

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re

VWS Holdco, Inc., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 25-10979 (JKS)

Jointly Administered

**Re: D.I. 194**

**MOTION TO SHORTEN NOTICE AND OBJECTION PERIODS  
REGARDING DEBTORS' MOTION TO CONVERT THESE  
CHAPTER 11 CASES TO CASES UNDER CHAPTER 7 OF THE BANKRUPTCY CODE**

The above-captioned debtors and debtors in possession (the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), hereby move the Court (the “Motion to Shorten”)<sup>2</sup>, pursuant to sections 102 and 105 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”), Rules 2002 and 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 9006-1(e) of the Local Rules for the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), for an order, substantially in the form attached hereto as **Exhibit A**, shortening the notice and objection periods for the *Debtors’ Motion to Convert These Chapter 11 Cases to Cases Under Chapter 7 of the*

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<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification numbers are as follows: VWS Holdco, Inc. (5412) and Shoosmith Bros., Inc. (6914). The Debtors’ mailing address is P.O. Box 2770, Chesterfield, VA 23832.

<sup>2</sup> Pursuant to Local Rule 9013-1(f), the Debtors consent to the entry of a final judgment or order by the Court solely in connection with this Motion to Shorten if 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.

*Bankruptcy Code* (the “Motion to Convert”),<sup>3</sup> filed contemporaneously herewith. In support of this Motion to Shorten, the Debtors respectfully represent as follows:

### **BACKGROUND**

1. The relevant factual and procedural background is set forth in the Motion to Convert. The facts contained in the Motion to Convert are incorporated herein by reference as if set forth in full herein.

### **RELIEF REQUESTED**

2. By this Motion to Shorten, the Debtors request entry of an order scheduling a hearing to consider the Motion to Convert for the previously scheduled omnibus hearing date on July 31, 2025 at 1:00 p.m. (ET).

3. The Debtors further request that the Court set the deadline to object to the relief requested in the Motion to Convert as 12:00 p.m. (ET) on July 30, 2025.

### **BASIS FOR RELIEF REQUESTED**

4. With respect to motions seeking to shorten otherwise applicable notice and objection periods, Local Rule 9006-1(e) provides in pertinent part that “[n]o motion will be scheduled on less notice than required by these Local Rules or the Fed. R. Bankr. P. except by Order of the Court, on written motion . . . specifying the exigencies justifying shortened notice.” Del. Bankr. L.R. 9006-1(e); *see also* Fed. R. Bankr. P. 9006(c)(1) (permitting a bankruptcy court to order time periods set by the Bankruptcy Rules to be reduced “for cause shown”).

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<sup>3</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion to Convert.

5. The Debtors submit that good cause and compelling and exigent circumstances exist warranting expedited consideration of the Motion to Convert and that a prompt hearing is in the best interests of the Debtors and their estates.

6. Unfortunately, these Chapter 11 Cases have not progressed as the Debtors intended, and the Debtors do not see a path forward to a confirmable plan of reorganization.

7. As set forth in the Motion to Convert, the prospect of a sale of the Landfill is highly unlikely. Moreover, the Debtors have been unable to reach agreement with various parties on an alternative transaction in the Chapter 11 Cases and those discussions are at an impasse.

8. Pursuant to the DIP Credit Agreement and the Second Interim DIP Order, a Milestone that the Debtors are required to satisfy is to have entered into and delivered a fully executed and binding Acceptable Stalking Horse Purchase Agreement to Volunteer Enterprises, LLC (the “DIP Lender”) by July 31, 2025. The Debtors have no prospects for a stalking horse bidder and the Debtors will be in default of such Milestone as of July 31, 2025.

9. Significantly, the Debtors have been advised by the DIP Lender that the DIP Lender will not be funding the Third DIP Term Loan Advance (as defined in DIP Credit Agreement) in the aggregate amount of \$1,550,000.00.

10. The grounds for the Motion to Convert include that (i) the Debtors’ estates are suffering continuing losses and there is no reasonable likelihood of rehabilitation and (ii) the cases are or will become administratively insolvent. In the Motion to Convert, the Debtors aver that it is in the best interests of these estates to convert the cases to cases under chapter 7.

