

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	
	)	Chapter 11
OREXIGEN THERAPEUTICS, INC.	)	
	)	Case No. 18-10518 (KG)
Debtor. <sup>1</sup>	)	
	)	<b>Related to D.I. 1001</b>

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**LIMITED OBJECTION OF DISCOVERY, INC. TO  
CONFIRMATION OF DEBTOR’S AMENDED PLAN OF LIQUIDATION**

Discovery, Inc. (“Discovery”), for itself and its network channels Food Network, Home & Garden Television, and DIY Network (the “Networks”),<sup>2</sup> object to confirmation of *Debtor’s Amended Plan of Liquidation* [D.I. 1001] (the “Plan”), as follows:

**BACKGROUND**

1. On March 12, 2018 (the “Petition Date”), Orexigen Therapeutics, Inc. (the “Debtor”) commenced the captioned case; and since then has operated and managed its business as a debtor-in-possession pursuant to 11 U.S.C. §§ 1107 and 1108.

2. Prior to the Petition Date, the Networks provided advertising services to the Debtor and continued to do so thereafter. Debtor owes \$55,284.00 on account of advertising services provided subsequent to the Petition Date by the Networks (the “Post-Petition Services”) but which were not paid for by the Debtor. Discovery, on behalf of the Networks, has on this date filed a motion seeking allowance and payment of an administrative expense claim for the Post-Petition Services.

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<sup>1</sup> The last four digits of the Debtor’s federal tax identification number are 8822. The Debtor’s mailing address for purposes of this Chapter 11 Case is Orexigen Therapeutics, Inc. c/o Hogan Lovells US LLP, 875 Third Avenue, New York, NY 10022, Attn: Chris Bryant and John Beck.

<sup>2</sup> At the time the Post-Petition Services (defined herein) were provided, the Networks were owned and operated by Scripps Networks, Inc. Discovery subsequently acquired the Networks through a merger with and acquisition of Scripps Networks, Inc.



3. The Plan and the Plan Supplement [D.I. 1085] suggest that the Wind Down Entity<sup>3</sup> will be funded with only \$25,000 for payment of allowed administrative expense claims.

**OBJECTIONS**

4. Section 1129(a)(9) requires that all administrative claims be paid in full, in cash, on the effective date of the Plan. To the extent that the Wind Down Entity will have only \$25,000 with which to pay administrative claims the Plan will not comply with 1129(a)(9) in respect of Discovery's administrative claim notwithstanding what other administrative claims may exist.

5. To the extent the Plan does not adequately provide for payment of all allowed administrative claims in full it is neither: (i) in compliance with § 1129(a)(1), (ii) proposed in good faith as required by § 1129(a)(3), nor (iii) feasible, as required by § 1129(a)(11).

WHEREFORE, Discovery respectfully objects to confirmation of the Plan; and requests all relief to which it is entitled.

Dated: May 6, 2019

**SAUL EWING ARNSTEIN & LEHR LLP**

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*Attorneys for Discovery, Inc. and its networks DIY Network, Television Food Network and Home and Garden Television*

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<sup>3</sup> Capitalized terms not defined herein have the meanings given to them in The Disclosure Statement [D.I. 968] relating to the Plan.

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Debtor.	)	
	)	

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 6, 2019, I electronically filed the foregoing **Limited Objection of Discovery, Inc. to Confirmation of Debtor’s Amended Plan of Liquidation** with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record registered with the CM/ECF system. I further certify that I mailed a true and correct copy of the foregoing by first-class, postage prepaid U.S. mail to the parties listed on the attached service list on the 6th day of May, 2019.

**SAUL EWING ARNSTEIN & LEHR LLP**

*/s/ John D. Demmy*  
\_\_\_\_\_  
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