

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re

MELINTA THERAPEUTICS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 19-12748 (LSS)

Jointly Administered

**NOTICE OF AMENDED² AGENDA OF MATTERS SCHEDULED FOR
HEARING ON JANUARY 28, 2020 AT 1:30 P.M. (EASTERN TIME)
BEFORE THE HONORABLE LAURIE SELBER SILVERSTEIN³**

Please note that the hearing location has changed; the hearing will be held in the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 6th Floor, Courtroom #2 Wilmington, Delaware 19801.

Certifications of No Objection/Certifications of Counsel

1. Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to Pay Certain Prepetition Taxes and Related Obligations (Filed December 27, 2019) [Docket No. 9]

Related Documents:

- (a) Interim Order Authorizing Debtors to Pay Certain Prepetition Taxes and Related Obligations (Entered December 30, 2019) [Docket No. 51]
- (b) Notice of Entry of Interim Order and Final Hearing with Respect to the Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to Pay Certain

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are: Melinta Therapeutics, Inc. (0364); Cemptra Pharmaceuticals, Inc. (5814); CEM-102 Pharmaceuticals, Inc. (4262); Melinta Subsidiary Corp. (9437); Rempex Pharmaceuticals, Inc. (6000); and Targanta Therapeutics Corporation (1077). The address of the Debtors' corporate headquarters is 44 Whippany Road, Suite 280, Morristown, New Jersey 07960.

² **Amendments appear in bold print.**

³ The hearing will be held before The Honorable Laurie Selber Silverstein at the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, **6th Floor, Courtroom #2**, Wilmington, Delaware 19801. Any person who wishes to appear telephonically at the hearing must contact COURTCALL, LLC at 866-582-6878 to register his/her telephonic appearance in accordance with the Instructions for Telephonic Appearances Effective January 5, 2005, Revised May 11, 2018.



Prepetition Taxes and Related Obligations (Filed December 30, 2019) [Docket No. 60]

- (c) Certification of Counsel Regarding Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to Pay Certain Prepetition Taxes and Related Obligations (Filed January 23, 2020) [Docket No. 154]

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Official Committee of Unsecured Creditors (the “**Committee**”), Vatera Healthcare Partners LLC (“**Vatera**”), and the Office of the United States Trustee for the District of Delaware (the “**U.S. Trustee**”) until January 21, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Informal response of the Committee

Status: A certification of counsel was filed with the Court. This matter will not be going forward unless otherwise directed by the Court.

- 2. Motion of Debtors for Entry of Interim and Final Orders (I) Approving Debtors’ Proposed Form of Adequate Assurance of Payment; (II) Establishing Procedures for Resolving Objections by Utility Companies; and (III) Prohibiting Utility Companies From Altering, Refusing, or Discontinuing Service (Filed December 27, 2019) [Docket No. 10]

Related Documents:

- (a) Interim Order (I) Approving Debtors’ Proposed Form of Adequate Assurance of Payment; (II) Establishing Procedures for Resolving Objections by Utility Companies; and (III) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Service (Entered January 2, 2020) [Docket No. 71]
- (b) Notice of Entry of Interim Order and Final Hearing with Respect to Motion of Debtors for Entry of Interim and Final Orders (I) Approving Debtors’ Proposed Form of Adequate Assurance of Payment; (II) Establishing Procedures for Resolving Objections by Utility Companies; and (III) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Service (Filed January 2, 2020) [Docket No. 74]
- (c) Certification of Counsel Regarding Motion of Debtors for Entry of Interim and Final Orders (I) Approving Debtors’ Proposed Form of Adequate Assurance of Payment; (II) Establishing Procedures for Resolving Objections by Utility Companies; and (III) Prohibiting Utility Companies From Altering, Refusing, or Discontinuing Service (Filed January 23, 2020) [Docket No. 155]

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee, Vatera, and the U.S. Trustee until January 21, 2020 at 4:00 p.m. (ET).

Responses Received:

(a) Informal response of the Committee

Status: A certification of counsel was filed with the Court. This matter will not be going forward unless otherwise directed by the Court.

3. Motion of Debtors for Entry of Interim and Final Orders Authorizing Payment of Prepetition Claims of Certain Critical Vendors (Filed December 27, 2019) [Docket No. 12]

Related Documents:

(a) Interim Order Authorizing Payment of Prepetition Claims of Certain Critical Vendors (Entered December 30, 2019) [Docket No. 53]

(b) Notice of Entry of Interim Order and Final Hearing with Respect to the Motion of Debtors for Entry of Interim and Final Orders Authorizing Payment of Prepetition Claims of Certain Critical Vendors (Filed December 30, 2019) [Docket No. 62]

(c) Certification of Counsel Regarding Motion of Debtors for Entry of Interim and Final Orders Authorizing Payment of Prepetition Claims of Certain Critical Vendors (Filed January 23, 2020) [Docket No. 156]

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee, Vatera, and the U.S. Trustee until January 21, 2020 at 4:00 p.m. (ET).

