

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)
	) Chapter 11
NVN Liquidation, Inc., <i>et al.</i> ,	)
f/k/a NOVAN, INC., <sup>1</sup>	) Case No. 23-10937 (LSS)
	)
Debtors.	) (Jointly Administered)
	)

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**AFFIDAVIT OF PUBLICATION OF THE NOTICE OF (I) INTERIM APPROVAL OF COMBINED DISCLOSURE STATEMENT AND PLAN; AND (II) THE HEARING TO CONSIDER (A) FINAL APPROVAL OF THE COMBINED DISCLOSURE STATEMENT AND PLAN AS CONTAINING ADEQUATE INFORMATION AND (B) CONFIRMATION OF THE COMBINED DISCLOSURE STATEMENT AND PLAN IN USA TODAY**

This Affidavit of Publication includes the sworn statements verifying that the Notice of (I) Interim Approval of Combined Disclosure Statement and Plan; and (II) The Hearing to Consider (A) Final Approval of the Combined Disclosure Statement and Plan as Containing Adequate Information and (B) Confirmation of the Combined Disclosure Statement and Plan was Published and Incorporated by reference herein as follows:

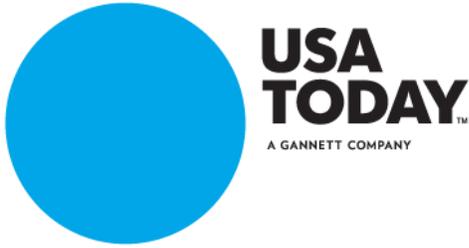
1. In *USA TODAY* on December 22, 2023, attached hereto as **Exhibit A**.

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digitals of the Debtors' federal tax identification number (if applicable), are: Novan, Inc. (7682) and EPI Health, LLC (9118). The corporate headquarters and the mailing address for the Debtors is 4020 Stirrup Creek Drive, Suite 110, Durham, NC 27703.



# **Exhibit A**



**VERIFICATION OF PUBLICATION**

**COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX**

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Being duly sworn, Vanessa Salvo says that she is the principal clerk of USA TODAY, and is duly authorized by USA TODAY to make this affidavit, and is fully acquainted with the facts stated herein: on **Friday, December 22, 2023**, the following legal advertisement – **NVN Liquidation, Inc., et al., f/k/a NOVAN, INC.** was published in the national edition of USA TODAY.

*Vanessa Salvo*

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Principal Clerk of USA TODAY  
December 22, 2023

# Sun Belt dominates Saturday bowls

Eddie Timanus USA TODAY

The bowl season rolls merrily along on Saturday with seven games. Coincidentally, six of them involve members of the Sun Belt Conference. This was in no way predetermined, but the league happened to get a record 12 teams up to the eligibility threshold, including one that is ahead of schedule. It probably won't hurt that three of the day's contests are in the heart of Sun Belt territory in the Yellowhammer State, but outside of that trio the league's foil will be three representatives from the Mountain West Conference.

## Birmingham Bowl: Duke vs. Troy, noon ET, ABC

This is the SBC's lone crack at a so-called Power Five conference squad, and it seems fitting that it's the league champ getting that opportunity. Both schools will be led by interim coaches with Duke's Mike Elko and Troy's Jon Sumrall off to Texas A&M and Tulane, respectively. Trooper Taylor will mind the store for the Blue Devils as they await the arrival of Manny Diaz, and the Trojans will be managed by Greg Gasparato with Gerad Parker on the way. From a player standpoint, the exodus via the portal has seemingly been more consequential for Duke, particularly on the defensive side. Trojans RB Kimani Vidal will look to take advantage, though he'll likely have frequent encounters with Duke LB Tre Freeman. Blue Devils QB Grayson Loftis, pressed into service as a freshman when Riley Leonard went down in the middle of the season, hopes to avoid Trojans DE Javon Solomon as he looks to add to his 16 sacks.

## Camellia Bowl: Arkansas State vs. Northern Illinois, noon ET, ESPN

This is the first of two contests on the day matching the Mid-American Conference against the Sun Belt, with those two leagues having split their first two encounters in the postseason. Arkansas State is bowling for the first time since 2019, but Northern Illinois will be just as motivated as it seeks to snap a seven-game bowl losing streak. The Red Wolves' attack is directed by QB Jaylen Raynor, a good ball distributor who is at his best in a quick tempo. The Huskies are better equipped to control the time of possession behind veteran QB Rocky Lombardi and workhorse RB Antario Brown.

