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

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

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

In re:

INVITAE CORPORATION, *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11362 (MBK)

(Jointly Administered)

**DECLARATION OF LEIGH J. MARTINSON, ON BEHALF OF
PROPOSED ORDINARY COURSE PROFESSIONAL MCCARTER & ENGLISH LLP**

¹ 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.kccllc.net/invitae. The Debtors' service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.



2411362240405000000000041

I, Leigh J. Martinson, pursuant to Section 1746 of title 28 of the United States Code, hereby declare that the following is true to the best of my information, knowledge, and belief:

1. I am a Partner of McCarter & English, LLP, located at 265 Franklin St. Boston, MA 02110 (the “Company”).

2. This Declaration is submitted in connection with an order of the United States Bankruptcy Court for the District of New Jersey authorizing Invitae Corporation and/or its affiliated debtors (collectively, the “Debtors”) to retain certain professionals in the ordinary course of business during the pendency of the Debtors’ chapter 11 cases [Docket No. 197] (the “Order”). Following the date that the Debtors commenced their chapter 11 cases (the “Petition Date”), the Debtors requested that the Company provide professional services (or continue to provide such services) to the Debtors, and the Company has consented to provide such services. Accordingly, the Company is submitting this Declaration pursuant to the Order.

3. The Company, through me, and other members, partners, associates, or employees of the Company, has provided, or plans to provide, the following services to the Debtors from and after the Petition Date: legal services such as litigation services and the like.

4. The Company may have performed services in the past and may perform services in the future, in matters unrelated to these chapter 11 cases, for persons that are parties in interest in these cases. As part of its customary practice, the Company is retained in cases, proceedings, and transactions involving many different parties, some of whom may represent or be claimants or employees of the Debtors, or other parties in interest in these cases. The Company does not perform services for any such person in connection with these cases. In addition, the Company does not have any relationship with any such person, their attorneys, or accountants that would be adverse to the Debtors or their estates.

5. Neither I, nor any principal of, or professional employed by the Company has agreed to share or will share any portion of the compensation to be received from the Debtors with any other person other than the principals and regular employees of the Company.

6. Neither I, nor any principal of, or professional employed by the Company, insofar as I have been able to discover, holds or represents any interest adverse to the Debtors or their estates.

7. The Company believes that it is not owed any amounts on account of services rendered and expenses incurred prior to the Petition Date in connection with the Company's employment by the Debtors. The Company agrees to waive all unpaid amounts for services rendered prior to the Petition Date.

8. As of the Petition Date, which was the date on which the Debtors commenced these chapter 11 cases, the Company was not party to an agreement for indemnification with the Debtors.

9. At any time during the period of its employment, if the Company should discover any facts bearing on the matters described herein, the Company will supplement the information contained in this Declaration.

10. I, or a representative of the Company, have read and am familiar with the requirements of the *Order Authorizing Employment and Payment of Professionals Utilized in the Ordinary Course of Business*.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this March 26, 2024 in Wilmington, Massachusetts, United States.

A handwritten signature in blue ink, reading "Leigh J. Martinson".

Leigh J. Martinson

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

In re:

INVITAE CORPORATION, *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11362 (MBK)

(Jointly Administered)

RETENTION QUESTIONNAIRE

**TO BE COMPLETED BY EACH ORDINARY COURSE PROFESSIONAL
EMPLOYED BY THE DEBTORS**

Do not file this Questionnaire with the Court. Please return it to:

KIRKLAND & ELLIS LLP

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Joshua A. Sussberg, P.C. (admitted *pro hac vice*)

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If more space is needed, please complete on a separate page and attach.

1. Name and address of firm:

McCarter & English, LLP, 265 Franklin St., Boston, MA 02110.

2. Date of retention:

June 12, 2020.

3. Type of services provided (accounting, legal, etc.):

Legal services including, but not limited to, litigation, appellate, and related activities.

4. Brief description of services to be provided:

Assist Invitae in ongoing patent litigation, appellate litigation, and settlement strategies.

5. Prepetition claims against the Debtors held by the firm (if any):

None.

6. Arrangements for compensation (hourly, contingent, etc.):

Hourly rates with negotiated discount.

(a) Average hourly rate (if applicable):

Partners \$850, Senior Associates \$650, Associates \$550, Paralegals \$350, Assistants \$175.

(b) Estimated average monthly compensation:

\$100,000.

7. Prepetition claims against the Debtors held individually by any member, associate, or professional employee of the firm:

None.

8. Disclose the nature and provide a brief description of any interest adverse to the Debtors or to its estate with respect to the matters on which the above-named firm is to be employed:

None.

9. Name and title of individual completing this Retention Questionnaire:

Leigh J. Martinson, Partner

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true
and correct to the best of my knowledge and information.

Dated: March 26, 2024

A handwritten signature in blue ink that reads "Leigh J. Martinson". The signature is written in a cursive, flowing style.

Leigh J. Martinson
Partner
McCarter & English, LLP