Responses Received:

(a) Informal response of the U.S. Trustee

(b) Informal response of the Committee

Status: A certification of counsel was filed with the Court. This matter will not be going forward unless otherwise directed by the Court.

4. Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to Honor Certain Prepetition Obligations to Customers and to Continue Customer Programs (Filed December 27, 2019) [Docket No. 13]

Related Documents:

- (a) Interim Order Authorizing Debtors to Honor Certain Prepetition Obligations to Customers and to Continue Customer Programs (Entered December 30, 2019) [Docket No. 54]
- (b) Notice of Entry of Interim Order and Final Hearing with Respect to the Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to Honor Certain Prepetition Obligations to Customers and to Continue Customer Programs (Filed December 30, 2019) [Docket No. 63]
- (c) Certification of Counsel Regarding Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to Honor Certain Prepetition Obligations to Customers and to Continue Customer Programs (Filed January 23, 2020) [Docket No. 157]

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for Vatera until January 21, 2020 at 4:00 p.m. (ET); extended for the U.S. Trustee until January 22, 2020 at 4:00 p.m. (ET); and extended for the Committee until January 22, 2020 at 6:00 p.m. (ET).

Responses Received:

- (a) Informal response of the U.S. Trustee
- (b) Informal response of the Committee

Status: A certification of counsel was filed with the Court. This matter will not be going forward unless otherwise directed by the Court.

- 5. Motion of Debtors for Entry of Order Pursuant to Bankruptcy Code Sections 105(a), 501, 502, 503, and 1111(a), Bankruptcy Rules 2002 and 3003(c)(3), and Local Bankruptcy Rules 1009-2 and 2002-1(e) (I) Establishing Bar Dates for Filing Claims Against the Debtors and (II) Approving Form and Manner of Notice Thereof (Filed January 3, 2020) [Docket No. 84]

Related Documents:

- (a) Certification of Counsel Regarding Motion of Debtors for Entry of Order Pursuant to Bankruptcy Code Sections 105(a), 501, 502, 503, and 1111(a), Bankruptcy Rules 2002 and 3003(c)(3), and Local Bankruptcy Rules 1009-2 and 2002-1(e) (I) Establishing Bar Dates for Filing Claims Against the Debtors and (II) Approving Form and Manner of Notice Thereof (Filed January 23, 2020) [Docket No. 158]

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee, Vatera, and the U.S. Trustee until January 21, 2020 at 4:00 p.m. (ET).

Responses Received:

(a) Informal response of the U.S. Trustee

Status: A certification of counsel was filed with the Court. This matter will not be going forward unless otherwise directed by the Court.

6. Motion of Debtors for Entry of Order Extending Time for Debtors to File Schedules and Statements (Filed January 3, 2020) [Docket No. 86]

Related Documents:

(a) Certification of No Objection Regarding Motion of Debtors for Entry of Order Extending Time for Debtors to File Schedules and Statements (Filed January 23, 2020) [Docket No. 160]

(b) **Order Extending Time for Debtors to File Schedules and Statements (Filed January 27, 2020) [Docket No. 185]**

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee, Vatera, and the U.S. Trustee until January 21, 2020 at 4:00 p.m. (ET).

Responses Received: None.

Status: **This matter will not be going forward. The Court entered an order granting the Motion.**

7. Application of Debtors for Order Under 11 U.S.C. § 327, Fed. R. Bankr. P. 2014, and Del. Bank. L.R. 2014-1 Authorizing the Employment and Retention of Kurtzman Carson Consultants LLC as Administrative Agent to the Debtors, *Nunc Pro Tunc* to the Petition Date (Filed January 3, 2020) [Docket No. 89]

Related Documents:

(a) Certification of Counsel Regarding Application of Debtors for Order Under 11 U.S.C. § 327, Fed. R. Bankr. P. 2014, and Del. Bank. L.R. 2014-1 Authorizing the Employment and Retention of Kurtzman Carson Consultants LLC as Administrative Agent to the Debtors, *Nunc Pro Tunc* to the Petition Date (Filed January 23, 2020) [Docket No. 159]

- (b) **Order Under 11 U.S.C. § 327, Fed. R. Bankr. P. 2014, and Del. Bank. L.R. 2014-1 Authorizing the Employment and Retention of Kurtzman Carson Consultants LLC as Administrative Agent to the Debtors, *Nunc Pro Tunc* to the Petition Date (Filed January 27, 2020) [Docket No. 186]**

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee, Vatera, and the U.S. Trustee until January 21, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Informal response of the U.S. Trustee

Status: **This matter will not be going forward. The Court entered an order granting the Application.**

