

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

In re:

TRICIDA, INC.,¹

Debtor.

Chapter 11

Case No. 23-10024 (JTD)

Re: Docket No. 7

**INTERIM ORDER (I) AUTHORIZING DEBTOR TO PAY CERTAIN PREPETITION
CLAIMS OF WAREHOUSEMEN; (II) AUTHORIZING BANKS TO HONOR AND
PROCESS CHECK AND ELECTRONIC TRANSFER REQUESTS RELATED
THERE TO; AND (III) GRANTING RELATED RELIEF**

Upon consideration of the motion (“Motion”)² of Tricida, Inc., as debtor and debtor in possession in the above-captioned chapter 11 case (the “Debtor”), for entry of an interim order (a) authorizing the Debtor to pay, in the ordinary course of business, certain prepetition claims of third-party services or carriers, including, warehousemen and other potential lienholders, who are in current possession of the Debtor’s property; (b) authorizing banks to honor and process check and electronic transfer requests related to the foregoing; (c) and granting related relief, each as more fully set forth in the Motion; and upon consideration of the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and the Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of this proceeding and the Motion in this district being proper

¹ The Debtor in this chapter 11 case, together with the last four digits of the Debtor’s federal tax identification number, is Tricida, Inc. (2526). The Debtor’s service address is 7000 Shoreline Court, Suite 201, South San Francisco, CA 94080.

² Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Motion.



pursuant to 28 U.S.C. §§ 1408 and 1409; and appropriate notice of and opportunity for hearing on the Motion having been given; and the Court having determined that the relief requested in the Motion is necessary to avoid immediate and irreparable harm to the Debtor and its estate, as contemplated by Bankruptcy Rule 6003; and the relief requested in the Motion being in the best interests of the Debtor's estate, its creditors, and other parties in interest; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The relief requested in the Motion is GRANTED on an interim basis as set forth herein.
2. The final hearing on the Motion shall be held on February 9, 2023 at 11:00 a.m. (prevailing Eastern Time) (the "Final Hearing"). Any objections or responses to entry of the proposed final order shall be filed on or before 4:00 p.m. (prevailing Eastern Time) on February 2, 2023. In the event no objections to entry of a final order on the Motion are timely received, this Court may enter a final order without need for the Final Hearing.
3. The Debtor is authorized, but not directed, to pay the Warehousing Claims in the ordinary course of business and as such amounts come due in an aggregate amount not to exceed \$12,500 without further order of the Court.
4. The Debtor may condition payment of Warehousing Claims on the agreement of Warehousemen to continue supplying services to the Debtor on the same trade terms in place in the 180 days prior to the Petition Date or upon new trade terms (to the extent agreed to by the Debtor and the Warehousemen, the "Agreed Terms").

5. The Debtor may take any and all appropriate steps to cause such Warehousemen, to repay payments made to it on account of its Warehousing Claims to the extent that such payments exceed the postpetition amounts then owing to such Warehousemen. To the extent a Warehouseman fails to comply with the Agreed Terms: (a) upon receipt of payment on account of a prepetition claim, if a Warehouseman subsequently refuses to provide goods and services to the Debtor on such trade terms as are agreed to by the Debtor and the Warehouseman, then, without the need for any further order of the Court, any payments received by the Warehouseman on account of such prepetition claim shall be treated as having been in payment of any then outstanding postpetition obligations owed to such Vendor; (b) the Debtor shall have the authority to file a motion to compel such Warehouseman to immediately repay to the Debtor any payments received on account of its prepetition claim to the extent that the aggregate amount of such payments exceed the postpetition obligations then outstanding to such Warehouseman, without the right of setoff, recoupment or reclamation; and (c) if the Court orders such Warehouseman to repay any such prepetition amounts, the Warehouseman's claim shall be reinstated as a prepetition claim in this chapter 11 case and subject to the terms of any bar date order entered in this chapter 11 case.

6. Each of the Warehousemen shall receive notice of this interim order, which shall include notice that if any party asserting a lien accepts payment pursuant to the relief granted in this interim order, such party is treated as having agreed to release any liens it may have on the Debtor's property.

7. Each of the Banks at which the Debtor maintains its accounts relating to the payment of the Warehousing Claims is authorized to (a) receive, process, honor, and pay all checks presented for payment and to honor all electronic funds transfer requests made by the Debtor

related thereto, to the extent that sufficient funds are on deposit in those accounts and (b) accept and rely on all representations made by the Debtor with respect to which checks, drafts, wires, or automated clearing house transfers should be honored or dishonored in accordance with this or any other order of the Court, whether such checks, drafts, wires, or transfers are dated prior to, on, or subsequent to the Petition Date, without any duty to inquire otherwise.

8. The Debtor is authorized, but not directed, to issue new postpetition checks, or effect new electronic funds transfers, on account of the Warehousing Claims as set forth herein, and to replace any prepetition checks or electronic fund transfer requests that may be lost or dishonored or rejected as a result of the commencement of the Debtor's chapter 11 case.

9. Nothing in this interim order shall constitute (a) an admission as to the validity of any claim against the Debtor; (b) a waiver of the Debtor's or any party in interest's rights to dispute the amount of, basis for, or validity of any claim or interest under applicable law or nonbankruptcy law; (c) a promise or requirement to pay any claim; (d) a waiver of the Debtor's or any other party in interest's rights under the Bankruptcy Code or any other applicable law; or (e) a request for or granting of approval for assumption of any agreement, contract, program, policy, or lease under section 365 of the Bankruptcy Code. Any payment made pursuant to this order is not intended to be nor should it be construed as an admission as to the validity of any claim or a waiver of the Debtor's rights to subsequently dispute such claim.

10. The contents of the Motion satisfy the requirements of Bankruptcy Rule 6003(b) because the relief granted in this interim order is necessary to avoid immediate and irreparable harm to the Debtor's estates.

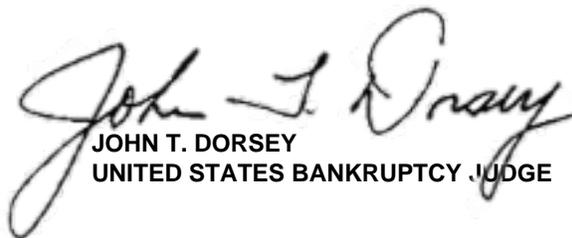
11. Notice of the Motion shall be deemed good and sufficient notice of such Motion, and the requirements of Bankruptcy Rule 6004(a) and the Bankruptcy Local Rules are waived by such notice.

12. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this interim order are immediately effective and enforceable upon its entry.

13. The Debtor is authorized to take all actions necessary to effectuate the relief granted in this interim order in accordance with the Motion.

14. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation and enforcement of this interim order.

Dated: January 13th, 2023
Wilmington, Delaware


JOHN T. DORSEY
UNITED STATES BANKRUPTCY JUDGE