

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

In re:

EIGER BIOPHARMACEUTICALS, INC., *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-80040 (SGJ)

(Jointly Administered)

**DECLARATION OF  
ADAM J. GORMAN IN SUPPORT OF  
CONFIRMATION OF THE FOURTH AMENDED JOINT PLAN OF  
LIQUIDATION OF EIGER BIOPHARMACEUTICALS, INC. AND ITS  
DEBTOR AFFILIATES PURSUANT TO CHAPTER 11 OF THE BANKRUPTCY CODE**

I, Adam J. Gorman, declare under the penalty of perjury:

1. I am a Director at Kurtzman Carson Consultants LLC dba Verita Global (“Verita”), which has offices located at 222 N. Pacific Coast Highway, Suite 300, El Segundo, CA 90245. I am over the age of eighteen years. I do not have a direct interest in the chapter 11 cases, and I am competent to testify. I am not being compensated for this testimony other than compensation that Verita is receiving as a professional services firm retained by the Debtors pursuant to the Verita Retention Order (defined below). I am duly authorized to submit this declaration (the “Declaration”) on behalf of Verita.

2. James Lee, Vice President of Public Securities Services for Verita, also assisted in the service and tabulation described herein.

3. On April 5, 2024, the Court authorized Verita’s retention as the claims, noticing, and solicitation agent to the Debtors pursuant to the *Order Authorizing the Retention and*

<sup>1</sup> 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 2100 Ross Avenue, Dallas, Texas 75201.



*Employment of Kurtzman Carson Consultants LLC as Claims, Noticing, and Solicitation Agent, Effective as of the Petition Date* [Docket No. 83] (the “Verita Retention Order”). The Verita Retention Order authorizes Verita to assist the Debtors with the service of solicitation materials and tabulation of votes cast to accept or reject the Plan (as defined below). Verita and its employees have considerable experience in soliciting and tabulating votes to accept or reject chapter 11 plans.

4. I submit this Declaration in connection with the solicitation and tabulation of votes cast on the Debtors’ *Amended Joint Plan of Liquidation of Eiger BioPharmaceuticals, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 475-1] (as amended, supplemented, or modified from time to time, the “Plan”).<sup>2</sup> The statements in this Declaration are, except where specifically noted, based on my personal knowledge or opinion, on information that I have received from the Debtors’ employees or advisors, or employees of Verita working directly with me or under my supervision, direction, or control. If I were called to testify, I could and would testify competently as to the facts set forth herein.

### **Background**

5. On July 30, 2024, the Court entered the *Order (I) Scheduling a Combined Disclosure Statement Approval and Plan Confirmation Hearing; (II) Conditionally Approving the Disclosure Statement, (III) Establishing Objection Deadlines and Related Procedures; (IV) Approving the Notice Materials; and (V) Granting Related Relief* [Docket No. 473] (the “Disclosure Statement Order”), establishing, among other things, the Solicitation Procedures (as defined below) and approving the forms of notices and Ballots. Verita adhered to the procedures

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<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings set forth in the Plan, the *Amended Disclosure Statement for Joint Plan of Liquidation of Eiger BioPharmaceuticals, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 476-1] (the “Disclosure Statement”), or the Disclosure Statement Order (as defined herein).

outlined in the Disclosure Statement Order and caused the Solicitation Packages to be distributed to parties entitled to vote on the Plan. I supervised the solicitation and tabulation performed by Verita's employees.

**A. Service and Transmittal of Solicitation Packages and Related Information**

6. Pursuant to the Disclosure Statement Order, and in accordance with the solicitation procedures and the tabulation rules set forth therein (collectively, the "Solicitation Procedures"), Verita worked with the Debtors and their advisors to solicit votes for the Plan and tabulate ballots of Holders of Claims or Interests entitled to vote on the Plan. At the time of solicitation, the Plan designated Claims in Class 4 (General Unsecured Claims) and Class 6 (Existing Equity Interests) as Impaired and entitled the Holders of such Claims or Interests to vote on the Plan. The Disclosure Statement Order established July 22, 2024 as the Voting Record Date for determining which Holders of Claims or Interests were entitled to receive Solicitation Packages and, where applicable, vote on the Plan.

7. While Class 4 (General Unsecured Claims) was classified as Impaired under the version of the Plan used for solicitation, it is my understanding that the *Second Amended Joint Plan of Liquidation of Eiger BioPharmaceuticals, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 517-1] amended the treatment of Class 4 to provide for post-petition interest through the date on which a distribution is made on account of such Claim, resulting in the unimpairment of Class 4.<sup>3</sup> Thus, Class 6 (Existing Equity Interests) (the "Voting Class") is the only Impaired class and the only Class entitled to vote on the Plan.

8. Pursuant to and in accordance with the Disclosure Statement Order, Verita served the Solicitation Packages (including the Ballots) on Holders of Interests in the Voting Class on

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<sup>3</sup> Twelve Holders of Class 4 Claims submitted Ballots, and all such Holders unanimously accepted the Plan. Two Holders abstained from submitting a Ballot.

August 2, 2024. A certificate of service evidencing Verita's service of the foregoing was filed with the Court on August 14, 2024 [Docket No. 508] and on August 28, 2024 [Docket No. 572]. The following materials constitute the Solicitation Package distributed to Holders of Interests in the Voting Class: (a) the Disclosure Statement (including the Plan and other exhibits thereto); (b) the Solicitation Procedures; and (c) the applicable form of Ballot (including a Release Opt-Out, as defined below).<sup>4</sup> The Voting Class also received the *Notice of (I) Combined Hearing on the Amended Disclosure Statement and Confirmation of the Amended Joint Plan, and (II) Notice of Objection and Opt Out Rights* (the "Combined Hearing Notice") and a pre-addressed, postage pre-paid reply envelope.