Matters Going Forward

8. Motion of Debtors for Entry of Order (I) Authorizing the Debtors to File a Consolidated Creditor Matrix in Lieu of Submitting a Separate Creditor Matrix for each Debtor, (II) Authorizing the Debtors to File Under Seal Certain Portions of the Debtors' Consolidated Creditor Matrix, Schedules and Statements, and Other Bankruptcy Documents Containing Employee Address Information, and (III) Granting Related Relief (Filed December 27, 2019) [Docket No. 6]

Related Documents:

- (a) Certification of Debtors' Consolidated List of Creditors (Filed December 27, 2019) [Docket No. 3 (Sealed); Docket No. 4 (Redacted)]
- (b) Interim Order (I) Authorizing the Debtors to File a Consolidated Creditor Matrix in Lieu of Submitting a Separate Creditor Matrix for Each Debtor, (II) Authorizing the Debtors to File Under Seal Certain Portions of the Debtors' Consolidated Creditor Matrix, Schedules and Statements, and Other Bankruptcy Documents Containing Employee Address Information, and (III) Granting Related Relief (Entered January 2, 2020) [Docket No. 76]
- (c) Notice of Entry of Interim Order and Final Hearing with Respect to Motion of the Debtors for Entry of Order (I) Authorizing the Debtors to File a Consolidated Creditor Matrix in Lieu of Submitting a Separate Creditor Matrix for Each Debtor, (II) Authorizing the Debtors to File Under Seal Certain Portions of the Debtors' Consolidated Creditor Matrix, Schedules and Statements, and Other Bankruptcy Documents Containing Employee Address Information, and (III) Granting Related Relief (Filed January 2, 2020) [Docket No. 79]

- (d) **Notice of Filing of Proposed Final Order (I) Authorizing the Debtors to File Under Seal Certain Portions of the Debtors' Consolidated Creditor Matrix, Schedules and Statements, and Related Affidavits of Service Containing Employee Address Information, and (II) Granting Related Relief (Filed January 27, 2020) [Docket No. 180]**

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee, Vatera, and U.S. Trustee until January 21, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Limited Objection of the United States Trustee to the Motion of Debtors for Entry of Order (I) Authorizing the Debtors to File a Consolidated Creditor Matrix in Lieu of Submitting a Separate Creditor Matrix for each Debtor, (II) Authorizing the Debtors to File Under Seal Certain Portions of the Debtors' Consolidated Creditor Matrix, Schedules and Statements, and Other Bankruptcy Documents Containing Employee Address Information, and (III) Granting Related Relief (Filed January 17, 2020) [Docket No. 116]
- (b) Reply of Debtors to Limited Objection of the United States Trustee to the Motion of Debtors for Entry of Order (I) Authorizing the Debtors to File a Consolidated Creditor Matrix in Lieu of Submitting a Separate Creditor Matrix for each Debtor, (II) Authorizing the Debtors to File Under Seal Certain Portions of the Debtors' Consolidated Creditor Matrix, Schedules and Statements, and Other Bankruptcy Documents Containing Employee Address Information, and (III) Granting Related Relief (Filed January 24, 2020) [Docket No. 176]

Status: This matter will be going forward.

9. Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to (I) Maintain Existing **Insurance** Policies and Pay All Insurance Obligations Arising Thereunder and (II) Renew, Revise, Extend, Supplement, Change, or Enter Into New Insurance Policies (Filed December 27, 2019) [Docket No. 8]

Related Documents:

- (a) Interim Order Authorizing Debtors to (I) Maintain Existing Insurance Policies and Pay All Insurance Obligations Arising Thereunder and (II) Renew, Revise, Extend, Supplement, Change, or Enter Into New Insurance Policies (Entered December 30, 2010) [Docket No. 50]
- (b) Notice of Entry of Interim Order and Final Hearing with Respect to the Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to (I) Maintain Existing Insurance Policies and Pay all Insurance Obligations Arising Thereunder and (II) Renew, Revise, Extend, Supplement, Change, or Enter Into New Insurance Policies (Filed December 30, 2010) [Docket No. 64]

(c) Notice of Filing of Proposed Final Order Authorizing Debtors to (I) Maintain Existing Insurance Policies and Pay All Insurance Obligations Arising Thereunder and (II) Renew, Revise, Extend, Supplement, Change, or Enter Into New Insurance Policies (Filed January 27, 2020) [Docket No. 184]

