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*Proposed Co-Counsel to the Debtors and  
Debtors in Possession*

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:  
  
INVITAE CORPORATION, *et al.*,  
  
Debtors.<sup>1</sup>

Chapter 11  
  
Case No. 24-11362 (MBK)  
  
(Joint Administration Requested)

**NOTICE OF AMENDED AGENDA<sup>2</sup> OF MATTERS  
SCHEDULED TO BE HEARD ON MARCH 15, 2024 AT 10:00 A.M. (ET)**

<sup>1</sup> 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’ claims and noticing agent at [www.kcellc.net/invitae](http://www.kcellc.net/invitae). The Debtors’ service address in these chapter 11 cases is 1400 16<sup>th</sup> Street, San Francisco, California 94103.

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



To: All Parties Receiving Electronic Notification of Filing  
via the Court's CM/ECF System

**PLEASE TAKE NOTICE** that the matters listed below are currently scheduled to be heard on **March 15, 2024, at 10:00 a.m. (prevailing Eastern Time)** before the Honorable Chief Judge Michael B. Kaplan.

**PLEASE TAKE FURTHER NOTICE** that this hearing will be held virtually only. Parties intending to attend the hearing and **listen only**, may attend using the information on **Schedule 1**, annexed hereto.

**PLEASE TAKE FURTHER NOTICE** that Parties wishing to attend virtually via Zoom and be heard must submit a presenter request to [Chambers\\_of\\_MBK@njb.uscourts.gov](mailto:Chambers_of_MBK@njb.uscourts.gov).

### **MATTERS GOING FORWARD**

1. Debtors' Motion for Entry of Interim and Final Orders Pursuant to Sections 105, 361, 362, 363, 503, and 507 of the Bankruptcy Code and Rules 2002, 4001, and 9014 of the Federal Rules of Bankruptcy Procedure: (I) Authorizing Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Secured Parties; (III) Modifying Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief [Docket No. 18]

#### **Related Documents:**

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]
- B. Interim Order Pursuant to Sections 105, 361, 362, 363, 503, and 507 of the Bankruptcy Code and Rules 2002, 4001, and 9014 of the Federal Rules of Bankruptcy Procedure: (I) Authorizing Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Secured Parties; (III) Modifying Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief [Docket No. 47]

#### **Responses/Objections:**

- A. Objection of the Official Committee of Unsecured Creditors to Final Approval of Debtors' Cash Collateral Motion [ECF No. 18] [Docket No. 148]

- B. Massmutual Asset Finance’s Limited Objection and Reservation of Rights with Respect to Final Approval of Debtors’ Cash Collateral Motion [Docket No. 153]**
- C. Debtors’ Reply to Objection of the Official Committee of Unsecured Creditors to Final Approval of Debtors’ Cash Collateral Motion [Docket No. 161]**
- D. Response of Deerfield Partners, L.P. and Joinder to Debtors’ Reply to Objection of the Official Committee of Unsecured Creditors to Final Approval of Debtors’ Cash Collateral Motion [Docket No. 162]**
- E. Joinder of U.S. Bank Trust Company, National Association, as Trustee and Collateral Agent for the 4.5% Series A and Series B Convertible Senior Secured Notes Due 2028 to the Response of Deerfield Partners, L.P. and Joinder to Debtors’ Reply to the Objection of the Official Committee of Unsecured Creditors to Final Approval of the Debtors’ Cash Collateral Motion [Docket No. 168]**

**Status:** This matter is going forward **on a contested basis**.

- 2. Debtors’ Motion for Entry of Interim and Final Orders Authorizing the Debtors to (A) Continue to Operate Their Cash Management System, (B) Honor Certain Prepetition Obligations Related Thereto, (C) Maintain Existing Business Forms, and (D) Perform Intercompany Transactions [Docket No. 10]

Related Documents:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]
- B. Interim Order Authorizing the Debtors to (A) Continue to Operate Their Cash Management System, (B) Honor Certain Prepetition Obligations Related Thereto, (C) Maintain Existing Business Forms, and (D) Perform Intercompany Transactions [Docket No. 48]

**Status:** This matter is going forward **on an uncontested basis**. **The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

- 3. Debtors’ Motion for Entry of Interim and Final Orders Authorizing the Debtors to (I) Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses and (II) Continue Employee Benefits Programs [Docket No. 6]

Related Documents:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]
- B. Interim Order Authorizing the Debtors to (I) Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses and (II) Continue Employee Benefits Programs [Docket No. 46]

**Status:** This matter is going forward **on an uncontested basis. The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

- 4. Debtors' Motion For Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Certain Prepetition Claims of (A) Critical Vendors, (B) 503(b)(9) Claimants, (C) Lien Claimants, and (D) Foreign Vendors and (II) Confirming Administrative Expense Priority of Outstanding Orders [Docket No. 7]

Related Documents:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]
- B. Interim Order (I) Authorizing the Debtors to Pay Certain Prepetition Claims of (A) Critical Vendors, (B) 503(b)(9) Claimants, (C) Lien Claimants, and (D) Foreign Vendors and (II) Confirming Administrative Expense Priority of Outstanding Orders [Docket No. 51]

**Status:** This matter is going forward **on an uncontested basis. The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

- 5. Debtors' Motion For Entry of Interim and Final Orders Authorizing the Debtors to (I) Maintain and Administer Their Customer Programs and (II) Honor Certain Prepetition Obligations Related Thereto [Docket No. 8]

