

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

REQUEST FOR PAYMENT OF
ADMINISTRATIVE EXPENSE

In re:
Invitae Corporation, et al.

Chapter 11
Case Number: 24-11362

NOTE: This form should not be used for an unsecured claim arising prior to the commencement of the case. In such instances, a proof of claim should be filed.

Name of Creditor: Alton Tech ADA LLC
(The person or other entity to whom the debtor owed money or property.)

Name and Addresses Where Notices Should Be Sent:
Alton Tech ADA LLC
Beejal Northrup
111 Innovation Drive
Irvine, CA 92617

Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Check box if you have never received any notices from the bankruptcy court in this case.

Check box if the address differs from the address on the envelope sent to you by the court.

THIS SPACE IS FOR COURT USE ONLY

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR: \$176,573.00

Check here if this request:
 replaces a previously filed request, dated:
 amends a previously filed request, dated:

1. BASIS FOR CLAIM

Goods Sold
 Services performed
 Money loaned
 Personal injury/wrongful death
 Taxes
 Other (Describe briefly)

Retiree benefits as defined in 11 U.S.C. §1114(a)
 Wages, salaries and compensations (Fill out below)

Provide last four digits of your social security number _____

2. DATE DEBT WAS INCURRED: Petition Date to Rejection Date

3. TOTAL AMOUNT OF REQUEST AS OF ABOVE DATE: _____

Check this box if the request includes interest or other charges in addition to the principal amount of the request. Attach itemized statement of all interest or additional charges.

4. Secured Claim
 Check this box if your claim is secured by collateral (including a right of setoff).
Brief Description of Collateral:
 Real Estate Motor Vehicle
 Other (Describe briefly) _____
Value of Collateral: \$ _____

Check this box if there is no collateral or lien securing your claim.

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5. **Credits:** The amount of all payments have been credited and deducted for the purposes of making this request for payment of administrative expenses.

6. **Supporting Documents:** Attach copies of supporting documents, such as purchase orders, invoices, itemized statements of running accounts, contracts as well as any evidence of perfection of a lien.
DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

7. **Date-Stamped Copy:** To receive an acknowledgment of the filing of your request, enclose a self-addressed envelope and copy of this request.

Date:
9/6/2024

Sign and print below the name and title, if any, of the creditor or other person authorized to file this request (attach copy of power of attorney, if any).

/s/ Damien Nicholas Tancredi

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

NOTE: The filing of this request will not result in the scheduling of a hearing to consider payment of your administrative claim but will result in the registry of your administrative claim with the Bankruptcy Court. If you wish to have a hearing in accordance with D.N.J. LBR 3001-1(b).



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FLASTER/GREENBERG P.C.

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

<p>In re:</p> <p>INVITAE CORPORATION, <i>et al.</i></p> <p style="text-align: center;">Debtors</p>	<p>Chapter 11</p> <p>Case No. 24-11362(MBK)</p> <p>(Jointly Administered)</p>
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**CERTIFICATION IN SUPPORT OF MOTION FOR ALLOWANCE OF
ADMINSTRATIVE EXPENSE**

Damien Nicholas Tancredi, Esq. of full age, hereby states as follows:

1. I am the attorney for the Moving Party and Landlord Alton Tech ADA LLC (interchangeably, the Movant or the “Landlord”) and I make this certification in support of the Movant-Landlord’s Motion for Relief from the Automatic Stay in Order to Offset Security Deposit and Letter of Credit (the “Motion”).

2. The above-captioned debtors (the “Debtors”) filed voluntary chapter 11 petitions on February 13, 2024, under the United States Bankruptcy Code in the United States Bankruptcy Court for the District of New Jersey (the “Petition Date”).

3. The Debtor, Invitae Corporation (interchangeably, the “Debtor” or the “Tenant”), was a lessor of certain real property located at 5 Technology Drive, Suite 100, Irvine CA 92618 (the “Premises”) that it leased from the Landlord pursuant to a written Lease dated June 5, 2019.

4. Pursuant to the Lease, the Tenant was obligated to pay rent in the amount of \$ 63,360 per month, as of February 1, 2024 (the “Base Rent”).