## Armed Forces Bowl: No. 25 James Madison vs. Air Force, 3:30 ET, ABC

The Dukes program has enjoyed plenty of postseason success in the FCS playoffs and now makes its bowl debut in just its second year at the sport's top level, though they lost coach Curt Cignetti to Indiana in the process. The Falcons are bowl regulars, but they



## Gasparilla Bowl

**Georgia Tech (6-6) vs. UCF (6-6), 6:30 p.m. ET Friday, ESPN:** UCF is wrapping up its first season in a Power Five conference and wants to build momentum for next season. Georgia Tech last finished with a winning record in 2018 at 7-6. Georgia Tech redshirt sophomore QB Haynes King is one of two players in the nation with at least 2,700 passing yards, 600 rushing yards, 25 TD passes and five TD runs this season. The other: Heisman winner Jayden Daniels. — Associated Press

enter with no momentum on a four-game skid after starting the campaign 8-0. QB Jordan McCloud is the driving force for the Dukes, making extensive use of 1000+-yard WRs Elijah Sarratt and Reggie Brown. The Air Force option attack has been far less efficient with QB Zac Larrier and FB Emmanuel Michel battling injuries down the stretch.

## Idaho Potato Bowl: Georgia State vs. Utah State, 3:30 ET, ESPN

The Aggies were further down the Mountain West pecking order than usual in 2023 but managed to qualify for a bowl for the 11th time in the last 13 seasons. QB Levi Williams, who shined in the Aggies' double-overtime victory at New Mexico in the regular-season finale, will again get the nod with Cooper Legas still injured. Georgia State dropped its last five games after a 6-1 start. The Panthers will also be without standout RB Marcus Carroll, bound for Missouri, so even more will be asked of QB Darren Grainger and WR Robert Lewis.

## 68 Ventures Bowl: Eastern Michigan vs. South Alabama, 7 ET, ESPN

South Alabama QB Carter Bradley was playing on a bad knee late in the season but is expected to take at least some of the snaps. His arsenal includes WR Caullin Lacy, who amassed a lofty 1,316 yards, and La'Damian Webb, who rushed for 1,007 yards and 16 TDs. This is EMU's second contest in Alabama this season. The first didn't go well as the Eagles fell at Jacksonville State, but they enter on a two-game winning streak. QB Austin Smith can be mistake prone when under duress, but RBs Samson Evans and Jaylon Jackson can help alleviate the pressure.

## Las Vegas Bowl: Northwestern vs. Utah, 7:30 ET, ABC

After claiming the last two Pac-12 crowns, the Utes are undeniably not at their preferred bowl destination. Any postseason appearance was a reward for the Wildcats, who dealt with a coaching change before



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College Football Friday	Gasparilla Bowl Tampa, Fla.	Favorite	Line	O/U	Underdog
		UCF	5½	67½	Georgia Tech
<b>Saturday</b>	<b>Birmingham Bowl Birmingham, Ala.</b>	Favorite	Line	O/U	Underdog
		Troy	7½	44½	Duke
	<b>Camellia Bowl Montgomery, Ala.</b>	Favorite	Line	O/U	Underdog
		Arkansas State	3	54½	Northern Illinois
	<b>Armed Forces Bowl Fort Worth, Texas</b>	Favorite	Line	O/U	Underdog
		James Madison	1½	40½	Air Force
	<b>Famous Idaho Potato Bowl Boise, Idaho</b>	Favorite	Line	O/U	Underdog
		Utah State	2½	59½	Georgia State
	<b>68 Ventures Bowl Mobile, Ala.</b>	Favorite	Line	O/U	Underdog
		South Alabama	16½	45½	Eastern Michigan
	<b>Las Vegas Bowl Paradise, Nev.</b>	Favorite	Line	O/U	Underdog
		Utah	6½	40½	Northwestern
	<b>Hawaii Bowl Honolulu</b>	Favorite	Line	O/U	Underdog
		San Jose State	9½	51½	Coastal Carolina

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their season kicked off. Points could be at a premium as defense is the strong side of the ball for both teams. The Wildcats' main stoppers are LBs Bryce Gallagher and Xander Mueller, who will look to keep Utes RBs Ja'Quinden Jackson and Jaylon Glover bottled up. Utah DB Sione Vaki, who occasionally moonlights as an all-purpose weapon in the offensive backfield, will likely devote most of his attention to the Wildcats' most reliable producer, RB Cam Porter.

