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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. ¹ |) | (Jointly Administered) |

STIPULATION TO THE ADMISSION INTO EVIDENCE OF CERTAIN EXHIBITS

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) and the Official Committee of Unsecured Creditors (the “Committee” and, collectively with the Debtors, the “Parties”) hereby enter into this stipulation (the “Stipulation”) for the admission of certain exhibits into evidence at the hearing to be held on May 1, 2024, at 10:00 a.m. (prevailing Eastern Time) (the “Hearing”):

¹ 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 www.kccllc.net/enviva. The location of the Debtors’ corporate headquarters is: 7272 Wisconsin Avenue, Suite 1800, Bethesda, MD 20814.



RECITALS

A. On April 30, 2024, the Debtors filed the *Debtors' Witness and Exhibit List for May 1, 2024 Hearing* [Doc No. 401].

B. On April 30, 2024, the Committee filed the *Initial Exhibit List of Official Committee of Unsecured Creditors for Hearing* [Doc No. 404].

C. Pursuant to the Local Rules of Bankruptcy Procedure, the Parties met and conferred regarding exhibits that can be admitted into evidence by stipulation for purposes of the Hearing.

D. On April 30, 2024, the Parties agreed to a list of exhibits that may be admitted into evidence by stipulation. A full list of the exhibits the Parties have agreed to admit into evidence for purposes of the trial is attached as **Exhibit A**.

It is hereby STIPULATED AND AGREED among the Parties that:

1. The exhibits listed in Exhibit A are hereby admitted into evidence for the purposes of the Hearing.

2. Prior to May 1, 2024, to the extent they have not already done so, the producing party will notify the opposing party of all exhibits listed on Exhibit A that it believes in good faith should be admitted under seal. Thereafter, the Parties will meet and confer to address ways to redact any designated material so that the exhibit may be offered or otherwise used by either Party without being sealed.

3. To the extent either Party contends that any of the exhibits offered should be maintained under seal by the Court, then the Party seeking to seal the exhibit shall make an appropriate motion to the Court (orally or written) prior to the closure of the evidence. As between the Parties, this Stipulation shall not alter the confidentiality designations previously applied by the Parties, except to the extent the Parties agree to de-designate any such documents.

4. Unless otherwise provided, this Stipulation shall not alter the admissibility of any other exhibits offered in these cases. The Parties reserve the right to supplement this Stipulation with additional exhibits in the event further agreement can be reached before trial.

5. The Parties acknowledge that this Stipulation is the joint work product of the Parties and, in the event of ambiguities, no inferences will be drawn against any Party on the basis of authorship of this Stipulation.

6. Notwithstanding anything set forth in this Stipulation or any action taken pursuant thereto, nothing shall be deemed an admission as to the validity of any claim against a Debtor entity.

7. The Court will retain exclusive jurisdiction over any dispute arising out of or relating to this Stipulation.

Alexandria, Virginia
Dated: May 1, 2023

/s/ Peter J. Barrett

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Counsel and Proposed Co-Counsel for the Debtors and Debtors in Possession

Alexandria, Virginia
Dated: May 1, 2024

/s/ Lawrence A. Katz

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EXHIBIT A

DIP HEARING STIPULATED EXHIBIT LIST
May 1, 2024

| EXHIBIT NO. | DATE | DOCUMENT DESCRIPTION | BATES | ADMITTED |
|---------------------------------------|-------------|---|-----------------------|-----------------|
| Debtors' Ex. 4 | 3/12/2024 | Enviva Inc. Board of Directors Meeting Minutes | ENV-UCC-DIP_0001267_a | Yes |
| Debtors' Ex. 5 | 3/12/2024 | Enviva Inc. Board of Directors Meeting Materials | ENV-UCC-DIP_0000890 | Yes |
| Debtors' Ex. 6 | 3/11/2024 | Enviva Inc. Transaction Committee Meeting Minutes | ENV-UCC-DIP_0025558 | Yes |
| Debtors' Ex. 7 | 2/27/2024 | Enviva Inc. Board of Directors Meeting Minutes | ENV-UCC-DIP_0000737_a | Yes |
| Debtors' Ex. 8 | 2/15/2024 | Enviva Inc. Board of Directors Meeting Minutes | ENV-UCC-DIP_0000730_a | Yes |
| Debtors' Ex. 9 | 2/15/2024 | Company Comments to Proposed Final Term Sheet February 15, 2024 | ENV-UCC-DIP_0005622 | Yes |
| Debtors' Ex. 10 | 2/15/2024 | Ad Hoc Group Proposed Final Term Sheet February 15, 2024 | ENV-UCC-DIP_0007186 | Yes |
| Debtors' Ex. 11 (UCC's Ex. B) | 2/14/2024 | Company Counterproposal February 14, 2024 | ENV-UCC-DIP_0005750 | Yes |
| Debtors' Ex. 12 | 2/13/2024 | Ad Hoc Group Counterproposal February 13, 2024 | ENV-UCC-DIP_0005855 | Yes |
| Debtors' Ex. 13 (UCC's Ex. YY) | 2/13/2024 | Enviva Inc. Board of Directors Meeting Minutes | ENV-UCC-DIP_0000728_a | Yes |
| Debtors' Ex. 14 | 2/11/2024 | Company Counterproposal February 11, 2024 | ENV-UCC-DIP_0005908 | Yes |
| Debtors' Ex. 15 | 2/9/2024 | Ad Hoc Group Counterproposal February 9, 2024 | ENV-UCC-DIP_0006039 | Yes |
| Debtors' Ex. 17 | 2/6/2024 | Company Counterproposal February 6, 2024 | ENV-UCC-DIP_0006078 | Yes |