9. In addition to serving the Solicitation Packages on all voting parties, Verita timely served (a) Notices of Non-Voting Status and Release Opt-Out Forms on all members, if any, of Class 2 (Other Priority Claims) and Class 3 (Prepetition Term Loan Claims) (collectively with Class 1,<sup>5</sup> Class 5,<sup>6</sup> and Class 4, the "Non-Voting Classes");<sup>7</sup> and (b) the Combined Hearing Notice on all known parties in interest. Subsequent Combined Hearing Notices were served per postal forwarding addresses, as evidenced by a certificate of service filed with the Court [Docket No. 572]. Furthermore, free copies of the Disclosure Statement, the Plan, and all other documents filed in these cases are available on the internet at <https://veritaglobal.net/Eiger>.

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<sup>4</sup> Service of the Solicitation Packages to Class 6 Existing Equity Interests beneficial owners by the Nominees or the Nominees' proxy agent could also be performed electronically, or otherwise in their customary practice, including email or any other reliable and customary method of collecting votes from a beneficial owner, in which case the Solicitation Packages may not have contained pre-addressed, postage pre-paid return envelopes.

<sup>5</sup> Class 1 (Other Secured Claims) included one creditor who also was a Holder of Class 4 Claims. That Class 1 Holder received a Solicitation Package in connection with its Class 4 Claims and therefore had the opportunity to opt-out of the releases.

<sup>6</sup> Per prior agreement, each Holder of an Allowed Intercompany Claim in Class 5 agreed to waive entitlement to a distribution on account of such Claim. Thus, Class 5 (Intercompany Claims) did not receive the Non-Voting Package.

<sup>7</sup> Holders of Claims in Class 4 received the Solicitation Package and Combined Hearing Notice at the time of solicitation. The Solicitation Package and Combined Hearing Notice included the full text of the releases, exculpation, and injunction provisions set forth in the Plan and included opt-out information. Class 4 therefore received the same information had they received the Notice of Non-Voting Status and Release Opt-Out Forms.

10. On August 2, 2024, the publication notice of the Combined Hearing was published in *The New York Times* (National Edition) and the *San Francisco Chronicle*, as evidenced by an affidavit of publication filed with the Court [Docket No. 494].

**B. The Tabulation Process**

11. The Disclosure Statement Order established August 30, 2024, at 4:00 p.m. (prevailing Central Time) as the deadline by which all Ballots were to have been received by Verita in order to be counted as a valid vote to accept or reject the Plan (the “Voting Deadline”). As noted, only Holders of Interests in Class 6 (Existing Equity Interests) were entitled to vote to accept or reject the Plan. No other Classes were entitled to vote on the Plan. In accordance with the Solicitation Procedures, Verita worked closely with the Debtors’ advisors to identify the registered Holders of Interests in the Voting Class entitled to vote as of the Voting Record Date. Verita relied on security position reports provided by the Depository Trust Company as of the Voting Record Date to identify the Nominees of Class 6 Existing Equity Interests whose beneficial holders were entitled to vote to accept or reject the Plan.

12. In accordance with the Solicitation Procedures, Verita reviewed, determined the validity of, and tabulated the Ballots submitted to vote on the Plan. Each Ballot submitted to Verita was date-stamped, scanned, assigned a Ballot number, entered into Verita’s voting database, and processed.

13. For a Ballot to be counted as valid, the Ballot was required to have complied with the Solicitation Procedures, including the requirement that the Ballot be properly completed, executed by the Holder of the Interest (or such Holder’s authorized representative), be submitted by an entity entitled to vote, and received by Verita on or before the Voting Deadline. Ballots that did not comply with the Solicitation Procedures were not counted. Except as set forth herein or in

the attached exhibits, (a) all Ballots that complied with the Solicitation Procedures were tabulated in accordance with these tabulation rules, which were not modified in any respect, (b) there were no defects or irregularities with any of the Ballots, and (c) no votes were changed or modified after they were cast without the express written consent to do so by the Holder of the Interest (or such Holder's authorized representative), all pursuant to the Disclosure Statement Order.

14. I hereby certify that the results of the voting by Holders of Interests in the Voting Class are as set forth in **Exhibit A** to this Declaration, which is a true and correct copy of the final tabulation of votes, cast by timely and properly completed Ballots received by Verita.

15. A report of any Ballots from parties in the Voting Class excluded from the final tabulation, and the reasons for exclusion of such Ballots, is attached hereto as **Exhibit B**. All such Ballots were not counted because they did not satisfy the requirements for a valid Ballot set forth in the Disclosure Statement Order.

16. Verita also examined which Holders opted out (the "Release Opt-Out") of the release of Claims and Causes of Action by the Releasing Parties, as described in Article IX.B of the Plan (the "Third-Party Release") recorded on (a) the Ballots from Holders of Interests in the Voting Class that abstained or rejected the Plan and checked the box on such Ballot to opt out of the Third-Party Release and (b) the Release Opt-Out Forms from non-voting Holders of Claims or Interests. Based on this review, 135 Holders of Interests in the Voting Class, holding approximately 162,357 shares affirmatively selected the Release Opt-Out. Furthermore, seven (7) Holders of Claims in the Non-Voting Classes affirmatively selected the Release Opt-Out. A report of all Holders who opted out of the Third-Party Release by checking the opt-out box on the Release Opt-Out Form or checked the opt-out box and abstained or rejected the Plan on their Ballot is attached hereto as **Exhibit C**. As further detailed in **Exhibit C**, the opt-out process proved

successful based on the participation rates among the Voting Class and Non-Voting Classes. For the avoidance of doubt, this Declaration does not certify the validity or enforceability of any opt-out elections received, including those reported on **Exhibit B**, but rather is providing these opt-out election results for reporting and informational purposes only.

