

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1

WHITE & CASE LLP

1221 Avenue of the Americas

New York, New York 10020

Telephone: (212) 819-8200

J. Christopher Shore, Esq. (*pro hac vice*)

(cshore@whitecase.com)

Harrison Denman, Esq. (*pro hac vice*)

(harrison.denman@whitecase.com)

Andrew Zatz, Esq. (*pro hac vice*)

(azatz@whitecase.com)

Samuel P. Hershey, Esq. (*pro hac vice*)

(sam.hershey@whitecase.com)

Ashley Chase, Esq. (*pro hac vice*)

(ashley.chase@whitecase.com)

Brett Bakemeyer, Esq. (*pro hac vice*)

(brett.bakemeyer@whitecase.com)

-and-

PORZIO, BROMBERG & NEWMAN, P.C.

100 Southgate Parkway

P.O. Box 1997

Morristown, NJ 07962

Telephone: (973) 538-4006

Warren J. Martin Jr., Esq. (wjmartin@pbnlaw.com)

John S. Mairo, Esq. (jsmairo@pbnlaw.com)

Christopher P. Mazza, Esq. (cpmazza@pbnlaw.com)

*Co-Counsel to the Official Committee of Unsecured
Creditors*

In Re:

INVITAE CORPORATION, *et al.*,

Debtors.¹

Case No.: 24-11362 (MBK)

Chapter: 11

Hearing Date: May 7, 2024, at 10:00 a.m. EST

Judge: Honorable Michael B. Kaplan

APPLICATION FOR ORDER SHORTENING TIME

¹ The last four digits of Debtor Invitae Corporation's ("Invitae," and with its subsidiary debtors, the "Debtors") tax identification number are 1898. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' proposed claims and noticing agent at www.kccllc.net/invitae. The Debtors' service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.



The applicant John S. Mairo Esq., on behalf of the Official Committee of Unsecured Creditors (the “**Committee**”) requests that the time period to/for consideration and adjudication of the Committee’s *Emergency Motion to Extend the Challenge Period Through June 15, 2024* (the “**Motion to Extend**”) and accompanying *Motion to File Under Seal Emergency Motion to Extend the Challenge Period Through June 15, 2024* (the “**Motion to Seal**”) as required by D.N.J. 9013-2(a)(3) be shortened pursuant to Fed. R. Bankr. P 9006(c)(1), for the reason(s) set forth below:

1. A shortened time hearing is requested because: As explained in the Motion to Extend, the Debtors and Deerfield² have not provided the requested discovery sufficiently in advance of the Challenge Deadline. Indeed, yesterday, the Debtors produced 17,322 documents—over 150,000 pages—which amounts to nearly seventy percent of the Debtors’ entire productions to date. The Debtors have also indicated that they still need to conduct a privilege review and have only started to undertake pulling, reviewing, and producing any responsive text messages. Deerfield has also communicated that it anticipates providing the Committee with two future productions. It is not possible for the Committee to review what has been produced, let alone review the multiple additional document productions still expected, conduct interviews related to the documents, address concerns of the Debtors’ privilege designations, and file any viable challenge before the Challenge Deadline. The Debtors have not articulated any prejudice that would result from the requested one-month extension.
2. State the hearing dates requested: May 7, 2024, at 10:00 a.m. EST
3. To provide immediate notice of the relief requested and the support thereof to the key parties, the Committee has, simultaneously with this filing, sent via electronic mail unredacted copies of the Motion To Extend and Motion To Seal to counsel for the Debtors, Deerfield, and the United States Trustee’s Office.
4. Reduction of the time period is not prohibited under Fed. R. Bankr. P 9006(c)(1).

The applicant requests entry of the proposed order shortening time.

Date: May 3, 2024

/s/ John S. Mairo
Signature

² Capitalized terms used herein but not otherwise defined herein shall have the meaning ascribed to them in the Motion To Extend.

