Docket #0041 Date Filed: 4/10/2026
United States Bankruptcy Court
Southern District of Texas
ENTERED
April 10, 2026
Nathan Ochsner, Clerk

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	)	Chapter 11
ASCEND ELEMENTS, INC., *et al.*,[1]	)	Case No. 26-90440
Debtors.	)	(Jointly Administered)

ORDER (I) AUTHORIZING THE DEBTORS TO (A) CONTINUE THEIR PREPETITION INSURANCE PROGRAM, SURETY BOND PROGRAM AND LETTERS OF CREDIT AND SATISFY PREPETITION OBLIGATIONS RELATED THERETO, (B) RENEW, SUPPLEMENT, AND ENTER INTO NEW INSURANCE POLICIES, SURETY BONDS AND LETTERS OF CREDIT, (C) HONOR THE TERMS OF THE PREMIUM FINANCING AGREEMENTS AND PAY PREMIUMS THEREUNDER, AND (D) ENTER INTO NEW PREMIUM FINANCING AGREEMENTS IN THE ORDINARY COURSE OF BUSINESS, AND (II) GRANTING RELATED RELIEF

Upon the emergency motion (the "Motion")[2] of the above-captioned debtors and debtors in possession (collectively, the "Debtors") for the entry of an order (this "Order") pursuant to sections 105(a), 363(b), 503, 1107(a), and 1108 of the Bankruptcy Code, and Bankruptcy Rules 6003 and 6004, (a) authorizing the Debtors to (i) continue their prepetition insurance coverage, surety bond program, and letters of credit and satisfy prepetition obligations related thereto, (ii) renew, supplement, or enter into new insurance coverage, surety bonds, and letters of credit in the ordinary course of business on a postpetition basis, (iii) honor the terms of the Premium Financing Agreements and pay premiums thereunder, and (iv) enter into new Premium Financing

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Ascend Elements, Inc. (2893) and Ascend Elements US, LLC (8309). The location of the Debtors' service address is: 133 Flanders Road, Westborough, MA 01581.

[2] Capitalized terms used but not defined herein have the meanings ascribed to them in the Motion.

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Agreements; and (b) granting related relief, each as more fully set forth in the Motion; and upon the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the *Order of Reference to Bankruptcy Judges* from the United States District Court for the Southern District of Texas, entered May 24, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that the Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court, if any (the "Hearing"); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Debtors are authorized, but not directed, to (a) continue the Insurance Program, Surety Bond Program, and Letters of Credit and pay any undisputed prepetition or postpetition obligations related thereto (including the Broker Fees) in accordance with the same practices and procedures as were in effect prior to the commencement of the Debtors' chapter 11 cases, (b) renew, amend, supplement, extend, or purchase insurance policies, surety bonds, or letters of credit in the ordinary course of business to the extent that the Debtors determine that such action is in the best interest of their estates; (c) honor the terms of the Premium Financing Agreements and pay

premiums thereunder in accordance with the same practices and procedures as were in effect prior to the commencement of the Debtors' chapter 11 cases, and (d) enter into, renew, amend, supplement, or extend Premium Financing Agreements in the ordinary course of business as necessary, in each case to the extent that the Debtors determine that such action is in the best interest of the Debtors' estates, and in the case of (d) with the consent of counsel to certain of the Senior Secured Noteholders.

2. All applicable banks and other financial institutions are hereby authorized to receive, process, honor, and pay any and all checks and transfer requests evidencing amounts paid by the Debtors under this order whether presented prior to or after the Petition Date. Such banks and financial institutions are authorized to rely on the representations of the Debtors as to which checks, drafts, wires, or automated clearing house transfers are issued or authorized to be paid pursuant to this order, whether such checks, drafts, wires, or transfers are dated prior to, on, or subsequent to the Petition Date, without any duty to inquire otherwise.