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

Executed on: September 3, 2024

/s/ Adam J. Gorman  
Adam J. Gorman  
Director  
Verita Global

**EXHIBIT A**

**Tabulation Summary**



Class Name	Class Description	Unacceptable Votes	Members Voted	Members Accepted	Members Rejected	Members Abstained	% Members Accepted	% Members Rejected	Total Shares in Class	Total Shares Voted	Shares Accepted	Shares Rejected	Shares Abstained	% Accepted	% Rejected	Total Members Opt-Out	Total Shares Opt-Out
6	Existing Equity Interests (Total)	2	268	219	49	26	81.72%	18.28%	1,480,797	433,993	291,381.51	142,611.03	10,581.00	67.14%	32.86%	135	162,357.49

## Class 6 Registered Holder Ballot Detail

Ballot No.	Date Filed	Creditor Name	Class	Voting Amount	Vote	Opt-Out Election
14	08/27/2024	EIGER GROUP INTERNATIONAL INC	6 - Existing Equity Interests	5,035	Accept	
21	08/30/2024	INNOVATUS FLAGSHIP FUND I LP	6 - Existing Equity Interests	3,292	Reject	OPT OUT
22	08/30/2024	INNOVATUS FLAGSHIP OFFSHORE FUND I LP	6 - Existing Equity Interests	1,701	Reject	OPT OUT
19	08/30/2024	INNOVATUS LIFE SCIENCES LENDING FUND I LP	6 - Existing Equity Interests	12,716	Reject	OPT OUT
20	08/30/2024	INNOVATUS LIFE SCIENCES OFFSHORE FUND I-A LP	6 - Existing Equity Interests	7,258	Reject	OPT OUT
13	08/27/2024	Name Redacted	6 - Existing Equity Interests	45	Accept	
4	08/06/2024	Name Redacted	6 - Existing Equity Interests	5	Accept	OPT OUT
		Name Redacted	6 - Existing Equity Interests	58	Not Voted	
		Name Redacted	6 - Existing Equity Interests	7	Not Voted	
		Name Redacted	6 - Existing Equity Interests	1	Not Voted	
		Name Redacted	6 - Existing Equity Interests	1	Not Voted	
		Name Redacted	6 - Existing Equity Interests	3,850	Not Voted	
		Name Redacted	6 - Existing Equity Interests	17	Not Voted	
		Name Redacted	6 - Existing Equity Interests	4	Not Voted	
		Name Redacted	6 - Existing Equity Interests	10	Not Voted	
		Name Redacted	6 - Existing Equity Interests	5	Not Voted	

## Exhibit A-3

## Class 6 Nominee Ballot Detail

DTC							
Participant No.	Nominee	Total Record Date Position	Date Received	No. of Accounts Accepting	Amount of Shares Accepting	No. of Accounts Rejecting	Amount of Shares Rejecting
5	GOLDMAN	179,612	8/30/2024	1	30,000.00		
5	GOLDMAN		8/30/2024			1	44,000.00
5	GOLDMAN		8/30/2024			1	13,538.00
5	GOLDMAN		8/30/2024			1	40,060.00
5	GOLDMAN		8/30/2024			1	11,402.00
10	BROWN BROS	3,121					
15	MSSB	52,015	8/30/2024				
15	MSSB		8/30/2024				
15	MSSB		8/30/2024				
15	MSSB		8/30/2024				
15	MSSB		8/30/2024				
15	MSSB		8/30/2024	1	21.00		
15	MSSB		8/30/2024	1	533.00		
15	MSSB		8/30/2024	1	8.00		
15	MSSB		8/30/2024	1	617.00		
15	MSSB		8/30/2024	1	183.00		
15	MSSB		8/30/2024	1	2.00		
15	MSSB		8/30/2024	1	1.00		
15	MSSB		8/30/2024	1	115.00		
15	MSSB		8/30/2024	1	5.00		
15	MSSB		8/30/2024	1	6.00		
15	MSSB		8/30/2024	1	6.00		
15	MSSB		8/30/2024	1	6.00		
15	MSSB		8/30/2024	1	155.00		
15	MSSB		8/30/2024	1	2.00		
15	MSSB		8/30/2024	1	200.00		
15	MSSB		8/30/2024			1	300.00
15	MSSB		8/30/2024			1	6.00
15	MSSB		8/30/2024			1	225.00
15	MSSB		8/30/2024			1	166.00
15	MSSB		8/30/2024			1	683.00
15	MSSB		8/30/2024			1	33.00
15	MSSB		8/30/2024			1	100.00
19	JEFFERIES	56,481	8/30/2024	1	100.00		
50	MORGAN LLC	6,106					

## Exhibit A-3

## Class 6 Nominee Ballot Detail

DTC							
Participant No.	Nominee	Total Record Date Position	Date Received	No. of Accounts Accepting	Amount of Shares Accepting	No. of Accounts Rejecting	Amount of Shares Rejecting
52	AXOS	452	8/29/2024	1	60.00		
57	JONES E D	401	8/30/2024			1	8.00
62	VANGUARD	3,029	8/30/2024				
62	VANGUARD		8/30/2024				
62	VANGUARD		8/30/2024	1	33.00		
62	VANGUARD		8/30/2024	1	8.00		
62	VANGUARD		8/30/2024	1	12.00		
62	VANGUARD		8/30/2024	1	2.00		
62	VANGUARD		8/30/2024	1	13.00		
62	VANGUARD		8/30/2024	1	1.00		
62	VANGUARD		8/30/2024			1	16.00
75	LPL LLC	847	8/30/2024	1	4.00		
103	WEDBUSH	1,115	8/30/2024	1	3.00		
103	WEDBUSH		8/30/2024	1	16.00		
103	WEDBUSH		8/30/2024			1	66.00
141	WELLS CLRG	4,972	8/30/2024				
141	WELLS CLRG		8/30/2024				
141	WELLS CLRG		8/30/2024	1	386.00		
141	WELLS CLRG		8/30/2024	1	50.00		
141	WELLS CLRG		8/30/2024	1	16.00		
141	WELLS CLRG		8/30/2024	1	2.00		
141	WELLS CLRG		8/30/2024			1	316.00
141	WELLS CLRG		8/30/2024			1	1.00
158	APEX CLEAR	2,501	8/30/2024	1	3.33		
158	APEX CLEAR		8/30/2024	1	2.00		
158	APEX CLEAR		8/30/2024			1	0.33
158	APEX CLEAR		8/30/2024			1	0.09
161	BOFA	45					
164	CHS SCHWAB	152,566	8/30/2024				
164	CHS SCHWAB		8/30/2024				
164	CHS SCHWAB		8/30/2024				
164	CHS SCHWAB		8/30/2024				
164	CHS SCHWAB		8/30/2024				
164	CHS SCHWAB		8/30/2024				
164	CHS SCHWAB		8/30/2024				