11. Without the funding of the Third DIP Term Loan Advance or other immediate financing, the Debtors will run out of liquidity shortly after the end of the month.

12. A decision by this Court to hear the Motion at the omnibus hearing scheduled for July 31, 2025 at 1:00 p.m. (ET) promotes judicial economy. The Debtors submit that the notice of the hearing and time to object should be shortened because the Debtors will not have sufficient funding beyond the July 31, 2025 hearing date to administer these Chapter 11 Cases. Further, the Debtors' states will become administratively insolvent shortly after July 31, 2025, and the Debtors are unable to reorganize.

13. Therefore, the Debtors request that this Court shorten notice pursuant to Local Rule 9006-1(e) and set a hearing date for the Motion to Convert for July 31, 2025 at 1:00 p.m. (ET) (the next scheduled omnibus hearing date) with objections due by 12:00 p.m. (ET) on July 30, 2025.

14. Under Local Rule 9006-1(e), this Court may rule on this Motion to Shorten without the need for a hearing. Thus, the Debtors request that this Motion to Shorten be granted without further hearing.

**COMPLIANCE WITH LOCAL RULE 9006-1(e)**

15. Pursuant to Local Rule 9006-1(e), the Debtors conferred with (i) the Office of the United States Trustee (the "UST"), (ii) counsel for the Official Committee of Unsecured Creditors (the "Committee"), (iii) counsel for DIP Lender, (iv) counsel for Swift Creek Renewables, LLC ("SCR"); (v) counsel for Chesterfield County, and (vi) counsel for the Virginia Department of Environmental Quality ("VDEQ") regarding the relief requested in this Motion to Shorten. The UST takes no position on the requested relief. The Committee, the DIP Lender, SCR, Chesterfield County and VDEQ do not oppose the requested relief.

**CONCLUSION**

WHEREFORE, the Debtors respectfully request that this Court enter an order, substantially in the form attached hereto as **Exhibit A**, shortening notice of the Motion to Convert as provided herein.

Dated: July 24, 2025  
Wilmington, Delaware

**PASHMAN STEIN WALDER HAYDEN, P.C.**

/s/ Richard W. Riley

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*Counsel to the Debtors and Debtors in Possession*

**Exhibit “A”**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re

VWS Holdco, Inc., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 25-10979 (JKS)

Jointly Administered

Re: D.I. \_\_\_\_

**ORDER SHORTENING NOTICE AND OBJECTION PERIODS  
REGARDING DEBTORS' MOTION TO CONVERT THESE  
CHAPTER 11 CASES TO CASES UNDER CHAPTER 7 OF THE BANKRUPTCY CODE**

Upon consideration of the *Motion to Shorten Notice and Objection Periods Regarding Debtors' Motion to Convert These Chapter 11 Cases to Cases Under Chapter 7 of the Bankruptcy Code* (the "Motion to Shorten")<sup>2</sup> and all pleadings related thereto; and having determined that no other or further notice of the Motion to Shorten is required under the circumstances; and having determined that the Court has jurisdiction to consider the Motion to Shorten in accordance with 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order; and having determined that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and having determined that venue of this proceeding and the Motion to Shorten is proper pursuant to 28 U.S.C. §§ 1408 and 1409, and after due deliberation and sufficient cause therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion to Shorten is GRANTED as set forth herein.

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<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification numbers are as follows: VWS Holdco, Inc. (5412) and Shoosmith Bros., Inc. (6914). The Debtors' mailing address is P.O. Box 2770, Chesterfield, VA 23832.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion to Shorten.

2. The hearing to consider the *Debtors' Motion to Convert These Chapter 11 Cases to Cases Under Chapter 7 of the Bankruptcy Code* (the "Motion to Convert") [D.I. 194] will be held on July 31, 2025 at 1:00 p.m. (ET).

3. Any objections or responses to the Motion to Convert must be filed on or before July 30, 2025 at 12:00 p.m. (ET).

4. The Court shall retain jurisdiction over any and all matters arising from, or related to, the interpretation and/or implementation of this Order.