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee, Vatera, the U.S. Trustee, and the Chubb Companies until January 21, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Objection of Vatera Healthcare Partners LLC to Debtors' Motion for Authorization to (I) Maintain Existing Insurance Policies and Pay All Insurance Obligations Arising Thereunder and (II) Renew, Revise, Extend, Supplement, Change, or Enter Into New Insurance Policies (filed December 30, 2019) [Docket No. 32]
- (b) Objection and Reservation of Rights of Vatera Healthcare Partners LLC to Debtors' Motion for Authorization to (I) Maintain Existing Insurance Policies and Pay All Insurance Obligations Arising Thereunder and (II) Renew, Revise, Extend, Supplement, Change, or Enter Into New Insurance Policies (filed January 21, 2020) [Docket No. 128]
- (c) Deerfield's Omnibus Reply and Statement in Support of the Debtors' Bidding Procedures Motion, Cash Collateral Motion and Other First Day Motions (Filed January 24, 2020) [Docket No. 167]
- (d) Informal response of the Chubb Companies
- (e) Informal response of the Committee

Status: This matter will be going forward. The concerns raised by the Chubb Companies and the Committee have been addressed through revisions to the proposed form of final order; the objection filed by Vatera is the only remaining objection to the motion.

- 10. Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to Pay Prepetition Wages, Compensation, and Employee Benefits (Filed December 27, 2019) [Docket No. 11]

Related Documents:

- (a) Interim Order Authorizing Debtors to Pay Prepetition Wages, Compensation, and Employee Benefits (Entered December 30, 2019) [Docket No. 52]

- (b) Notice of Entry of Interim Order and Final Hearing with Respect to Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to Pay Prepetition Wages, Compensation, and Employee Benefits (Filed December 30, 2019) [Docket No. 61]

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for Vatera, the U.S. Trustee, and the Chubb Companies until January 21, 2020 at 4:00 p.m. (ET); and extended for the Committee until January 22, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Objection and Reservation of Rights of United States Trustee to Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to Pay Prepetition Wages, Compensation and Employee Benefits (Filed January 22, 2020) [Docket No. 144]
- (b) Objection of the Official Committee of Unsecured Creditors to the Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to Pay Prepetition Wages, Compensation and Employee Benefits (Filed January 22, 2020) [Docket No. 146]
- (c) **Omnibus** Reply in Support of Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to Pay Prepetition Wages, Compensation, and Employee Benefits (Filed January 24, 2020) [Docket No. 166]
- (d) Informal response of the Chubb Companies

Status: This matter will be going forward.

- 11. Motion of Debtors for Entry of Interim and Final Orders Establishing Notice and Hearing Procedures for Trading In, or Claims of Worthlessness with Respect to, Equity Securities in the Debtors (Filed December 27, 2019) [Docket No. 15]

Related Documents:

- (a) Interim Order Establishing Notice and Hearing Procedures for Trading in, or Claims of Worthlessness with Respect to, Equity Securities in the Debtors (Entered January 2, 2020) [Docket No. 72]
- (b) Notice of Entry of Interim Order and Final Hearing with Respect to the Motion of Debtors for Entry of Interim and Final Orders Establishing Notice and Hearing Procedures for Trading in, or Claims of Worthlessness with Respect to, Equity Securities in the Debtors (Filed January 3, 2020) [Docket No. 81]

- (c) Notice of Interim Order Establishing Notice and Hearing Procedures for Trading in, or Claims of Worthlessness with Respect to, Equity Securities in the Debtors (Filed January 3, 2020) [Docket No. 82]
- (d) **Notice of Filing of Proposed Final Order Establishing Notice and Hearing Procedures for Trading In, or Claims of Worthlessness with Respect to, Equity Securities in the Debtors (Filed January 27, 2020) [Docket No. 189]**

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee, Vatera, and the U.S. Trustee until January 21, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Objection of Vatera Healthcare Partners LLC to Debtors' Motion for Entry of a Final Order Establishing Notice and Hearing Procedures for Trading In, or Claims of Worthlessness with Respect to, Equity Securities in the Debtors (**Filed January 21, 2020) [Docket No. 129]**
- (b) Reply of Debtors in Support of Motion of Debtors for Entry of Interim and Final Orders Establishing Notice and Hearing Procedures for Trading In, or Claims of Worthlessness with Respect to, Equity Securities in the Debtors (Filed January 24, 2020) [Docket No. 162]
- (c) Deerfield's Omnibus Reply and Statement in Support of the Debtors' Bidding Procedures Motion, Cash Collateral Motion and Other First Day Motions (Filed January 24, 2020) [Docket No. 167]
- (d) Informal response of the Committee

Status: This matter will be going forward. The concerns raised by the Committee have been addressed through revisions to the proposed form of final order; the objection filed by Vatera is the only remaining objection to the motion.