## Exhibit A-3

## Class 6 Nominee Ballot Detail

DTC							
Participant No.	Nominee	Total Record Date Position	Date Received	No. of Accounts Accepting	Amount of Shares Accepting	No. of Accounts Rejecting	Amount of Shares Rejecting
164	CHS SCHWAB		8/30/2024				
164	CHS SCHWAB		8/30/2024	1	21.00		
164	CHS SCHWAB		8/30/2024	1	33.00		
164	CHS SCHWAB		8/30/2024	1	2.00		
164	CHS SCHWAB		8/30/2024	1	6.00		
164	CHS SCHWAB		8/30/2024	1	5.00		
164	CHS SCHWAB		8/30/2024	1	266.00		
164	CHS SCHWAB		8/30/2024	1	160.00		
164	CHS SCHWAB		8/30/2024	1	3.00		
164	CHS SCHWAB		8/30/2024	1	3.00		
164	CHS SCHWAB		8/30/2024	1	3.00		
164	CHS SCHWAB		8/30/2024	1	13.00		
164	CHS SCHWAB		8/30/2024	1	3.00		
164	CHS SCHWAB		8/30/2024	1	41.00		
164	CHS SCHWAB		8/30/2024	1	133.00		
164	CHS SCHWAB		8/30/2024	1	3.00		
164	CHS SCHWAB		8/30/2024	1	583.00		
164	CHS SCHWAB		8/30/2024	1	40.00		
164	CHS SCHWAB		8/30/2024	1	309.00		
164	CHS SCHWAB		8/30/2024	1	9.00		
164	CHS SCHWAB		8/30/2024	1	1.00		
164	CHS SCHWAB		8/30/2024	1	2.00		
164	CHS SCHWAB		8/30/2024	1	1.00		
164	CHS SCHWAB		8/30/2024	1	3.00		
164	CHS SCHWAB		8/30/2024	1	6.00		
164	CHS SCHWAB		8/30/2024	1	90.00		
164	CHS SCHWAB		8/30/2024	1	16.00		
164	CHS SCHWAB		8/30/2024	1	3.00		
164	CHS SCHWAB		8/30/2024	1	25.00		
164	CHS SCHWAB		8/30/2024	1	100.00		
164	CHS SCHWAB		8/30/2024	1	1,666.00		
164	CHS SCHWAB		8/30/2024	1	166.00		
164	CHS SCHWAB		8/30/2024	1	6.00		
164	CHS SCHWAB		8/30/2024	1	16.00		
164	CHS SCHWAB		8/30/2024	1	33.00		

## Exhibit A-3

## Class 6 Nominee Ballot Detail

DTC							
Participant No.	Nominee	Total Record Date Position	Date Received	No. of Accounts Accepting	Amount of Shares Accepting	No. of Accounts Rejecting	Amount of Shares Rejecting
164	CHS SCHWAB		8/30/2024	1	600.00		
164	CHS SCHWAB		8/30/2024	1	166.00		
164	CHS SCHWAB		8/30/2024	1	2.00		
164	CHS SCHWAB		8/30/2024			1	4.00
164	CHS SCHWAB		8/30/2024			1	8.00
164	CHS SCHWAB		8/30/2024			1	35.00
164	CHS SCHWAB		8/30/2024			1	1,000.00
164	CHS SCHWAB		8/30/2024			1	36.00
164	CHS SCHWAB		8/30/2024			1	8.00
164	CHS SCHWAB		8/30/2024			1	50.00
164	CHS SCHWAB		8/30/2024			1	16.00
164	CHS SCHWAB		8/30/2024			1	3.00
164	CHS SCHWAB		8/30/2024			1	166.00
164	CHS SCHWAB		8/30/2024			1	33.00
164	CHS SCHWAB		8/30/2024			1	400.00
221	UBS FINAN	3,839	8/30/2024	1	33.00		
226	NFS LLC	121,676	8/30/2024				
226	NFS LLC		8/30/2024				
226	NFS LLC		8/30/2024				
226	NFS LLC		8/30/2024				
226	NFS LLC		8/30/2024				
226	NFS LLC		8/30/2024				
226	NFS LLC		8/30/2024	1	91.00		
226	NFS LLC		8/30/2024	1	3,333.00		
226	NFS LLC		8/30/2024	1	33.00		
226	NFS LLC		8/30/2024	1	8.00		
226	NFS LLC		8/30/2024	1	1.00		
226	NFS LLC		8/30/2024	1	8.00		
226	NFS LLC		8/30/2024	1	261.00		
226	NFS LLC		8/30/2024	1	66.00		
226	NFS LLC		8/30/2024	1	3.00		
226	NFS LLC		8/30/2024	1	2,000.00		
226	NFS LLC		8/30/2024	1	24.00		
226	NFS LLC		8/30/2024	1	7,400.00		