3. The Debtors will promptly notify counsel to the Senior Secured Noteholders, the U.S. Trustee and any statutory committee appointed in these cases if the Debtors materially renew, amend, supplement, extend, terminate, replace, increase, or decrease existing Insurance Policy coverage or change Insurance Carriers, enter into any new surety bonds, letters of credit, or Premium Financing Agreements, obtain additional insurance coverage, or execute other agreements in connection therewith.

4. Notwithstanding the relief granted herein and any actions taken pursuant to such relief, and subject to the administrative status afforded pursuant to this Order, nothing in this Order shall be deemed: (a) an admission by the Debtors as to the amount of, basis for, or validity of any claim against a Debtor entity under the Bankruptcy Code or other applicable nonbankruptcy law;

(b) a waiver of the Debtors' or any other party in interest's right to dispute any claim on any grounds; (c) a promise or requirement to pay any claim; (d) an implication or admission that any particular claim is of a type specified or defined in the Motion or any order granting the relief requested by the Motion or a finding that any particular claim is an administrative expense claim or other priority claim; (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 by the Debtors as to the validity, priority, enforceability, or perfection of any lien on, security interest in, or other encumbrance on property of the Debtors' estates; (g) a waiver or limitation of the Debtors' or any other party in interest's, rights under the Bankruptcy Code or any other applicable law; or (h) a concession by the Debtors that any liens (contractual, common law, statutory, or otherwise) that may be satisfied pursuant to the relief requested in the Motion are valid, and the rights of all parties in interest are expressly reserved to contest the extent, validity, or perfection or seek avoidance of all such liens. Any payment made pursuant to this Order is not intended to be nor should it be construed as an admission as to the validity of any claim or a waiver of the Debtors' rights to subsequently dispute such claim.

5. Notwithstanding anything to the contrary in the Premium Financing Agreements, the Debtors' filing of these Chapter 11 Cases shall not constitute a default under the Premium Financing Agreements.

6. Unless specifically provided herein, and notwithstanding the relief granted herein and any actions taken hereunder, nothing in this Order shall create any rights in favor of, or enhance the status of any claim held by, any person to whom any obligations under the Insurance Programs are owed.

7. The Debtors shall maintain a matrix or schedule of payments made pursuant to this Order that includes the following information: (a) the name of the payees; (b) the date of the payment; (c) the amount of the payment; (d) the category or type of payment; and (e) the Debtor or Debtors that made the payment. On the last business day of each month, following entry of this Order, and ending upon entry of an order confirming a plan or dismissing or converting the Chapter 11 Cases, the Debtors shall provide a copy of such matrix or schedule to the U.S. Trustee, counsel to certain Senior Secured Noteholders, and any statutory committee appointed in the Chapter 11 Cases covering all payments made pursuant to this Order during the prior month.

8. Notwithstanding anything to the contrary contained in the Motion and this Order, any payment to be made and any relief or authorization granted hereunder shall be limited by, and shall be subject to, the requirements imposed on the Debtors in any orders entered by this Court authorizing the Debtors' use of cash collateral (any such order, a "CC Order"), including, for the avoidance of doubt, any budget and the terms of any definitive documentation in connection therewith (the "CC Documents"). To the extent of any conflict (but solely to the extent of such conflict) between the terms of the Motion, the Order, and the terms of any CC Order or any CC Documents, the terms of the CC Order or such CC Document, as applicable, will govern.

9. For the avoidance of doubt, nothing in this Order shall be construed to (a) create or perfect, in favor of any person or entity, any interest in cash of a Debtor that did not exist as of the Petition Date, or (b) alter or impair any security interest or perfection thereof, in favor of any person or entity, that existed as of the Petition Date.

10. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) and the Bankruptcy Local Rules are satisfied by such notice.

11. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order are immediately effective and enforceable upon its entry.

12. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order.

13. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Signed: April 10, 2026

Christopher Lopez
United States Bankruptcy Judge