:

### **Jurisdiction**

1. The United States Bankruptcy Court for the Eastern District of Virginia (the "<u>Court</u>") 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 July 10, 1984. The Reorganized Debtors confirm their consent, pursuant to Rule 7008 of the Federal Rules of Bankruptcy Procedure (the "<u>Bankruptcy Rules</u>"), 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.

2. The bases for the relief requested herein are sections 502 and 1106(a)(1) of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the "<u>Bankruptcy Code</u>"), Bankruptcy Rules 3007 and 9014, and Rule 3007–1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Eastern District of Virginia (the "<u>Local Rules</u>").

#### **Relief Requested**

By this Objection, the Reorganized Debtors respectfully request entry of an order
(a) disallowing and expunging the Disputed Claims identified on <u>Schedule 1</u> to the Order and (b) granting related relief.

### **Background**

4. On March 12, 2024 or March 13, 2024 (as applicable, the "<u>Petition Date</u>"), the Debtors each filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. A detailed description surrounding the facts and circumstances of these chapter 11 cases is set forth in the *Declaration of Glenn Nunziata in Support of Chapter 11 Petitions* [Docket No. 27]. On

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April 26, 2024, the Debtors filed their schedules of assets and liabilities and statements of financial affairs [Docket Nos. 386 and 387], which were amended on May 30, 2024 and September 30, 2024 [Docket Nos. 656, 1133 and 1135]. On November 14, 2024, the Court entered the *Order Confirming the First Amended Joint Chapter 11 Plan of Reorganization of Enviva Inc. and its Debtor Affiliates* [Docket No. 1393], approving the *Amended Joint Chapter 11 Plan of Reorganization of Enviva Inc. and Its Debtor Affiliates* [Docket No. 1201] (with all supplements and exhibits thereto, as it has been and may be amended, altered, modified, revised, or supplemented from time to time, the "<u>Plan</u>"). The Effective Date (as defined in the Plan) occurred on December 6, 2024 [Docket No. 1461].

#### **The Claims Reconciliation Process**

5. On April 12, 2024, the Court entered the *Order (1) Establishing Bar Dates and Procedures and (II) Approving the Form and Manner of Notice Thereof* [Docket No. 321] (the "<u>General Bar Date Order</u>"), which, among other things, established the following deadline for filing proofs of claim (collectively, the "<u>General Bar Dates</u>"): (a) June 14, 2024 at 5:00 p.m. Eastern Prevailing Time, as the deadline for persons and entities holding or wishing to assert a "claim" (as defined in section 101(5) of the Bankruptcy Code) against any of the Debtors that arose before the Petition Date (each, a "<u>Claim</u>"), including any claim arising under section 503(b)(9) of the Bankruptcy Code, as more specifically set forth therein, to file proof of such Claim in writing; (b) September 9, 2024 at 5:00 p.m. Eastern Prevailing Time, as the deadline for all governmental units holding or wishing to assert a Claim against any of the Debtors that arose before the Petition Date to file proof of such Claim in writing; and (c) the later of (i) the General Claims Bar Date or the Governmental Bar Date (each as defined in the General Bar Date Order), as applicable, or (ii) 5:00 p.m., Eastern Prevailing Time, on the date that is 30 days following service of an order approving the rejection of any executory contract or unexpired lease of the Debtors, as the deadline

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for all entities holding claims against the Debtors arising from the rejection of executory contracts and unexpired leases of the Debtors, to file proof of such Claim in writing.

6. Pursuant to the terms of the Plan, the deadline for a party to file a Claim for costs and expenses of administration of the Debtors' Estates<sup>2</sup> pursuant to sections 503(b), 507(a)(2), 507(b), or 1114(e)(2) of the Bankruptcy Code, including: (a) the actual and necessary costs and expenses incurred on or after the Petition Date and through the Effective Date of preserving the Estates and operating the Debtors' businesses; (b) Allowed Professional Fee Claims; (c) all Allowed requests for compensation or expense reimbursement for making a substantial contribution in the Chapter 11 Cases pursuant to sections 503(b)(3), (4), and (5) of the Bankruptcy Code; and (d) the Restructuring Expenses (each, an "Administrative Claim") against any of the Debtors, is January 6, 2025 (the "Admin Bar Date" and together with the General Bar Dates, the "Bar Dates").

7. Written notice of the Bar Dates was mailed to, among others, all known creditors and other known holders of claims against the Debtors, identified as of the date of entry of the Bar Date Orders, including all entities listed in the Schedules as holding claims against the Debtors, and to all parties who had filed requests for notices under Bankruptcy Rule 2002 as of the date of the Bar Date Orders. In addition to mailing such actual notice, the Debtors also published notice of the Bar Dates in *USA Today* (national edition) and *The Washington Post* [Docket Nos. 548, 549 and 1259].

8. On July 12, 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. 814] approving the Debtors' proposed

<sup>&</sup>lt;sup>2</sup> Capitalized terms not otherwise defined herein shall be ascribed the meaning set forth in the Plan.

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objection procedures (the "<u>Objection Procedures</u>"). This Objection is filed in accordance with the Objection Procedures.

9. To date, entities have filed approximately 900 proofs of claim and requests for allowance and payment of administrative expense claims, against the Debtors, on an aggregate basis (collectively, the "<u>Proofs of Claim</u>"), collectively asserting billions of dollars in liability. The Reorganized Debtors and their advisors are in the process of reviewing the Proofs of Claim, including supporting documentation, if any, filed with the Proofs of Claim, and reconciling the Proofs of Claim with the Debtors' books and records to determine the validity of the Proofs of Claim. For the reasons set forth in more detail below and in the Geraghty Declaration, and based on their review to date, the Reorganized Debtors have determined that the Disputed Claims are objectionable on the grounds set forth below.

#### **Objection**

10. The Reorganized Debtors object to the Disputed Claims set forth on <u>Schedule 1</u> to the Order. Based on their review of the Proofs of Claim and a thorough analysis of the Debtors' books and records, the Reorganized Debtors have determined that such Disputed Claims have been paid or otherwise settled and the Debtors no longer have any outstanding liabilities associated therewith. As a result, the Reorganized Debtors are seeking an order expunging and disallowing such Disputed Claims, as identified on <u>Schedule 1</u> to the Order. Failure to disallow and expunge such Disputed Claims could result in the applicable claimants receiving multiple recoveries against the Debtors' estates, to the detriment of other similarly situated creditors. Moreover, elimination of such Disputed Claims will enable the Reorganized Debtors to maintain a more accurate claims register. Accordingly, the Reorganized Debtors request that the Court enter the Order, disallowing and expunging such Disputed Claims identified on <u>Schedule 1</u> to the Order.