## Exhibit A-3

## Class 6 Nominee Ballot Detail

DTC							
Participant No.	Nominee	Total Record Date Position	Date Received	No. of Accounts Accepting	Amount of Shares Accepting	No. of Accounts Rejecting	Amount of Shares Rejecting
226	NFS LLC		8/30/2024	1	2,300.00		
226	NFS LLC		8/30/2024	1	2,400.00		
226	NFS LLC		8/30/2024	1	6,400.00		
226	NFS LLC		8/30/2024	1	3,000.00		
226	NFS LLC		8/30/2024	1	1.00		
226	NFS LLC		8/30/2024	1	33.00		
226	NFS LLC		8/30/2024	1	3.00		
226	NFS LLC		8/30/2024	1	1.00		
226	NFS LLC		8/30/2024	1	5.00		
226	NFS LLC		8/30/2024	1	4,250.00		
226	NFS LLC		8/30/2024	1	5.00		
226	NFS LLC		8/30/2024	1	1.00		
226	NFS LLC		8/30/2024	1	35.00		
226	NFS LLC		8/30/2024	1	31.00		
226	NFS LLC		8/30/2024			1	23.00
226	NFS LLC		8/30/2024			1	10.00
226	NFS LLC		8/30/2024			1	2,000.00
226	NFS LLC		8/30/2024			1	16.00
226	NFS LLC		8/30/2024			1	16.00
226	NFS LLC		8/30/2024			1	3.00
226	NFS LLC		8/30/2024			1	2,600.00
226	NFS LLC		8/30/2024			1	100.00
226	NFS LLC		8/30/2024			1	4.00
226	NFS LLC		8/30/2024			1	34.00
226	NFS LLC		8/30/2024			1	11.00
235	RBCCAPMKTS	5,861	8/30/2024	1	66.00		
235	RBCCAPMKTS		8/30/2024			1	133.00
250	WELLS FARG	1,599	8/30/2024	1	1,599.00		
271	TRADESTATN	156					
279	HILLTOPSEC	2					
280	US BANCORP	10					
283	WIL-DAV	66					
286	SG AMERICA	91					
287	TRADEUP	68					
294	VEL CLEAR	720					

## Exhibit A-3

## Class 6 Nominee Ballot Detail

DTC							
Participant No.	Nominee	Total Record Date Position	Date Received	No. of Accounts Accepting	Amount of Shares Accepting	No. of Accounts Rejecting	Amount of Shares Rejecting
352	JPMS/JPMC	16,120	8/30/2024	1	167.00		
352	JPMS/JPMC		8/30/2024	1	10.00		
374	JMS LLC	1,107					
443	PERSHING	67,448	8/30/2024	1	1.00		
443	PERSHING		8/30/2024	1	333.00		
443	PERSHING		8/30/2024	1	26.00		
443	PERSHING		8/30/2024	1	1.00		
443	PERSHING		8/30/2024	1	5.00		
443	PERSHING		8/30/2024	1	3.00		
443	PERSHING		8/30/2024	1	12.00		
443	PERSHING		8/30/2024	1	53.00		
443	PERSHING		8/30/2024	1	3.00		
445	MURIEL SBT	143					
505	CGMI	29					
534	INT BROKER	343,736	8/29/2024	1	20,583.00		
534	INT BROKER		8/29/2024	1	11,001.00		
534	INT BROKER		8/29/2024	1	9,000.00		
534	INT BROKER		8/29/2024	1	8,117.00		
534	INT BROKER		8/29/2024	1	7,530.00		
534	INT BROKER		8/29/2024	1	5,531.00		
534	INT BROKER		8/29/2024	1	5,305.00		
534	INT BROKER		8/29/2024	1	5,000.00		
534	INT BROKER		8/29/2024	1	4,000.00		
534	INT BROKER		8/29/2024	1	3,800.00		
534	INT BROKER		8/29/2024	1	3,500.00		
534	INT BROKER		8/29/2024	1	3,408.00		
534	INT BROKER		8/29/2024	1	3,300.00		
534	INT BROKER		8/29/2024	1	3,000.00		
534	INT BROKER		8/29/2024	1	2,979.00		
534	INT BROKER		8/29/2024	1	2,800.00		
534	INT BROKER		8/29/2024	1	2,750.00		
534	INT BROKER		8/29/2024	1	2,610.00		
534	INT BROKER		8/29/2024	1	2,600.00		
534	INT BROKER		8/29/2024	1	2,500.00		
534	INT BROKER		8/29/2024	1	2,300.00		



## Exhibit A-3

## Class 6 Nominee Ballot Detail

DTC							
Participant No.	Nominee	Total Record Date Position	Date Received	No. of Accounts Accepting	Amount of Shares Accepting	No. of Accounts Rejecting	Amount of Shares Rejecting
534	INT BROKER		8/29/2024	1	2,200.00		
534	INT BROKER		8/29/2024	1	2,000.00		
534	INT BROKER		8/29/2024	1	2,000.00		
534	INT BROKER		8/29/2024	1	1,821.00		
534	INT BROKER		8/29/2024	1	1,750.00		
534	INT BROKER		8/29/2024	1	1,650.00		
534	INT BROKER		8/29/2024	1	1,600.00		
534	INT BROKER		8/29/2024	1	1,554.00		
534	INT BROKER		8/29/2024	1	1,510.00		
534	INT BROKER		8/29/2024	1	1,500.00		
534	INT BROKER		8/29/2024	1	1,500.00		
534	INT BROKER		8/29/2024	1	1,500.00		
534	INT BROKER		8/29/2024	1	1,500.00		
534	INT BROKER		8/29/2024	1	1,400.00		
534	INT BROKER		8/29/2024	1	1,343.00		
534	INT BROKER		8/29/2024	1	1,200.00		
534	INT BROKER		8/29/2024	1	1,200.00		
534	INT BROKER		8/29/2024	1	1,150.00		
534	INT BROKER		8/29/2024	1	1,100.00		
534	INT BROKER		8/29/2024	1	1,000.00		
534	INT BROKER		8/29/2024	1	1,000.00		
534	INT BROKER		8/29/2024	1	1,000.00		
534	INT BROKER		8/29/2024	1	900.00		
534	INT BROKER		8/29/2024	1	820.00		
534	INT BROKER		8/29/2024	1	813.00		
534	INT BROKER		8/29/2024	1	650.00		
534	INT BROKER		8/29/2024	1	600.00		
534	INT BROKER		8/29/2024	1	500.00		
534	INT BROKER		8/29/2024	1	500.00		
534	INT BROKER		8/29/2024	1	500.00		
534	INT BROKER		8/29/2024	1	500.00		
534	INT BROKER		8/29/2024	1	475.00		
534	INT BROKER		8/29/2024	1	450.00		
534	INT BROKER		8/29/2024	1	450.00		
534	INT BROKER		8/29/2024	1	400.00		

