

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

In re:

Achaogen, Inc.,

Debtor.

Chapter 11

Case No. 19-10844 (BLS)

Related Docket Nos. 856, 866

**CERTIFICATION OF COUNSEL REGARDING ACHAOPEN PLAN TRUSTEE'S
OBJECTION TO CLAIM NUMBER 209 FILED BY MARY ROGERS**

The undersigned, counsel to Edward E. Neiger, Plan Trustee (the "Plan Trustee"), hereby certifies as follows:

On May 18, 2022, the Plan Trustee filed the *Achaogen Plan Trustee's Second Omnibus Objection (Substantive) to Certain Claims Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Del. L.R. 3007-1 (Reclassified Claims)* [Docket No. 856] (the "Objection").

On June 1, 2022, the Plan Trustee received a written response to the Objection from claimant Mary Rogers [Docket No. 866] (the "Response"), the holder of Claim Number 209 (the "Rogers Claim").

On July 6, 2022, the Court conducted a hearing on the Plan Trustee's objection to the Rogers Claim, at which the Court ruled that the Rogers Claim should be reclassified to a general unsecured claim.

A proposed order (the "Proposed Order") reclassifying the Rogers Claim to a general unsecured claim is attached hereto as **Exhibit A**.

WHEREFORE, the Plan Trustee respectfully requests the Court enter the Proposed Order at the Court's earliest convenience.



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DATED: July 6, 2022
Wilmington, Delaware

COLE SCHOTZ P.C.

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Counsel for Achaogen Plan Trustee

Exhibit A

Proposed Order

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

In re:

Achaogen, Inc.,

Debtor.

Chapter 11

Case No. 19-10844 (BLS)

Related Docket No. 856

**ORDER SUSTAINING ACHAOPEN PLAN TRUSTEE'S
OBJECTION TO CLAIM NUMBER 209 FILED BY
MARY ROGERS**

Upon the *Achaogen Plan Trustee's Second Omnibus Objection (Substantive) to Certain Claims Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Del. L.R. 3007-1 (Reclassified Claims)* [Dkt. No. 856] (the "Objection")¹ filed by Edward E. Neiger, Plan Trustee ("Plan Trustee") of the Achaogen Plan Trust ("Trust") seeking, among other things, entry of an order (this "Order") reclassifying claim number 209 (the "Rogers Claim") filed by Mary Rogers ("Claimant"), 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 Second Omnibus Objection (Substantive) to Certain Claims Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Del. L.R. 3007-1 (Reclassified Claims)* attached to the Objection as "Exhibit 1"; and upon the timely-filed written response by Claimant [Dkt. No. 866] (the "Response"); 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 following a hearing at which Claimant and counsel for the Plan Trustee were present; and upon consideration of the documentation submitted with the Objection and the Response and

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

the statements made at hearing; and sufficient cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The Objection is SUSTAINED as to the Rogers Claim to the extent set forth herein.
2. The Rogers Claim is hereby reclassified to reflect a general unsecured claim in the amount of \$7,144.83.
3. 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.
4. The Plan Trustee is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Objection.
5. Notwithstanding any applicable Bankruptcy Rules or Local Rules, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
6. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.