



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

United States Bankruptcy Judge

Signed April 5, 2024

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

EIGER BIOPHARMACEUTICALS, INC., *et al.*¹

Debtors.

Chapter 11

Case No. 24-80040 (SGJ)

(Jointly Administered)

**ORDER (I) AUTHORIZING THE DEBTORS TO
(A) FILE A CONSOLIDATED CREDITOR MATRIX AND
(B) FILE A CONSOLIDATED LIST OF 30 LARGEST UNSECURED
CREDITORS; (II) WAIVING THE REQUIREMENT TO FILE A LIST OF EQUITY
SECURITY HOLDERS; (III) AUTHORIZING THE DEBTORS TO REDACT CERTAIN
PERSONALLY IDENTIFYING INFORMATION; AND (IV) APPROVING THE
FORM AND MANNER OF NOTIFYING CREDITORS OF THE
COMMENCEMENT OF THE CHAPTER 11 CASES
AND OTHER INFORMATION**

¹ The Debtors in these chapter 11 cases, together with the last four digits of each Debtor's federal tax identification number, are: Eiger BioPharmaceuticals, Inc. (1591); EBPI Merger Inc. (9986); EB Pharma LLC (8352); Eiger BioPharmaceuticals Europe Limited (N/A); and EigerBio Europe Limited (N/A). The Debtors' service address is 2155 Park Boulevard, Palo Alto, California 94306.



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Upon the motion (“Motion”)² of the debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the “Debtors”), for entry of an order (this “Order”) (a) authorizing the Debtors to (i) file a consolidated creditor matrix and (ii) file a consolidated list of 30 largest unsecured creditors; (b) waiving the requirement to file a list of equity security holders; (c) authorizing the Debtors to redact personally identifying information from documents filed with the Court in these chapter 11 cases (including any creditor matrix, the schedules of assets and liabilities, and the statement of financial affairs); (d) approving the form and manner of notice of the commencement of these chapter 11 cases and other information; and (e) granting related relief, each as more fully set forth in the Motion; and upon consideration of the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and the Court being able to issue a final order consistent with Article III of the United States Constitution; and it appearing to the Court that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409;³ and appropriate notice of and opportunity for a hearing on the Motion having been given; and the relief requested in the Motion being in the best interests of the Debtors’ estates, their creditors, and other parties in interest; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is

HEREBY ORDERED THAT:

1. The Motion is granted on a final bases as set forth herein.

² Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Motion.

³ Nothing in this Order shall preclude any later order of the Court approving a motion to transfer venue.

2. The Debtors are authorized, but not directed, to file a Consolidated Creditor Matrix and a Consolidated Top 30 Creditors List.

3. The requirement that Debtor Eiger BioPharmaceuticals, Inc. ("Eiger") file a list of equity security holders pursuant to Bankruptcy Rule 1007(a)(3) is waived.

4. Any requirement that Eiger provide notice directly to equity security holders under Bankruptcy Rule 2002(d) is waived, and the Debtors are authorized to serve the notices required under Bankruptcy Rule 2002(d) on the registered holders of Eiger equity securities and, to the extent they are known, on beneficial holders, through the appropriate broker, Depository Trust Company participant, or other intermediary. The Debtors will cause the notices required under Bankruptcy Rule 2002(d) to be served on registered holders of Eiger's common stock and to be published in full in *The New York Times* (National Edition) and the *San Francisco Chronicle* in the Debtors' business judgment.

5. The Debtors are authorized, but not directed, to redact names, home and email addresses, and any other personally identifying information of individuals or any other natural person listed from any document filed or to be filed with the Court in these chapter 11 cases; *provided*, that the Debtors shall provide unredacted versions of any such document filed with the Court and redacted in accordance with this Order to (a) the Court, (b) the U.S. Trustee, and (c) counsel to any statutory committee appointed in these chapter 11 cases upon a request to the Debtors (email being sufficient) or to the Court, subject to the restrictions of the UK GDPR and EU GDPR. The unredacted version of the matrix shall include a header, or any other reasonable notice, with language putting the party in interest on notice of this Court's Order, the redacted nature of the document and attaching this Order.

6. The Notice of Commencement in the form attached as **Exhibit 1** to this Order is approved. Within five (5) business days of the entry of this Order, the Debtors are authorized to serve the Notice of Commencement on all parties on the creditor matrix and publish the same, in a form modified for publication, in *The New York Times* (National Edition) and the *San Francisco Chronicle* within five (5) business days of entry of this Order. Service of the Notice of Commencement shall be deemed adequate and sufficient notice of: (a) the commencement of these chapter 11 cases and (b) the scheduling of the meeting of creditors under section 341 of the Bankruptcy Code.

7. Nothing herein precludes a party in interest's right to seek emergency relief from the provisions herein or file a motion requesting that the Court allow access to the information redacted by this Order.

