

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re

UNITED SITE SERVICES, INC. *et al.*¹
Debtors.



Order Filed on February 2, 2026
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No. 25-23630 (MBK)
Chapter 11
(Jointly Administered)

**FINAL ORDER
(I) PROHIBITING UTILITIES FROM ALTERING, REFUSING
OR DISCONTINUING SERVICE, (II) APPROVING ADEQUATE
ASSURANCE OF PAYMENT TO UTILITIES, (III) ESTABLISHING
PROCEDURES TO RESOLVE REQUESTS FOR ADDITIONAL
ASSURANCE, AND (IV) GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered three (3) through eight (8), is
ORDERED.

DATED: February 2, 2026


Honorable Michael B. Kaplan
United States Bankruptcy Judge

¹ The last four digits of the tax identification number of United Site Services, Inc. are 3387. A complete list of the Debtors in these chapter 11 cases (the “**Chapter 11 Cases**”), with each one’s tax identification number, principal office address and former names and trade names, is available on the website of the Debtors’ noticing agent at www.veritaglobal.net/USS. The location of the principal place of business of United Site Services, Inc., and the Debtors’ service address for these Chapter 11 Cases is 118 Flanders Road, Suite 1000, Westborough, MA 01581.



25236302602000000000011

Caption in compliance with D.N.J. LBR 9004-1(b)

MILBANK LLP

Dennis F. Dunne (admitted *pro hac vice*)
Samuel A. Khalil (admitted *pro hac vice*)
Matthew Brod (admitted *pro hac vice*)
Lauren C. Doyle (admitted *pro hac vice*)
Benjamin M. Schak (admitted *pro hac vice*)
55 Hudson Yards
New York, NY 10001
Telephone: 1 (212) 530-5000
DDunne@Milbank.com
SKhalil@Milbank.com
MBrod@Milbank.com
LDoyle@Milbank.com
BSchak@Milbank.com

- and -

COLE SCHOTZ P.C.

Michael D. Sirota
Felice R. Yudkin
Daniel J. Harris
Court Plaza North, 25 Main Street
Hackensack, NJ 07601
Telephone: 1 (201) 489-3000
MSirota@coleschotz.com
FYudkin@coleschotz.com
DHarris@coleschotz.com

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

(Page 3)

Debtors: United Site Services, Inc. *et al.*

Case No.: 25-23630 (MBK)

Caption of Order: Final Order (I) Prohibiting Utilities from Altering, Refusing or Discontinuing Service, (II) Approving Adequate Assurance of Payment to Utilities, (III) Establishing Procedures to Resolve Requests for Additional Assurance, and (IV) Granting Related Relief

Upon the motion (the “**Motion**”)¹ of the above-captioned debtors (collectively, the “**Debtors**”) for entry of a final order (this “**Final Order**”) (i) prohibiting utilities companies from altering, refusing or discontinuing service to the Debtors solely on the basis of the commencement of these cases or on the basis of unpaid prepetition charges, (ii) determining that the Debtors have provided each utility company adequate “assurance of payment” within the meaning of section 366 of the Bankruptcy Code, (iii) establishing procedures for the Court to determine or for the Debtors to provide additional assurance of payment, and (iv) granting additional relief; and the Court having jurisdiction to decide the Motion and to enter this Final Order pursuant to 28 U.S.C. § 1334; and these Chapter 11 Cases having been referred to this Court by standing order of the U.S. District Court for the District of New Jersey; and consideration of the Motion being a core proceeding pursuant to 28 U.S.C. § 157(b) upon which this Court may enter a final order consistent with Article III of the U.S. Constitution; and venue being proper in the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, such that no other or further notice is required or necessary under the circumstances; and the Court having determined that the legal and factual bases set forth in the Motion and in the record establish just cause for entry of this Final Order; it is hereby **ORDERED** that:

1. The Motion is **GRANTED** on a final basis as set forth herein.
2. Each Utility is prohibited from altering, refusing or discontinuing service to the Debtors on the basis of the commencement of the Chapter 11 Cases, on the basis that a debt owed for Utility Services rendered before the Petition Date was not paid when due, or on the basis of any perceived inadequacy of the Proposed Assurance.

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

(Page 4)

Debtors: United Site Services, Inc. *et al.*

Case No.: 25-23630 (MBK)

Caption of Order: Final Order (I) Prohibiting Utilities from Altering, Refusing or Discontinuing Service, (II) Approving Adequate Assurance of Payment to Utilities, (III) Establishing Procedures to Resolve Requests for Additional Assurance, and (IV) Granting Related Relief

3. The Debtors shall maintain the Adequate Assurance Account with the adequate assurance for the sole benefit of the Utilities to serve as the Adequate Assurance Deposit. No creditors other than the Utilities shall have any interest in the Adequate Assurance Deposit (or the account in which it is held), except to the extent any portion of the Adequate Assurance Deposit is later returned to USS in accordance with this Final Order.