Related Documents:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]
- B. Interim Order Authorizing the Debtors to (I) Maintain and Administer Their Customer Programs and (II) Honor Certain Prepetition Obligations Related Thereto [Docket No. 52]

**Status:** This matter is going forward **on an uncontested basis. The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

6. Debtors' Motion for Entry of Interim and Final Orders Authorizing the Debtors to (I) Maintain Insurance and Surety Coverage Entered into Prepetition and Pay Related Prepetition Obligations and (II) Renew, Supplement, Modify, or Purchase Insurance and Surety Coverage [Docket No. 9]

Related Documents:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]
- B. Interim Order Authorizing the Debtors to (I) Maintain Insurance and Surety Coverage Entered into Prepetition and Pay Related Prepetition Obligations and (II) Renew, Supplement, Modify, or Purchase Insurance and Surety Coverage [Docket No. 53]

**Status:** This matter is going forward **on an uncontested basis. The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

7. Debtors' Motion for Entry of an Administrative Fee Order Establishing Procedures for the Allowance and Payment of Interim Compensation and Reimbursement of Expenses of Professionals Retained by Order of This Court [Docket No. 108]

Related Document:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]

**Status:** This matter is going forward **on an uncontested basis. The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

8. Debtors' Motion for Entry of an Order (I) Setting Bar Dates for Submitting Proofs of Claim, Including Requests for Payment Under Section 503(b)(9), (II) Establishing an Amended Schedules Bar Date and a Rejection Damages Bar Date, (III) Approving the Form, Manner, and Procedures for Filing Proofs of Claim, and (IV) Approving Notice Thereof [Docket No. 24]

Related Document:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]

**Status:** This matter is going forward **on an uncontested basis. The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

9. Debtors' Motion for Entry of Interim and Final Orders Approving Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with Respect to Common Stock [Docket No. 12]

Related Documents:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]
- B. Interim Order Approving Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with Respect to Common Stock [Docket No. 55]

**Status:** This matter is going forward **on an uncontested basis. The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

10. Debtors' Motion for Entry of Interim and Final Orders Authorizing the Payment of Certain Taxes and Fees [Docket No. 11]

Related Documents:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]
- B. Interim Order Authorizing the Payment of Certain Taxes and Fees [Docket No. 59]

**Status:** This matter is going forward **on an uncontested basis. The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

11. Debtors' Motion for Entry of Interim and Final Orders (I) Approving the Debtors' Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Providers From Altering, Refusing, or Discontinuing Services, and (III) Approving the Debtors' Proposed Procedures for Resolving Adequate Assurance Requests [Docket No. 14]

Related Documents:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]

- B. Interim Order (I) Approving the Debtors' Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Services, and (III) Approving the Debtors' Proposed Procedures for Resolving Adequate Assurance Requests [Docket No. 60]

**Status:** This matter is going forward **on an uncontested basis. The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

- 12. Debtors' Motion for Entry of an Order Authorizing (I) Rejection of Certain Unexpired Leases of Non-Residential Real Property and (II) Abandonment of Any Personal Property, Each Effective as of the Rejection Date [Docket No. 23]

Related Document:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]

**Status:** This matter is going forward **on an uncontested basis for each lease and sublease set forth on Schedule 1 of the Lease Rejection Motion, except for the lease and sublease relating to property that the Debtors lease at 26 Mercer Street, 5<sup>th</sup> Floor, New York, New York 10013. The Landlord and the Sublessee are currently negotiating the terms of a direct lease relationship, so this matter is adjourned, solely as it relates to the 26 Mercer Street lease and sublease, to the next omnibus hearing scheduled to be held on April 8, 2024, at 10:00 am ET. The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

- 13. Debtors' Motion for Entry of an Order Authorizing and Approving Procedures to Reject Executory Contracts and Unexpired Leases [Docket No. 109]

Related Document:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]

**Status:** This matter is going forward **on an uncontested basis. The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

14. Debtors' Motion for Entry of an Order (I) Authorizing and Establishing Procedures for the Compromise and Settlement of De Minimis Claims and (II) Approving the Form and Manner of the Notice of Settlement [Docket No. 111]

Related Document:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]

**Status:** This matter is going forward **on an uncontested basis. The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

15. Debtors' Motion for Entry of an Order Authorizing Employment and Payment of Professionals Utilized in the Ordinary Course of Business [Docket No. 110]

Related Document:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]

**Status:** This matter is going forward **on an uncontested basis. The proposed order has the consent of the UCC, the U.S. Trustee, and the Required Holders.**

**ADJOURNED MATTERS**

1. Debtors' Motion for Entry of Interim and Final Orders (I) 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 (30) Largest Unsecured Creditors, and (C) Redact Certain Personally Identifiable Information and (II) Waiving the Requirement to File a List of Equity Security Holders and Provide Notice Directly to Equity Security Holders [Docket No. 17]

Related Documents:

- A. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral [Docket No. 21]
- B. Interim Order (I) 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 (30) Largest Unsecured Creditors, and (C) Redact Certain Personally Identifiable Information and (II) Waiving the Requirement to File a List of Equity Security Holders and Provide Notice Directly to Equity Security Holders [Docket No. 50]

**Status:** This matter is adjourned to the next omnibus hearing scheduled to be held on April 8, 2024 at 10:00 am ET.

Dated: March 14, 2024

*/s/ Michael D. Sirota*

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**Schedule 1**

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