

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

Related to Docket No. 227

NOTICE OF BAR DATES FOR FILING PROOFS OF CLAIM

PLEASE TAKE NOTICE THAT:

On December 27, 2019 (the “**Petition Date**”), Melinta Therapeutics, Inc. and certain of its affiliates, the debtors and debtors-in-possession in the above-captioned cases (collectively, the “**Debtors**”), filed voluntary petitions for relief under chapter 11 of the United States Bankruptcy Code (the “**Bankruptcy Code**”) with the United States Bankruptcy Court for the District of Delaware (the “**Bankruptcy Court**”).

On January 30, 2020, the Bankruptcy Court entered an order [Docket No. 227] (the “**Bar Date Order**”) establishing certain deadlines for filing proofs of claim (“**Proofs of Claim**”) against the Debtors (the “**Bar Dates**”), including a General Bar Date, Governmental Bar Date, Amended Schedules Bar Date, and Rejection Bar Date (each as defined in the Bar Date Order).

The Bar Dates and the procedures set forth below for the filing of Proofs of Claim against the Debtors apply to all claims against the Debtors that arose (or are deemed to have arisen) on or prior to the Petition Date, including any claims arising under Bankruptcy Code section 503(b)(9), except for the types of claims listed in Section 2 below.

You may obtain a copy of the Bar Date Order and other case pleadings, including the Schedules (as defined below), at the Debtors’ case website (www.kccllc.net/melinta) or the Bankruptcy Court’s website (www.deb.uscourts.gov) (for a fee). Copies of case pleadings also may be examined between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding federal holidays, at the Office of the Clerk of the Bankruptcy Court (the “**Clerk**”), 824 N. Market St., 3rd Floor, Wilmington, Delaware 19801. Finally, copies of case pleadings also may be obtained by written request to Kurtzman Carson Consultants LLC (“**KCC**”), the Debtors’ court-appointed claims and noticing agent, at Melintainfo@kccllc.com.

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are: Melinta Therapeutics, Inc. (0364); Cempra 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.



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1. WHO MUST FILE A PROOF OF CLAIM

You **must** file a Proof of Claim (a “**Proof of Claim Form**”) to share in distributions from the Debtors’ bankruptcy estates if you hold a claim² against the Debtors (including any claims arising under Bankruptcy Code section 503(b)(9)) that arose (or is deemed to have arisen) on or before the Petition Date, and it is not one of the kinds of claims set forth in Section 2. You must file a Proof of Claim Form by the applicable Bar Date even if your claim is not now fixed, liquidated, or certain or did not mature or become fixed, liquidated, or certain before the Petition Date.

Specifically, and without limiting the generality of Bankruptcy Rule 3003(c)(2), you **must** file a Proof of Claim Form on or before the applicable Bar Date if:

- a. your claim is listed in the Debtors’ Schedules filed with the Bankruptcy Court, or in any supplements or amendments to the Schedules, as “contingent,” “unliquidated,” or “disputed;”
- b. your claim is listed in the Debtors’ Schedules filed with the Bankruptcy Court, or in any supplements or amendments to the Schedules, and you disagree with the amount, nature, classification, or characterization of the claim as set forth in the Schedules; or
- c. you assert an administrative priority claim under Bankruptcy Code section 503(b)(9).³

2. EXCLUDED CLAIMS

You do **not** need to file a Proof of Claim Form if:

- a. you already properly filed a Proof of Claim Form with either KCC or the Clerk;
- b. your claim is listed in the Debtors’ Schedules filed with the Bankruptcy Court, or in any supplements or amendments to the Schedules, and the claim is not identified as “contingent,” “unliquidated,” or “disputed” and you agree with the amount, nature, classification, and characterization of the claim as set forth in the Schedules;
- c. you hold an administrative claim arising under Bankruptcy Code sections 503(b)(1) through (8) and 507(a)(2); *provided, however*, that any person or entity asserting a claim under Bankruptcy Code section 503(b)(9) must file a Proof of Claim on or before the General Bar Date;
- d. you are a current director, officer, or employee of the Debtors asserting a claim for indemnification, contribution, or reimbursement;

² Under Bankruptcy Code section 101(5) and as used herein, the word “claim” means (i) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (ii) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

³ Bankruptcy Code section 503(b)(9) provides that “the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor’s business” is entitled to administrative priority.