8. Nothing contained in this Motion or Order shall be deemed or construed as directing or otherwise effecting a substantive consolidation of the Debtors' chapter 11 cases.

9. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion, and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.

10. The Debtors are authorized to take all such reasonable actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

11. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

END OF ORDER

Submitted By:

SIDLEY AUSTIN LLP

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*Proposed Attorneys for the Debtors and
Debtors in Possession*

Exhibit 1

Notice of Commencement

Information to identify the case:		
Debtor Name	<u>Eiger BioPharmaceuticals, Inc., et al.</u>	EIN <u>33-0971591</u>
United States Bankruptcy Court for the Northern District of Texas	Date Case Filed for chapter 11	<u>04/01/2024</u>
Case Number	<u>24-80040 (SGJ)</u>	

Official Form 309F1 (For Corporations or Partnerships)

Notice of Chapter 11 Bankruptcy Case

10/20

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor’s property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney’s fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk’s office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk’s office at the address listed below or through PACER (Public Access to Court Electronic Records at <https://pacer.uscourts.gov>), or by visiting the Debtors’ case website at www.kccllc.net/Eiger.

The staff of the bankruptcy clerk’s office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor’s full name	See chart below
2. All other names used in the last 8 years	
Debtor	Other Name(s)

Jointly Administered Cases:

DEBTOR	ADDRESS	CASE NO.	EIN
Eiger BioPharmaceuticals, Inc.	2155 Park Boulevard, Palo Alto, California 94306	24-80040 (SGJ)	33-0971591
EBPI Merger Inc.	2155 Park Boulevard, Palo Alto, California 94306	24-80041 (SGJ)	26-3679986
EB Pharma LLC	2155 Park Boulevard, Palo Alto, California 94306	24-80042 (SGJ)	61-1748352
Eiger BioPharmaceuticals Europe Limited	30 Upper High Street, Thame, Oxfordshire, OX9 3EZ United Kingdom	24-80043 (SGJ)	N/A
EigerBio Europe Limited	Room 002, 28-32 Pembroke Street Upper, Dublin 2, Ireland D02NT28 Ireland	24-80044 (SGJ)	N/A

3. Address	See chart above
4. Debtor's attorney (proposed)	<p>Sidley Austin LLP Thomas R. Califano (TX Bar No. 24122825) William E. Curtin (<i>pro hac vice</i> pending) Anne G. Wallace (<i>pro hac vice</i> pending) 787 Seventh Avenue New York, NY 10019</p> <p>Contact Phone: (212) 839-5300 tom.califano@sidley.com wcurtin@sidley.com anne.wallace@sidley.com</p> <p>Sidley Austin LLP Charles M. Persons (TX Bar No. 24060413) 2021 McKinney Avenue, Suite 2000 Dallas, Texas 75201</p> <p>Contact Phone: (214) 981-3300 cpersons@sidley.com</p>
5. Bankruptcy clerk's office	<p>Documents in this case may be filed at this address:</p> <p>Earle Cabell Federal Building 1100 Commerce St., Rm. 1254 Dallas, TX 75242-1496</p> <p>Hours open: Monday through Friday 8:30 a.m. – 4:30 p.m. Contact phone: (214) 753-2000</p> <p>You may inspect all records filed in this case at this office or online at https://pacer.uscourts.gov, or by visiting the Debtors' case website at www.kccllc.net/Eiger.</p>
6. Meeting of creditors	<p>The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.</p> <p>Date: May 13, 2024 at 1:30 p.m. CT Location: By telephone</p> <p>Information can be found at the Debtors' case website, available at www.kccllc.net/Eiger.</p> <p>The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</p>
7. Proof of claim deadline	<p>Deadlines for filing proof of claim: To be determined. Additional information will be provided at a later date. Information can be found at the Debtors' case website, available at www.kccllc.net/Eiger.</p> <p>A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office.</p> <p>Your claim will be allowed in the amount scheduled unless:</p> <ul style="list-style-type: none">■ your claim is designated as <i>disputed, contingent, or unliquidated</i>;■ you file a proof of claim in a different amount; or■ you receive another notice. <p>If your claim is not scheduled or if your claim is designated as disputed, contingent, or unliquidated, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.</p> <p>You may review the schedules at the bankruptcy clerk's office or online at https://pacer.uscourts.gov.</p> <p>Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.</p>
8. Exception to discharge deadline	<p>If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.</p> <p>The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.</p> <p>Deadline for filing the complaint: To be Determined.</p>

9. Creditors with a foreign address If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

10. Filing a Chapter 11 bankruptcy case Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.

11. Discharge of debts Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

If you have questions about this notice, please contact the Debtors' Claims and Noticing Agent, Kurtzman Carson Consultants LLC, at (888) 733-1544 (U.S./Canada) or (310) 751-2638 (international), or by email at <http://www.kccllc.net/Eiger/inquiry>.

You may also find more information at www.kccllc.net/Eiger.