

Scott L. Alberino (*admitted pro hac vice*)  
 Alexander F. Antypas (VSB No. 92083)  
**AKIN GUMP STRAUSS HAUER & FELD LLP**  
 Robert S. Strauss Tower  
 2001 K Street, N.W.  
 Washington, DC 20006-1037  
 Telephone: (202) 887-4000  
 Facsimile: (202) 887-4288

Ira S. Dizengoff (*admitted pro hac vice*)  
 Abid Qureshi (*admitted pro hac vice*)  
 Jason P. Rubin (*admitted pro hac vice*)  
 Avi E. Luft (*admitted pro hac vice*)  
**AKIN GUMP STRAUSS HAUER & FELD LLP**  
 One Bryant Park  
 New York, New York 10036  
 Telephone: (212) 872-1000  
 Facsimile: (212) 872-1002

Lawrence A. Katz (VSB No. 47664)  
 Kristen E. Burgers (VSB No. 67997)  
**HIRSCHLER FLEISCHER, P.C.**  
 1676 International Drive, Suite 1350  
 Tysons, Virginia 22102  
 Telephone: (703) 584-8900  
 Facsimile: (703) 584-8901

*Proposed Counsel to the Official Committee of Unsecured Creditors*

*Proposed Local Counsel to the Official Committee of Unsecured Creditors*

**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)

**MOTION FOR AUTHORITY TO FILE UNDER SEAL  
 (I) THE MOTION *IN LIMINE*; AND (II) EXHIBITS SUBMITTED IN  
 SUPPORT OF THE MOTION *IN LIMINE***

The Official Committee of Unsecured Creditors (the “Committee”) of Enviva Inc., *et al.* (collectively, the “Debtors”) moves (the “Motion to Seal”), pursuant to section 107(b) of title 11 of the United States Code (the “Bankruptcy Code”), and Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), for entry of an order, substantially in the form attached hereto as **Exhibit A**, authorizing the Committee to file under seal (i) *Official Committee Of Unsecured Creditors’ Motion In Limine To Exclude Debtors’ Board Minutes And Materials As Evidence Of Debtors’ Business Judgment* [Docket No. \_\_\_\_] (the “Sealed Motion In Limine”); and (ii) exhibits appended thereto (the “Sealed Exhibits”), which are being submitted to the Court for *in camera* review simultaneously herewith (the Sealed Motion In Limine, and the Sealed Exhibits,

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



collectively, the “Sealed Material”). In support of the Motion to Seal, the Committee respectfully states as follows:

### **JURISDICTION AND VENUE**

1. The United States Bankruptcy Court for the Eastern District of Virginia (the “Court”) has jurisdiction over this Motion to Seal pursuant to 28 U.S.C. § 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 within the meaning of 28 U.S.C. § 157(b)(2).

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

3. The statutory and rule predicates for the relief requested herein are Bankruptcy Code section 107(c) and Bankruptcy Rule 9018.

### **BACKGROUND**

4. On March 12, 2024 (the “Petition Date”), the Debtors filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code. The Debtors continue to operate and manage their businesses as debtors in possession pursuant to Bankruptcy Code sections 1107(a) and 1108. No request has been made for the appointment of a trustee or an examiner.

5. On March 25, 2024, the Office of the United States Trustee for the Eastern District of Virginia (the “U.S. Trustee”) appointed the Committee pursuant to Bankruptcy Code section 1102 [Docket No. 172].

### **RELIEF REQUESTED**

6. The Committee does not believe the information referenced in the Sealed Material warrants sealing. However, the Sealed Material contains information related to or provided by the Debtors and designated by the Debtors as confidential or professional eyes only. Accordingly, the Committee seeks authority to file the Sealed Material under seal.

**BASIS FOR RELIEF**

7. Section 107(b) of the Bankruptcy Code states, “On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court’s own motion, the bankruptcy court may— (1) protect an entity with respect to a trade secret or confidential research, development, or commercial information. . . .” 11 U.S.C. § 107(b).

8. In addition, Rule 9018 of the Bankruptcy Rules provides, in relevant part, “On motion or its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information. . . .” Fed. R. Bankr. P. 9018.

9. The Sealed Material contains information about the Debtors and designated by the Debtors as confidential. Because the Debtors have deemed these documents to contain confidential research, development, or commercial information within the meaning of section 107(b)(1) of the Bankruptcy Code and Rule 9018(1) of the Bankruptcy Rules, the Committee submits that these documents are properly filed under seal.

10. For the avoidance of doubt the Committee takes no position on the merits of the Debtors’ confidentiality designations and reserves all rights to challenge them at a later date.

**WAIVER OF MEMORANDUM OF LAW**

11. This Motion includes citations to the applicable authorities and a discussion of their relevance and application to the facts herein. Accordingly, the Committee respectfully requests that the Court waive the requirement that a memorandum be filed in support of the Motion.

**CONCLUSION**

WHEREFORE, the Committee requests that the Court (a) enter an order, substantially in the form annexed hereto as **Exhibit A**, authorizing the Committee to file under seal the Sealed

Material, and (b) provide the Committee with such other and further relief as the Court may deem just, proper and equitable.