4. The Adequate Assurance Deposit may be adjusted by USS without further order of this Court to account for (a) the termination of services provided by any Utility; (b) the addition of Utilities to the Utility List (whether due to inadvertent omission or new services); and (c) other arrangements agreed upon with individual Utilities; *provided, however*, that the Debtors shall maintain a summary ledger of such agreements and their respective terms, and such summary ledger and the agreements, if any, themselves shall be available to the U.S. Trustee and any official committee(s) appointed in these Chapter 11 Cases, upon request; and *provided, further*, that adjustments under clauses (b) and (c) shall be subject to the “Approved Budget” as defined in the orders approving the debtor in possession financing in these Chapter 11 Cases.

5. The Adequate Assurance Deposit, together with the Debtors’ commitment to timely pay for postpetition Utility Services in the ordinary course of business, subject to the Adequate Assurance Procedures, is hereby found to constitute adequate assurance of payment as required by section 366(c)(2) of the Bankruptcy Code without prejudice to the right of such additional Utility Company to seek relief in accordance with paragraph 6 pursuant to section 366(c)(3)(A).

6. The following Additional Assurance Procedures are hereby approved and shall be the exclusive means for the Utilities (in addition to the ability to file a formal objection to the Motion) to seek further assurance of payment:

- a. The Debtors shall serve a copy of the Motion and this Final Order on each Utility listed on the Utility List, within two (2) business days following its entry.

(Page 5)

Debtors: United Site Services, Inc. *et al.*

Case No.: 25-23630 (MBK)

Caption of Order: Final Order (I) Prohibiting Utilities from Altering, Refusing or Discontinuing Service, (II) Approving Adequate Assurance of Payment to Utilities, (III) Establishing Procedures to Resolve Requests for Additional Assurance, and (IV) Granting Related Relief

- b. Any Utility that desires additional assurance of payment must submit an Additional Assurance Request.
- c. Any Additional Assurance Request must (i) be in writing and served on the following parties (A) the Debtors, (B) the Debtors' proposed counsel, (C) the U.S. Trustee, (D) counsel to the Ad Hoc Group, and (E) counsel to any statutory committee appointed in these cases; (ii) identify the location(s) at which the Utility provides services to the Debtors and the applicable account number(s); (iii) provide evidence that the Debtors have a direct obligation to the Utility; (iv) summarize the Debtors' payment history relevant to the affected account(s) for the past twelve months, including the outstanding overdue amount and the amount of any security deposit(s); (v) certify that the Utility is not being paid in advance for its services; and (vi) set forth the reasons that the Proposed Assurance is inadequate.
- d. Any Utility that does not serve a timely Additional Assurance Request shall (i) be deemed to have received assurance of payment that is "satisfactory" to such Utility in compliance with § 366 of the Bankruptcy Code and (ii) be forbidden to (A) discontinue, alter, refuse services to, or discriminate against, the Debtors on account of any unpaid prepetition charges or (B) require any assurance of payment other than the Adequate Assurance.
- e. Upon the Debtors' receipt of an Additional Assurance Request, the Debtors shall have twenty (20) calendar days to negotiate a consensual resolution.
- f. Subject to paragraph 4, the Debtors may, in their sole discretion and without further order of the Court, (i) resolve any Additional Assurance Request by mutual agreement with the applicable Utility and (ii) in connection with any such agreement, provide the applicable Utility with additional assurance of payment, such as a cash deposit, prepayment, or other form of security.
- g. If no consensual resolution is reached during the Resolution Period, the Debtors shall, during the Resolution Period or immediately thereafter, request a hearing to determine the adequacy of the Proposed Assurance with respect to the objecting Utility pursuant to § 366(c)(3) of the Bankruptcy Code.
- h. Pending resolution of an Additional Assurance Request by the Court, the applicable Utility may not alter, refuse, or discontinue service to the Debtors on account of unpaid charges for prepetition services, a pending Adequate Assurance Request, or any objections to the Motion.

7. Each Utility with notice of the entry of this Final Order, regardless of whether it is listed on the Utility List, shall be bound by this Final Order and the Additional Adequate Assurance Procedures. The Debtors may amend the Utility List to add additional Utilities and shall cause a

(Page 6)

Debtors: United Site Services, Inc. *et al.*

Case No.: 25-23630 (MBK)

Caption of Order: Final Order (I) Prohibiting Utilities from Altering, Refusing or Discontinuing Service, (II) Approving Adequate Assurance of Payment to Utilities, (III) Establishing Procedures to Resolve Requests for Additional Assurance, and (IV) Granting Related Relief

copy of the applicable Approval Order to be served on any such additional Utility within five (5) calendar days of such Utility being identified. The Debtors shall, after including a new Utility to the Utility List, serve the Motion and this Final Order on the new Utility, supplement **Exhibit B** to the Motion with names of any subsequently identified Utilities and as soon as possible, but not later than five (5) calendar days, increase the aggregate amount of the Adequate Assurance Deposit by an amount equal to approximately one half of the Monthly Cost of services provided by the additional Utility. Any supplement to **Exhibit B** to the Motion shall be filed with this Court and served on the additional Utility, the U.S. Trustee and any official committee(s) appointed in these cases.