- 12. Motion of Debtors for Interim and Final Orders (I) Authorizing the Use of Cash Collateral; (II) Granting Adequate Protection; (III) Modifying Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief (Filed December 27, 2019) [Docket No. 16]

Related Documents:

- (a) Interim Order (I) Authorizing the Use of Cash Collateral; (II) Granting Adequate Protection; (III) Modifying the Automatic Stay; (IV) Scheduling Final Hearing; and (V) Granting Related Relief (Entered January 2, 2020) [Docket No. 77]

- (b) Notice of Entry of Interim Order and Final Hearing with Respect to the Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Use of Cash Collateral; (II) Granting Adequate Protection; (III) Modifying Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief (Filed January 2, 2020) [Docket No. 78]
- (c) **Notice of Filing of Proposed Final Order (I) Authorizing the Use of Cash Collateral; (II) Granting Adequate Protection; (III) Modifying the Automatic Stay; and (IV) Granting Related Relief (Filed January 27, 2020) [Docket No. 188]**

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee and Vatera until January 21, 2020 at 4:00 p.m. (ET); and extended for the U.S. Trustee until January 22, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Limited Objection of Vatera Healthcare Partners LLC to Debtors' Motion for Entry of a Final Order (I) Authorizing the Use of Cash Collateral; (II) Granting Adequate Protection; (III) Modifying Automatic Stay; and (IV) Granting Related Relief (Filed January 21, 2020) [Docket No. 126]
- (b) Objection of the Official Committee of Unsecured Creditors to Debtors' Motion Seeking Interim and Final Orders (I) Authorizing the Use of Cash Collateral; (II) Granting Adequate Protection; (III) Modifying Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief (Filed January 21, 2020) [Docket No. 137]
- (c) Limited Objection and Reservation of Rights of United States Trustee to Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Use of Cash Collateral; (II) Granting Adequate Protection; (III) Modifying Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief (Filed January 22, 2020) [Docket No. 148]
- (d) Deerfield's Omnibus Reply and Statement in Support of the Debtors' Bidding Procedures Motion, Cash Collateral Motion and Other First Day Motions (Filed January 24, 2020) [Docket No. 167]
- (e) Omnibus Reply of Debtors in Support of the Debtors' Cash Collateral Motion (Filed January 24, 2020) [Docket No. 168]

Status: This matter will be going forward.

- 13. Motion of Debtors for Orders (I)(A) Establishing Bidding Procedures; (B) Approving Expense Reimbursement; (C) Establishing Procedures Relating to the Assumption or Assumption and Assignment of Certain Executory Contracts and Unexpired Leases,

Including Notice of Proposed Cure Amounts; (D) Approving Form and Manner of Notice of All Procedures, Protections, Schedules, and Agreements; (E) Scheduling a Hearing to Consider any Proposed Sale; and (F) Granting Certain Related Relief; and (II)(A) Approving any Sale of Substantially All of Debtors' Assets and (B) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases in Connection with the Sale; and (C) Granting Related Relief or, in the Alternative (III)(A) Authorizing Debtors' Assumption of Restructuring Support Agreement and (B) Granting Related Relief (Filed December 30, 2019) [Docket No. 67]

Related Documents:

- (a) Declaration of Jeffrey Finger in Support of Debtors' Bidding Procedures Motion (Filed January 24, 2020) [Docket No. 164]
- (b) Declaration of Peter Milligan in Support of Debtors' Bidding Procedures Motion (Filed January 24, 2020) [Docket No. 165]

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee and Vatera until January 21, 2020 at 4:00 p.m. (ET); and extended for the U.S. Trustee until January 22, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Objection of Vatera Healthcare Partners LLC to Debtors' Motion for Order Approving Bidding Procedures (Filed January 21, 2020) [Docket No. 127]
- (b) Objection of the Official Committee of Unsecured Creditors to the Motion of Debtors for Order (I)(A) Establishing Bidding Procedures; (B) Approving Expense Reimbursement; (C) Establishing Procedures Relating to the Assumption or Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, Including Notice of Proposed Cure Amounts; (D) Approving Form and Manner of Notice of All Procedures, Protections, Schedules, and Agreements; (E) Scheduling a Hearing to Consider any Proposed Sale (Filed January 21, 2020) [Docket No. 136]
- (c) Objection of United States Trustee to Motion of Debtors for Orders Establishing Bidding Procedures (Filed January 22, 2020) [Docket No. 147]
- (d) Omnibus Reply of Debtors in Support of Debtors' Bidding Procedures Motion (Filed January 24, 2020) [Docket No. 163]
- (e) Deerfield's Omnibus Reply and Statement in Support of the Debtors' Bidding Procedures Motion, Cash Collateral Motion and Other First Day Motions (Filed January 24, 2020) [Docket No. 167]

Status: This matter will be going forward.