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#### **Basis for Relief**

11. Section 502(a) of the Bankruptcy Code provides that "[a] claim or interest, proof of which is filed under section 501 of this title, is deemed allowed, unless a party in interest . . . objects." A debtor in possession has the duty to object to the allowance of any claim that is improper. *See* 11 U.S.C. § 1106(a)(1).

12. As set forth in Bankruptcy Rule 3001(f), a properly executed and filed proof of claim constitutes prima facie evidence of the validity and the amount of the claim under section 502(a) of the Bankruptcy Code. See In re Allegheny Int'l, Inc., 954 F.2d 167, 173 (3d Cir. 1992). Bankruptcy courts have generally held that in order to receive the benefit of prima facie validity, however, the claimant must set forth facts necessary to support the claim. See In re McCarthy, No. 04-10493, 2004 WL 5683383, at \*5 (Bankr. E.D. Va. July 14, 2004). Additionally, a claimant's proof of claim is entitled to the presumption of *prima facie* validity under Bankruptcy Rule 3001(f) only until an objecting party shows that there exists a "true dispute" as to the validity and amount of the claim. See In re Computer Learning Ctrs., Inc., 298 B.R. 569, 578 (Bankr. E.D. Va. 2003) (quoting Collier on Bankruptcy ¶ 3001.09[2] (15th ed. revised 2003)). Once the objecting party refutes an allegation critical to the claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence. Alleghenv, 954 F.2d at 173. In other words, once the *prima facie* validity of a claim is rebutted, "it is for the claimant to prove his claim, not for the objector to disprove it." In re Kahn, 114 B.R. 40, 44 (Bankr. S.D.N.Y. 1990) (citations omitted).

13. For the reasons set forth in this Objection and in the Geraghty Declaration, the Court should disallow and expunge or modify the Disputed Claims as requested in herein. If the Disputed Claims are not formally disallowed and expunged or modified, the potential exists for

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the applicable claimants to receive recoveries to which they are not entitled, to the detriment of the Debtors' other stakeholders, and the process of claims administration and reconciliation will be unnecessarily burdensome. Thus, the relief requested in this Objection is necessary to prevent any inappropriate distribution of estate funds and to facilitate the administration of the claims-allowance process.

### Separate Contested Matter

14. Each of the above objections to the proofs of claim constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. The Reorganized Debtors request that any order entered by the Court with respect to an objection asserted herein will be deemed a separate order with respect to each Claim.

### **Responses to Omnibus Objections**

15. To contest this Objection, a claimant must file and serve a written response to this Objection in accordance with the Objection Procedures. If a claimant fails to file and serve a response in accordance with the Objection Procedures, the Reorganized Debtors may present to the Court an appropriate order disallowing the Disputed Claim, without further notice to the claimant or a hearing.

#### **Reservation of Rights**

16. Nothing contained herein is intended or shall be construed as: (a) an admission as to the amount of, basis for, or validity of any claim against the Debtors under the Bankruptcy Code or other applicable nonbankruptcy law; (b) a waiver of the Reorganized Debtors' or any other party in interest's right to dispute any claim; (c) a promise or requirement to pay any particular claim; (d) an implication or admission that any particular claim is of a type specified or defined in this motion; (e) an admission as to the validity, priority, enforceability, or perfection of any lien on, security interest in, or other encumbrance on property of the Debtors' estates; or (f) a waiver of

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any claims or causes of action which may exist against any entity under the Bankruptcy Code or any other applicable law.

## **Notice**

17. The Reorganized Debtors will provide notice of this Objection via first-class mail or email (where available) in accordance with the "Procedures for Complex Chapter 11 Cases in the Eastern District of Virginia", as adopted by Rule 1075-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Eastern District of Virginia and to holders of the Disputed Claims identified on <u>Schedule 1</u> to the Order. The Reorganized Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

### **No Prior Request**

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

WHEREFORE, the Reorganized Debtors respectfully request that the Court enter the Order granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

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Richmond, Virginia Dated: January 7, 2025

### /s/ Jeremy S. Williams

**KUTAK ROCK LLP** Michael A. Condyles (VA 27807) Peter J. Barrett (VA 46179) Jeremy S. Williams (VA 77469) Adolyn C. Wyatt (VA 97746) 1021 East Cary Street, Suite 810 Richmond, Virginia 23219 Telephone: (804) 644-1700 Facsimile: (804) 783-6192 Michael.Condyles@KutakRock.com Email: Peter.Barrett@KutakRock.com Jeremy.Williams@KutakRock.com Adolyn.Wyatt@KutakRock.com

Counsel to the Reorganized Debtors

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## <u>Exhibit A</u>

**Proposed Form of Order** 

Michael A. Condyles (VA 27807) Peter J. Barrett (VA 46179) Jeremy S. Williams (VA 77469) Adolyn C. Wyatt (VA 97746) **KUTAK ROCK LLP** 1021 East Cary Street, Suite 810 Richmond, Virginia 23219-0020 Telephone: (804) 644-1700 Facsimile: (804) 783-6192

Counsel to the Reorganized Debtors

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

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In re:

ENVIVA INC., et al.,

Reorganized Debtors.<sup>1</sup>

Chapter 11

Case No. 24-10453 (BFK)

(Jointly Administered)

## ORDER GRANTING REORGANIZED DEBTORS' SECOND OMNIBUS OBJECTION TO CERTAIN SATSIFIED CLAIMS

Upon the omnibus objection (the "<u>Objection</u>")<sup>2</sup> of the Reorganized Debtors for entry of an order (this "<u>Order</u>"): (a) expunging the Disputed Claims identified on <u>Schedule 1</u> attached hereto, in accordance with section 502 of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rule 3007–1; and (b) granting related relief, all as more fully set forth in the Objection; and it appearing that the relief requested is in the best interests of the Debtors' estates, their creditors and other parties in interest; and the Court having jurisdiction to consider the Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue

<sup>&</sup>lt;sup>1</sup> Due to the large number of debtors (the "<u>Debtors</u>") 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>&</sup>lt;sup>2</sup> Capitalized terms used but not otherwise defined in this Order have the meanings given to them in the Objection.

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being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of the Objection having been adequate and appropriate under the circumstances; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED:

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

2. Any response to the Objection not otherwise withdrawn, resolved, or adjourned is hereby overruled on its merits.

3. Each Disputed Claim identified on <u>Schedule 1</u> attached to this Order is disallowed and expunged in its entirety.