- e. you hold a claim that has been allowed or paid pursuant to an order of the Bankruptcy Court; or
- f. you hold a claim specifically exempted from the General Bar Date pursuant to a separate order of the Court in full force and effect, including, without limitation, to the extent set forth in the *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* [Docket No. 77] (the “**Cash Collateral Order**”), claims of the Prepetition Secured Parties on account of the Prepetition Secured Obligations (each as defined in the Cash Collateral Order).

You should not file a Proof of Claim Form if you do not have a claim against the Debtors. The fact that you received this notice does not mean that you have a claim against the Debtors.

Additional copies of Proof of Claim Forms can be obtained at the Debtors’ case website, www.kccllc.net/melinta or by emailing your request to Melintainfo@kccllc.com.

3. NO REQUIREMENT TO FILE PROOF OF OWNERSHIP OF STOCK, WARRANTS, OPTIONS, OR OTHER INTERESTS IN THE DEBTORS

You also do **not** need to file a Proof of Claim Form solely to evidence your ownership of common or preferred stock, warrants, options, or rights to purchase, sell, or subscribe to such a security or interest, of the Debtors (an “**Interest**”); *provided, however*, that Interest holders wishing to assert claims against the Debtors, including for damages arising from the purchase, sale, issuance, or distribution of such an Interest, must file a Proof of Claim Form on or before the General Bar Date (as defined in Section 4).

4. THE BAR DATES

The Bar Date Order establishes the following Bar Dates for filing proofs of claim in these cases:

General Bar Date. Except as otherwise provided herein, each person or entity (including, without limitation, each individual, partnership, joint venture, corporation, limited liability company, estate, or trust) holding or asserting a claim against the Debtors that arose (or is deemed to have arisen) on or prior to the Petition Date (including any claims arising under Bankruptcy Code section 503(b)(9)) must file a Proof of Claim Form, so that it is **actually received** by KCC **on or before March 9, 2020 at 5:00 p.m. (Eastern Time)** (the “**General Bar Date**”).

Governmental Bar Date. Each governmental unit holding or asserting a claim against the Debtors that arose (or is deemed to have arisen) on or prior to the Petition Date must file a Proof of Claim Form so that it is **actually received** by KCC **on or before June 24, 2020 at 5:00 p.m. (Eastern Time)**.

Amended Schedules Bar Date. If, on or after the date the Debtors serve this Notice, the Debtors amend their Schedules to change the amount, nature, classification, or characterization of a claim, or to schedule a new claim, the affected claimant may dispute the amount, nature, classification, or characterization of the scheduled claim by filing a Proof of Claim Form with respect to the scheduled claim, so that the Proof of Claim Form is **actually received** by KCC **on or before the later of (i) the General Bar Date or (ii) twenty-one (21) days from the date notice is served alerting the affected creditor of the applicable amendment to the Schedules.**

Rejection Bar Date. Each person or entity (including, without limitation, each individual, partnership, joint venture, corporation, limited liability company, estate, and trust) holding or asserting a claim for any rejection damages arising from the rejection of any unexpired lease or executory contract of a Debtor (an “**Agreement**”) during the Chapter 11 Cases must file a Proof of Claim Form so that it is *actually received* by KCC on or before the later of (i) **30 days after the effective date of rejection of such Agreement as provided by an order of this Court or pursuant to a notice under procedures approved by this Court**, (ii) **any date set by another order of this Court**, or (iii) **the General Bar Date or the Governmental Bar Date, whichever is applicable.**

5. WHAT FORMS AND DOCUMENTS TO FILE

Any Proof of Claim Form previously and properly filed with either KCC or the Clerk prior to the mailing of this Notice shall be deemed to be, and shall be treated as, a timely-filed claim subject to the rights of the Debtors or any party-in-interest to object to the allowance thereof. No additional Proof of Claim Form is required to be asserted with respect to such a previously-filed claim.

If you have not filed your proof of claim yet, a Proof of Claim Form should be submitted on the Proof of Claim Form enclosed with this notice. Additional copies of the Proof of Claim Form and general information related to these cases can be obtained at: www.kccllc.net/melinta or by emailing your request to Melintainfo@kccllc.com.

