Docket #0534 Date Filed: 11/10/2026

FILED & JUDGMENT ENTERED
Christine F. Ramsey
November 10 2026
Clerk, U.S. Bankruptcy Court
Western District of North Carolina

Laura T. Beyer
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division

IN RE: BRD LAND & INVESTMENT, et al. Debtors.	Chapter 11 Case No. 26-30215 (Jointly Administered)

AGREED ORDER ESTABLISHING SCHEDULE AND PROCEDURES FOR FINAL EVIDENTIARY HEARING ON DLP CAPITAL LENDING CH LLC'S RENEWED MOTION FOR RELIEF FROM THE AUTOMATIC STAY AS TO THE WARDEN STATION PROPERTY

THIS MATTER came before the Court upon the agreement of DLP Capital Lending CH LLC ("DLP") and the above-captioned debtors and debtors in possession, BRD Land & Investment, BRDL Warden Station Holding Co LLC, and BRDL Warden Station, LLC ("Warden Station," and collectively, the "Debtors"; the Debtors and DLP, together, the "Parties"), regarding the schedule and procedures governing the final evidentiary hearing on the Motion (as defined below). Upon consideration of the record in these jointly administered chapter 11 cases, the consent of the Parties, and for good cause shown, the Court FINDS and CONCLUDES as follows:

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A. The Debtors commenced these cases by filing voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") on February 24, 2026 (the "Petition Date"). The Debtors continue to operate and manage their assets as debtors in possession.

B. On October 7, 2026, DLP filed *DLP Capital Lending CH LLC's Renewed Motion for Relief from the Automatic Stay and for Adequate Protection and Request for Interim Hearing Under Section 362(e) of the Bankruptcy Code* [Doc. No. 475] (the "Motion").

C. The Debtors filed an opposition to the Motion [Doc. No. 495], and the Motion is therefore a contested matter governed by Fed. R. Bankr. P. 9014.

D. The Parties have conferred in good faith and have agreed to the schedule, deadlines, and procedures set forth below for the final evidentiary hearing on the Motion. The Court finds that the Parties consent to the entry of this Order and that good cause exists for its entry.

E. Pursuant to Fed. R. Bankr. P. 9014(e), this Order provides the procedures that enable the Parties to ascertain, reasonably in advance of the hearing, that the final hearing on the Motion will be an evidentiary hearing at which witnesses may testify.

F. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2)(G). Venue is proper in this District under 28 U.S.C. §§ 1408 and 1409.

NOW, THEREFORE, upon the consent of the Parties and for good cause shown, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. **Final Evidentiary Hearing.** The Court will conduct a final evidentiary hearing on the Motion (the "Final Hearing") on **Tuesday, November 17, 2026, at 9:30 a.m**. (Eastern Time) at the conclusion of the Court's Chapter 11 calendar, before the Honorable Laura T. Beyer, United

States Bankruptcy Judge, at the United States Bankruptcy Court, Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, North Carolina 28202, Courtroom 2A. The Final Hearing will be conducted in person.

2. **Consent to Continuation of the Stay; Section 362(e) Waiver.** Because the Final Hearing is scheduled more than thirty (30) days after the filing of the Motion, DLP, by consenting to the entry of this Order, consents to the continuation of the automatic stay as to the Warden Station Properties pending the later of a ruling by the Court at the conclusion of the Final Hearing or entry of an order by the Court resolving the Motion, and waives the time limits of 11 U.S.C. § 362(e)(1) solely to that extent. All other rights, claims, defenses, and arguments of DLP and the Debtors are expressly preserved, including without limitation DLP's request for adequate protection and any claim under 11 U.S.C. § 507(b).

3. **Witness Lists.** On or before Tuesday, November 3, 2026, the Parties shall exchange witness lists identifying each witness that the disclosing Party may call to testify at the Final Hearing, other than rebuttal witnesses, including any expert witness.

4. **Exhibit Lists.** On or before Friday, November 6, 2026, the Parties shall exchange exhibit lists identifying each exhibit that the disclosing Party may offer into evidence at the Final Hearing, together with copies of all such exhibits. A Party's exchanged exhibits need not include demonstratives or exhibits to be called or used solely for impeachment.

5. **Declarations and Affidavits.** On or before Friday, November 6, 2026, the Parties shall exchange any declaration or affidavit upon which the disclosing Party intends to rely at the Final Hearing. Unless the Parties otherwise agree in writing, each declarant or affiant shall be present at the Final Hearing and available for cross-examination, and a declaration or affidavit

offered for a declarant or affiant who does not appear may be excluded with the Parties preserving arguments that such a declaration or affidavit should be admitted.

6. **Expert Reports.** On or before Friday, November 6, 2026, the Parties shall exchange the report of any expert witness along with all reliance materials that the disclosing Party intends to call at the Final Hearing, consistent with Fed. R. Civ. P. 26(a)(2), made applicable to this contested matter by Fed. R. Bankr. P. 7026 and 9014(c), except as modified by this Order.

7. **Rebuttal Witnesses.** On or before Tuesday, November 10, 2026, the Parties shall disclose any rebuttal witness that the disclosing Party may call at the Final Hearing, together with any declaration or affidavit of each such rebuttal witness.

8. **Supplemental Briefing.** On or before Tuesday, November 10, 2026, any Party may file a supplemental brief in support of or in opposition to the Motion if that Party deems such a brief necessary. Supplemental briefing is optional, and no Party shall be prejudiced by its election not to file a supplemental brief.

9. **Opening Statements.** The Parties have agreed to waive opening statements, and no opening statements will be presented at the Final Hearing.

10. **Depositions.** The Parties have conferred regarding the scheduling of depositions. Any depositions shall be completed on or before November 16, 2026.

11. **Method of Exchange.** Unless otherwise expressly provided in this Order, "exchange" means service by electronic mail upon counsel of record for the other Party by on the applicable deadline. Materials exchanged under this Order need not be filed on the docket, except as required for supplemental briefs or as the Court may otherwise direct.

12. **Modification of Deadlines.** The Parties may modify the deadlines set forth in paragraphs 3 through 8 and paragraph 10 of this Order by written agreement of counsel, without

further order of the Court, provided that any such modification does not affect the date or time of the Final Hearing or otherwise affect the Court's calendar. Any other modification of this Order requires an order of the Court.

13. **Reservation of Rights.** Nothing in this Order waives, and the Parties expressly reserve, all evidentiary objections and the right to object at the Final Hearing to any witness, exhibit, declaration, affidavit, or expert testimony, as well as all other rights, claims, defenses, and arguments of each Party. Nothing in this Order constitutes an admission by any Party as to any matter of fact or law. The Court may exclude any witness, exhibit, declaration, or affidavit that was not timely disclosed in accordance with this Order, except upon a showing of good cause.

AGREED AS TO FORM AND CONTENT / CONSENTED TO BY:

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Counsel for the Debtors and Debtors in Possession

This Order has been signed electronically. The Judge's signature and seal appear at the top of the Order

United States Bankruptcy Court