8. The Debtors are authorized to amend the Utility List to remove a Utility that has reduced or discontinued its services to the Debtors, so long as the Debtors provide at least fourteen (14) business days' written notice to the affected Utility. Subject to paragraph 4, upon the reduction or discontinuance of services by any Utility, the Debtors may, in their discretion and without further order of this Court, reduce the Adequate Assurance Deposit by an amount equal to the lesser of (a) the estimated one half of the Monthly Cost of the Utility Services being reduced or discontinued and (b) the amount of the Adequate Assurance Deposit then attributable to the applicable Utility.

9. Nothing contained in the Motion or this Final Order or any actions taken by the Debtors pursuant to this Final Order is intended (and should not be construed) as: (a) an admission as to the amount of, basis for, priority, or validity of any particular claim under the Bankruptcy Code or applicable non-bankruptcy law; (b) a waiver of the Debtors' or any other party's right to dispute any claim; (c) a promise or requirement to pay any particular claim; (d) an implication or admission that any particular claim is of a type described in the Motion or this Final Order; (e) a request or authorization to assume, adopt, or reject any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; (f) an admission as to the validity, priority, enforceability, or

(Page 7)

Debtors: United Site Services, Inc. *et al.*

Case No.: 25-23630 (MBK)

Caption of Order: Final Order (I) Prohibiting Utilities from Altering, Refusing or Discontinuing Service, (II) Approving Adequate Assurance of Payment to Utilities, (III) Establishing Procedures to Resolve Requests for Additional Assurance, and (IV) Granting Related Relief

perfection of any lien on, security interest in, or other encumbrance on the property of, the Debtors' estates, and the Debtors expressly reserve their rights to contest the extent, validity, or perfection, or to seek avoidance of any and all liens, security interests, and other encumbrances; or (g) a waiver of any claims or causes of action which may exist against any entity under the Bankruptcy Code or any other applicable law.

10. The banks and financial institutions on which checks were drawn or electronic payment requests made in payment of the Utilities Services approved herein are authorized to receive, process, honor, and pay all such checks and electronic payment requests when presented for payment, and all such banks and financial institutions are authorized, but not directed, to rely on the Debtors' designation of any particular check or electronic payment request as approved by this Final Order.

11. Within two (2) business days of the entry of this Final Order, the Debtors shall serve a copy of this Final Order on each applicable bank and financial institution that is directed to comply with the terms of this Final Order.

12. The Debtors are authorized and directed, to issue or effectuate, as applicable, checks, wire transfers, ACH transfers, and other debits or electronic means, in replacement of any checks or fund transfer requests that are dishonored because of the filing of the Chapter 11 Cases with respect to prepetition amounts that are authorized to be paid under this Final Order or any other order of the Court.

13. Nothing in this Final Order authorizes the Debtor to accelerate any payments not otherwise due.

14. The inclusion of any entity in, or the omission of any entity from, the Utility List shall not be deemed an admission by the Debtors or a finding by the Court that such entity is or is

(Page 8)

Debtors: United Site Services, Inc. *et al.*

Case No.: 25-23630 (MBK)

Caption of Order: Final Order (I) Prohibiting Utilities from Altering, Refusing or Discontinuing Service, (II) Approving Adequate Assurance of Payment to Utilities, (III) Establishing Procedures to Resolve Requests for Additional Assurance, and (IV) Granting Related Relief

not a “utility” within the meaning of section 366 of the Bankruptcy Code, and the rights and defenses of all parties are reserved with respect to any entity’s status as a “utility.”

15. Notwithstanding anything to the contrary in this Final Order, any payment made, or authorization contained, under this Final Order, shall be subject to the “Approved Budget” as defined in the orders of the Court approving the debtor in possession financing in these Chapter 11 Cases.

16. Notice of the Motion as described therein shall be deemed good and sufficient notice of the Motion and the relief requested therein, and the requirements of Bankruptcy Rule 9006 and the Local Rules are satisfied by such notice.

17. Notwithstanding Bankruptcy Rule 6004(h) or any other provision of the Bankruptcy Rules or Local Rules, this Final Order shall be effective and enforceable immediately upon its entry.

18. The Debtors and their agents are authorized to take all steps necessary or appropriate to carry out this Final Order.

19. The Court retains jurisdiction over all matters arising from or related to the implementation, interpretation or enforcement of this Final Order.