

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

In re:

Achaogen, Inc.,

Debtor.

Chapter 11

Case No. 19-10844 (BLS)

Re: Docket No. 863

**ORDER REGARDING ACHAOPEN PLAN TRUSTEE'S
OBJECTION TO CLAIM NUMBER 271 OF
AP3-SF2 CT SOUTH LLC**

Upon the *Achaogen Plan Trustee's Objection to Claim Number 271 of AP3-SF2 CT South LLC* (the "Objection")¹ filed by Edward E. Neiger, Plan Trustee ("Plan Trustee") of the Achaogen Plan Trust ("Trust") seeking entry of an order (this "Order") modifying claim number 271 (the "Claim") originally filed by AP3-SF2 CT South LLC ("AP3"), 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 Objection to Claim Number 271 of AP3-SF2 CT South LLC* attached to the Objection as **Exhibit 1**; and upon all other documentation filed in connection with the Objection; 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:

1. The Objection is GRANTED in part to the extent set forth herein.
2. The Claim is hereby modified and fully and finally allowed as a general unsecured

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



claim in the amount of \$12,000,000.00.² Upon entry of this Order, the Plan Trustee, the Trust, the Debtor and the Debtor's estate shall be deemed to have released and discharged AP3 and Phase 3 (defined below) from any and all further objections, claims, debts, demands, offsets, and other causes of action that in any way relate to the Claim and shall be further be deemed to have waived any rights to seek reconsideration of the Claim pursuant to section 502(j) of the Bankruptcy Code.

3. Following AP3's filing of the Claim, AP3 assigned the Claim to Phase 3 Real Estate Partners, Inc. ("Phase 3"). A Transfer of Claim other than for Security from was filed with the Bankruptcy Court on June 27, 2022 [Docket No. 880]. Consistent with the transfer of the Claim, upon entry of this Order, Phase 3 shall be substituted for AP3 on the claims register with respect to the Claim and the Plan Trustee, KCC, and the Clerk of this Court shall be authorized to take all actions necessary to reflect that Phase 3 is the current holder of the Claim. The notice address and address where payments should be sent with respect to Phase 3 and the Claim shall be amended as follows:

Phase 3 Real Estate Partners, Inc.
P.O. Box 927729
San Diego, CA 92912

4. 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.

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

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

² Claim Number 271 also included an administrative portion in the sum of \$128,447.12. That administrative portion was paid and satisfied in full as memorialized in the Trustee's *First Notice of Satisfaction of Certain Fully Satisfied Claims* [D.I. 852]. The Objection related only to the general unsecured claim.

7. 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 29th, 2022
Wilmington, Delaware



BRENDAN L. SHANNON
UNITED STATES BANKRUPTCY JUDGE