4. Verita Global (f/k/a Kurtzman Carson Consultants LLC), the Reorganized Debtors' notice and claims agent, is directed to update the claims register to reflect the relief granted in this Order.

5. Except as provided in this Order, nothing in this Order will be deemed (a) an admission or finding as to the validity of any Proof of Claim against a Debtor entity, (b) a waiver of the right of the Reorganized Debtors to dispute any Proof of Claim against any Debtor on any grounds whatsoever, at a later date, (c) a promise by or requirement on any Reorganized Debtor to pay any Proof of Claim, (d) an implication or admission that any particular Proof of Claim is of a type specified or defined in this Order, or (e) a waiver of the rights of the Reorganized Debtors under the Bankruptcy Code or any other applicable law.

6. Each of the Disputed Claims and the objections by the Reorganized Debtors to each of the Disputed Claims, as addressed in the Objection and set forth on <u>Schedule 1</u>, each attached to this Order, constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order will be deemed a separate Order with respect to each Disputed Claim. Any stay of this Order pending appeal by any claimants whose Proofs of Claim are subject to this Order will only

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apply to the contested matter that involves such claimant and will not act to stay the applicability or finality of this Order with respect to the other contested matters identified in the Objection or this Order.

7. The Reorganized Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Objection.

8. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: \_\_\_\_\_ Richmond, Virginia

UNITED STATES BANKRUPTCY JUDGE

### WE ASK FOR THIS:

<u>/s/ Jeremy S. Williams</u> Michael A. Condyles (VA 27807) Peter J. Barrett (VA 46179) Jeremy S. Williams (VA 77469) Adolyn C. Wyatt (VA 97746) **KUTAK ROCK LLP** 1021 East Cary Street, Suite 810 Richmond, Virginia 23219 Telephone: (804) 644-1700 Facsimile: (804) 783-6192

Counsel to the Reorganized Debtors

## <u>CERTIFICATION OF ENDORSEMENT</u> <u>UNDER LOCAL BANKRUPTCY RULE 9022-1(C)</u>

Pursuant to Local Bankruptcy 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

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## Schedule 1

**Disputed Claims** 

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
1	OAK RIDGE INDUSTRIES LLC PO BOX 1748 WASHINGTON, NC 27889 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299504	\$843,489.63	Invoice numbers 26220, 26226, 26198, 26187, 26200, 26256, 26230, 26240, 26257, 26278, 26280, 26282, 26295, 26301, 26127, 26142, 26303, 26293, 26283, 26255, 26229, 26284, 26199, 26281, 26279, 26277, 26291, 26294, 26292, 26302, 25974, 26350, 26329, 26345, 26311, 26417, and 26330 were paid in full on 05/21/2024
2	ONEAL, INC 10 FALCON CREST DRIVE GREENVILLE, SC 29607	04/02/2024	24-70505 ENVIVA PELLETS, LLC	85	\$39,535.74	Invoice numbers 56864, 56875, 56876, 56877, 56878, 56636, 56866, 56867, 56873, 56863, and 56874 were paid in full on 04/04/2024, 04/04/2024, 04/04/2024, 04/04/2024, 04/04/2024, 12/06/2024, 12/06/2024, 12/06/2024, 12/06/2024, 12/06/2024, 12/06/2024 respectively.
3	PADUCAH RIGGING 4150 CAIRO RD PADUCAH, KY 42001 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298883	\$85,225.50	Invoice numbers J840.1 and J84177 were paid in full on 06/18/2024.
4	PANAMA CITY PORT AUTHORITY ONE SEAPORT DR PANAMA CITY, FL 32401 UNITED STATES	04/26/2024	24-10467 ENVIVA, LP	3299755	\$1,333.80	Invoice number 143237161-0010_PRE was paid in full on 05/21/2024.
5	PANAMA CITY PORT AUTHORITY, A SPECIAL DISTRICT ALEX KING, EXECUTIVE DIRECTOR 1 SEAPORT DRIVE PANAMA CITY, FL 32401 UNITED STATES	09/06/2024	24-10467 ENVIVA, LP	888	\$0.00	Claim asserts liabilities that were satisfied via contract assumption and corresponding cure payment.
6	PARADISE POINT MARINE LLC 150 W MAIN ST SUITE 1600 NORFOLK, VA 23510 UNITED STATES	04/26/2024	24-10467 ENVIVA, LP	3299756	\$1,000.00	Invoice number INV183107 was paid in full on 05/23/2024.
7	PARR INSTRUMENT COMPANY 211 53RD STREET MOLINE, IL 61265 UNITED STATES	05/13/2024	24-70505 ENVIVA PELLETS, LLC	301	\$93.20	Invoice number 101790 was paid in full on 10/26/2023.

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
8	PATRIOT SHREDDING 12358 PARKLAWN DRIVE SUITE 352 ROCKVILLE, MD 20852 UNITED STATES	05/14/2024	24-10453 ENVIVA INC.	324	\$231.00	Invoice numbers 21378 and 20206 were paid in full on 12/06/2024.
9	PCL SHIPPING PTE LTD NO 1 KIM SENG PROMENADE GREAT WORLD CITY #07-02 SINGAPORE, 237994 SINGAPORE	04/26/2024	24-10467 ENVIVA, LP	3299757	\$26,372.86	Invoice number PCLS/67600 was paid in full on 04/25/2024.
10	PEAK LEASING LLC PO BOX 1259 WILMINGTON, NC 28402 UNITED STATES	04/26/2024	24-10453 ENVIVA INC.	3298748	\$1,393.55	Invoice number 307631PRE was paid in full on 04/25/2024.
11	PRECISION INC 300 SE 14TH STREET PELLA, IA 50219 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299532	\$6,588.29	Invoice number 924905 was paid in full on 05/16/2024.
12	PRIMORIS ENERGY SERVICES CORP 18484 EAST PETROLEUM DR BATON ROUGE, LA 70809 UNITED STATES	04/26/2024	24-10453 ENVIVA INC.	3298758	\$374,655.86	Invoice number 50241-01 was paid in full on 04/30/2024.
13	PRIMORIS ENERGY SERVICES CORP 18484 EAST PETROLEUM DR BATON ROUGE, LA 70809 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298884	\$1,983,743.09	Invoice numbers 50238-004 and 50238-005 were paid in full on 05/09/2024.
14	PROCONEX INC. JIM KEATING 103 ENTERPRISE DRIVE ROYERSFORD, PA 19468	04/09/2024	24-10471 ENVIVA PELLETS EPES, LLC	121	\$31,476.85	Invoice numbers CD99127603 and CD99127869 were paid in full on 06/13/2024.