## Exhibit A-3

## Class 6 Nominee Ballot Detail

DTC							
Participant No.	Nominee	Total Record Date Position	Date Received	No. of Accounts Accepting	Amount of Shares Accepting	No. of Accounts Rejecting	Amount of Shares Rejecting
534	INT BROKER		8/29/2024	1	400.00		
534	INT BROKER		8/29/2024	1	325.04		
534	INT BROKER		8/29/2024	1	310.00		
534	INT BROKER		8/29/2024	1	300.00		
534	INT BROKER		8/29/2024	1	300.00		
534	INT BROKER		8/29/2024	1	300.00		
534	INT BROKER		8/29/2024	1	300.00		
534	INT BROKER		8/29/2024	1	300.00		
534	INT BROKER		8/29/2024	1	300.00		
534	INT BROKER		8/29/2024	1	300.00		
534	INT BROKER		8/29/2024	1	300.00		
534	INT BROKER		8/29/2024	1	289.00		
534	INT BROKER		8/29/2024	1	200.00		
534	INT BROKER		8/29/2024	1	200.00		
534	INT BROKER		8/29/2024	1	200.00		
534	INT BROKER		8/29/2024	1	200.00		
534	INT BROKER		8/29/2024	1	187.00		
534	INT BROKER		8/29/2024	1	170.00		
534	INT BROKER		8/29/2024	1	100.00		
534	INT BROKER		8/29/2024	1	100.00		
534	INT BROKER		8/29/2024	1	100.00		
534	INT BROKER		8/29/2024	1	100.00		
534	INT BROKER		8/29/2024	1	100.00		
534	INT BROKER		8/29/2024	1	100.00		
534	INT BROKER		8/29/2024	1	90.00		
534	INT BROKER		8/29/2024	1	80.00		
534	INT BROKER		8/29/2024	1	60.00		
534	INT BROKER		8/29/2024	1	54.00		
534	INT BROKER		8/29/2024	1	25.00		
534	INT BROKER		8/29/2024	1	13.33		
534	INT BROKER		8/29/2024	1	13.00		
547	R W BAIRD	15,476	8/29/2024	1	41.00		
547	R W BAIRD		8/29/2024	1	66.00		
547	R W BAIRD		8/29/2024	1	14.00		
547	R W BAIRD		8/29/2024	1	1,666.00		
547	R W BAIRD		8/30/2024				
547	R W BAIRD		8/30/2024	1	66.00		
571	OPPENHEIME	1,172					

## Exhibit A-3

## Class 6 Nominee Ballot Detail

DTC							
Participant No.	Nominee	Total Record Date Position	Date Received	No. of Accounts Accepting	Amount of Shares Accepting	No. of Accounts Rejecting	Amount of Shares Rejecting
595	VIS FIN MK	185					
642	UBS SECLLC	9,698					
695	ABN AMRO C	15,637					
701	CETERA	6					
725	RAYMOND	2,246	8/30/2024	1	83.00		
728	FOLIO INV	26					
756	AEIS INC.	1,016					
793	STIFEL	554	8/30/2024	1	49.00		
816	HSBC SECS	30					
901	BANK OF NY	3,852	8/29/2024	1	26.00		
901	BANK OF NY		8/30/2024	1	5.00		
902	JPMCBNA	24,383					
908	CITIBANK	103,076					
997	SSB&T CO	36					
1497	M1 FINANCE	7					
1970	EUROCLEAR	366					
2012	CREST INTL	1,916					
2209	BNYM/SPDR	90,000					
2402	DRIVEW LLC	1,124	8/30/2024	1	0.54		
2402	DRIVEW LLC		8/30/2024	1	6.26		
2402	DRIVEW LLC		8/30/2024			1	7.61
2507	UBS AG/LDN	1					
2663	SEI PV/GWP	1,167					
2669	NRTHRN TR	28					
2787	BNPNY/C/CA	16,302					
2803	US BANK NA	16					
2925	PRIN BANK	1					
3021	ALPACA SEC	549					
3505	ETC BROKER	33					
3856	VCLLC	20					
4272	FUTU CLEAR	100					
5002	RBC/DOMN	13,601	8/30/2024	1	25.00		
5002	RBC/DOMN		8/30/2024	1	9,825.00		
5002	RBC/DOMN		8/30/2024			1	3.00
5004	WLTHSL/CDS	15					

