

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

<i>In re</i> MELINTA THERAPEUTICS, INC., et al., Debtors. ¹	Chapter 11 Case No. 19-12748 (LSS) B.A.P. No. 20-09
LIN LUO, Appellant, v. MELINTA THERAPEUTICS, INC. Appellee.	 C.A. No. 20-600 (MN)

**APPELLEE’S DESIGNATION OF ADDITIONAL ITEMS
TO BE INCLUDED IN THE RECORD ON APPEAL**²

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, Appellee Melinta Therapeutics, Inc., on behalf of itself and its debtor affiliates (collectively, the “**Reorganized Debtors**”), hereby designates the following items to be included in the record on appeal:³

¹ The Reorganized Debtors and the last four digits of their respective taxpayer identification numbers are: Melinta Therapeutics, Inc. (0364); Cempra Pharmaceuticals, Inc. (5814); CEM-102 Pharmaceuticals, Inc. (4262); Melinta Subsidiary Corp. (9437); Rempex Pharmaceuticals, Inc. (6000); and Targanta Therapeutics Corporation (1077). The address of the Reorganized Debtors’ corporate headquarters is 44 Whippany Road, Suite 280, Morristown, New Jersey 07960.

² Appellant Lin Luo’s designation of record pursuant to Fed. R. Bankr. P. 8009(a) was filed with the Bankruptcy Court on November 4, 2020. [Bankr. Docket No. 860] and again on November 9, 2020. The Appellee makes these designations to supplement the Appellant’s designations.

³ For the avoidance of doubt, the additional items designated herein for the record on appeal shall include all exhibits, submissions, appendices and/or other related documents filed with each item and, with respect to hearing transcripts or other transcripts of proceedings designated herein, any and all documents admitted into evidence at such hearing or other proceeding. The foregoing applies equally to items included in Appellant’s designations, including the Debtors’ briefs, declarations and other pleadings.



In re Melinta Therapeutics, Inc., et al., United States Bankruptcy Court for the District of Delaware (19-12748)		
Document	Bankruptcy Docket No.	Date
Voluntary Petition for Melinta Therapeutics, Inc.	1	12/27/2019
Declaration of Peter Milligan in Support of Chapter 11 Petitions and First-Day Papers	17	12/27/2019
December 30, 2019 Hearing Transcript	80	1/3/2020
Disclosure Statement for Joint Chapter 11 Plan of Reorganization of Melinta Therapeutics, Inc. and its Debtor Affiliates	121	1/17/2020
Declaration of Jeffrey Finger in Support of Debtors' Bidding Procedures Motion	164	1/24/2020
Declaration of Peter Milligan in Support of Debtors' Bidding Procedures Motion	165	1/24/2020
January 28, 2020 Hearing Transcript	221	1/30/2020
February 7, 2020 Hearing Transcript	271	2/10/2020
Notice of Filing of Global Settlement Term Sheet	275	2/10/2020
February 21, 2020 Hearing Transcript	343	2/25/2020
Notice of Successful Bidder and Cancellation of Auction	372	3/2/2020
Affidavit of Publication of the Notice of (I) Approval of Adequacy of Disclosure Statement, (II) Solicitation and Notice Procedures, (III) Objection and Voting Deadlines, and (IV) Confirmation Hearing in The New York Times – National Edition	377	3/3/2020
Affidavit of Service	379	3/4/2020
Notice of Filing of Amended and Restated Global Settlement Term Sheet	411	3/13/2020
March 13, 2020 Hearing Transcript	418	3/16/2020
Letter to the Court by Lin Luo re: Objection to Sale	427	3/18/2020
Letter to the Court by Lin Luo re: Revised Objection to Sale Order	428	3/18/2020
Letter to the Court by Lin Luo re: the Approve of Fraudulent Intentions	429	3/18/2020
Letter to the Court by Lin Luo re: Objection to Fraudulent Intentions	430	3/18/2020