| EXHIBIT NO. | DATE | DOCUMENT DESCRIPTION | BATES | ADMITTED |
|---------------------------------------|-------------|--|-----------------------|-----------------|
| Debtors' Ex. 18 | 2/4/2024 | Ad Hoc Group Counterproposal February 4, 2024 | ENV-UCC-DIP_0009521 | Yes |
| Debtors' Ex. 20 | 1/25/2024 | DIP Sizing Presentation | ENV-UCC-DIP_0001482 | Yes |
| Debtors' Ex. 21 | 1/23/2024 | DIP Financing Overview | ENV-UCC-DIP_0001514 | Yes |
| Debtors' Ex. 22 (UCC's Ex. GG) | 1/15/2024 | Enviva Inc. Board of Directors Meeting Minutes | ENV-UCC-DIP_0000716 | Yes |
| Debtors' Ex. 23 (UCC's Ex. HH) | 1/15/2024 | Enviva Inc. Finance Committee Materials | ENV-UCC-DIP_0001211 | Yes |
| Debtors' Ex. 24 | 1/14/2024 | Ad Hoc Group Proposal January 14, 2024 | ENV-UCC-DIP_0007670 | Yes |
| Debtors' Ex. 25 | 1/10/2024 | Enviva Inc. Finance Committee Minutes | ENV-UCC-DIP_0000564_a | Yes |
| Debtors' Ex. 26 | 1/10/2024 | Enviva Inc. Finance Committee Materials | ENV-UCC-DIP_0001180_a | Yes |
| Debtors' Ex. 27 (UCC's Ex. DD) | 1/3/2024 | Enviva Inc. Board of Directors Meeting Minutes | ENV-UCC-DIP_0000562_a | Yes |
| Debtors' Ex. 28 (UCC's Ex. EE) | 1/3/2024 | Enviva Inc. Finance Committee Materials | ENV-UCC-DIP_0001224_a | Yes |
| Debtors' Ex. 31 | 4/19/2024 | DIP Budget | N/A | Yes |
| Debtors' Ex. 32 | 3/15/2024 | Enviva Inc. Notice and Instruction Form | N/A | Yes |
| Debtors' Ex. 33 | 3/15/2024 | Enviva Inc. DIP Syndication Procedures | N/A | Yes |
| Debtors' Ex. 34 | 3/15/2024 | Enviva Inc. Notice to Nominees | N/A | Yes |

| EXHIBIT NO. | DATE | DOCUMENT DESCRIPTION | BATES | ADMITTED |
|------------------------|-------------|--|---|-----------------|
| Debtors' Ex. 36 | 3/29/2024 | DIP Allocations | ENV-UCC-DIP_00025543 | Yes |
| UCC's Ex. A | 11/22/2023 | E-mail thread between Lazard and Riverstone | ENV-UCC-DIP_0013113 - 115 | Yes |
| UCC's Ex. B | 02/14/2024 | E-mail thread with attachment 2026 Noteholders' Financing and Restructuring Proposal | Nunziata Exhibit 15/Tempke Exhibit 4 – ENV-UCC- | Yes |
| UCC's Ex. C | 02/14/2024 | E-mail thread re: EVA Board Meeting | Nunziata Exhibit 23 – ENV-UCC-DIP_0013496 - 498 | Yes |
| UCC's Ex. D | 02/16/2024 | Email thread re Enviva- Mississippi Term Sheet attaching drafts of term sheet | ENV-UCC-DIP_0017532 - 17557 | Yes |
| UCC's Ex. E | 02/22/2024 | E-mail with attachment re DIP term sheets with 2026 Ad Hoc Group | Tempke Exhibit 3 – ENV-UCC-DIP_0024043 - 045 | Yes |
| UCC's Ex. F | 03/12/2024 | Exhibit B to the DIP Motion - DIP Facility Agreement filed on Mar. 13, 2024 [Doc. 24] | N/A | Yes |
| UCC's Ex. G | 03/12/2024 | Exhibit B to the DIP Motion - DIP Facility Agreement filed on Mar. 13, 2024 [Doc. No. 24] | N/A | Yes |