## Hawaii Bowl: Coastal Carolina vs. San Jose State, Dec. 17, 10:30 ET, ESPN

The day wraps up with this ultimate warm-weather destination with camera shots guaranteed to cause envy among viewers from northern climes. It's actually the second visit to the islands for the Spartans. They blanked Hawaii's Rainbow Warriors in October during their season-ending six-game winning streak that earned them a share of first place in the Mountain West, though they were denied a spot in the league championship game due to tiebreakers. SJSU should have most of its key personnel on hand, including QB Chevan Cordeiro and RB Kairee Robinson. The Chanticleers lost a lot of talent to the transfer portal, most notably QB Grayson McCall, who is bound for North Carolina State. The offense will likely be in the hands of freshman Ethan Vasko, who does have four touchdown passes to his credit with a couple of more TDs by land.

## NBA ON CHRISTMAS

# League stars will come to play

Jeff Zillgitt USA TODAY

There's at least one NBA MVP playing in every Christmas game Monday: Giannis Antetokounmpo, Steph Curry, Nikola Jokic, LeBron James, Joel Embiid and Kevin Durant.

The past four NBA championships are also featured: Denver, Golden State, Milwaukee and the Los Angeles Lakers.

Miami coach Erik Spoelstra has not lost in eight Christmas Day games.

It's the Knicks playing on Christmas for the 56th time and 48th time in New York City. "City sidewalks, busy side-

walks, dressed in holiday style."

James is the all-time leading scorer in Christmas games with 460 points and can break a tie with Dwyane Wade for most Christmas victories. They have 10, though Wade has the better winning percentage — .769 to James' .588. With his 119 assists on Christmas, James can also get closer to Oscar Robertson's record of 145. With three steals, he can tie Russell Westbrook (29) for No. 1 on Christmas, and with three 3-pointers he can tie James Harden (31) for most Christmas 3s.

Let's look at the matchups with times, TV info and predictions:

## NBA Christmas Day games

### Milwaukee Bucks at New York Knicks

Time: Noon ET, ESPN  
Why you should watch: Bucks stars Antetokounmpo and Damian Lillard help form one of the best offenses, and Knicks guard Jalen Brunson, who scored a career-high 50 points against Phoenix on Dec. 15, is headed toward his first All-Star appearance.  
Prediction: Knicks

### Golden State Warriors at Denver Nuggets

Time: 2:30 p.m. ET, ABC and ESPN  
Why you should watch: It's Curry and Jokic — two of the game's best players who each have two regular-season MVPs and a Finals MVP. Both are shotmakers and playmakers extraordinaire — basketball wizardry at its finest.  
Prediction: Nuggets

### Boston Celtics at Los Angeles Lakers

Time: 5 p.m. ET, ABC and ESPN  
Why you should watch: It's Lakers-Celtics, two of the league's storied franchises — each with a league-best 17 NBA titles. LeBron James. Anthony Davis. This is just the fifth time the Lakers and Celtics have met on Christmas (2018, 1970, 1955, 1951).  
Prediction: Celtics

### Philadelphia 76ers at Miami Heat

Time: 8 p.m. ET, ESPN  
Why you should watch: Joel Embiid is dominating and having a better season (league-best 34.4 points, 11.8 rebounds, a career-best 6.0 assists, 1.9 blocks and 1.1 steals per game and 53.4% from the field) than he did in 2022-23 when he won his first MVP award.  
Prediction: Sixers

## WNBA greets to host Bucks-Knicks alt-cast

Deck the halls with "The Bird & Taurasi Show." WNBA greets Sue Bird, who retired from the Seattle Storm in 2022, and Diana Taurasi, who plays for the Phoenix Mercury, will bring the Christmas cheer on Monday with an ESPN alt-cast during the holiday matchup between the Milwaukee Bucks and New York Knicks at noon ET, according to Variety. "The Bird & Taurasi Show" will be available to watch on ESPN2 and ESPN+. The alt-cast will feature Jason Sudeikis, Tyrese Haliburton and Breanna Stewart, among other guests. Bird and Taurasi have teamed up before on an ESPN alt-cast during the NCAA Women's Final Four. — Cynthia Henderson



