

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

In re: )  
 ) Chapter 11  
NOVAN, INC., *et al.*,<sup>1</sup> )  
 ) Case No. 23-10937 (LSS)  
Debtors. )  
 ) (Joint Administration Requested)  
 )

**AMENDED<sup>2</sup> NOTICE OF (I) FILING OF CHAPTER 11 PETITIONS AND RELATED DOCUMENTS AND (II) AGENDA FOR HEARING SCHEDULED FOR JULY 19, 2023, AT 2:00 P.M. (EASTERN TIME), BEFORE THE HONORABLE LAURIE SELBER SILVERSTEIN, AT THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE<sup>3</sup>**

**This hearing will be conducted in-person. Any exceptions must be approved by chambers.**

**Parties may observe the hearing remotely by registering with the Zoom link below no later than July 19, 2023 at 11:00 a.m.**

**Please use the following link to register for this hearing:**

<https://debuscourts.zoomgov.com/meeting/register/vJIsdO6urTwrGrLzOWEuSMt31PODh8xMJCI>

**After registering your appearance by Zoom, you will receive a confirmation email containing information about joining the hearing.**

Topic: Novan, Inc., et al.  
Time: July 19, 2023 at 2:00 p.m. (Eastern Time)

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digitals of the Debtors’ federal tax identification number (if applicable), are: Novan, Inc. (7682) and EPI Health, LLC (9118). The corporate headquarters and the mailing address for the Debtors is 4020 Stirrup Creek Drive, Suite 110, Durham, NC 27703.

<sup>2</sup> **Amended items appear in bold.**

<sup>3</sup> All petitions, motions, and other pleadings referenced herein are available free of charge at <https://www.kccllc.net/Novan>.



**PLEASE TAKE NOTICE** that, on July 17, 2023, the debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”), and related pleadings with the United States Bankruptcy Court for the District of Delaware. The Debtors are debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

**PETITIONS**

1. Voluntary Petitions (see attached **Exhibit A**)

Related Documents:

- a) Notice of Hearing to Consider First Day Pleadings ([D.I. 17](#), filed 7/17/23).

**DECLARATION IN SUPPORT OF FIRST DAY PLEADINGS**

2. Declaration of Paula Brown Stafford in Support of Debtors’ Chapter 11 Petitions and First Day Motions ([D.I. 4](#), filed 7/17/23).

**PLEASE TAKE FURTHER NOTICE** that a hearing with respect to the following first day motions (collectively, the “First Day Motions”), to the extent set forth below, is scheduled for **July 19, 2023 at 2:00 p.m. (Eastern Time)** (the “First Day Hearing”) before The Honorable Laurie Selber Silverstein, Chief United States Bankruptcy Judge for the District of Delaware.

**MATTERS GOING FORWARD**

3. Motion of Debtors for Entry of an Order Authorizing the Joint Administration of Debtors’ Chapter 11 Cases ([D.I. 3](#), filed 7/17/23).

**Responses Received: None.**

Status: This matter is going forward.

4. Application of Debtors for an Order Authorizing the Retention and Employment of Kurtzman Carson Consultants LLC as Claims and Noticing Agent Effective as of the Petition Date ([D.I. 5](#), filed 7/17/23).

**Responses Received:**

- a) **Informal comments received from the Office of the United States Trustee (the “U.S. Trustee”).**

Related Documents:

- a) **Notice of Filing of Revised Order Authorizing the Debtors to Employ and Retain Kurtzman Carson Consultants LLC as Claims and Noticing Agent Effective as of the Petition Date ([D.I. 32](#), filed 7/19/23).**

**Status: The Debtors have resolved the informal comments received from the U.S. Trustee.**

5. Motion of the Debtors for Entry of an Order Authorizing the Debtors to (A) File a Consolidated List of Creditors in Lieu of Submitting a Separate Mailing Matrix for Each Debtor, (B) File a Consolidated List of the Debtors' Thirty Largest Unsecured Creditors and (C) File Under Seal Portions of the Creditor Matrix and Other Filings Containing Certain Personal Identification Information ([D.I. 6](#), filed 7/17/23).

**Responses Received: None.**

**Status: This matter is going forward.**

6. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Continue Their Existing Cash Management System, (B) Honor Certain Prepetition Obligations Related Thereto, (C) Maintain Their Bank Accounts and Existing Business Forms, (D) Implement Changes to the Existing Cash Management System as Necessary, and (E) Continue Ordinary Course Intercompany Transactions, (II) Waiving the Requirements of 11 U.S.C. § 345(b) and the U.S. Trustee's Operating Guidelines, and (III) Granting Related Relief ([D.I. 7](#), filed 7/17/23).

