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

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

) )

In re:

ENVIVA INC., et al.,

Debtors.<sup>1</sup>

Chapter 11

Case No. 24 – 10453 (BFK)

(Jointly Administered)

### **DEBTORS' WITNESS AND EXHIBIT LIST FOR MAY 1, 2024 HEARING**

The above-captioned debtors and debtors in possession (collectively, the "Debtors")

respectfully submit the following witness and exhibit list for the hearing to be held on May 1,

2024, at 10:00 a.m. (prevailing Eastern Time) (the "Hearing"):



<sup>&</sup>lt;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 www.kccllc.net/enviva. The location of the Debtors' corporate headquarters is: 7272 Wisconsin Avenue, Suite 1800, Bethesda, MD 20814.

### **DEBTORS' WITNESS LIST**

1. The Debtors intend to call the following witnesses at the Hearing:

a. Glenn Nunziata;

b. Mark Rajcevich; and

c. Christian Tempke.

2. The Debtors reserve the right to cross-examine any witness called by any other party.

3. The Debtors are prepared to seek the admission of the witnesses' declarations into evidence, conduct direct examination, reserve the right for redirect, and make such witnesses available for questioning by the Court and any other parties in interest. The Debtors also reserve the right to call any witness, including a corporate representative, to authenticate or establish the foundation for any exhibit on the Debtors' list. The Debtors also reserve the right to call rebuttal witnesses.

#### **DEBTORS' EXHIBIT LIST**

4. The Debtors identify the documents on the Exhibit List attached hereto **Exhibit A** as those they may offer at the Hearing.

5. The Debtors reserve the right to supplement or amend their Exhibit List to (i) address documents produced by other parties recently or in the future; (ii) use and/or admit into evidence any exhibit identified on the exhibit list of any other party; and/or (iii) use and/or admit into evidence any exhibit for impeachment purposes.

6. In addition to the documents and exhibits identified on Exhibit A, the Debtors reserve the right to offer or otherwise use at the Hearing: (i) documents or exhibits identified on the exhibit list of any other party or party-in-interest; (ii) pleadings filed by the parties in this matter; (iii) additional exhibits reasonably necessary to respond to issues presented during the

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Hearing; and (iv) charts, graphs, timelines, enlargements, models, or other demonstrative exhibits.

7. By listing an exhibit on this list, the Debtors do not concede that any particular exhibit is admissible or that it is admissible for all purposes. The Debtors reserve the right to object to admission of any document. The Debtors reserve the right to amend or supplement their exhibit list, or to add or subtract exhibits, prior to the conclusion of the Hearing. The Debtors also reserve the right to request the Court to take judicial notice of any exhibits as necessary.

Richmond, Virginia Dated: April 30, 2024

/s/ Jeremy S. Williams

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- and -

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

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## EXHIBIT A

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In re Enviva, Inc., et al. Case No. 24-10453 (BFK)

## DEBTORS' DIP HEARING EXHIBIT LIST May 1, 2024

EXHIBIT NO.	DATE	DOCUMENT DESCRIPTION	BATES	IDENTIFIED	ADMITTED
Debtors' Ex. 1	3/13/2024	Declaration of Glenn Nunziata in Support of	N/A		
		Chapter 11 Petitions [Docket No. 27]			
Debtors' Ex. 2	3/13/2024	Declaration of Christian Tempke in Support	N/A		
		of the Motion of Debtors for Entry of Interim			
		and Final Orders (I) Authorizing the			
		Debtors to (A) Obtain Postpetition			
		Financing and (B) Use Cash Collateral,			
		(II) Granting Liens and Providing			
		Superpriority Administrative Expense			
		Claims, (III) Granting Adequate Protection			
		to Prepetition Secured Parties,			
		(IV) Modifying the Automatic Stay, and			
		(V) Granting Related Relief [Docket No. 29]			
Debtors' Ex. 3	3/13/2024	Declaration of Mark Rajcevich in Support of	N/A		
		the Motion of Debtors for Entry of Interim			
		and Final Orders (I) Authorizing the			
		Debtors to (A) Obtain Postpetition			
		Financing and (B) Use Cash Collateral,			
		(II) Granting Liens and Providing			
		Superpriority Administrative Expense			
		Claims, (III) Granting Adequate Protection			
		to Prepetition Secured Parties,			
		(IV) Modifying the Automatic Stay, and			
Debtors' Ex. 4	2/12/2024	(V) Granting Related Relief [Docket No. 30]			
Dediors' Ex. 4	3/12/2024	Enviva Inc. Board of Directors Meeting Minutes	ENV-UCC-		
Debters? Fr 5	2/12/2024		DIP_0001267_a		
Debtors' Ex. 5	3/12/2024	Enviva Inc. Board of Directors Meeting	ENV-UCC-		
		Materials	DIP_0000890		

