

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

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In re: : Chapter 11

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VALERITAS HOLDINGS, INC., *et al.*,¹ : Case No. 20-10290 (LSS)

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Debtors. : (Jointly Administered)

:

: **Re: D.I. 180**

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**NOTICE OF DEADLINE FOR FILING PROOFS OF CLAIM, INCLUDING 503(b)(9)
CLAIMS, AND ADMINISTRATIVE CLAIM REQUESTS**

PLEASE TAKE NOTICE that, on February 9, 2020 (the “Petition Date”), Valeritas Holdings, Inc. and its affiliated debtors (collectively, the “Debtors”) in the above-captioned chapter 11 cases each filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

PLEASE TAKE FURTHER NOTICE that, on March 13, 2020, the United States Bankruptcy Court for the District of Delaware (the “Court”) entered an order [D.I. 180] (the “Bar Date Order”) establishing:

- (a) **General Bar Date: May 11, 2020 at 4:00 p.m. (ET)** as the “General Bar Date” and deadline for all persons or entities, other than Governmental Units (as defined in section 101(27) of the Bankruptcy Code), to file proofs of claim (each, a “Proof of Claim”) based on claims against any Debtor that arose prior to the Petition Date, including claims for the value of goods sold to any Debtor in the ordinary course of business and received by such Debtor within twenty (20) days before the Petition Date (each, a “503(b)(9) Claim”) that remain unpaid;
- (b) **Governmental Bar Date: October 6, 2020 at 4:00 p.m. (ET)** as the “Governmental Bar Date” and deadline for all Governmental Units to file Proofs of Claim against the Debtors based on claims against any Debtor that arose prior to the Petition Date that remain unpaid;
- (c) **Rejection Damages Claims Bar Date:** the Rejection Damages Claims Bar Date shall be the later of (i) the General Bar Date; or (ii) thirty (30) days after the claimant is served with notice of the applicable Court order.

¹ The debtors in these Chapter 11 Cases, along with the last four digits of each debtor’s federal tax identification number, are: Valeritas Holdings, Inc. (8907); Valeritas, Inc. (1056); Valeritas Security Corporation (9654); Valeritas US, LLC (0007). The corporate headquarters and the mailing address for the debtors is 750 Route 202 South, Suite 600, Bridgewater, New Jersey 08807.



- (d) **Interim Administrative Claims Bar Date: April 20, 2020 at 4:00 p.m. (ET)** as the “Interim Administrative Claims Bar Date” and deadline for all persons and entities to file Administrative Claim Requests (each, an “Administrative Claim Request”) based on claims against any Debtor that accrued on or after the Petition Date through, and including, **April 3, 2020**, that remain unpaid;

You should consult an attorney if you have any questions, including whether to file a Proof of Claim or Administrative Claim Request. If you have any questions with respect to this notice, you may contact the Debtors’ claims and noticing agent, Kurtzman Carson Consultants LLC (“KCC”) at (877) 709-4747 (toll-free) or (424) 236-7228 (international) or visit KCC’s website at <https://www.kccllc.net/Valeritas>. KCC is not permitted to provide legal advice.

I. WHO MUST FILE A PROOF OF CLAIM OR AN ADMINISTRATIVE CLAIM REQUEST

You **MUST** file a Proof of Claim if you have a claim that arose prior to the Petition Date, and it is not a claim described in Section II below. Acts or omissions of the Debtors that arose prior to the Petition Date may give rise to claims against the Debtors that must be filed by the applicable Bar Dates, notwithstanding that such claims may not have matured or become fixed or liquidated as of the Petition Date.

Pursuant to section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

You **MUST** file an Administrative Claim Request if you have a claim that arose on or after the Petition Date through and including April 3, 2020, that remains unpaid.

Proofs of Claim and Administrative Claim Requests will be deemed timely filed *only if* they are actually received by KCC on or before the applicable Bar Date. Proofs of Claim submitted by facsimile or e-mail *will not be accepted*.

II. WHO DOES NOT NEED TO FILE A PROOF OF CLAIM OR ADMINISTRATIVE CLAIM REQUEST

- (a) Any person or entity that has already properly filed a Proof of Claim or Administrative Claim Request against a Debtor with KCC or the Clerk of the United States Bankruptcy Court for the District of Delaware, in a form substantially similar to Official Form 410 or the Administrative Claim Request Form;
- (b) Any person or entity whose claim is listed on a Debtor’s Schedule D or E/F, and (i) the claim is not described as “disputed,” “contingent,” or “unliquidated,” (ii) such

person or entity agrees with the amount, nature, and priority of the claim set forth in the Debtor's Schedules, and (iii) such person or entity agrees that the claim is an obligation of the specific Debtor that listed the claim in its Schedules;

- (c) Any person or entity whose claim has been allowed by an order of the Court entered on or before the applicable Bar Date;
- (d) Any person or entity whose claim has been paid or otherwise satisfied in full by the Debtors or any other party prior to the applicable Bar Date;
- (e) Any holder of a claim for which the Court has already fixed a specific deadline to file a Proof of Claim;
- (f) Any holder of an equity interest in any Debtor with respect to the ownership of such equity interest; *provided, however*, that any holder of an equity interest wishing to assert a claim against any Debtor other than with respect to ownership of such equity interest, including, but not limited to, a claim relating to the purchase or sale of such interest or rescission under section 510 of the Bankruptcy Code, must submit a proof of claim on or before the applicable Bar Date pursuant to the procedures set forth herein;
- (g) Any Affiliate (as defined in section 101(2) of the Bankruptcy Code) of the Debtors that is a creditor for its claims against any other Debtor; and
- (h) The Prepetition Secured Agent² or the DIP Lender, as defined in the *Interim Order (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief* [D.I. 66].
- (i) Any professionals retained, pursuant to an order of the Court, by the Official Committee of Unsecured Creditors (the "Committee"). For the avoidance of doubt, members of the Committee are still required to file Proofs of Claim, if applicable.