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1 WHITE & CASE LLP 1221 Avenue of the Americas New York, New York 10020 Telephone: (212) 819-8200 J. Christopher Shore, Esq. (<i>pro hac vice</i>) (cshore@whitecase.com) Harrison Denman, Esq. (<i>pro hac vice</i>) (harrison.denman@whitecase.com) Andrew Zatz, Esq. (<i>pro hac vice</i>) (azatz@whitecase.com) Samuel P. Hershey, Esq. (<i>pro hac vice</i>) (sam.hershey@whitecase.com) Ashley Chase, Esq. (<i>pro hac vice</i>) (ashley.chase@whitecase.com) Brett Bakemeyer, Esq. (<i>pro hac vice</i>) (brett.bakemeyer@whitecase.com) PORZIO, BROMBERG & NEWMAN, P.C. 100 Southgate Parkway P.O. Box 1997 Morristown, New Jersey 07962 Telephone: (973) 538-4006 Warren J. Martin Jr., Esq. (wjmartin@pbnlaw.com) John S. Mairo, Esq. (jsmairo@pbnlaw.com) Christopher P. Mazza, Esq. (cpmazza@pbnlaw.com) <i>Co-Counsel to the Official Committee of Unsecured Creditors</i>	
<i>In re</i>	Case No. 24-11362 (MBK)
INVITAE CORPORATION., <i>et al.</i> ,	Chapter 11
Debtors. ¹	Judge: Honorable Michael B. Kaplan

ORDER SHORTENING TIME PERIOD FOR NOTICE AND SETTING HEARING

The relief set forth on the following pages, numbered two (2) and three (3) is hereby
ORDERED.

¹ The last four digits of Debtor Invitae Corporation's tax identification number are 1898. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' proposed claims and noticing agent at www.kccllc.net/invitae. The Debtors' service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.

After review of the application of the Official Committee of the Unsecured Creditors (the “**Committee**”) for a reduction of time for a hearing on the Committee’s *Emergency Motion to Extend the Challenge Period Through June 15, 2024* (the “**Motion to Extend**”) and accompanying *Motion to File Under Seal Emergency Motion to Extend the Challenge Period Through June 15, 2024* (the “**Motion to Seal**”) and under Fed. R. Bankr. P. 9006(c)(1), it is **ORDERED** as follows:

1. A hearing will be conducted on the matter on **May 7, 2024 at 10:00 a.m.**, in the United States Bankruptcy Court, for the District of New Jersey, 402 East State Street, Trenton, N.J. 08608, Courtroom No. #8.

2. The Applicant must serve a copy of this Order, and all related documents, on the following parties: Counsel for Debtors, Counsel for Deerfield, L.P., Office of the United States Trustee, and any party that has requested notice pursuant to Bankruptcy Rule 2002 : by: ☐ each, ☒ any of the following methods selected by the Court:

☒ fax, ☒ overnight mail, ☐ regular mail, ☒ email, ☐ hand delivery.

3. The Applicant must also serve a copy of this Order, and all related documents, on the following parties: _____

_____ by: ☐ each, ☐ any of the following methods selected by the Court:

☐ fax, ☐ overnight mail, ☐ regular mail, ☐ email, ☐ hand delivery.

4. Service must be made:

☒ on the same day as the date of this order, or

☐ within _____ day(s) of the date of this Order.

5. Notice by telephone:

☒ is not required

☐ must be provided to _____

☐ on the same day as the date of this Order, or

☐ within _____ day(s) of the date of this Order.

6. A *Certification of Service* must be filed prior to the hearing date.

7. Any objections to the motion/application identified above:

☐ must be filed with the Court and served on all parties in interest by electronic or overnight mail _____ day(s) prior to the scheduled hearing; or

☐ may be presented orally at the hearing.

8. ☐ Court appearances are required to prosecute the motion/application and any objections

☒ Parties may request to appear by phone by contacting Chambers prior to the return date.

rev.1/12/22