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EXHIBIT NO.	DATE	DOCUMENT DESCRIPTION	BATES	IDENTIFIED	ADMITTED
Debtors' Ex. 6	3/11/2024	Enviva Inc. Transaction Committee Meeting	ENV-UCC-		
		Minutes	DIP_0025558		
Debtors' Ex. 7	2/27/2024	Enviva Inc. Board of Directors Meeting	ENV-UCC-		
		Minutes	DIP_0000737_a		
Debtors' Ex. 8	2/15/2024	Enviva Inc. Board of Directors Meeting	ENV-UCC-		
		Minutes	DIP_0000730_a		
Debtors' Ex. 9	2/15/2024	Company Comments to Proposed Final	ENV-UCC-		
		Term Sheet February 15, 2024	DIP_0005622		
Debtors' Ex. 10	2/15/2024	Ad Hoc Group Proposed Final Term Sheet	ENV-UCC-		
		February 15, 2024	DIP_0007186		
Debtors' Ex. 11	2/14/2024	Company Counterproposal February 14,	ENV-UCC-		
		2024	DIP_0005750		
Debtors' Ex. 12	2/13/2024	Ad Hoc Group Counterproposal February	ENV-UCC-		
		13, 2024	DIP_0005855		
Debtors' Ex. 13	2/13/2024	Enviva Inc. Board of Directors Meeting	ENV-UCC-		
		Minutes	DIP_0000728_a		
Debtors' Ex. 14	2/11/2024	Company Counterproposal February 11,	ENV-UCC-		
		2024	DIP_0005908		
Debtors' Ex. 15	2/9/2024	Ad Hoc Group Counterproposal February 9,	ENV-UCC-		
		2024	DIP_0006039		
Debtors' Ex. 16	2/6/2024	Junior DIP Comparables	ENV-UCC-		
			DIP_0001146		
Debtors' Ex. 17	2/6/2024	Company Counterproposal February 6, 2024	ENV-UCC-		
			DIP_0006078		
Debtors' Ex. 18	2/4/2024	Ad Hoc Group Counterproposal February 4,	ENV-UCC-		
		2024	DIP_0009521		
Debtors' Ex. 19	1/30/2024	Company Counterproposal January 30, 2024	ENV-UCC-		
			DIP_0018920		

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EXHIBIT NO.	DATE	DOCUMENT DESCRIPTION	BATES	IDENTIFIED	ADMITTED
Debtors' Ex. 20	1/25/2024	DIP Sizing Presentation	ENV-UCC-		
			DIP_0001482		
Debtors' Ex. 21	1/23/2024	DIP Financing Overview	ENV-UCC-		
			DIP_0001514		
Debtors' Ex. 22	1/15/2024	Enviva Inc. Board of Directors Meeting	ENV-UCC-		
		Minutes	DIP_0000716		
Debtors' Ex. 23	1/15/2024	Enviva Inc. Finance Committee Materials	ENV-UCC-		
			DIP_0001211		
Debtors' Ex. 24	1/14/2024	Ad Hoc Group Proposal January 14, 2024	ENV-UCC-		
			DIP_0007670		
Debtors' Ex. 25	1/10/2024	Enviva Inc. Finance Committee Minutes	ENV-UCC-		
			DIP_0000564_a		
Debtors' Ex. 26	1/10/2024	Enviva Inc. Finance Committee Materials	ENV-UCC-		
			DIP_0001180_a		
Debtors' Ex. 27	1/3/2024	Enviva Inc. Board of Directors Meeting	ENV-UCC-		
		Minutes	DIP_0000562_a		
Debtors' Ex. 28	1/3/2024	Enviva Inc. Finance Committee Materials	ENV-UCC-		
			DIP_0001224_a		
Debtors' Ex. 29	4/29/2024	Break and Unused Commitment Fee	ENV-UCC-		
		Precedents Chart	DIP_0025562		
Debtors' Ex. 30	4/27/2024	DIP Financing Contact Log	ENV-UCC-		
			DIP_0025559		
Debtors' Ex. 31	4/19/2024	DIP Budget	N/A		
Debtors' Ex. 32	3/15/2024	Enviva Inc. Notice and Instruction Form	N/A		
Debtors' Ex. 33	3/15/2024	Enviva Inc. DIP Syndication Procedures	N/A		

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EXHIBIT NO.	DATE	DOCUMENT DESCRIPTION	BATES	IDENTIFIED	ADMITTED
Debtors' Ex. 34	3/15/2024	Enviva Inc. Notice to Nominees	N/A		
Debtors' Ex. 35	4/16/2024	Precedent DIP Financings	ENV-UCC- DIP_0007809		
Debtors' Ex. 36	3/29/2024	DIP Allocations	ENV-UCC- DIP_00025543		
		Any written direct testimony filed by witnesses the Debtors will call at the Hearing.			
		Any documents necessary for rebuttal.			
		Any exhibit designated by any other party.			