In re Melinta Therapeutics, Inc., et al., United States Bankruptcy Court for the District of Delaware (19-12748)		
Document	Bankruptcy Docket No.	Date
Letter to the Court by Lin Luo re: Supplement Backup to Previously Mailed Out Objection to Sale	431	3/18/2020
Letter to the Court by Lin Luo re: Motion to Object Sale Case No. 19-12748 and Omnibus Objection, and Request Equity Compensation	439	3/19/2020
Certificate of Service	441	3/23/2020
Letter to the Court by Lin Luo re: Objection to Confirmation of Plan	446	3/23/2020
Supplement to Amended Disclosure Statement for Amended Joint Chapter 11 Plan of Reorganization of Melinta Therapeutics, Inc. and Its Debtor Affiliates	447	3/23/2020
Notice of Filing of Plan Supplement to the Amended Joint Chapter 11 Plan of Reorganization of Melinta Therapeutics, Inc. and its Debtor Affiliates	448	3/23/2020
Notice of Filing of Second Plan Supplement to the Amended Joint Chapter 11 Plan of Reorganization of Melinta Therapeutics, Inc. and its Debtor Affiliates	449	3/24/2020
Notice of Filing of Third Plan Supplement to the Amended Joint Chapter 11 Plan of Reorganization of Melinta Therapeutics, Inc. and its Debtor Affiliates	476	3/30/2020
Declaration of Ryan Mersch in Support of Confirmation of the Modified Amended Joint Chapter 11 Plan of Reorganization of Melinta Therapeutics, Inc. and Its Debtor Affiliates	478	3/31/2020
Modified Amended Joint Plan of Reorganization of Melinta Therapeutics, Inc. and Its Debtor Affiliates	481	3/31/2020
Declaration of Peter Milligan in Support of Confirmation of the Modified Amended Joint Chapter 11 Plan of Reorganization of Melinta Therapeutics, Inc. and Its Debtor Affiliates	484	3/31/2020
Debtors' Memorandum of Law (I) in Support of Confirmation of Modified Amended Joint Chapter 11 Plan of Reorganization of Melinta Therapeutics, Inc. and its Debtor Affiliates and (II) in Response to Objections Thereto	485	3/31/2020
April 3, 2020 Hearing Transcript	503	4/6/2020
Notice of Filing of Fourth Plan Supplement to the Amended Joint Chapter 11 Plan of Reorganization of Melinta Therapeutics, Inc. and its Debtor Affiliates	506	4/6/2020
Findings of Fact, Conclusions of Law, and Order Confirming Modified Amended Joint Chapter 11 Plan of Reorganization of Melinta Therapeutics, Inc. and its Debtor Affiliates	520	4/11/2020

In re Melinta Therapeutics, Inc., et al., United States Bankruptcy Court for the District of Delaware (19-12748)		
Document	Bankruptcy Docket No.	Date
Notice of Filing of Fifth Plan Supplement to the Amended Joint Chapter 11 Plan of Reorganization of Melinta Therapeutics, Inc. and its Debtor Affiliates	540	4/20/2020
Notice of (I) Entry of Findings of Fact, Conclusions of Law and Order Confirming Modified Amended Joint Plan of Reorganization of Melinta Therapeutics, Inc. and its Debtor Affiliates and (II) Occurrence of Effective Date	542	4/20/2020
Letter Regarding Motion to Request Recount General Unsecured Claim Ballots and Reevaluation of Intangible Assets and Motion to Cancel Sale Order No. 19-12748	545	4/21/2020
Letter Regarding the Vote Ballot Tabulations Process	546	4/21/2020
Motion to Unseal Docket 444, 173 and 92, 174 for Case No. 19-12748	585 ⁴	5/8/2020
Motion to Bar Unliquidated Shareholders Interests and Employees Stock Incentives from participating “Reorganized Melinta Common Stock” of - Melinta Case No. 19-12748	613 ⁵	5/19/2020
Memorandum on Relief Sought by Shareholders Seeking to “Cancel Sale”	744	7/2/2020
Motion for Entry of an Order to Clarify Vatera, Medco and Deerfield Shareholders Interests and 2018 Equity Plan – Stock Incentive Plan	768	7/24/2020
Motion for Entry of an Order to Barring Certain (Unliquidated) Shareholders Interests and 2018 Equity Plan – Stock Incentive From Participating Reorganized Melinta Common Stocks	769 ⁶	7/10/20
Motion for Entry of an Order to Unseal Dockets: 444, 173, 92, 0502 and 0503	773	7/29/2020
Motion to Reconsider Sale Order Melinta Case No. 19-12748 and Motion to Request Reevaluation of Intangible Assets of Melinta Case No. 19-12748	778	7/7/2020
Motion for Entry of an Order to Clarify Vatera, Deerfield, and the Medicines Company (MedCo) Shareholders and Creditors Interests and 2018 Equity Plan – Stock Incentives	793	8/13/2020