5. In addition to the Base Rent, the Tenant is responsible for additional rent, consisting of taxes, common area maintenance charges, and insurance in the amount of \$14,418 per month, as of February 1, 2024 (the “Additional Rent”).

6. Since the Petition Date, the Movant has received no payment from any source, for any Base Rent or Additional Rent or other obligations due under the Lease.

7. On March 18, 2024, this Court entered the Order Authorizing (i) Rejection of Certain Unexpired Leases of Non-Residential Real Property and (ii) Abandonment of any Personal Property, each Effective as of the Rejection Date. (Dkt. 195) (the “Rejection Order”). The Rejection Order authorized the rejection of the Lease. (See Rejection Order, Schedule 1, Entry 5).

8. The Rejection Date is calculated as follows:

2. Pursuant to section 365 of the Bankruptcy Code, the Leases (including the subleases) identified on Schedule 1 attached hereto are hereby rejected, to be effective as of the later of (a) the Rejection Date set forth on Schedule 1 or (b) the date the Debtors relinquish control of the Premises by notifying the affected landlord in writing, with email being sufficient, of the Debtors’ surrender of the Premises and (i) turning over keys, key codes, and security codes, if any, to the affected landlord or (ii) notifying the affected landlord in writing, with email being sufficient, that the keys, key codes, and security codes, if any, are not available, but that the landlord may rekey the leased Premises (the “Rejection Date”).

9. Alton was able to relet the Property to a third party such that the new tenant took possession of the Property on March 23, 2024. Therefore, the “Rejection Date” as defined in the Rejection Order is March 23, 2024.

10. On April 8, 2024, Alton filed a Motion for Relief from the Automatic Stay (the “Motion for Relief”). Through the Motion for Relief, Alton sought authority to offset certain security deposits and a letter of credit. (Dkt. No. 296).

11. On May 7, 2024, this Court approved the *Stipulation and Agreed Order for Limited Relief from the Automatic Stay to Effectuate a Setoff* (Dkt. No. 462) (the “Setoff Stipulation”). The Setoff Stipulation granted the relief Alton sought through the Motion for Relief. The Setoff Stipulation stated, “Notwithstanding anything in this Stipulation to the contrary, the Landlord [Alton] retains all rights to seek the allowance of an administrative expense and all Parties’ rights are reserved with respect to such a request. Notwithstanding the foregoing, nothing herein constitutes admission as to the validity of any such administrative expense.” *Dkt. 462 at ¶ 5.*

12. Between the Petition Date and the Rejection Date, the Debtor incurred \$176,573.00 in administrative rent, operations expenses, common area maintenance, and legal fees. Such amounts constitute rent under the lease and represent an administrative expense due to Alton (the “Administrative Expense”).

13. The Administrative Expense breaks down as follows:

Bae Rent	\$81,170.88
Operation Expenses	\$18,470.99
Common Area Maintenance	\$3,366.92
Legal Expenses ¹	\$73,564.21
TOTAL	\$176,573.00

¹ The attorneys’ fees provided herein are calculated from the Petition Date through the present.

14. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 6, 2024.

/s/ Damien Nicholas Tancredi

Damien Nicholas Tancredi, Esq.

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b)	
FLASTER/GREENBERG P.C. Damien Nicholas Tancredi, Esquire (DT 1383) 1810 Chapel Avenue West Cherry Hill, NJ 08002 (215) 587-5675 Damien.tancredi@flastergreenberg.com <i>Attorneys for Alton Tech ADA, LLC</i>	
In Re: INVITAE CORPORATION, <i>et al.</i> , Debtors.	Chapter 11 Case Number: 24-11362 (MBK) (Jointly Administered) Judge: Honorable Michael B. Kaplan

CERTIFICATE OF SERVICE

1. I, Damien Nicholas Tancredi, Esquire, represent Alton Tech ADA, LLC and I certify as follows.
2. On September 6, 2024, I caused a copy of the following pleadings and/or documents to the parties to be served electronically on all parties entitled to service through the Court's CM/ECF system in accordance with the Order Establishing Certain Notice, Case Management and Administrative Procedures (Dkt. No. 62).
 - A. Request for Payment of Administrative Expense;
 - B. This Certificate of Service.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: September 6, 2024

/s/ Damien Nicholas Tancredi
Damien Nicholas Tancredi