

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

In re

Achaogen, Inc.

Debtor.¹

Chapter 11

Case No. 19-10844 (BLS)

**AMENDED² AGENDA FOR FIRST DAY HEARING
ON APRIL 16, 2019 AT 2:00 P.M. (ET)**

PETITION

1. Achaogen, Inc. [19-10844] (D.I. 1, Filed 4/15/19).

DECLARATION IN SUPPORT OF FIRST DAY PLEADINGS

2. Declaration of Blake Wise in Support of First Day Relief (D.I. 3, Filed 4/15/19).

MATTERS GOING FORWARD

3. Debtor's Application for Entry of an Order Pursuant to 28 U.S.C. § 156(c) Authorizing Employment and Retention of Kurtzman Carson Consultants LLC as Claims and Noticing Agent, *Nunc Pro Tunc* to the Petition Date (D.I. 4, Filed 4/15/19).

Status: This matter will be going forward.

4. Debtor's Motion for Entry of Interim and Final Orders (A) Authorizing the Debtor to (I) Continue its Cash Management System, (II) Honor Certain Related Prepetition Obligations, and (III) Maintain Existing Business Forms, (B) Authorizing and Directing the Debtor's Bank to Honor all Related Payment Requests, (C) Granting Interim and Final Waivers of the Debtor's Compliance with Section 345(b) of the Bankruptcy Code, (D) Scheduling a Final Hearing, and (E) Granting Related Relief (D.I. 5, Filed 4/15/19).

Status: This matter will be going forward.

5. Motion of the Debtor for Interim and Final Orders (I) Authorizing the Debtor to (A) Pay Prepetition Wages, Salaries, and Other Compensation and (B) Pay Prepetition Payroll Taxes and Benefits and Continue Benefit Programs in the Ordinary Course, (II) Directing Banks to Honor Checks for Payment of Prepetition Employee Payment and Program Obligations, and (III) Granting Related Relief (D.I. 6, Filed 4/15/19).

¹ The last four digits of the Debtor's federal tax identification number are 3693. The Debtor's mailing address for purposes of this Chapter 11 Case is 1 Tower Place, Suite 400, South San Francisco, CA 94080.

² Amended items appear in bold.



Status: This matter will be going forward.

6. Debtor's Motion for Interim and Final Orders Pursuant to 11 U.S.C. §§ 105(a), 363, and 1108 and Fed. R. Bankr. P. 6003 and 6004 Authorizing Debtor to (I) Honor Certain Prepetition Obligations to Customers and to Continue Customer Programs and (II) Pay Medicaid, Medicare and Other Obligations (D.I. 7, Filed 4/15/19).

Status: This matter will be going forward.

7. Debtor's Motion for Interim and Final Orders Authorizing Payment of Prepetition Claims of Certain Critical Vendors Pursuant to 11 U.S.C. §§ 105(a), 363(b), 364, 1107(a) and 1108 and Fed. R. Bankr. P. 6003 and 6004 (D.I. 8, Filed 4/15/19).

Status: This matter will be going forward.

8. Motion of the Debtor for Interim and Final Orders Under Section 366 of the Bankruptcy Code (A) Prohibiting Utility Providers from Altering, Refusing or Discontinuing Service, (B) Deeming Utilities Adequately Assured of Future Performance, and (C) Establishing Procedures for Determining Adequate Assurance of Payment (D.I. 9, Filed 4/15/19).

Status: This matter will be going forward.

9. Debtor's Motion for Entry of Interim and Final Orders (I) Authorizing the Debtor to Pay Certain Prepetition Taxes and Assessments in the Ordinary Course of Business and (II) Authorizing Banks and Financial Institutions to Honor and Process Checks and Transfers Related Thereto (D.I. 10, Filed 4/15/19).

Status: This matter will be going forward.

10. Motion for Entry of Interim and Final Orders (I) Establishing Notice and Objection Procedures for Transfers of Equity Securities and (II) Establishing a Record Date for Notice and Sell-Down Procedures for Trading in Claims Against the Debtor's Estate (D.I. 11, Filed 4/15/19).

