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

In re:	§	Chapter 11
	§	
EIGER BIOPHARMACEUTICALS, INC., et al.¹	§	Case No. 24-80040 (SGJ)
	§	
	§	
Debtors.	§	(Jointly Administered)

**SECOND MOTION FOR ENTRY OF AN ORDER
EXTENDING THE DEADLINE TO OBJECT TO CLAIMS**

If you object to the relief requested, you must respond in writing. Unless otherwise directed by the Court, you must file your response electronically at <https://ecf.txnb.uscourts.gov> no more than twenty-four (24) days after the date this motion was filed. If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk and filed on the docket no more than twenty-four (24) days after the date this motion was filed. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

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 2100 Ross Ave., Dallas, Texas 75201.



Dundon Advisers LLC in its capacity as the Liquidating Trustee (the “Liquidating Trustee” or “Movant”) of the Eiger BioPharmaceuticals Liquidating Trust (the “Liquidating Trust”), established by the *Fifth Amended Joint Plan of Liquidation of Eiger BioPharmaceuticals, Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code*), which was confirmed by an order on September 5, 2024 [Docket No. 639], in the above-captioned Chapter 11 cases hereby submits this motion (the “Motion”) for an order extending the deadline to object to Claims and /or Interests by one-hundred eighty-two (180) days to November 26, 2025. In support of this Motion, the Movant respectfully states as follows:

Relief Requested

1. Movant seeks entry of an order, substantially in the form attached hereto as Exhibit A (the “Order”), extending the current deadline to object to Claims and/or Interests, which is 5:00 p.m. (Prevailing Central Time) on May 30, 2025 (the “Claims Objection Deadline”), by one-hundred eighty-two (180) days, through and including Wednesday, November 26, 2025, without prejudice to Movant’s right to seek additional extensions thereof.

Jurisdiction and Venue

2. The United States Bankruptcy Court for the Northern District of Texas (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b).

3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409(a).

4. The bases for the relief requested herein are section 105 of title 11 of the United States Code (“Bankruptcy Code”) and Rule 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

Background

5. On April 1, 2024 (the “Petition Date”), each of the Debtors filed a voluntary petition with this Court under chapter 11 of the Bankruptcy Code. These Chapter 11 Cases have been consolidated for procedural purposes only and are being jointly administered.

6. On September 5, 2024, the Court entered the *Order Approving the Debtors’ Amended Disclosure Statement and Confirming the Fifth Amended Joint Plan of Liquidation of Eiger Biopharmaceuticals, Inc. and its Debtor Affiliates* [Docket No. 639] (the “Confirmation Order”) confirming the *Fifth Amended Joint Plan of Liquidation of Eiger Biopharmaceuticals, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 639-1] (as may be altered, amended, supplemented, or modified from time to time, including all exhibits and schedules thereto, the “Plan”).²

7. On September 30, 2024 (the “Effective Date”), the Debtors filed the *Notice of Occurrence of Effective Date of Fifth Amended Joint Plan of Liquidation of Eiger BioPharmaceuticals, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 685] (the “Notice of Effective Date”), setting forth that, *inter alia*, the Effective Date of the Plan occurred on September 30, 2024.

8. On September 30, 2024, the Liquidating Trust was formed pursuant to the Plan and the Liquidating Trust Agreement. The Plan provides that “the Liquidating Trustee shall have the sole authority to: (1) File, withdraw, or litigate to judgment, objections to Claims and Interests...” See Plan, Art. VII.B.

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

9. On October 30, 2024, the Liquidating Trustee filed a *Motion for Entry of An Order Extending the Deadline to Object to Claims* [Docket No. 728]. On December 4, 2024, the Court entered its *Order Extending the Deadline to Object to Claims* [Docket No. 746] to May 30, 2025.

Claims Reconciliation

10. Since the Effective Date, Movant and its respective professionals have been reviewing, analyzing and reconciling the filed Claims and Interests.

11. On November 4, 2024, the Liquidating Trustee filed its *Liquidation Trust's First Non-Substantive Omnibus Objection to Certain (I) Paid/Satisfied in Part Claims, (II) Superseded Claims, (III) Duplicate Claims, (IV) Late Filed Claims, and (V) Misclassified Claims* [Docket No. 736] ("First Omnibus Objection"). The Trustee objected to 47 claims in the First Omnibus Claim Objection. On December 12, 2024, the First Omnibus Objection was granted as set forth in this Court's *Order Sustaining the Liquidation Trust's First Non-Substantive Omnibus Objection to Certain (I) Paid/Satisfied in Part Claims, (II) Superseded Claims, (III) Duplicate Claims, (IV) Late Filed Claims, and (V) Misclassified Claims* [Docket No. 754].

12. On January 10, 2025, the Liquidating Trustee filed its *Objection to Claim No. 40 filed by Arch Specialty Insurance Company* [Docket No. 761] (the "Arch Specialty Objection"). No response or opposition was received, and on May 7, 2025, the *Certificate of No Objection Regarding the Liquidating Trustee's Objection to Claim No. 40 filed by Arch Specialty Insurance Company* [Docket No. 868] was filed and is pending before the Court.