14. Motion of Debtors for Entry of Order Authorizing the Employment and Payment of Professionals Used in the Ordinary Course of Business (Filed January 3, 2020) [Docket No. 83]

Related Documents:

- (a) Notice of Filing of Proposed Form of Order Authorizing the Employment and Payment of Professionals Used in the Ordinary Course of Business (Filed January 23, 2020) [Docket No. 161]

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee, Vatera, and the U.S. Trustee until January 21, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Limited Objection of Vatera Healthcare Partners LLC to Debtors' (I) Ordinary Course Professionals Motion, (II) Interim Compensation Procedures Motion, (III) Application to Retain Cole Schotz P.C., (IV) Application to Retain Portage Point Partners, LLC, (V) Application to Retain Jefferies LLC, and (VI) Application to Retain Skadden, Arps, Slate, Meagher & Flom LLP (Filed January 21, 2020) [Docket No. 131]
- (b) Limited Objection of United States Trustee to Motion of Debtors for Entry of Order Authorizing the Employment and Payment of Professionals Used in the Ordinary Course of Business (Filed January 21, 2020) [Docket No. 138]
- (c) Deerfield's Omnibus Reply and Statement in Support of the Debtors' Bidding Procedures Motion, Cash Collateral Motion and Other First Day Motions (Filed January 24, 2020) [Docket No. 167]
- (d) Informal response of the Committee

Status: This matter will be going forward.

15. Motion of Debtors for Entry of Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals (Filed January 3, 2020) [Docket No. 85]

Related Documents:

- (a) **Notice of Filing of Proposed Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals (Filed January 27, 2020) [Docket No. 181]**

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee, Vatera, and the U.S. Trustee until January 21, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Limited Objection of Vatera Healthcare Partners LLC to Debtors' (I) Ordinary Course Professionals Motion, (II) Interim Compensation Procedures Motion, (III) Application to Retain Cole Schotz P.C., (IV) Application to Retain Portage Point Partners, LLC, (V) Application to Retain Jefferies LLC, and (VI) Application to Retain Skadden, Arps, Slate, Meagher & Flom LLP (Filed January 21, 2020) [Docket No. 131]

Status: This matter will be going forward.

- 16. Application of Debtors for Entry of Order Authorizing the Retention and Employment of Cole Schotz P.C. as Co-Counsel to Debtors, *Nunc Pro Tunc* to the Petition Date (Filed January 3, 2020) [Docket No. 87]

Related Documents:

- (a) Amended and Supplemental Declaration of Peter Milligan in Support of Application of Debtors for Entry of Order Authorizing the Retention and Employment of Cole Schotz P.C. as Co-Counsel to Debtors, *Nunc Pro Tunc* to the Petition Date (Filed January 23, 2020) [Docket No. 153] (**the "Supplemental Milligan Retention Declaration"**)
- (b) **Notice of Filing of Proposed Order Authorizing the Retention and Employment of Cole Schotz P.C. as Co-Counsel to Debtors, *Nunc Pro Tunc* to the Petition Date (Filed January 27, 2020) [Docket No. 187]**

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee and Vatera until January 21, 2020 at 4:00 p.m. (ET); and extended for the U.S. Trustee until January 22, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Limited Objection of Vatera Healthcare Partners LLC to Debtors' (I) Ordinary Course Professionals Motion, (II) Interim Compensation Procedures Motion, (III) Application to Retain Cole Schotz P.C., (IV) Application to Retain Portage Point Partners, LLC, (V) Application to Retain Jefferies LLC, and (VI) Application to Retain Skadden, Arps, Slate, Meagher & Flom LLP (Filed January 21, 2020) [Docket No. 131]
- (b) Informal response of the U.S. Trustee

Status: This matter will be going forward. **The concerns raised by the United States Trustee have been addressed through the filing of the Supplemental Milligan Retention Declaration and revisions to the proposed form of order; the objection filed by Vatera is the only remaining objection to the application.**

17. Application of Debtors for Entry of Order (I) Authorizing the Employment and Retention of Portage Point Partners, LLC as Financial Advisor to the Debtors Effective *Nunc Pro Tunc* to the Petition Date, (II) Approving the Terms of Portage Point's Employment and Retention, and (III) Granting Related Relief (Filed January 3, 2020) [Docket No. 88]

Related Documents:

- (a) Supplemental Declaration of Matthew Ray in Support of Application of Debtors for Entry of Order (I) Authorizing the Employment and Retention of Portage Point Partners, LLC as Financial Advisor to the Debtors Effective *Nunc Pro Tunc* to the Petition Date, (II) Approving the Terms of Portage Point's Employment and Retention, and (III) Granting Related Relief (Filed January 23, 2020) [Docket No. 152] **(the "Supplemental Ray Declaration")**
- (b) **Notice of Filing of Proposed Order (I) Authorizing the Employment and Retention of Portage Point Partners, LLC as Financial Advisor to the Debtors Effective *Nunc Pro Tunc* to the Petition Date, (II) Approving the Terms of Portage Point's Employment and Retention, and (III) Granting Related Relief (Filed January 27, 2020) [Docket No. 182]**

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee, Vatera, and the U.S. Trustee until January 21, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Limited Objection of Vatera Healthcare Partners LLC to Debtors' (I) Ordinary Course Professionals Motion, (II) Interim Compensation Procedures Motion, (III) Application to Retain Cole Schotz P.C., (IV) Application to Retain Portage Point Partners, LLC, (V) Application to Retain Jefferies LLC, and (VI) Application to Retain Skadden, Arps, Slate, Meagher & Flom LLP (Filed January 21, 2020) [Docket No. 131]
- (b) Informal response of the U.S. Trustee

Status: This matter will be going forward. The concerns raised by the U.S. Trustee have been **addressed through the filing of the Supplemental Ray Declaration and revisions to the proposed form of order**; the objection filed by Vatera is the only remaining objection to the application.