Status: This matter will be going forward.

11. Debtor's Motion for Entry of Interim and Final Orders (I) Authorizing Debtor to (A) Continue Prepetition Insurance Program; (B) Pay any Prepetition Premiums and Related Obligations; (C) Renew or Enter into New Insurance Arrangements; and (D) Premium Financing Agreements in the Ordinary Course of Business; and (II) Granting Related Relief (D.I. 12, Filed 4/15/19).

Status: This matter will be going forward.

12. Motion for Entry of Interim and Final Orders (I) Authorizing Achaogen, Inc. to Obtain Postpetition Secured Financing, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Authorizing the Use of Cash Collateral, (IV)

Granting Adequate Protection, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief (D.I. 13, Filed 4/15/19).

Status: This matter will be going forward.

SCHEDULING MATTERS

13. **Debtor's Motion to Shorten Notice of Debtor's Motion for Entry of an Order (I) Authorizing Implementation of a Key Employee Incentive Plan and a Key Employee Retention Plan, (II) Approving the Terms of the Debtors Key Employee Incentive Plan and Key Employee Retention Plan, and (III) Granting Related Relief (D.I. 29, Filed 4/15/19).**

Related Documents:

- a. **Debtor's Motion for Entry of an Order (I) Authorizing Implementation of a Key Employee Incentive Plan and a Key Employee Retention Plan, (II) Approving the Terms of the Debtors Key Employee Incentive Plan and Key Employee Retention Plan, and (III) Granting Related Relief (D.I. 27, Filed 4/15/19); and**
- b. **Declaration of Brian L. Cumberland in Support of Debtor's Motion for Order Approving the Implementation of the Key Employee Incentive Plan and Key Employee Retention Plan (D.I. 28, Filed 4/15/19).**

Status: This matter is going forward for purposes of scheduling a hearing on Docket No 27.

14. **Debtor's Motion to Shorten Notice of Debtor's Motion for (I) an Order Pursuant to Sections 105, 363, 364, 365 and 541 of the Bankruptcy Code, Bankruptcy Rules 2002, 6004, 6006 and 9007 and Del. Bankr. L.R. 2002-1 and 6004-1 (A) Approving Bidding Procedures for the Sale of Substantially All Assets of the Debtor; (B) Approving Procedures for the Assumption and Assignment or Rejection of Designated Executory Contracts and Unexpired Leases; (C) Scheduling the Auction and Sale Hearing; (D) Approving Forms and Manner of Notice of Respective Dates, Times, and Places in Connection Therewith; and (E) Granting Related Relief; (II) an Order (A) Approving the Sale of the Debtor's Assets Free and Clear of Claims, Liens, and Encumbrances; and (B) Approving the Assumption and Assignment or Rejection of Executory Contracts and Unexpired Leases; and (III) Certain Related Relief (D.I. 31, Filed 4/15/19).**

Related Documents:

- a. **Debtor's Motion for (I) an Order Pursuant to Sections 105, 363, 364, 365 and 541 of the Bankruptcy Code, Bankruptcy Rules 2002, 6004, 6006 and 9007 and Del. Bankr. L.R. 2002-1 and 6004-1 (A) Approving Bidding Procedures for the Sale of Substantially All Assets of the Debtor; (B) Approving**

Procedures for the Assumption and Assignment or Rejection of Designated Executory Contracts and Unexpired Leases; (C) Scheduling the Auction and Sale Hearing; (D) Approving Forms and Manner of Notice of Respective Dates, Times, and Places in Connection Therewith; and (E) Granting Related Relief; (II) an Order (A) Approving the Sale of the Debtor's Assets Free and Clear of Claims, Liens, and Encumbrances; and (B) Approving the Assumption and Assignment or Rejection of Executory Contracts and Unexpired Leases; and (III) Certain Related Relief (D.I. 30, Filed 4/15/19).

Status: This matter is going forward for purposes of scheduling a hearing on Docket No 30.

Dated: April 16, 2019
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Andrew R. Remming

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