Taurasi, left, and Bird

### Dallas Mavericks at Phoenix Suns

Time: 10:30 p.m. ET, ESPN  
Why you should watch: With better shooting around him, Mavs guard Luka Doncic is putting together his best all-around season and is right alongside Embiid as one of the top MVP candidates. Plus, Kevin Durant and Devin Booker could put on a show for Phoenix.  
Prediction: Mavericks

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### NOTICES

#### LEGAL NOTICE

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE  
In re: Chapter 11, Case No. 23-10937 (LSS)  
NVN Liquidation, Inc., et al./k/a NOVAN, INC., ) (Jointly Administered)  
Debtors. ) Re: D.I. 476

**NOTICE OF (I) INTERIM APPROVAL OF COMBINED DISCLOSURE STATEMENT AND PLAN; AND (II) THE HEARING TO CONSIDER (A) FINAL APPROVAL OF THE COMBINED DISCLOSURE STATEMENT AND PLAN AS CONTAINING ADEQUATE INFORMATION AND (B) CONFIRMATION OF THE COMBINED DISCLOSURE STATEMENT AND PLAN PLEASE TAKE NOTICE OF THE FOLLOWING:**

On July 17, 2023 (the "Petition Date"), the above-captioned debtors and debtors in possession (collectively, the "Debtors") filed voluntary petitions for relief under title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the District of Delaware (the "Court").

1. **APPROVAL OF DISCLOSURE STATEMENT AND PLAN ON AN INTERIM BASIS**

1. On December 19, 2023, the Court entered an order (the "Solicitation Procedures Order"), which, among other things, approved, on an interim basis, the Combined Disclosure Statement and Chapter 11 Plan of Liquidation Proposed by the Debtors (as may be amended, modified, or supplemented from time to time, the "Disclosure Statement and Plan") filed by the Debtors in these chapter 11 cases (the "Chapter 11 Cases").

2. **Copies of the Disclosure Statement and Plan, the Solicitation Procedures Order, and all other documents filed in these Chapter 11 Cases may be obtained without charge, at or upon request to the Debtors' claim and voting agent, Kurtzman Carson Consultants LLC, at (888) 251-2954 or (310) 751-2614 (for parties outside the U.S. and Canada) or [Kurtzman@kcccllc.com](mailto:Kurtzman@kcccllc.com).**

3. **Confirmation Hearing.** A hearing (the "Confirmation Hearing") to consider (a) final approval of the Disclosure Statement and Plan as containing adequate information within the meaning of section 1125 of the Bankruptcy Code and (b) confirmation of the Disclosure Statement and Plan will be held before the Honorable Laurie Selber Silverstein, United States Bankruptcy Judge, at the United States Bankruptcy Court for the District of Delaware, 6th Floor, Courtroom #2, 824 North Market Street, Wilmington, Delaware 19801, on **January 25, 2024, at 10:00 a.m. (prevailing Eastern Time)**. The Confirmation Hearing may be continued from time to time without further notice other than the announcement by the Debtors in open court of the adjourned date at the Confirmation Hearing or any continued hearing or as indicated in any notice filed with the Court on the docket in the Chapter 11 Cases.

4. **Voting Deadline.** Only Holders of Claims in Class 3 (NVN Unsecured Claims) and Class 4 (EPI Unsecured Claims) are entitled to vote to accept or reject the Disclosure Statement and Plan. For more information concerning the nature of those classes of claims, please review the Disclosure Statement and Plan. The deadline for the submission of such votes is **January 18, 2024, at 4:00 p.m. (prevailing Eastern Time)**.

5. **Parties Not Entitled to Vote.** Holders of Unimpaired Claims in Class 1 (Other Priority Claims) and Class 2 (Other Secured Claims) are deemed to accept the Disclosure Statement and Plan. Holders of Impaired Claims or Interests in Class 5 (Subordinated Claims) or Class 6 (Equity) will receive no distribution under the Disclosure Statement and Plan on account of such Claims and Interests and are deemed to reject the Disclosure Statement and Plan. For more information concerning the nature of those classes of claims, please review the Disclosure Statement and Plan. In accordance with section 1123(a)(1) of the Bankruptcy Code, Administrative Claims, Professional Fee Claims, and Priority Tax Claims, as described in the Disclosure Statement and Plan, have not been classified and, therefore, Holders of such Claims are not entitled to vote to accept or reject the Disclosure Statement and Plan. The respective treatment of such unclassified Claims is set forth in Article VI of the Disclosure Statement and Plan.

