

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)

DECLARATION OF JOSHUA NAHAS IN SUPPORT OF THE
LIQUIDATING TRUSTEE'S OBJECTION TO CLAIM NO. 90
FILED BY SCIENSUS INTERNATIONAL B.V.

I, Joshua Nahas, declare as follows under penalty of perjury:

1. I submit this declaration (this "Declaration") in support of *The Liquidating Trustee's Objection to Claim No. 90 Filed by Sciensus International B.V.* (the "Objection").

2. Dundon Advisers LLC serves as liquidating trustee (the "Liquidating Trustee") of the liquidating trust of Eiger BioPharmaceuticals, Inc., et al. (the "Debtors") appointed pursuant to 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. 635-1] (as amended or supplemented from time to time, the "Plan").

3. Sciensus International B.V. ("Sciensus") filed claim 59 on July 22, 2024 against Debtor Eiger BioPharmaceuticals, Inc., which was a duplicate of claim 61 also filed on July 22, 2024 against Debtor EigerBio Europe Limited. Pursuant to communications that I have reviewed

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.



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between Sciensus and the Debtors that occurred on September 4, 2024, Sciensus agreed that claims 59 and 61 have been fully satisfied.

4. Claim 61 was erroneously excluded from the *Notice of Expungement of Claims from Claims Register* filed on November 13, 2024, at Docket No. 741. As such, I directed the filing of a *Second Supplement to Notice of Expungement of Claims Register* on June 6, 2025, which notified the expungement of claim # 61 [Docket No. 880].

5. On October 30, 2024, Sciensus filed two claims: claim 90 filed against Debtor Eiger BioPharmaceuticals, Inc., which is the claim subject to the Objection, and claim # 94, which was filed against Debtor EigerBio Europe Limited. Pursuant to conversations between my attorneys and counsel for Sciensus, it was confirmed on May 7, 2025 that these claims are duplicates of each other and that Sciensus consents to expunging claim 94 so long as they can pursue the full amount asserted in claim 90. Following confirmation that claim 94 was a duplicate and could be expunged, I directed the claims and noticing agent to expunge this claim from the claims register.

6. Claim 90 asserts an entitlement to damages for attorneys' fees flowing from the rejection of a Distribution Agreement entered into by Sciensus with Debtor Eiger BioPharmaceuticals, Inc. on January 8, 2021 (the "Subject Contract"). The time records for the attorneys included in claim 90 provide descriptions that relate to Sciensus ultimately entering into a new contract with one of the purchasers of the Debtors' assets, Sentynl Therapeutics, Inc.

7. Pursuant to Section 21.2 of the Subject Contract, both Debtor Eiger BioPharmaceuticals, Inc. and Sciensus expressly agreed that "neither party shall in any circumstances be liable to the other party for: 21.2.1. any direct, special or consequential loss." As such, the basis for claim 90--attorneys' fees that were incurred by Sciensus specifically to negotiate

a contract with purchaser Sentynl Therapeutics--are not recoverable against the Debtors' estates.
Therefore, claim 90 should be expunged.

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

Dated: June 19, 2025
New York, New York

By: /s/ Joshua Nahas
Name: Joshua Nahas
Title: Managing Director
Dundon Advisors

*Liquidating Trustee of the Liquidating Trust of
Eiger Biopharmaceuticals, Inc., et al.*