13. On February 23, 2025, the Liquidating Trustee filed its joint motion with the Plan Administrator objecting to Claim Nos. 83 and 43 filed by Merck Sharp and Dohme LLC [Docket No. 771] (the "Merck Objection"). The parties were able to settle the Merck Objection and announced the settlement in Court on April 15, 2025.

14. On March 7, 2025, the Liquidating Trustee filed its joint objection with the Plan Administrator to the Motion of Sentyln Therapeutics, Inc. to Allow an Administrative Expense Claim [Docket No. 777]. This matter is currently pending before the Court.

15. Although Movant has been expeditiously working to reconcile Claims, and progress has been made since the Effective Date, additional time is needed to effectively reconcile and resolve any issues without necessity of litigation, or to litigate if necessary. To that end, Movant has determined to file this Motion to seek a 180-day extension of the Claims Objection Deadline, through 5:00 p.m. (Prevailing Central Time) on November 26, 2025. Such extension will provide Movant with additional time to (i) review and analyze Claims; (ii) perform the required due diligence to identify objectionable Claims; (iii) negotiate consensual resolutions with as many holders of Claims as possible; and (iv) litigate any Claims which cannot be consensually resolved.

Basis for Relief

16. Section 105(a) of the Bankruptcy Code provides that “the court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). Furthermore, the Court is not precluded from “taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process.” *Id.*

17. Bankruptcy Rule 9006(b) allows a court in its discretion to lengthen the time within which “an act is required or allowed to be done.” Fed. R. Bankr. 9006(b)(1). Rule 9005(b) provides, in relevant part, that:

when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion... with or without motion or notice order the period enlarged if the

request therefor is made before the expiration of the period originally prescribed

Fed. R. Bankr. P. 9006(b)(1). As Collier notes, the Court should be liberal in granting extensions of time sought before the period to act has elapsed, as long as the moving party has not been negligent, dilatory, or acting in bad faith. 10 Collier on Bankruptcy, ¶ 9006.06[3], at 9006-14 (15th rev. ed. 2001).

18. Here, extension of the Claims Objection Deadline is appropriate and reasonable under the circumstances. Although Movant has made meaningful progress, Movant requires additional time to reconcile the remaining Claims and file objections thereto, if necessary. Furthermore, extending the current Claims Objection Deadline may also facilitate settlement efforts and reduce the scope and number of objections that may have to be filed and litigated. Indeed, Movant submits it would be a waste of resources to prematurely file objections to Claims while these efforts to resolve such Claims on a consensual basis are ongoing. Finally, extending the Claims Objection Deadline as set forth herein is not sought for purposes of delay and will not significantly prejudice any claimant, as each claimant will retain any substantive defenses it may have to any claim objections that are filed. Further, in the case of general unsecured creditors, they will be receiving post-Petition Date interest on their Allowed Claims, thus there is every incentive to resolve these as soon as possible.

Notice

19. Notice of this Motion has been given to all parties on the Master Service List and all parties that have filed claims that have not yet been disallowed. Movant respectfully submits that such notice is sufficient and proper under the circumstances and that no other or further notice is required.

WHEREFORE, Movant respectfully request that the Court enter the Order granting the relief requested herein, and such other relief as the Court deems appropriate under the circumstances.

Dated: May 7, 2025

Respectfully submitted,

MCKOOL SMITH, PC

/s/ S. Margie Venus

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*Counsel for Dundon Advisers, LLC, as
Liquidating Trustee of the Eiger
BioPharmaceuticals Liquidating Trust*

CERTIFICATE OF SERVICE

I certify that on May 7, 2025, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Northern District of Texas.

/s/ S. Margie Venus

S. Margie Venus

Exhibit 1

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

In re:	§	Chapter 11
	§	
EIGER BIOPHARMACEUTICALS, INC., <i>et al.</i>¹	§	Case No. 24-80040 (SGJ)
	§	
	§	
Debtors.	§	(Jointly Administered)

ORDER EXTENDING THE DEADLINE TO OBJECT TO CLAIMS

Upon the motion (the “Motion”)² of Dundon Advisers, LLC in its capacity as the Liquidating Trustee (the “Liquidating Trustee”, “Movant”) for an order extending the deadline by which a Claims Objection must be made by 180 days, through and including November 26, 2025,

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

without prejudice to Movant's right to seek additional extension thereof, all as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334; and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before the court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided; and such notice having been adequate and appropriate under the circumstances, and it appearing that no other or further notice need be provided; and the Court having reviewed the Motion; 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 upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor, IT IS HEREBY ORDERED THAT:

1. The Claims Objection Bar Date is hereby extended to 5:00 p.m. (Prevailing Central Time) on November 26, 2025.
2. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

End of Order

Submitted by:

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