

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re

Achaogen, Inc.

Debtor.¹

Chapter 11

Case No. 19-10844 (BLS)

RE: D.I. 6 and 46

Hearing Date:

May 8, 2019 at 11:00 a.m. (ET)

Objection Deadline:

May 1, 2019 at 4:00 p.m. (ET)

NOTICE OF HEARING REGARDING MOTION OF THE DEBTOR FOR INTERIM AND FINAL ORDERS (I) AUTHORIZING THE DEBTOR TO (A) PAY PREPETITION WAGES, SALARIES, AND OTHER COMPENSATION AND (B) PAY PREPETITION PAYROLL TAXES AND BENEFITS AND CONTINUE BENEFIT PROGRAMS IN THE ORDINARY COURSE, (II) DIRECTING BANKS TO HONOR CHECKS FOR PAYMENT OF PREPETITION EMPLOYEE PAYMENT AND PROGRAM OBLIGATIONS, AND (III) GRANTING RELATED RELIEF

PLEASE TAKE NOTICE that on April 15, 2019, the above-captioned debtor and debtor-in-possession (the “Debtor”) filed the **Motion of the Debtor for Interim and Final Orders (I) Authorizing the Debtor to (A) Pay Prepetition Wages, Salaries, and Other Compensation and (B) Pay Prepetition Payroll Taxes and Benefits and Continue Benefit Programs in the Ordinary Course, (II) Directing Banks to Honor Checks for Payment of Prepetition Employee Payment and Program Obligations, and (III) Granting Related Relief (D.I. 6)** (the “Motion”).

PLEASE TAKE FURTHER NOTICE that, on April 16, 2019, the Bankruptcy Court entered the **Interim Order (I) Authorizing the Debtor to (A) Pay Prepetition Wages, Salaries, and Other Compensation and (B) Pay Prepetition Payroll Taxes and Benefits and Continue Benefit Programs in the Ordinary Course, (II) Directing Banks to Honor Checks for Payment of Prepetition Employee Payment and Program Obligations, and (III) Granting Related Relief (D.I. 46)** (the “Interim Order”).

PLEASE TAKE FURTHER NOTICE that objections, if any, to final approval of the Motion must (a) be in writing; (b) be filed with the Clerk of the Bankruptcy Court, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801, on or before **May 1, 2019 at 4:00 p.m. (Eastern Time)** (the “Objection Deadline”); and (c) served so as to be received on or before the

¹ The last four digits of the Debtor’s federal tax identification number are 3693. The Debtor’s mailing address for purposes of this Chapter 11 Case is 1 Tower Place, Suite 400, South San Francisco, CA 94080.



Objection Deadline by: (i) the Debtor, c/o Achaogen, Inc., 1 Tower Place, Suite 400, South San Francisco, CA 94080, Attn: Blake Wise and (ii) proposed counsel to the Debtor, (A) Hogan Lovells US LLP, 1999 Avenue of the Stars, Suite 1400, San Francisco, CA 90067, Attn: Richard L. Wynne, Esp. and Erin N. Brady, Esq.; (B) Hogan Lovells US LLP, 875 Third Ave., New York, NY 10022, Attn: Christopher R. Bryant, Esq. and John D. Beck, Esq. and (C) Morris, Nichols, Arsht & Tunnell LLP, 1201 North Market Street, 16th Floor, P.O. Box 1347, Wilmington, Delaware 19899, Attn: Derek C. Abbott, Esq. and Andrew Remming, Esq.

PLEASE TAKE FURTHER NOTICE THAT only objections made in writing and timely filed and received, in accordance with the procedures above, will be considered by the Bankruptcy Court at such hearing.

PLEASE TAKE FURTHER NOTICE THAT A FINAL HEARING ON THE MOTION WILL BE HELD ON **MAY 8, 2019 AT 11:00 A.M. (ET)** BEFORE THE HONORABLE BRENDAN L. SHANNON, AT THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 MARKET STREET, 6TH FLOOR, COURTROOM #1, WILMINGTON, DELAWARE 19801.

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

Dated: April 16, 2019
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Paige N. Topper

Derek C. Abbott (No. 3376)
Andrew R. Remming (No. 5120)
Matthew O. Talmo (No. 6333)
Paige N. Topper (No. 6470)
1201 North Market Street, 16th Floor
P.O. Box 1347
Wilmington, Delaware 19899-1347
Tel.: (302) 658-9200
Fax: (302) 658-3989
rdehney@mnat.com
aremming@mnat.com
mtalmo@mnat.com
ptopper@mnat.com

- and -

Richard L. Wynne (CA 120349)
Pro hac vice admission pending
Erin N. Brady (CA 215038)
Pro hac vice admission pending

HOGAN LOVELLS US LLP

1999 Avenue of the Stars, Suite 1400

Los Angeles, California 90067

Telephone: (310) 785-4600

Facsimile: (310) 785-4601

richard.wynne@hoganlovells.com

erin.brady@hoganlovells.com

- and -

Christopher R. Bryant (NY 3934973)

Pro hac vice admission pending

John D. Beck (TX 24073898)

Pro hac vice admission pending

HOGAN LOVELLS US LLP

875 Third Avenue

New York, NY 10022

Telephone: (212) 918-3000

Facsimile: (212) 918-3100

chris.bryant@hoganlovells.com

john.beck@hoganlovells.com

Proposed Counsel for Debtor and Debtor in Possession