Proof of Claim Form. If your claim is scheduled by the Debtors, the enclosed Proof of Claim Form sets forth (i) the amount of the scheduled claim, if any; (ii) whether the claim is listed as disputed, contingent, or unliquidated; and (iii) whether the claim is listed as a secured, unsecured priority, or unsecured nonpriority claim. To the extent you disagree with the information on the Proof of Claim Form, you should make the necessary changes to the information on the Proof of Claim Form.

503(b)(9) Claim. If you assert a claim pursuant to Bankruptcy Code section 503(b)(9) you must complete the appropriate box in the Proof of Claim Form and (i) identify the amount of such claim believed to be entitled to administrative expense priority treatment under Bankruptcy Code section 503(b)(9) and (ii) attach documentation supporting such claim. If you fail to identify the existence and amount of your 503(b)(9) Claim on the Proof of Claim Form, the claim will not be regarded as a 503(b)(9) Claim, and the claim will not be entitled to priority treatment under Bankruptcy Code section 503(b)(9).

All Proof of Claim Forms must be filed with **original signatures**, be written in English, and be denominated in lawful currency of the United States. You should attach to your completed Proof of Claim Form copies of any documents on which the claim is based or an explanation as to why such documents are not available.

6. WHERE TO FILE

Persons or entities filing Proof of Claim Forms must deliver such forms to KCC at the following address:

Melinta Therapeutics Claims Processing Center
c/o KCC
222 N. Pacific Coast Highway, Suite 300
El Segundo, CA 90245

Alternatively, claimants may submit a Proof of Claim electronically by completing the Proof of Claim Form that can be accessed at KCC’s website, www.kccllc.net/Melinta.

Proof of Claim Forms will be deemed timely and properly filed only if such forms are actually received by KCC on or before the applicable Bar Date. Do not file your Proof of Claim Form with the Clerk.

Proof of Claim Forms shall not be submitted by facsimile, telecopy, e-mail, or other electronic means (except for the Electronic Proof of Claim), and Proof of Claim Forms submitted by such means shall not be deemed timely filed.

Time-stamped copies of Proof of Claim Forms will not be returned unless you provide the Claims Agent with a copy of your Proof of Claim Form and a self-addressed, postage pre-paid, envelope.

7. CONSEQUENCES OF FAILURE TO TIMELY FILE PROOF OF CLAIM FORMS

ABSENT FURTHER ORDER OF THE COURT, ANY PERSON OR ENTITY THAT IS REQUIRED TO FILE A PROOF OF CLAIM FORM IN THE FORM AND MANNER SPECIFIED IN THE BAR DATE ORDER AND THAT FAILS TO DO SO ON OR BEFORE THE APPLICABLE BAR DATE: (I) SHALL NOT, WITH RESPECT TO SUCH CLAIM, BE TREATED AS A CREDITOR OF THE DEBTORS FOR THE PURPOSE OF VOTING UPON ANY PLAN IN THESE PROCEEDINGS; AND (II) SHALL NOT RECEIVE OR BE ENTITLED TO RECEIVE ANY PAYMENT OR DISTRIBUTION OF PROPERTY FROM THE DEBTORS OR THEIR SUCCESSORS OR ASSIGNS WITH RESPECT TO SUCH CLAIM.

A HOLDER OF A POSSIBLE CLAIM AGAINST THE DEBTORS SHOULD CONSULT AN ATTORNEY REGARDING ANY MATTERS NOT COVERED BY THIS NOTICE AND ANY RELATED MATTERS, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM FORM.

This notice is only a summary of the Bar Date Order. All creditors and other parties-in-interest are referred to the text of the Bar Date Order itself and to the Bankruptcy Code, the Bankruptcy Rules, and the Local Bankruptcy Rules for additional information regarding the filing and treatment of proofs of claim.

If you have any questions relating to this Notice, contact KCC at (877) 634-7178 (toll free from U.S. and Canada), (424) 236-7224 (for international callers), or Melintainfo@kccllc.com.

NEITHER THE ATTORNEYS FOR THE DEBTORS NOR KCC ARE AUTHORIZED TO PROVIDE YOU WITH LEGAL ADVICE.

Dated: February 3, 2020

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