## Exhibit A-3

## Class 6 Nominee Ballot Detail

DTC							
Participant No.	Nominee	Total Record Date Position	Date Received	No. of Accounts Accepting	Amount of Shares Accepting	No. of Accounts Rejecting	Amount of Shares Rejecting
5008	NBFI INC	904					
5011	SCOTIA	60					
5028	DESJRDIN	170					
5036	TD WATER	7,642	8/30/2024	1	333.00		
5036	TD WATER		8/30/2024	1	16.00		
5036	TD WATER		8/30/2024			1	4.00
5043	BMO NSBT	16,971					
5046	CANA GEN	32,483	8/30/2024	1	32,417.00		
5058	HAYWOOD	5,000					
5084	QUES/CDS	410					
5085	CI INV/CDS	6					
5099	CDSCLEA	341					
5198	BOFA/SFKPG	6,964					
5208	GSI	11,193					
6769	RHSECURLLC	5,616					
7309	MS&CO INTL	20					
8199	WEDBUSH/P3	14,378	8/30/2024	1	13,576.00		
8396	HSBC/CLEAR	317	8/28/2024	1	11.00		
8455	BRCNY/LNBR	32					
8460	PHILL CAP	113					
8862	MLPFS	15,599	8/30/2024				
8862	MLPFS		8/30/2024	1	51.00		
8862	MLPFS		8/30/2024	1	4.00		
8862	MLPFS		8/30/2024	1	33.00		
8862	MLPFS		8/30/2024	1	2.00		
	<b>TOTALS:</b>	<b>1,446,792.00</b>		<b>216</b>	<b>286,296.51</b>	<b>45</b>	<b>117,644.03</b>

**EXHIBIT B**

**Ballots Excluded from Tabulation**

**Exhibit B**

## Unacceptable Ballots

Class	Creditor Name	Date Received	No. of Accounts Voting	Amount of Shares Voting	Accept/Reject the Plan?	Reason Unacceptable
6	Name Redacted	8/30/2024	1	41,058	Reject	This beneficial holder ballot was submitted to Verita via email and not compliant with Sections D.2(e) and D.4(d) of the Solicitation Procedures
6	Name Redacted	8/30/2024	1	12,500	Reject	This beneficial holder ballot was submitted to Verita via email and not compliant with Sections D.2(e) and D.4(d) of the Solicitation Procedures

**EXHIBIT C**

**Opt-Out Summary**

Creditor Name	Date Received	Ballot No.	Class	Opt Out of Release
Innovatus Life Sciences Lending Fund I, LP on Behalf of Itself as Collateral Agent and Certain Other Lenders	08/30/2024	17	3 - Prepetition Term Loan Claims	Yes
Name Redacted	08/28/2024	15	4 - General Unsecured Claims	Yes
Name Redacted	08/30/2024	18	4 - General Unsecured Claims	Yes
Name Redacted	08/14/2024	5	4 - General Unsecured Claims	Yes
Merck Sharp and Dohme LLC	08/29/2024	16	4 - General Unsecured Claims	Yes
Oracle America, Inc., Successor in Interest to NetSuite, Inc.	08/13/2024	3	4 - General Unsecured Claims	Yes
Oxford Finance LLC	08/14/2024	1	4 - General Unsecured Claims	Yes
INNOVATUS FLAGSHIP FUND I LP	08/30/2024	21	6 - Existing Equity Interests	Yes
INNOVATUS FLAGSHIP OFFSHORE FUND I LP	08/30/2024	22	6 - Existing Equity Interests	Yes
INNOVATUS LIFE SCIENCES LENDING FUND I LP	08/30/2024	19	6 - Existing Equity Interests	Yes
INNOVATUS LIFE SCIENCES OFFSHORE FUND I-A LP	08/30/2024	20	6 - Existing Equity Interests	Yes
Name Redacted	08/06/2024	4	6 - Existing Equity Interests	Yes



**Exhibit C-2**

Nominee Opt-Out Detail Summary

DTC Participant No.	Nominee	Date Received	Number of Accounts Opting Out of Release	Amount of Shares Opting Out of Release
5	GOLDMAN	8/30/2024	1	30,000.00
15	MSSB	8/30/2024	1	171.00
15	MSSB	8/30/2024	1	21.00
15	MSSB	8/30/2024	1	533.00
15	MSSB	8/30/2024	1	8.00
15	MSSB	8/30/2024	1	617.00
15	MSSB	8/30/2024	1	183.00
15	MSSB	8/30/2024	1	2.00
15	MSSB	8/30/2024	1	1.00
15	MSSB	8/30/2024	1	115.00
15	MSSB	8/30/2024	1	5.00
15	MSSB	8/30/2024	1	6.00
15	MSSB	8/30/2024	1	6.00
15	MSSB	8/30/2024	1	300.00
15	MSSB	8/30/2024	1	6.00
62	VANGUARD	8/30/2024	1	50.00
62	VANGUARD	8/30/2024	1	33.00
62	VANGUARD	8/30/2024	1	8.00
62	VANGUARD	8/30/2024	1	12.00
62	VANGUARD	8/30/2024	1	2.00
62	VANGUARD	8/30/2024	1	13.00
75	LPL LLC	8/30/2024	1	4.00
103	WEDBUSH	8/30/2024	1	3.00
103	WEDBUSH	8/30/2024	1	16.00
103	WEDBUSH	8/30/2024	1	66.00
141	WELLS CLRG	8/30/2024	1	386.00
141	WELLS CLRG	8/30/2024	1	50.00
141	WELLS CLRG	8/30/2024	1	16.00
141	WELLS CLRG	8/30/2024	1	2.00
158	APEX CLEAR	8/30/2024	1	3.33
164	CHS SCHWAB	8/30/2024	1	13.00
164	CHS SCHWAB	8/30/2024	1	33.00
164	CHS SCHWAB	8/30/2024	1	8.00
164	CHS SCHWAB	8/30/2024	1	21.00
164	CHS SCHWAB	8/30/2024	1	33.00
164	CHS SCHWAB	8/30/2024	1	2.00
164	CHS SCHWAB	8/30/2024	1	6.00
164	CHS SCHWAB	8/30/2024	1	5.00
164	CHS SCHWAB	8/30/2024	1	266.00
164	CHS SCHWAB	8/30/2024	1	160.00
164	CHS SCHWAB	8/30/2024	1	3.00
164	CHS SCHWAB	8/30/2024	1	3.00
164	CHS SCHWAB	8/30/2024	1	3.00
164	CHS SCHWAB	8/30/2024	1	13.00
164	CHS SCHWAB	8/30/2024	1	3.00
164	CHS SCHWAB	8/30/2024	1	41.00
164	CHS SCHWAB	8/30/2024	1	133.00
164	CHS SCHWAB	8/30/2024	1	3.00
164	CHS SCHWAB	8/30/2024	1	583.00