18. Application of Debtors for Entry of an Order (I) Authorizing the Retention and Employment of Jefferies LLC as Investment Banker for the Debtors and Debtors in Possession Pursuant to 11 U.S.C. §§ 327(a) and 328(a), *Nunc Pro Tunc* to the Petition Date and (II) Waiving Certain Time-Keeping Requirements (Filed January 3, 2020) [Docket No. 90]

Related Documents:

- (a) Supplemental Declaration of Jeffrey Finger in Support of the Application of Debtors for Entry of an Order (I) Authorizing the Retention and Employment of Jefferies LLC as Investment Banker for the Debtors and Debtors in Possession Pursuant to 11 U.S.C. §§ 327(a) and 328(a), *Nunc Pro Tunc* to the Petition Date and (II) Waiving Certain Time-Keeping Requirements (Filed January 23, 2020) [Docket No. 149] **(the “Supplemental Finger Declaration”)**
- (b) **Notice of Filing of Proposed Order (I) Authorizing the Retention and Employment of Jefferies LLC as Investment Banker for the Debtors and Debtors in Possession Pursuant to 11 U.S.C. §§ 327(a) and 328(a), *Nunc Pro Tunc* to the Petition Date and (II) Waiving Certain Time-Keeping Requirements (Filed January 27, 2020) [Docket No. 183]**

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee and Vatera until January 21, 2020 at 4:00 p.m. (ET); and extended for the U.S. Trustee until January 22, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Limited Objection of Vatera Healthcare Partners LLC to Debtors’ (I) Ordinary Course Professionals Motion, (II) Interim Compensation Procedures Motion, (III) Application to Retain Cole Schotz P.C., (IV) Application to Retain Portage Point Partners, LLC, (V) Application to Retain Jefferies LLC, and (VI) Application to Retain Skadden, Arps, Slate, Meagher & Flom LLP (Filed January 21, 2020) [Docket No. 131]
- (b) Informal response of the U.S. Trustee

Status: This matter will be going forward. The concerns raised by the U.S. Trustee have been **addressed through the filing of the Supplemental Finger Declaration and revisions to the proposed form of order**; the objection filed by Vatera is the only remaining objection to the application.

19. Motion of Debtors for Entry of Order Authorizing the Debtors to Redact References to Confidential Information in the Motion of Debtors for Entry of an Order Approving the

Implementation of the Debtors' Key Employee Incentive Plan (Filed January 3, 2020) [Docket No. 91]

Related Documents: None.

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for Vatera and the U.S. Trustee until January 21, 2020 at 4:00 p.m. (ET); and extended for the Committee until January 22, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) United States Trustee's Limited Objection to Motion of Debtors for Entry of Order Authorizing the Debtors to Redact References to Confidential Information in the Motion of Debtors for Entry of an Order Approving the Implementation of the Debtors' Key Employee Incentive Plan (Filed January 21, 2020) [Docket No. 135]
- (b) Omnibus Reply of Debtors in Support of (A) Debtors' Key Employee Incentive Plan Motion and (B) Debtors' Motion to Redact the Debtors' Key Employee Incentive Plan Motion (Filed January 24, 2020) [Docket No. 170]

Status: This matter will be going forward.

- 20. Motion of Debtors for Entry of an Order Approving the Implementation of the Debtors' Key Employee Incentive Plan (Filed January 3, 2020) [Docket No. 92 (Sealed); Docket No. 93 (Redacted)]

Related Documents:

- (a) Motion of Debtors for Entry of Order Authorizing the Debtors to Redact References to Confidential Information in the Declaration of David Gill in Support of (A) Debtors' Key Employee Incentive Plan And (B) Debtors' Motion To Redact The Debtors' Key Employee Incentive Plan Motion (Filed January 24, 2020) [Docket No. 172]
- (b) Declaration of David Gill in Support of (A) Debtors' Key Employee Incentive Plan and (B) Debtors' Motion to Redact the Debtors' Key Employee Incentive Plan Motion (Filed January 24, 2020) [Docket No. 173 (Sealed); Docket No. 174 (Redacted)]

