

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

AKORN, INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-11177 (KBO)

(Jointly Administered)

**MOTION TO SHORTEN NOTICE PERIOD WITH RESPECT TO  
THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS'  
APPLICATIONS TO RETAIN PROFESSIONALS**

The Official Committee of Unsecured Creditors of Akorn, Inc. *et al.* (the “Committee”), hereby submits this motion (the “Motion”) for entry of an order under Rule 9006(c)(1) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rules 2014-1(b) and 9006-1(e) of the Local Rules of Bankruptcy Practice and Procedure for the United States Bankruptcy Court for the District of Delaware (the “Local Rules”) shortening the notice period for the Committee’s applications (the “Applications”) to retain Jenner & Block LLP as its lead counsel [Dkt. 312], Saul Ewing Arnstein & Lehr LLP as its Delaware counsel [Dkt. 313], and Huron Consulting Services LLC as its financial advisor [Dkt. 314]. In support of this Motion, the Committee respectfully states:

**RELIEF REQUESTED AND BASIS FOR RELIEF**

1. Contemporaneous with the filing of this Motion, the Committee filed the Applications. The Applications seek the entry of orders under sections 1102 and 1103 of the Bankruptcy Code approving the Committee’s retention of: (a) Jenner & Block LLP as its lead

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, if any, are: Akorn, Inc. (7400); 10 Edison Street LLC (7890); 13 Edison Street LLC; Advanced Vision Research, Inc. (9046); Akorn (New Jersey), Inc. (1474); Akorn Animal Health, Inc. (6645); Akorn Ophthalmics, Inc. (6266); Akorn Sales, Inc. (7866); Clover Pharmaceuticals Corp. (3735); Covenant Pharma, Inc. (0115); Hi-Tech Pharmacal Co., Inc. (8720); Inspire Pharmaceuticals, Inc. (9022); Oak Pharmaceuticals, Inc. (6647); Olta Pharmaceuticals Corp. (3621); VersaPharm Incorporated (6739); VPI Holdings Corp. (6716); and VPI Holdings Sub, LLC. The location of the Debtors’ service address is: 1925 W. Field Court, Suite 300, Lake Forest, Illinois 60045.



counsel effective as of June 8, 2020; (b) Saul Ewing Arnstein & Lehr LLP as its Delaware counsel effective as of June 10, 2020; and (c) Huron Consulting Services LLC as its financial advisor effective as of June 9, 2020.

2. By this Motion, the Committee respectfully requests the entry of an Order shortening the notice period by one day and setting the Applications for the hearing (the “Hearing”) scheduled on July 21, 2020 at 3:30 p.m. ET.

3. Local Rule 2014-1(b) provides, “[a]ll retention motions shall be heard on the first omnibus or other hearing date that would allow at least twenty-one (21) days’ notice of the retention motion and hearing.” Del. Bankr. L.R. 2014-1(b). Pursuant to Bankruptcy Rule 9006(c)(1), the Court may, for cause shown, shorten the otherwise applicable notice period. *See* Fed. R. Bankr. P. 9006(c)(1). This authorization is also expressed in Local Rule 9006-1(e), which provides that the Court may shorten the notice period “on written motion (served on all interested parties) specifying the exigencies justifying shortened notice.” Del. Bankr. L.R. 9006-1(e).

4. Cause exists to shorten the notice period for the Applications by one day. The Committee and its professionals worked diligently to prepare the Applications and supporting materials for filing on June 30, 2020. However, due to certain delays related to finalizing disinterestedness disclosures and obtaining the Committee’s final approval of the Applications, the Committee was not able to file the Applications until July 1, 2020. The Committee does not believe that shortening the notice period by one day will materially prejudice any party.

5. By contrast, a delay in scheduling the Applications until the next regularly scheduled omnibus hearing would likely mean that the Committee’s professionals would not be retained until the August 20 hearing at which the Court will consider approving the Debtors’ proposed sale and confirming the Debtors’ proposed chapter 11 plan. Consequently, the

Committee submits that the present circumstances satisfy the requirements of cause under Rule 9006(c)(1) and the exigencies required under Local Rule 9006-1(e).

**CERTIFICATION**

6. In accordance with Local Rule 9006-1(e), Saul Ewing Arnstein & Lehr LLP, the Committee's proposed Delaware counsel, states that counsel to the Debtors and counsel to the United States Trustee were contacted regarding the relief requested in this Motion. Neither indicated that they intend to object to this Motion.

**NOTICE**

7. Notice of this Motion will be provided to: (i) the U.S. Trustee; (ii) counsel to the Debtors; (iii) and counsel to the Term Loan Lenders. In light of the nature of the relief requested herein, the Committee submits that no other or further notice is necessary.

**WHEREFORE**, the Committee respectfully requests that this Court enter an order, in substantially the form attached hereto, (i) shortening the notice period for the Applications by one day so that they can be presented at the July 21, 2020 omnibus hearing; and (ii) granting such other and further relief as the Court deems just and proper.

Dated: July 1, 2020  
Wilmington, Delaware

Respectfully submitted,

**SAUL EWING ARNSTEIN & LEHR LLP**

By: /s/ Mark Minuti

Mark Minuti (DE Bar No. 2659)  
Lucian B. Murley (DE Bar No. 4892)  
1201 N. Market Street  
Suite 2300  
Wilmington, DE 19801  
Telephone: (302) 421-6840  
Fax: (302) 421-6813  
mark.minuti@saul.com  
luke.murley@saul.com

-and-

**JENNER & BLOCK LLP**

Catherine L. Steege (admitted *pro hac vice*)  
Landon S. Raiford (admitted *pro hac vice*)  
William A. Williams (admitted *pro hac vice*)  
353 N. Clark Street  
Chicago, Illinois 60654  
Telephone: (312) 923-2952  
Fax: (312) 840-7352  
csteeg@jenner.com  
lraiford@jenner.com  
wwilliams@jenner.com

*Proposed Counsel to the Official Committee  
of Unsecured Creditors of Akorn, Inc. et al.*

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

In re:

AKORN, INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-11177 (KBO)

(Jointly Administered)

Re: Docket No. \_\_\_\_

**ORDER GRANTING MOTION TO SHORTEN NOTICE PERIOD WITH RESPECT TO  
THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS'  
APPLICATIONS TO RETAIN PROFESSIONALS**

Upon the Motion, pursuant to Bankruptcy Rule 9006(c)(1) and Local Rule 9006- 1(e), for entry of an order shortening the notice period on the Official Committee of Unsecured Creditors of Akorn, Inc., *et al.*'s (the "Committee") applications to retain Jenner & Block LLP as its lead counsel [Dkt. 312], Saul Ewing Arnstein & Lehr LLP as its Delaware counsel [Dkt. 313], and Huron Consulting Services LLC as its financial advisor [Dkt. 314] (collectively, the "Applications") ; and upon consideration of the Motion and all pleadings related thereto; and due and proper notice of the Motion having been given under the circumstances; and it appearing that no other or further notice is required; and it appearing that the Court has jurisdiction to consider the Motion in accordance with 28 U.S.C. §§ 157 and 1334; this matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and after due deliberation, and sufficient cause appearing therefor, IT IS HEREBY ORDERED that:

1. The Motion is GRANTED.

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2. The Committee may present the Applications at the omnibus hearing scheduled for July 21, 2020 at 3:30 p.m. (prevailing Eastern Time).

3. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation or interpretation of this Order.