**Exhibit C-2**

Nominee Opt-Out Detail Summary

DTC Participant No.	Nominee	Date Received	Number of Accounts Opting Out of Release	Amount of Shares Opting Out of Release
164	CHS SCHWAB	8/30/2024	1	40.00
164	CHS SCHWAB	8/30/2024	1	309.00
164	CHS SCHWAB	8/30/2024	1	9.00
164	CHS SCHWAB	8/30/2024	1	1.00
164	CHS SCHWAB	8/30/2024	1	2.00
164	CHS SCHWAB	8/30/2024	1	1.00
164	CHS SCHWAB	8/30/2024	1	3.00
164	CHS SCHWAB	8/30/2024	1	6.00
164	CHS SCHWAB	8/30/2024	1	90.00
164	CHS SCHWAB	8/30/2024	1	16.00
164	CHS SCHWAB	8/30/2024	1	3.00
164	CHS SCHWAB	8/30/2024	1	25.00
164	CHS SCHWAB	8/30/2024	1	100.00
164	CHS SCHWAB	8/30/2024	1	1,666.00
164	CHS SCHWAB	8/30/2024	1	166.00
164	CHS SCHWAB	8/30/2024	1	6.00
164	CHS SCHWAB	8/30/2024	1	4.00
164	CHS SCHWAB	8/30/2024	1	8.00
164	CHS SCHWAB	8/30/2024	1	35.00
164	CHS SCHWAB	8/30/2024	1	1,000.00
221	UBS FINAN	8/30/2024	1	33.00
226	NFS LLC	8/30/2024	1	13.00
226	NFS LLC	8/30/2024	1	23.00
226	NFS LLC	8/30/2024	1	10.00
226	NFS LLC	8/30/2024	1	91.00
226	NFS LLC	8/30/2024	1	3,333.00
226	NFS LLC	8/30/2024	1	33.00
226	NFS LLC	8/30/2024	1	8.00
226	NFS LLC	8/30/2024	1	1.00
226	NFS LLC	8/30/2024	1	8.00
226	NFS LLC	8/30/2024	1	261.00
226	NFS LLC	8/30/2024	1	66.00
226	NFS LLC	8/30/2024	1	3.00
226	NFS LLC	8/30/2024	1	2,000.00
226	NFS LLC	8/30/2024	1	24.00
226	NFS LLC	8/30/2024	1	7,400.00
226	NFS LLC	8/30/2024	1	2,300.00
226	NFS LLC	8/30/2024	1	2,400.00
226	NFS LLC	8/30/2024	1	6,400.00
226	NFS LLC	8/30/2024	1	3,000.00
226	NFS LLC	8/30/2024	1	1.00
226	NFS LLC	8/30/2024	1	33.00
226	NFS LLC	8/30/2024	1	3.00
226	NFS LLC	8/30/2024	1	1.00
226	NFS LLC	8/30/2024	1	23.00
250	WELLS FARG	8/30/2024	1	1,599.00
352	JPMS/JPMC	8/30/2024	1	167.00
352	JPMS/JPMC	8/30/2024	1	10.00

**Exhibit C-2**

## Nominee Opt-Out Detail Summary

<b>DTC Participant No.</b>	<b>Nominee</b>	<b>Date Received</b>	<b>Number of Accounts Opting Out of Release</b>	<b>Amount of Shares Opting Out of Release</b>
443	PERSHING	8/30/2024	1	1.00
443	PERSHING	8/30/2024	1	333.00
443	PERSHING	8/30/2024	1	26.00
443	PERSHING	8/30/2024	1	1.00
443	PERSHING	8/30/2024	1	5.00
443	PERSHING	8/30/2024	1	3.00
443	PERSHING	8/30/2024	1	12.00
443	PERSHING	8/30/2024	1	53.00
534	INT BROKER	8/29/2024	1	20,583.00
534	INT BROKER	8/29/2024	1	3,800.00
534	INT BROKER	8/29/2024	1	1,000.00
534	INT BROKER	8/29/2024	1	600.00
534	INT BROKER	8/29/2024	1	500.00
534	INT BROKER	8/29/2024	1	400.00
534	INT BROKER	8/29/2024	1	300.00
534	INT BROKER	8/29/2024	1	100.00
547	R W BAIRD	8/29/2024	1	41.00
547	R W BAIRD	8/29/2024	1	66.00
547	R W BAIRD	8/29/2024	1	14.00
547	R W BAIRD	8/30/2024	1	66.00
793	STIFEL	8/30/2024	1	49.00
901	BANK OF NY	8/30/2024	1	5.00
2402	DRIVEW LLC	8/30/2024	1	0.54
2402	DRIVEW LLC	8/30/2024	1	7.61
5002	RBC/DOMN	8/30/2024	1	25.00
5002	RBC/DOMN	8/30/2024	1	9,825.00
5036	TD WATER	8/30/2024	1	333.00
5036	TD WATER	8/30/2024	1	16.00
5046	CANA GEN	8/30/2024	1	32,417.00
8396	HSBC/CLEAR	8/28/2024	1	11.00
8862	MLPFS/8862	8/30/2024	1	51.00
8862	MLPFS/8862	8/30/2024	1	4.00
8862	MLPFS/8862	8/30/2024	1	33.00
	<b>TOTAL</b>		<b>130</b>	<b>137,385.49</b>