6. **Objections to Confirmation.** Objections to confirmation of the Disclosure Statement and Plan, including any objection to the adequacy of the disclosures in the Disclosure Statement and Plan, if any, must: (a) be in writing; (b) state the name and address of the objecting party and the nature of the Claim or interest of such party; (c) state with particularity the basis and nature of such objection; and (d) be filed with the Court and served on the Notice Parties' so as to be received no later than **4:00 p.m. (prevailing Eastern Time) on January 18, 2024**. Unless an objection is timely served and filed as prescribed herein, it may not be considered by the Court.

7. **Key Dates.** Key dates can be found at <https://www.kcccllc.com/novan>.

**ARTICLE X OF THE COMBINED DISCLOSURE STATEMENT AND PLAN CONTAINS RELEASE, EXCULPATION, AND INJUNCTION PROVISIONS. YOU ARE ADVISED TO REVIEW AND CONSIDER THE COMBINED DISCLOSURE STATEMENT AND PLAN CAREFULLY, PARTICULARLY ARTICLE X THEREOF, BECAUSE YOUR RIGHTS MIGHT BE AFFECTED THEREUNDER.**

**Binding Nature of the Combined Disclosure Statement and Plan:** If confirmed, the combined Disclosure Statement and Plan will bind all Holders of Claims and Interests to the maximum extent permitted by applicable law, whether or not such Holder will receive or retain any property or interest in property under the combined Disclosure Statement and Plan, has filed a Proof of Claim in these cases, or failed to vote to accept or reject the combined Disclosure Statement and Plan or voted to reject the combined Disclosure Statement and Plan.

Dated: December 19, 2023, Wilmington, Delaware. Respectfully submitted, */s/ Daniel B. Butz*, MORRIS, NICHOLS, ARSHT & TUNNELL LLP, Derek C. Abbott (No. 3376), Daniel B. Butz (No. 4227), Tamara K. Mann (No. 5643), Scott D. Jones (No. 6672), 1201 Market Street, 16th Floor, Wilmington, Delaware 19801, Telephone: (302) 658-9200, Facsimile: (302) 658-3989, Email: [dabbott@morrisonichols.com](mailto:dabbott@morrisonichols.com), [dbutz@morrisonichols.com](mailto:dbutz@morrisonichols.com), [tmann@morrisonichols.com](mailto:tmann@morrisonichols.com), [sjones@morrisonichols.com](mailto:sjones@morrisonichols.com)

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digitals of the Debtors' federal tax identification number (if applicable), are: NVN Liquidation, Inc., (f/k/a Novan, Inc.) (7682) and EPI Health, LLC (9118). The corporate headquarters and the mailing address for the Debtors is: P.O. Box 64, Pittsboro, NC 27312.

<sup>2</sup> Capitalized terms used but not otherwise defined shall have the meanings ascribed to such terms in the combined Disclosure Statement and Plan.

<sup>3</sup> The Notice Parties are: (a) counsel to the Debtors, Morris, Nichols, Arsh & Tunnell LLP, 1201 Market Street, 16th Floor, Wilmington, Delaware 19801 (Attn: Derek C. Abbott, Esq. ([dabbott@morrisonichols.com](mailto:dabbott@morrisonichols.com))); (b) the Office of the United States Trustee, J. Caleb Boggs Federal Building, 944 King St., Lockbox 35, Wilmington, DE 19801 (Attn: Linda J. Casey, Esq. ([linda.casey@usdoj.gov](mailto:linda.casey@usdoj.gov))); and (c) counsel to the Official Committee of Unsecured Creditors (the "Committee") Goodwin Procter, LLP, The New York Times Building, 620 Eighth Avenue, New York, New York 10018 (Attn: Howard Steel ([hsteel@goodwinlaw.com](mailto:hsteel@goodwinlaw.com)), Barry Bazian ([bbazian@goodwinlaw.com](mailto:bbazian@goodwinlaw.com)), Stacy Dasaro ([sdasaro@goodwinlaw.com](mailto:sdasaro@goodwinlaw.com)), and James Lathrop ([jlathrop@goodwinlaw.com](mailto:jlathrop@goodwinlaw.com))).

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