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
15	PROFESSIONAL SECURITY & INVESTIGATIONS INC 113 S MCNEILL ST CARTHAGE, NC 28327 UNITED STATES	06/12/2024	24-70505 ENVIVA PELLETS, LLC	624	\$5,500.00	Invoice numbers 1886 and 1831 were paid in full on 10/24/2024.
16	PTS ADVANCE 2860 MICHELLE DR SUITE 150 IRVINE, CA 92606 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298886	\$5,511.59	Invoice numbers INVPTS39167_PRE, INVPTS39182_PRE, INVPTS39186_PRE, and INVPTS39195_PRE were paid in full on 05/02/2024.
17	PUCKETT MACHINERY CO DBA PUCKETT POWER SYSTEMS 14028 HWY 79 GULFPORT, MS 39503 UNITED STATES	04/26/2024	24-10456 ENVIVA PELLETS LUCEDALE, LLC	3299057	\$11,238.85	Invoice numbers 1021096-0001, 1017436-0001, 1026369-0001, 1024647-0002, WOEN5504337, and P01C5501924 were paid in full on 08/08/2024.
18	PUCKETT MACHINERY CO DBA PUCKETT POWER SYSTEMS 14028 HWY 79 GULFPORT, MS 39503 UNITED STATES	04/26/2024	24-10458 ENVIVA PORT OF PASCAGOULA, LLC	3299707	\$8,322.49	Invoice numbers 841073-0039, 1021215-0001, 895864-0028, 1015873-0001, 841073-0040_PRE, 841073-0040_PST, 888478-0034_PRE, and 895864-0029_PRE were paid in full on 08/08/2024, 08/08/2024, 08/08/2024, 08/08/2024, 08/13/2024, 08/13/2024, 08/08/2024, and 08/08/2024 respectively.
19	QUINCY COMPRESSOR LLC PO BOX 123427 DEPT 3427 DALLAS, TX 75312 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299539	\$75,950.85	Invoice numbers 1124000209, 1124006288, 1124007724, and 1124021378 were paid in full on 05/03/2024.
20	RAPID WIRELESS LLC PO BOX 416 HARTFORD, AL 36344 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298888	\$1,657.75	Invoice number 1140_PRE was paid in full on 12/06/2024.
21	REGIONS BANK DBA ASCENTIUM CAPITAL 23970 US HIGHWAY 59 N KINGWOOD, TX 77339 UNITED STATES	06/03/2024	24-70505 ENVIVA PELLETS, LLC	469	\$380,297.24	Claim asserts liabilities that were satisfied via contract assumption and corresponding cure payment.

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
22	RELIASTAR LIFE INSURANCE COMPANY 20 WASHINGTON AVE S MINNEAPOLIS, MN 55401 UNITED STATES	04/26/2024	24-10461 ENVIVA MANAGEMENT COMPANY, LLC	3298828	\$41,505.79	Invoice number 12A5865967_PRE was paid in full on 04/25/2024.
23	REYNOLDS, TOMMIE D. ADDRESS ON FILE	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299544	\$585.91	Invoice number 933274-ST was paid in full on 05/02/2024.
24	RIVER EDGE WATER JET TECHNOLOGIES INC 12795 GA HWY 34 FRANKLIN, GA 30217 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299547	\$185.00	Invoice number R15234 was paid in full on 05/16/2024.
25	ROBERT HALF INTERNATIONAL INC 12400 COLLECTIONS CENTER DRIVE CHICAGO, IL 60693 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299553	\$1,735.20	Invoice number 63345634_PRE was paid in full on 04/30/2024.
26	ROTEX GLOBAL LLC P O BOX 630317 CINCINNATI, OH 45263 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298890	\$102,590.10	Invoice number 239558HOLD was paid in full on 05/07/2024.
27	SAFETY KLEEN SYSTEMS INC PO BOX 975201 DALLAS, TX 75397 UNITED STATES	04/26/2024	24-10456 ENVIVA PELLETS LUCEDALE, LLC	3299061	\$2,455.87	Invoice number 93720530 was paid in full on 09/05/2024.
28	SAFETY KLEEN SYSTEMS INC PO BOX 975201 DALLAS, TX 75397 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299558	\$13,088.62	Invoice numbers 93698626, 93698627, 93764697, 93867442, 94025036, 93437005, 94077897 were paid in full on 09/05/2024.
29	SALTYDAWG TOOLS LLC 33020 GREEN OAKS DRIVE FRANKLIN, VA 23851 UNITED STATES	06/11/2024	24-10453 ENVIVA INC.	599	\$406.23	Invoice number ENVIVAFKLD-231212 was paid in full on 01/11/2024.

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
30	SAM CARBIS SOLUTIONS GROUP LLC PO BOX 6649 FLORENCE, SC 29502 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298891	\$33,167.60	Invoice number CI-055095 was paid in full on 04/25/2024.
31	SATELLITE SHELTERS INC 2530 XENIUM LANE N SUITE 150 MINNEAPOLIS, MN 55441 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298892	\$6,932.45	Invoice numbers INV738838 and INV739003 were paid in full on 05/28/2024.
32	SATELLITE SHELTERS INC 2530 XENIUM LANE N SUITE 150 MINNEAPOLIS, MN 55441 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299564	\$31,519.76	Invoice numbers INV734973, INV740673_PRE, INV742153_PRE, INV742922, INV744728, and INV744752_PRE were paid in full on 05/28/2024.
33	SCS GLOBAL SERVICES 2000 POWELL STREET SUITE 600 EMERYVILLE, CA 94608 UNITED STATES	04/26/2024	24-10453 ENVIVA INC.	3298770	\$67,590.00	Invoice numbers INV-0000250414, INV-0000255469, and INV-0000255467 were paid in full on 12/06/2024,
34	SGS VIETNAM LTD 198 NGUYEN THI MINH, VO THI SAU WARD DISTRICT 3 HO CHI MINH, 70000 VIETNAM	04/26/2024	24-10467 ENVIVA, LP	3299764	\$9,039.54	Invoice number 19200 was paid in full on 05/24/2024.
35	SHARP BUSINESS SYSTEMS 1111 OLD EAGLE SCHOOL RD WAYNE, PA 19087 UNITED STATES	05/10/2024	24-10453 ENVIVA INC.	290	\$123,737.75	Claim asserts liabilities that were satisfied via contract assumption and corresponding cure payment.
36	SHERWIN WILLIAMS CO 4239 LAFAYETTE ST MARIANNA, FL 32446 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299570	\$927.35	Invoice numbers 2021-6, 9638-8, and 6558-9 were paid in full on 05/14/2024.