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee and Vatera until January 21, 2020 at 4:00 p.m. (ET); and extended for the U.S. Trustee until January 22, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Objection of Vatera Healthcare Partners LLC to Debtors' Motion for an Order Approving the Implementation of the Debtors' Key Employee Incentive Plan (Filed January 21, 2020) [Docket No. 130]
- (b) Objection of the Official Committee of Unsecured Creditors to the Debtors' Motion for Order Approving the Implementation of the Debtors' Key Employee Incentive Plan (Filed January 21, 2020) [Docket No. 133 (Sealed)]
- (c) Motion of the Official Committee of Unsecured Creditors to File Under Seal the Committee's Objection to Motion of Debtors for Entry of an Order Approving the Implementation of the Debtors' Key Employee Incentive Plan (Filed January 21, 2020) [Docket No. 134]
- (d) Objection of the United States Trustee to Motion of Debtors for Entry of an Order Approving the Implementation of the Debtors' Key Employee Incentive Plan (Filed January 22, 2020) [Docket No. 145]
- (e) Deerfield's Omnibus Reply and Statement in Support of the Debtors' Bidding Procedures Motion, Cash Collateral Motion and Other First Day Motions (Filed January 24, 2020) [Docket No. 167]
- (f) Omnibus Reply of Debtors in Support of (A) Debtors' Key Employee Incentive Plan Motion and (B) Debtors' Motion to Redact the Debtors' Key Employee Incentive Plan Motion (Filed January 24, 2020) [Docket No. 170]

Status: This matter is going forward.

- 21. Application of Debtors for Order Authorizing Employment and Retention of Skadden, Arps, Slate, Meagher & Flom LLP as Counsel to the Debtors *Nunc Pro Tunc* to the Petition Date (Filed January 3, 2020) [Docket No. 94]

Related Documents:

- (a) Supplemental Declaration of Ron E. Meisler in Support of Application of Debtors for Order Authorizing Employment and Retention of Skadden, Arps, Slate, Meagher & Flom LLP as Counsel to the Debtors *Nunc Pro Tunc* to the Petition Date (Filed January 10, 2020) [Docket No. 102]
- (b) **Second Supplemental Declaration of Ron E. Meisler in Support of Application of Debtors for Order Authorizing Employment and Retention of Skadden, Arps, Slate, Meagher & Flom LLP as Counsel to the Debtors *Nunc Pro Tunc* to the Petition Date (Filed January 24, 2020) [Docket No. 178]**

Objection Deadline: January 17, 2020 at 4:00 p.m. (ET), extended for the Committee and Vatera until January 21, 2020 at 4:00 p.m. (ET); and extended for the U.S. Trustee until January 22, 2020 at 4:00 p.m. (ET).

Responses Received:

- (a) Limited Objection of Vatera Healthcare Partners LLC to Debtors' (I) Ordinary Course Professionals Motion, (II) Interim Compensation Procedures Motion, (III) Application to Retain Cole Schotz P.C., (IV) Application to Retain Portage Point Partners, LLC, (V) Application to Retain Jefferies LLC, and (VI) Application to Retain Skadden, Arps, Slate, Meagher & Flom LLP (Filed January 21, 2020) [Docket No. 131]
- (b) Vatera Healthcare Partners LLC's (I) Preliminary Objection to Debtors' Application for an Order Employing Skadden, Arps, Slate, Meagher & Flom LLP as Counsel to the Debtors *Nunc Pro Tunc* to the Petition Date and (II) Request for Adjournment of Hearing (Filed January 21, 2020) [Docket No. 132]
- (c) Reply in Support of **Application of Debtor for** Order Authorizing Employment and Retention of Skadden, Arps, Slate, Meagher & Flom LLP as Counsel to the Debtors *Nunc Pro Tunc* to the Petition Date (Filed January 24, 2020) [Docket No. 169]
- (d) Informal response of the U.S. Trustee

Status: This matter will be going forward.

- 22. Motion of the Official Committee of Unsecured Creditors to File Under Seal the Committee's Objection to Motion of Debtors for Entry of an Order Approving the Implementation of the Debtors' Key Employee Incentive Plan (Filed January 21, 2020) [Docket No. 134]

Related Documents: None.

Objection Deadline: January 28, 2020 at 1:30 p.m.

Responses Received: None to date.

Status: This matter is going forward.

- 23. Motion of Debtors for Entry of Order Authorizing the Debtors to Redact References to Confidential Information in the Declaration of David Gill in Support of (A) Debtors' Key Employee Incentive Plan and (B) Debtors' Motion to Redact the Debtors' Key Employee Incentive Plan Motion (Filed January 24, 2020) [Docket No. 172]

Related Documents: None.

Objection Deadline: January 28, 2020 at 1:30 p.m.

Responses Received: None to date.

Status: This matter is going forward.

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Dated: Wilmington, Delaware
January 27, 2020

MCDERMOTT WILL & EMERY LLP

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