You should not file a Proof of Claim or an Administrative Claim Request if you do not have a claim against any of the Debtors. The fact that you have received this Bar Date Notice does not mean that you have a claim or that the Debtors or the Bankruptcy Court believes that you have a claim.

² Such exception to the requirement of filing of Proof of Claim shall not apply to the Prepetition Secured Agent's general unsecured claim, as agreed upon and set forth in the *Motion of the Debtors to Approve Settlement Agreement Among the Debtors, CRG Servicing LLC, as Control Agent for the Prepetition Lenders, and the Prepetition Lenders* [D.I. 42] (the "Settlement Agreement Motion") and any subsequent order approving the Settlement Agreement Motion.

III. HOW TO FILE A PROOF OF CLAIM OR AN ADMINISTRATIVE CLAIM REQUEST

Enclosed herewith as an exhibit is a Proof of Claim Form, in a form substantially similar to Official Form 410,³ and an Administrative Claim Request Form.

- (a) All Proofs of Claim and Administrative Claim Requests must be actually received on or before the applicable Bar Date associated with such claim by KCC. All Proofs of Claim and Administrative Claim Requests must be filed electronically at <https://epoc.kcellc.net/valeritas>, or sent to KCC by US Mail or other hand delivery system, addressed to: **Valeritas Claims Processing Center c/o KCC, 222 N. Pacific Coast Highway, Suite 300, El Segundo, CA 90245**;
- (b) Proofs of Claim and Administrative Claim Requests will be deemed timely filed only if they are actually received by KCC on or before the applicable Bar Date. Proofs of Claim and Administrative Claim Requests submitted by facsimile or e-mail will *not* be accepted;
- (c) Proofs of Claim and Administrative Claim Requests must: (i) be in writing and signed by the claimant, or, if the claimant is not an individual, by an authorized agent of the claimant; (ii) include supporting documentation or, if voluminous, a summary of the supporting documents and an explanation as to why documentation is not available and where the such supporting documentation may be obtain; (iii) be in the English language; and (iv) be denominated in United States currency (USD);
- (d) In addition to the foregoing, 503(b)(9) Claims must also: (i) include the value of the goods delivered to and received by the applicable Debtor within twenty (20) days prior to the Petition Date; (ii) attach any documentation identifying the particular invoice(s) corresponding to the asserted 503(b)(9) Claim and delivery address; and (iii) attach documentation evidencing the delivery of the goods delivered to and received by the applicable Debtor within twenty (20) days prior to the Petition Date;
- (e) Each Administrative Claim Request shall set forth evidence of the necessity of the expense incurred by any Debtor and the reasonableness of the charge for any such good or service provided to the Debtors;
- (f) Each Proof of Claim and Administrative Claim Request must specify, by name, the Debtor against which the claim is asserted, and, if the holder asserts a claim against more than one Debtor, a separate Proof of Claim or Administrative Claim Request must be filed against each such Debtor; and

³ Additional copies of Official Form 410 may be obtained at <https://kcellc.net/Valeritas>.

- (g) Any person or entity that files a Proof of Claim or Administrative Claim Request by mail and wishes to receive a date-stamped copy by return mail should include an additional copy of the Proof of Claim or Administrative Claim Request and a self-addressed, postage-paid envelope.

IV. CONSEQUENCES FOR FAILURE TO FILE A PROOF OF CLAIM OR ADMINISTRATIVE CLAIM REQUEST BY THE APPLICABLE BAR DATE

Except as described in Section II above, as applicable, any holder of a claim against any Debtor who received notice of the Bar Dates (whether such notice was actually or constructively received) and is required, but fails, to file a Proof of Claim or Administrative Claim Request in accordance with the Bar Date Order and this Bar Date Notice on or before the applicable Bar Date, (a) may be forever barred, estopped, and enjoined from asserting such claim against any Debtor, and such Debtor and its property may upon confirmation of a chapter 11 plan with respect thereto, be forever discharged from all indebtedness and liability with respect to such claim, and (b) may not receive or be entitled to receive any payment or distribution of property from the Debtors or their successors or assigns with respect to such claim.

V. THE DEBTORS' SCHEDULES AND ACCESS THERETO

You may be listed in the Debtors' schedules of assets and liabilities (collectively, the "Schedules"). When filed, interested parties may examine and obtain copies of the Schedules free of charge from KCC at <https://www.kccllc.net/Valeritas>, may contact KCC at **(877) 709-4747 (toll-free) or (424) 236-7228 (international callers)** between 9:00 a.m. and 5:00 p.m. (ET), Monday through Friday, or may contact the Debtors at **(302) 468-5700** (Attn.: Carolyn Fox).

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If you rely on the Debtors' Schedules, it is your responsibility to determine that your claim is accurately listed in the Schedules. As set forth above, if you agree with the nature, amount, and status of your claim as listed in the Debtors' Schedules, and if you do not dispute that your claim is only against the Debtor specified, and if your claim is not described as "disputed," "contingent," or "unliquidated," you need not file a Proof of Claim. Otherwise, or if you decide to file a Proof of Claim, you must do so before the applicable Bar Date, in accordance with the procedures set forth in this Bar Date Notice.

Dated: March 13, 2020
Wilmington, Delaware

Respectfully submitted,

DLA PIPER LLP (US)

/s/ Maris J. Kandestin

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