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
37	SHUTTLEWAGON A NORDCO COMPANY INC 245 W FOREST HILL AVE OAK CREEK, WI 53154 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299572	\$5,840.38	Invoice number 96457 was paid in full on 07/03/2024.
38	SLSB LLC DBA ST. LOUIS SCREW AND BOLT ASHLI LAKE PO BOX 260 MADISON, IL 62060	04/15/2024	24-70505 ENVIVA PELLETS, LLC	156	\$10,057.30	Invoice number E4021205 was paid in full on 05/16/2024.
39	SMITH INDUSTRIAL SERVICE, INC. CHRIS SMITH 2001 W I-65 SERVICE RD N MOBILE, AL 36618	03/20/2024	24-10453 ENVIVA INC.	22	\$49,375.90	Invoice numbers 0198739-IN, 0198836-IN, 199517S-IN, 0199978-IN, 0200846-IN, and 0200869-IN were paid in full on 10/31/2024.
40	SOLUNI LLC PAUL RAFFLE 146 BALFOUR DRIVE DANIEL ISLAND, SC 29492	05/05/2024	24-10453 ENVIVA INC.	249	\$96,637.28	Invoice numbers EnvivaSamFeb2024 and EnvivaSamMar2024_PRE were paid in full on 12/06/2024.
41	SOUTH ATLANTIC, LLC 1907 S 17TH STREET, SUITE 2A WILMINGTON, NC 28401 UNITED STATES	05/24/2024	24-10453 ENVIVA INC.	409	\$5,923.97	Invoice numbers 830645 and 832845 were paid in full on 06/18/2024.
42	SOUTHAMPTON COUNTY DEPT OF UTILITIES ATTN: JEANNE P.O. BOX 250 COURTLAND, VA 23837 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299582	\$56,129.19	Invoice numbers404523JAN24, 404522DEC23, 404522JAN24, 404523DEC23, 6500117FEB24, and 6500118FEB24 were paid in full on 12/09/2024.
43	SOUTHEAST INDUSTRIAL EQUIPMENT INC PO BOX 63230 CHARLOTTE, NC 28263 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299585	\$5,002.05	Invoice numbers 06R2965020, 06R2965160 and 06S2631850 were paid in full on 05/30/2024.
44	SOUTHEASTERN CABLE PRODUCTS, INC. DONNA BURDEN 507 MAIN ST. E AHOSKIE, NC 27910	04/26/2024	24-10453 ENVIVA INC.	229	\$3,667.32	Invoice number 023147 was paid in full on 12/06/2024.

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
45	SOUTHEASTERN PRECISION TOOLS 191 SENECA REEF DR HAMPSTEAD, NC 28443 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299587	\$18,127.06	Invoice number 1082 was paid in full on 05/10/2024.
46	SOUTHERN FORESTRY CONSULTANTS INC PO BOX 310345 ENTERPRISE, AL 36331 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299589	\$392.07	Invoice numbers 933256-ST2, 933259-ST2, 933274-ST2, 933274-ST, 933280-ST2 were paid in full on 05/02/2024.
47	SSA GULF, INC. 2816B WEST 11TH STREET PANAMA CITY, FL 32401	03/21/2024	24-10453 ENVIVA INC.	29	\$362,927.22	Invoice numbers 2490038201, 2490038223, and 2490038235 were paid in full on 12/06/2024.
48	STAFFORD NUT & BOLT BRITTNI BRIGHT 1370 REYNOLDS ST AUGUSTA, GA 30901 UNITED STATES	05/14/2024	24-10455 ENVIVA PELLETS GREENWOOD, LLC	318	\$1,538.58	Invoice numbers 713718-01 and 715801 were paid in full on 12/06/2024.
49	STAPLES INC PO BOX 70242 PHILADELPHIA, PA 19176 UNITED STATES	04/26/2024	24-10458 ENVIVA PORT OF PASCAGOULA, LLC	3299711	\$262.40	Invoice number 8073433130 was paid in full on 12/06/2024,
50	SUMMERLIN LLC 2155 ROARK ROAD COTTONDALE, FL 32431 UNITED STATES	04/26/2024	24-10456 ENVIVA PELLETS LUCEDALE, LLC	3299068	\$390.00	Invoice number 792_PRE was paid in full on 05/02/2024.
51	SUNBELT RENTALS INC 1799 INNOVATION POINT FORT MILL, SC 29715 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298898	\$1,925.54	Invoice numbers 140025444-0011_PRE and 150079035-0003_PRE were paid in full on 04/25/2024.
52	SUSTAINABLE BIOMASS PROGRAM LIMITED C/O PFK LITTLEJOHN 2ND FLOOR 15 WESTFERRY CIRCUS CANARY WHARF LONDON, E14 4HD UNITED KINGDOM	04/26/2024	24-10467 ENVIVA, LP	3299767	\$54,342.65	Invoice number SBP3234 was paid in full on 05/16/2024.

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
53	TEAL SALES INC 20818 44TH AVE W SUITE 201 LYNNWOOD, WA 98036 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298900	\$658,916.00	Invoice number 240215.1 was paid in full on 05/09/2024.
54	TEAL SALES INC 20818 44TH AVE W SUITE 201 LYNNWOOD, WA 98036 UNITED STATES	04/26/2024	24-10455 ENVIVA PELLETS GREENWOOD, LLC	3298989	\$38,598.35	Invoice numbers 240212.4, 240216.13, and 240301.12 were paid in full on 05/09/2024.
55	TEAL SALES INC 20818 44TH AVE W SUITE 201 LYNNWOOD, WA 98036 UNITED STATES	04/26/2024	24-10456 ENVIVA PELLETS LUCEDALE, LLC	3299070	\$25,204.24	Invoice numbers 240129.4, 240212.23, 240212.25, 240212.28, 240216.3, 240216.4, and 240216.15 were paid in full on 05/09/2024.
56	TEAL SALES INC 20818 44TH AVE W SUITE 201 LYNNWOOD, WA 98036 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299615	\$467,769.32	Invoice numbers 240212.32, 240212.26, 240212.3, 240216.24, 240212.21, 240212.12, 240216.6, 240212.3, 240216.9, 240226.2, 240226.1, 240216.8, 240216.17, 240216.5, 240301.5, 240212.13R1, 240301.2, 240301.3, and 240212.36R1 were paid in full on 05/09/2024
57	TECH SPECIALIST INC 810 GREAT SOUTHWEST PKWY ATLANTA, GA 30336 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299616	\$495.24	Invoice numbers 93498 and 93499 were paid in full on 05/16/2024.
58	TK ELEVATOR CORP PO BOX 3796 CAROL STREAM, IL 60132 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298902	\$75,150.00	Invoice number 1000592764 was paid in full on 05/28/2024.
59	TOYOTA INDUSTRIES COMMERCIAL FINANCE INC PO BOX 660926 DALLAS, TX 75266 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299628	\$985.79	Invoice numbers 4004097283_PRE and 4004069574 were paid in full on 05/30/2024.

