

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

In re:

Achaogen, Inc.,

Debtor.

Chapter 11

Case No. 19-10844 (BLS)

Related to Docket No. 857

**ORDER SUSTAINING ACHAOPEN PLAN TRUSTEE'S THIRD  
OMNIBUS OBJECTION (NON-SUBSTANTIVE) TO CERTAIN CLAIMS  
PURSUANT TO 11 U.S.C. § 502, FED R. BANKR. P. 3007 AND  
DEL. L.R. 3007-1 (DUPLICATE CLAIMS AND AMENDED CLAIMS)**

Upon the *Achaogen Plan Trustee's Third Omnibus Objection (Non-Substantive) to Certain Claims Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Del. L.R. 3007-1 (Duplicate Claims and Amended Claims)* (the "Objection")<sup>1</sup> filed by Edward E. Neiger, Plan Trustee ("Plan Trustee") of the Achaogen Plan Trust ("Trust") seeking entry of an order (this "Order") disallowing and expunging the claims identified in **Exhibit A** and **Exhibit B** attached hereto, all as more fully set forth in the Objection; and upon the *Declaration of Edward Neiger, Plan Trustee, in Support of the Achaogen Plan Trustee's Third Omnibus Objection (Non-Substantive) to Certain Claims Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Del. L.R. 3007-1 (Duplicate Claims and Amended Claims)* attached to the Objection as **Exhibit 1**; and upon all other documentation filed in connection with the Objection and the Claims identified on **Exhibit A** and **Exhibit B**; and adequate notice of the Objection having been given as set forth in the Objection; and it appearing that no other or further notice is required; and sufficient cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

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<sup>1</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Objection.



1. The Objection is GRANTED to the extent set forth herein with respect to each of the claims identified on Exhibit A and Exhibit B attached hereto.

2. The Duplicate Claims listed on Exhibit A attached hereto are hereby disallowed and expunged in their entirety as set forth in Exhibit A.

3. The Amended Claims listed on Exhibit B attached hereto are hereby disallowed and expunged in their entirety as set forth in Exhibit B.

4. This Order shall be deemed a separate Order with respect to each of the claims identified on Exhibit A and Exhibit B. Any stay of this Order pending appeal by any claimants whose claims are subject to this Order shall only apply to the contested matter which involves such claimant and shall not act to stay the applicability and/or finality of this Order with respect to the other contested matters listed in the Objection or this Order.

5. The Plan Trustee, KCC, and the Clerk of this Court are authorized to take all actions necessary and appropriate to give effect to this Order.

6. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed: (a) an admission as to the amount of, basis for, or validity of any claim against a Debtor entity under the Bankruptcy Code or other applicable law; (b) an allowance of any claim or a waiver of the Plan Trustee's or any other party in interest's right to dispute or object to 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 this Objection or any order granting the relief requested by this Objection or a finding that any particular claim is a secured, administrative expense 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 as to the validity, priority, enforceability, or perfection

of any lien on, security interest in, or other encumbrance on property of the Debtor's estate; or (g) a waiver or limitation of the Plan Trustee's, or any other party in interest's, rights under the Bankruptcy Code or any other applicable law.

7. The Plan Trustee is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Objection.

8 Notwithstanding any applicable Bankruptcy Rules or Local Rules, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

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

**Dated: June 9th, 2022**  
**Wilmington, Delaware**

  
**BRENDAN L. SHANNON**  
**UNITED STATES BANKRUPTCY JUDGE**

## Exhibit A - Duplicate Claims

Name of Claimant	Claim No. to be		Claim Amount	Remaining Claim No.	Reason for Disallowance
	Disallowed	Disallowed			
Clarke, David	194	194	\$ 72,442.50	268	This claim is a duplicate of another filed claim and should be disallowed.
Heller, Harvey	382	382	\$ 256.79	90	This claim is a duplicate of another filed claim and should be disallowed.
Moss Adams LLP	309	309	\$ 51,675.75	13	This claim is a duplicate of another filed claim and should be disallowed.
Mowa, Neelima	278	278	\$ 115,706.34	219	This claim is a duplicate of another filed claim and should be disallowed.
Oxford University Press	294	294	\$ 38,973.00	217	This claim is a duplicate of another filed claim and should be disallowed.
Shanghai Medicilon Inc.	191	191	\$ 83,526.00	251	This claim is a duplicate of another filed claim and should be disallowed.
The George E Ritter Trust	384	384	\$ 5,965.45	162	This claim is a duplicate of another filed claim and should be disallowed.

## Exhibit B - Amended Claims

Name of Claimant	Claim No. to be		Claim Amount	Remaining Claim No.	Reason for Disallowance
	Disallowed	Claim No.			
Clarke, David	268	365	\$ 72,442.50	365	This claim has been amended by another claim filed against the Debtor by the same claimant relating to the same purported liability.
Patel, Hina Navnit	72	109	\$ 34,814.00	109	This claim has been amended by another claim filed against the Debtor by the same claimant relating to the same purported liability.
PPD Development, L.P.	225	250	\$ 47,818.25	250	This claim has been amended by another claim filed against the Debtor by the same claimant relating to the same purported liability.
Reed, Mark C.	116	112	\$ 31,333.00	112	This claim has been amended by another claim filed against the Debtor by the same claimant relating to the same purported liability.