**Responses Received:**

- a) **Informal comments received from the U.S. Trustee and PNC Bank, N.A. ("PNC").**

**Status: The Debtors have made revisions to the revised proposed order to address comments received from PNC and the U.S. Trustee. PNC's comments have been resolved. This matter is going forward.**

7. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Pay Certain Prepetition Employment Obligations and (B) Maintain Employee Benefits Programs and (II) Granting Related Relief ([D.I. 8](#), filed 7/17/23).

**Responses Received:**

- a) **Informal comments received from the U.S. Trustee.**

**Status: This matter is going forward.**

8. Motion of Debtors for Entry of Interim and Final Orders, Pursuant to Sections 105(a) and 366 of the Bankruptcy Code, (I) Approving Debtors' Proposed Form of Adequate

Assurance of Payment, (II) Establishing Procedures for Resolving Objections and Requests for Additional Assurance from Utility Companies, (III) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Service, and (IV) Granting Related Relief ([D.I. 9](#), filed 7/17/23).

**Responses Received:**

- a) **Informal comments received from the U.S. Trustee.**

**Related Documents:**

- a) **Notice of Filing of Revised Interim Order (I) Approving Debtors' Proposed Form of Adequate Assurance of Payment, (II) Establishing Procedures for Resolving Objections and Requests for Additional Assurance from Utility Companies, (III) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Service, and (IV) Granting Related Relief ([D.I. 31](#), filed 7/19/23).**

**Status: The Debtors have resolved the informal comments received from the U.S. Trustee.**

9. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors to Pay Certain Prepetition Taxes and Related Obligations and (II) Authorizing Banks to Honor and Process Checks and Transfers Related to Such Prepetition Taxes and Related Obligations ([D.I. 10](#), filed 7/17/23).

**Responses Received: None.**

**Status: This matter is going forward.**

10. Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to (I) Continue Their Insurance Program, (II) Pay All Prepetition and Postpetition Obligations with Respect Thereto, and (III) Authorizing Banks to Honor and Process Checks and Transfers Related to Such Insurance Obligations ([D.I. 11](#), filed 7/17/23).

**Responses Received: None.**

**Status: This matter is going forward.**

11. Debtors' Motion for Interim and Final Orders (I) Authorizing Payment of Prepetition Claims of Certain Critical Vendors and (II) Granting Related Relief ([D.I. 12](#), filed 7/17/23).

**Responses Received:**

- a) **Informal comments received from the U.S. Trustee.**

Status: **The Debtors have resolved the informal comments from the U.S. Trustee.**

12. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Lender, (III) Scheduling Final Hearing, and (IV) Granting Related Relief ([D.I. 15](#), filed 7/17/23).

**Responses Received:**

- a) **Informal comments received from the U.S. Trustee.**

Status: **The Debtors believe that the U.S. Trustee's comments have been resolved by revisions to the proposed form of order. The Debtors intend to present a revised proposed interim order at the hearing.**

**SCHEDULING MATTERS**

13. Motion of Debtors for Entry Of Orders (I)(A) Approving Bidding Procedures for Sale of Substantially All of Debtors' Assets Free and Clear Of Liens, Claims, Interests, and Encumbrances, (B) Authorizing Procedures to Designate Stalking Horse Bidder(s), (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof, (D) Approving Assumption and Assignment Procedures, (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof, and (F) Granting Related Relief; and (II)(A) Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interests, and Encumbrances, (B) Approving the Assumption and Assignment of Executory Contracts and Unexpired Leases, and (C) Granting Related Relief ([D.I. 16](#), filed 7/17/23).

Status: The Debtors intend to discuss and request scheduling of this matter at the First Day Hearing.

14. Debtors' Motion for Entry of an Order (I) Approving Debtors' Key Employee Incentive Program and (II) Granting Certain Related Relief ([D.I. 20](#), filed 7/17/23).

Status: The Debtors intend to discuss and request scheduling of this matter at the First Day Hearing.

**PLEASE TAKE FURTHER NOTICE** that parties who wish to participate in the First Day Hearing may do so by registering through the above Zoom link.

**PLEASE TAKE FURTHER NOTICE** that objections, if any, to the First Day Motions may be made at the First Day Hearing.

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Dated: July 19, 2023  
Wilmington, Delaware

Respectfully submitted,

*/s/ Tamara K. Mann*

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*Proposed Counsel to the Debtors and Debtors in Possession*

**Exhibit A**

<b>Debtor</b>	<b>Case No.</b>
Novan, Inc.	23-10937 (LSS)
EPI Health, LLC	23-10938 (LSS)