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
60	TPI ENGINEERED SYSTEMS 385 KENT RD BOWDON, GA 30108 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298903	\$8,399.50	Invoice number 3EPE019 was paid in full on 05/30/2024.
61	TPI ENGINEERED SYSTEMS 385 KENT RD BOWDON, GA 30108 UNITED STATES	04/26/2024	24-10455 ENVIVA PELLETS GREENWOOD, LLC	3298991	\$23,434.42	Invoice numbers TPIFT0000072 and TPIFT0000089 were paid in full on 05/30/2024.
62	TPI ENGINEERED SYSTEMS 385 KENT RD BOWDON, GA 30108 UNITED STATES	04/26/2024	24-10456 ENVIVA PELLETS LUCEDALE, LLC	3299074	\$28,524.18	Invoice numbers TPIFT0000070, TPIFT0000073, TPIFT0000082, TPIFT0000087, and TPIFT0000088 were paid in full on 05/30/2024.
63	TPI ENGINEERED SYSTEMS 385 KENT RD BOWDON, GA 30108 UNITED STATES	04/26/2024	24-10457 ENVIVA PELLETS WAYCROSS, LLC	3299186	\$32,511.60	Invoice numbers TPIFT0000076 and TPIFT0000083 were paid in full on 05/30/2024.
64	TPI ENGINEERED SYSTEMS 385 KENT RD BOWDON, GA 30108 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299629	\$573,959.38	Invoice numbers TPIFT0000052, TPIFT0000050, TPIFT0000079, TPIFT0000061, TPIFT0000068, TPIFT0000041, TPIFT0000086, TPIFT0000069, TPIFT0000037, TPIFT0000077, TPIFT0000074, TPIFT0000094, TPIFT0000093 were paid in full on 05/30/2024, 05/30/2024, 05/30/2024, 05/30/2024, 05/30/2024, 05/30/2024, 05/30/2024, 05/30/2024, 05/30/2024, 06/06/2024, 05/30/2024, 05/30/2024, 05/30/2024, 05/30/2024, 05/30/2024, 05/30/2024, 05/30/2024 respectively.
65	TRALIANT OPERATING LLC 169 MADISON AVE #2429 NEW YORK, NY 10016 UNITED STATES	05/07/2024	24-10453 ENVIVA INC.	260	\$39,058.88	Invoice number INV001981 was paid in full on 06/15/2023.

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
66	TREASURER OF VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY RECEIPTS CONTROL PO BOX 1104 RICHMOND, VA 23218 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299633	\$658.58	Invoice number 642982 was paid in full on 10/31/2024.
67	TREKNOCOM ENGINEERING PVT LTD C 204 RUTURANG S NO 41 KOTHRUD PUNE, 411038 INDIA	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299634	\$10,880.00	Invoice number TE-23-24-169 was paid in full on 05/02/2024.
68	TRI STATE LAND & TIMBER LLC PO BOX 841 ROCKY POINT, NC 28457 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299635	\$2,413.97	Invoice numbers 932332-PU, 932326-PU, and 932322-PU were paid in full on 04/25/2024.
69	TRIANGLE EAST TIMBER CO INC 625 MILLS ROAD MOUNT OLIVE, NC 28365 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299636	\$1,688.38	Invoice numbers 932356-PU and 932359-PU were paid in full on 04/25/2024.
70	TRIDELTA SYSTEMS LLC 172 INDUSTRIAL PARK CI PO BOX 356 ABBEVILLE, AL 36310 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299638	\$11,550.00	Invoice number H24-2104-01 was paid in full on 06/25/2024.
71	TRINITY INDUSTRIES LEASING COMPANY ATTN MICHAEL COOLEY REED SMITH LLP 2850 N. HARWOOD STREET SUITE 1500 DALLAS, TX 75201 UNITED STATES	06/13/2024	24-10467 ENVIVA, LP	759	Undetermined*	Claim asserts liabilities that were satisfied via contract assumption and corresponding cure payment.

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
72	TRINITY INDUSTRIES LEASING COMPANY ATTN MICHAEL COOLEY REED SMITH LLP 2850 N. HARWOOD STREET SUITE 1500 DALLAS, TX 75201 UNITED STATES	06/13/2024	24-10453 ENVIVA INC.	760	Undetermined*	Claim asserts liabilities that were satisfied via contract assumption and corresponding cure payment.
73	TRINITY INDUSTRIES LEASING COMPANY ATTN MICHAEL COOLEY REED SMITH LLP 2850 N. HARWOOD STREET SUITE 1500 DALLAS, TX 75201 UNITED STATES	06/13/2024	24-10456 ENVIVA PELLETS LUCEDALE, LLC	767	Undetermined*	Claim asserts liabilities that were satisfied via contract assumption and corresponding cure payment.
74	TRINITY INDUSTRIES LEASING COMPANY ATTN MICHAEL COOLEY REED SMITH LLP 2850 N. HARWOOD STREET SUITE 1500 DALLAS, TX 75201 UNITED STATES	06/13/2024	24-10457 ENVIVA PELLETS WAYCROSS, LLC	769	Undetermined*	Claim asserts liabilities that were satisfied via contract assumption and corresponding cure payment.
75	TRINOVA INC 4485 LAUGHLIN DR S MOBILE, AL 36693-5646	03/19/2024	24-10456 ENVIVA PELLETS LUCEDALE, LLC	10	\$1,462.67	Invoice numbers 3156941 and 3160094 were paid in full on 03/07/2024 and 04/04/2024 respectively.
76	TRUIST EQUIPMENT FINANCE CORP. C/O PETER M. PEARL P.O. BOX 90 ROANOKE, VA 24011 UNITED STATES	06/13/2024	24-70505 ENVIVA PELLETS, LLC	688	\$1,020,450.20	Claim asserts liabilities that were satisfied via contract assumption and corresponding cure payment.
77	TRUIST EQUIPMENT FINANCE CORP. C/O PETER M. PEARL P. O. BOX 90 ROANOKE, VA 24002-0090 UNITED STATES	06/13/2024	24-70505 ENVIVA PELLETS, LLC	698	\$831,042.16	Claim asserts liabilities that were satisfied via contract assumption and corresponding cure payment.