⁴ This item was also filed at Bankruptcy Docket Numbers 587, 588, 607, 608, 609, 614, 634, 635, 644, 670, 671, 695. For the avoidance of doubt, this designation includes all instances of the filing.

⁵ This item was also filed at Bankruptcy Docket Numbers 638, 639, 642, 647, 669, 673, 697, 708. For the avoidance of doubt, this designation includes all instances of the filing.

⁶ This item was also filed at Bankruptcy Docket Numbers 771, 772, and 792. For the avoidance of doubt, this designation includes all instances of the filing.

In re Melinta Therapeutics, Inc., et al., United States Bankruptcy Court for the District of Delaware (19-12748)		
Document	Bankruptcy Docket No.	Date
Letter to the Court by Lin Luo re: Motion to Reconsider the Sale Order	808	9/9/2020
Letter to the Court by Lin Luo re: Motion to Reconsider Sale Order and Motion to Request Reevaluation of Intangible Asset of Melinta Case No. 19-12748	814	9/17/2020
Order Denying Bar Motions	826	9/25/2020
Order Denying Motions to Unseal	827	9/25/2020
Order Approving Stipulation Between the GUC Trustee, Intrado Digital Media LLC, Intrado Enterprise Collaboration, Inc., and West IP Communications, Inc. n/k/a Intrado IP Communications, Inc.	833	10/1/2020
September 17, 2020 Hearing Transcript	839	10/13/2020
Motion to Stay Closing of the Sale Order Melinta Case No. 19-12748 Pending Review by Appeal Court	843	10/19/2020
Trustee's Motion for Extension of Time to Make Distributions to General Unsecured Creditors	848	10/20/2020
Order Approving Trustee's Motion for Extension of Time to Make Distributions to General Unsecured Creditors	862	11/9/2020

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RESERVATION OF RIGHTS

The Reorganized Debtors expressly reserve, and do not waive, the right to amend, supplement or otherwise modify the foregoing designations, and/or to object to or move to strike the items designated for inclusion in the record on appeal by Appellant. This filing is made expressly subject to, and without waiver of any and all rights, remedies, challenges, and objections.

Dated: Wilmington, Delaware
November 18, 2020

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

/s/ Jason M. Liberi

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Counsel for the Reorganized Debtors

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FOR THE DISTRICT OF DELAWARE**

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CERTIFICATE OF SERVICE

I, Jason M. Liberi, an attorney, do hereby certify as follows:

On November 18, 2020, I caused a copy of the following document to be filed and served electronically using the CM/ECF System on all counsel of record in the above referenced case:

- Appellee's Designation of Additional Items to be Included in the Record on Appeal

¹ The Reorganized Debtors and the last four digits of their respective taxpayer identification numbers are: Melinta Therapeutics, Inc. (0364); Cempra Pharmaceuticals, Inc. (5814); CEM-102 Pharmaceuticals, Inc. (4262); Melinta Subsidiary Corp. (9437); Rempex Pharmaceuticals, Inc. (6000); and Targanta Therapeutics Corporation (1077). The address of the Reorganized Debtors' corporate headquarters is 44 Whippany Road, Suite 280, Morristown, New Jersey 07960.

In addition, on November 18, 2020, I also caused a copy of this document to be served on those listed below in the manner indicated:

Lin Luo
11510 Bucknell Drive
Apt. 204
Silver Spring, MD 20902
(By First-class mail and Electronic Mail)

Dated: Wilmington, Delaware
November 18, 2020

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

/s/ Jason M. Liberi

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