Dated: April 30, 2024  
Tysons, Virginia

Respectfully submitted,

By: Kristen E. Burgers  
Lawrence A. Katz (VSB No. 47664)  
Kristen E. Burgers (VSB No. 67997)  
**HIRSCHLER FLEISCHER, P.C.**  
1676 International Drive, Suite 1350  
Tysons, Virginia 22102  
Telephone: (703) 584-8900  
Facsimile: (703) 584-8901  
Email: lkatz@hirschlerlaw.com  
kburgers@hirschlerlaw.com

*Proposed Local Counsel to the Official  
Committee of Unsecured Creditors*

Scott L. Alberino (*admitted pro hac vice*)  
Alexander F. Antypas (VSB No. 92083)  
**AKIN GUMP STRAUSS HAUER & FELD LLP**  
Robert S. Strauss Tower  
2001 K Street, N.W.  
Washington, DC 20006-1037  
Telephone: (202) 887-4000  
Facsimile: (202) 887-4288

Ira S. Dizengoff (*admitted pro hac vice*)  
Abid Qureshi (*admitted pro hac vice*)  
Jason P. Rubin (*admitted pro hac vice*)  
Avi E. Luft (*admitted pro hac vice*)  
**AKIN GUMP STRAUSS HAUER & FELD LLP**  
One Bryant Park  
New York, New York 10036  
Telephone: (212) 872-1000  
Facsimile: (212) 872-1002

*Proposed Counsel to the Official Committee  
of Unsecured Creditors*

**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.	)	(Jointly Administered)
	)	

**ORDER AUTHORIZING THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS OF ENVIVA INC., *ET AL.* TO FILE  
(I) MOTION *IN LIMINE*; AND (II) EXHIBITS SUBMITTED IN SUPPORT OF THE  
MOTION IN LIMINE UNDER SEAL**

Upon the *Motion for Authority to File Under Seal (I) Motion in Limine; and (II) Exhibits Submitted in Support of the Motion in Limine* (the “Motion to Seal”) filed by the Official Committee of Unsecured Creditors (the “Committee”) of Enviva Inc., *et al.* (collectively, the “Debtors”) for entry of an order, pursuant to section 107(b) of title 11 of the United States Code (the “Bankruptcy Code”), and Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), authorizing the Committee to file under seal (i) *Official Committee Of Unsecured Creditors’ Motion In Limine To Exclude Debtors’ Board Minutes And Materials As Evidence Of Debtors’ Business Judgment*, [Docket No. \_\_\_\_] (the “Motion In Limine”), and (ii) exhibits appended thereto (the “Sealed Exhibits”), which are being submitted to the Court for *in camera* review simultaneously herewith (the sealed *Motion In Limine*, and the Sealed Exhibits, collectively, the “Sealed Material”); and it appearing that this Court has jurisdiction over this matter by virtue of the provisions of 28 U.S.C. §§ 1334(a) and 157(a) and that venue is proper in this Court under 28 U.S.C. §§ 1408 and 1409; and finding that this Court, pursuant to section 107(c) of the Bankruptcy Code and Rule 9018 of the Bankruptcy Rules, has the authority to grant

the relief requested in the Motion to Seal; and further finding that such relief is appropriate, it is hereby **ORDERED**:

1. The Motion to Seal is **GRANTED**.
2. The Sealed Material shall be filed under seal, and the same hereby is sealed.
3. Any hearing on the Motion to Seal, if such is required, shall be sealed.
4. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
5. This Court shall retain exclusive jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order

Enter:           /           /

---

Brian F. Kenney, Judge  
United States Bankruptcy Court for the Eastern  
District of Virginia

WE ASK FOR THIS:

/s/ Kristen E. Burgers

Lawrence A. Katz (VSB No. 47664)

Kristen E. Burgers (VSB No. 67997)

**HIRSCHLER FLEISCHER, P.C.**

1676 International Drive, Suite 1350

Tysons, Virginia 22102

Telephone: (703) 584-8900

Facsimile: (703) 584-8901

*Proposed Local Counsel to the Official Committee of  
Unsecured Creditors*

and

Scott L. Alberino (*admitted pro hac vice*)

Alexander F. Antypas (VSB No. 92083)

**AKIN GUMP STRAUSS HAUER & FELD LLP**

Robert S. Strauss Tower

2001 K Street, N.W.

Washington, DC 20006-1037

Telephone: (202) 887-4000

Facsimile: (202) 887-4288

Ira S. Dizengoff (*admitted pro hac vice*)

Abid Qureshi (*admitted pro hac vice*)

Jason P. Rubin (*admitted pro hac vice*)

Avi E. Luft (*pro hac vice pending*)

**AKIN GUMP STRAUSS HAUER & FELD LLP**

One Bryant Park

New York, New York 10036

Telephone: (212) 872-1000

Facsimile: (212) 872-1002

*Proposed Lead Counsel to the Official  
Committee of Unsecured Creditors*

**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/ Kristen E. Burgers*