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
78	TRUIST EQUIPMENT FINANCE CORP. C/O PETER M. PEARL P. O. BOX 90 ROANOKE, VA 24002-0090 UNITED STATES	06/13/2024	24-70505 ENVIVA PELLETS, LLC	699	\$21,399.25	Claim asserts liabilities that were satisfied via contract assumption and corresponding cure payment.
79	TRUIST EQUIPMENT FINANCE CORP. C/O PETER M. PEARL P. O. BOX 90 ROANOKE, VA 24002-0090 UNITED STATES	06/13/2024	24-70505 ENVIVA PELLETS, LLC	700	\$237,595.80	Claim asserts liabilities that were satisfied via contract assumption and corresponding cure payment.
80	TRUIST EQUIPMENT FINANCE CORP. C/O PETER M. PEARL P. O. BOX 90 ROANOKE, VA 24002-0090 UNITED STATES	06/13/2024	24-10453 ENVIVA INC.	701	\$2,110,487.41	Claim asserts liabilities that were satisfied via contract assumption and corresponding cure payment.
81	UKG INC. AKERMAN LLP C/O CATHERINE R. CHOE, ESQ. 420 SOUTH ORANGE AVENUE, SUITE 1200 ORLANDO, FL 32801	04/18/2024	24-10470 ENVIVA HOLDINGS, LP	184	\$30,742.84	Invoice numbers 300011644PRE and 300015090 were paid in full on 07/11/2024 and 04/25/2024 respectively.
82	UNDERWOOD FIRE EQUIPMENT 48216 FRANK ST WIXOM, MI 48393	03/13/2024	24-10471 ENVIVA PELLETS EPES, LLC	12	\$328,720.00	Invoice numbers 66057, 66059 and 66688 were paid in full on 05/02/2024, 05/02/2024 and 05/02/2024 respectively.
83	UNITED RENTALS (NORTH AMERICA), INC. ATTN MIKE DOWDEN 10330 DAVID TAYLOR DRIVE CHAROTTE, NC 28262 UNITED STATES	05/10/2024	24-10453 ENVIVA INC.	331	\$3,215.68	Invoice numbers 207219265-027_PRE, 207219265-027_POST, 222997700-009_PRE, 222997700-009_POST were paid in full on 05/09/2024, 06/27/2024, 05/02/2024, and 06/27/2024 respectively.
84	UNITED RENTALS (NORTH AMERICA), INC. ATTN MIKE DOWDEN 10330 DAVID TAYLOR DRIVE CHAROTTE, NC 28262 UNITED STATES	05/10/2024	24-10453 ENVIVA INC.	333	\$160.13	Invoice numbers 153930179-080_PRE and 153930179-080_POST were paid in full on 06/27/2024 and 05/02/2024 respectively.

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
85	UNITED RENTALS (NORTH AMERICA), INC. ATTN MIKE DOWDEN 10330 DAVID TAYLOR DRIVE CHAROTTE, NC 28262 UNITED STATES	05/10/2024	24-10453 ENVIVA INC.	334	\$1,208.24	Invoice number 148415294-104_PRE was paid in full on 06/27/2024.
86	UNITED RENTALS (NORTH AMERICA), INC. ATTN MIKE DOWDEN 10330 DAVID TAYLOR DRIVE CHAROTTE, NC 28262 UNITED STATES	05/10/2024	24-10453 ENVIVA INC.	335	\$627.46	Invoice number 210460016-023_PRE was paid in full on 06/27/2024.
87	UNITED RENTALS NORTH AMERICA INC PO BOX 100711 ATLANTA, GA 30384 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298905	\$17,791.10	Invoice number 230142111-001 was paid in full on 06/27/2024.
88	US MACHINE SERVICES INC 600 ZEIGLER CIRCLE EAST MOBILE, AL 36608 UNITED STATES	04/26/2024	24-10456 ENVIVA PELLETS LUCEDALE, LLC	3299075	\$1,795.00	Invoice number 30672 was paid in full on 06/28/2024.
89	US TRANSPORTATION SERVICES DON MORAN 205 PENNBRIAR DR ERIE, PA 16509-6650	05/06/2024	24-10453 ENVIVA INC.	250	\$8,095.45	Invoice numbers 2483-00419, 2483-00420, 2483-00421, 2483-00491, 2483-00492, 2483-00493, 2483-00494, 2483-00495, 2483-00496, 2483-00497, 2483-00498, 2483-00499, 2483-00500, and 2483-00507 were paid in full on 05/03/2024.
90	VARN WOOD PELLETS, LLC P.O. BOX 128 HOBOKEN, GA 31542	03/22/2024	24-10457 ENVIVA PELLETS WAYCROSS, LLC	33	\$508,051.00	Invoice numbers 41, 42 and 43 were paid in full on 03/28/2024, 04/04/2024 and 04/18/2024 respectively.
91	VOLTA LLC 1616 GEARS RD HOUSTON, TX 77067 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298907	\$4,144,790.50	Invoice numbers 86114, 86117, and 86154 were paid in full on 04/25/2024.
92	WEST FLORIDA ELECTRIC COOPERATIVE, INC 5282 PEANUT RD PO BOX 127 GRACEVILLE, FL 32440	24-10453 ENVIVA INC.	163	\$972,649.89	Invoice numbers 10006115_PRE and 10006024 were paid in full on 12/09/2024.	

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
93	WESTERN PNEUMATICS LLC PO BOX 21340 EUGENE, OR 97402 UNITED STATES	04/26/2024	24-10471 ENVIVA PELLETS EPES, LLC	3298909	\$81,751.00	Invoice numbers 0073346_PRE and 0073346_POST were paid in full on 05/09/2024.
94	WESTERN PNEUMATICS LLC PO BOX 21340 EUGENE, OR 97402 UNITED STATES	04/26/2024	24-10455 ENVIVA PELLETS GREENWOOD, LLC	3298999	\$8,484.00	Invoice numbers 73280, USD, and 73104 were paid in full on 05/02/2024.
95	WESTERN PNEUMATICS LLC PO BOX 21340 EUGENE, OR 97402 UNITED STATES	04/26/2024	24-10457 ENVIVA PELLETS WAYCROSS, LLC	3299190	\$2,085.00	Invoice number 72812 was paid in full on 05/02/2024.
96	WESTERN PNEUMATICS LLC PO BOX 21340 EUGENE, OR 97402 UNITED STATES	04/26/2024	24-10458 ENVIVA PORT OF PASCAGOULA, LLC	3299719	\$128,643.00	Invoice numbers 73092, 72643, 73279, 73355, and 72935 were paid in full on 05/02/2024.
97	WILMINGTON TERMINAL RAILROAD LP 27604 NETWORK PLACE CHICAGO, IL 60673 UNITED STATES	04/26/2024	24-70505 ENVIVA PELLETS, LLC	3299670	\$15,750.00	Invoice numbers 9814103127_PRE and 9814502963_PRE were paid in full on 04/26/2024 and 05/23/2024 respectively.
98	WIRELESS WATCHDOGS LLC 317 ISIS AVE SUITE 207 INGLEWOOD, CA 90301 UNITED STATES	04/26/2024	24-10453 ENVIVA INC.	3298798	\$4,425.00	Invoice numbers IN0112136 and IN0112893 were paid in full on 12/06/2024,
99	XCOVA LLC SPENCER GEHRING 788 110TH AVE NE, N1606 BELLEVUE, WA 98004 UNITED STATES	06/11/2024	24-10454 ENVIVA PELLETS EPES HOLDINGS, LLC	660	\$43,825.00	Invoice number PNP-SEP-DEC23 was paid in full on 10/01/2024.

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
100	XSTREMEMD 1028 FORUM DR BROUSSARD, LA 70518 UNITED STATES	04/26/2024	24-10453 ENVIVA INC.	3298801	\$23,025.75	Invoice numbers INV14012, INV14179, INV14703, and INV15281_PRE were paid in full on 05/09/2024.
101	YANCEY BROS. CO. JANE M. LAW, LEGAL ADMINISTRATOR 259 INDUSTRIAL BLVD AUSTELL, GA 30168 UNITED STATES	06/14/2024	24-10457 ENVIVA PELLETS WAYCROSS, LLC	773	\$30,670.47	Invoice numbers EMCT03382460, EMPT4093002, EMPT4093003, EMPT4093902, EMPT4094837, EMPT4095735, EMPT4095736, EMSI2094699, EMSI2096052, EMSI2103099, EMSI2108987, INRN24128060, YRRN54592180_PRE, YRRN52807190_PRE, and INRN24128070_PRE were paid in full on 6/27/2024, 6/27/2024, 6/27/2024, 6/27/2024, 6/27/2024, 6/27/2024, 6/27/2024, 6/27/2024, 6/27/2024, 6/27/2024, 6/27/2024, 6/27/2024, and 6/27/2024 respectively.
102	ZORO TOOLS INC ZORO 500 W MADISON ST CHICAGO, IL 60061 UNITED STATES	05/09/2024	24-10453 ENVIVA INC.	282	\$1,790.49	Invoice numbers INV13725635, INV13730763, INV13732166, INV13750347, INV13862517 were paid in full on 06/18/2024.
			Т	OTAL	\$17,572,556.54*	

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## EXHIBIT B

**Geraghty Declaration** 

Michael A. Condyles (VA 27807) Peter J. Barrett (VA 46179) Jeremy S. Williams (VA 77469) Adolyn C. Wyatt (VA 97746) **KUTAK ROCK LLP** 1021 East Cary Street, Suite 810 Richmond, Virginia 23219-0020 Telephone: (804) 644-1700 Facsimile: (804) 783-6192

Counsel to the Reorganized Debtors

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

)

)

In re:

ENVIVA INC., et al.,

Reorganized Debtors.<sup>1</sup>

Chapter 11

Case No. 24-10453 (BFK)

(Jointly Administered)

## DECLARATION OF JAMES GERAGTHY IN SUPPORT OF THE REORGANIZED DEBTORS' SECOND OMNIBUS OBJECTION TO CERTAIN SATSIFIED CLAIMS

I, James Geraghty, hereby declare under penalty of perjury:

1. I am Executive Vice President and Chief Financial Officer of Enviva, LLC.<sup>2</sup> In my current position with the Reorganized Debtors, I am responsible for all claims management related matters. I am generally familiar with the Debtors' operations, financing arrangements, business affairs, and books and records that reflect, among other things, the Debtors' liabilities and the amount thereof owed to their creditors as of the Petition Date. I am above 18 years of age, and I am competent to testify.

<sup>&</sup>lt;sup>1</sup> Due to the large number of debtors (the "<u>Debtors</u>") 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>&</sup>lt;sup>2</sup> Capitalized terms used but not otherwise defined in this Declaration have the meanings given to them in the Objection.

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2. I submit this declaration (this "<u>Declaration</u>") in support of the *Reorganized Debtors' Second Omnibus Objection to Certain Satisfied Claims* (the "<u>Objection</u>") and am directly, or by and through the Reorganized Debtors' advisors and personnel, familiar with the information contained therein and the exhibits and schedules attached thereto. I am authorized to submit this declaration on the Reorganized Debtors' behalf. Except as otherwise indicated, all facts set forth in this Declaration are based upon my personal knowledge of the Debtors' operations and finances, information learned from my review of relevant documents, and information I have received from other members of Reorganized Debtors' management, employees and/or advisors. As to matters regarding state and federal law, including bankruptcy law, I have relied on the advice of counsel. If I were called upon to testify, I could and would testify competently to the facts set forth in this Declaration on that basis.

3. To the best of my knowledge, information, and belief, insofar as I have been able to ascertain after reasonable inquiry, considerable time and resources have been expended to ensure a high level of diligence in reviewing and reconciling the proofs of claim filed against the Debtors in the chapter 11 cases. In evaluating the Disputed Claims, the Reorganized Debtors and/or their advisors have thoroughly reviewed the Debtors' books and records and the relevant proofs of claim, as well as the supporting documentation provided by each claimant, if any, and have determined that each Disputed Claim should be disallowed and expunged as set forth in the Objection. As such, I believe that the expungement and disallowance of the Disputed Claims on the terms set forth in the Objection is appropriate.

4. To the best of my knowledge, information, and belief, the Reorganized Debtors and/or their advisors have determined that, based on their review of the Proofs of Claim and a thorough analysis of the Debtors' books and records, the Disputed Claims identified on

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<u>Schedule 1</u> to the Order have been paid or otherwise settled and the Debtors no longer have any outstanding liabilities associated therewith. Failure to disallow and expunge the Disputed Claims could result in the applicable claimants receiving multiple recoveries against the Debtors' estates, to the detriment of other similarly situated creditors. Moreover, elimination of the Disputed Claims will enable the Reorganized Debtors to maintain a more accurate claims register. As such, I believe the disallowance and expungement of the Disputed Claims on the terms set forth in the Objection is appropriate.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Dated: January 7, 2025

Respectfully submitted,

/s/ James Geraghty James Geraghty, EVP and CFO Enviva, LLC