

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

In re:

TRICIDA, INC.,<sup>1</sup>

Debtor.

Chapter 11

Case No. 23-10024 (JTD)

**Re: Docket No. 9**

**INTERIM ORDER (I) AUTHORIZING THE DEBTOR  
(A) TO CONTINUE USE OF ITS EXISTING  
CASH MANAGEMENT SYSTEM, BANK ACCOUNTS,  
CHECKS, CREDIT CARD PROGRAM, AND BUSINESS  
FORMS, AND (B) TO PAY RELATED PREPETITION  
OBLIGATIONS; (II) WAIVING CERTAIN INVESTMENT  
AND DEPOSIT GUIDELINES; AND (III) GRANTING RELATED RELIEF**

Upon consideration of the motion (the “Motion”)<sup>2</sup> of Tricida, Inc., as debtor and debtor in possession in the above-captioned chapter 11 case (the “Debtor”), for entry of an interim order (I) authorizing, but not directing, the Debtor to continue (a) use of its existing cash management system, bank accounts, checks, corporate credit card, and business forms, and (b) payment of related prepetition obligations, (II) waiving certain investment and deposit guidelines, and (III) granting related relief, each as more fully set forth in the Motion; and upon consideration of the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and the Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of this proceeding and the Motion in

<sup>1</sup> The Debtor in this chapter 11 case, together with the last four digits of the Debtor’s federal tax identification number, is Tricida, Inc. (2526). The Debtor’s service address is 7000 Shoreline Court, Suite 201, South San Francisco, CA 94080.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Motion.



this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and appropriate notice of and opportunity for hearing on the Motion having been given; and the Court having determined that the relief requested in the Motion is necessary to avoid immediate and irreparable harm to the Debtor and its estate, as contemplated by Bankruptcy Rule 6003; and the relief requested in the Motion being in the best interests of the Debtor's estate, its creditors, and other parties in interest; 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 after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The relief requested in the Motion is GRANTED on an interim basis as set forth herein.
2. The final hearing on the Motion shall be held on February 9, 2023 at 11:00 a.m. (prevailing Eastern Time) (the "Final Hearing"). Any objections or responses to entry of the proposed final order shall be filed on or before 4:00 p.m. (prevailing Eastern Time) on February 2, 2023. In the event no objections to entry of a final order on the Motion are timely received, this Court may enter a final order without need for the Final Hearing.
3. The Debtor is authorized, but not directed, to (a) designate, maintain, and continue to use its Cash Management System and any or all of its existing Bank Accounts in the names and with the account numbers existing immediately before the Petition Date, (b) deposit funds in and withdraw funds from such accounts by all usual means, including checks, wire transfers, ACH transfer, and other debits, (c) maintain the Credit Card Program and to pay all balances outstanding, up to a cap of \$50,000, whether arising before or after the Petition Date, in the ordinary course of

business, (d) pay prepetition and ordinary course Bank Fees for the Bank Accounts, and (e) treat its prepetition Bank Accounts for all purposes as debtor-in-possession accounts.

4. The Debtor is authorized to continue using its existing Business Forms without alteration; *provided, however*, that once the Debtor's existing check stock has been used, the Debtor shall, when reordering checks, require the designation "Debtor in Possession" and the bankruptcy case number on all checks; *provided further* that with respect to checks that the Debtor or its agents print themselves, the Debtor shall begin printing the "Debtor in Possession" legend and the bankruptcy case number on such items within ten (10) business days of the date of entry of this interim order.

5. The Debtor is authorized to open any new bank accounts or close its existing Bank Accounts as it may deem necessary and appropriate in its sole discretion and make ordinary-course changes to the Bank Accounts in a manner consistent with prepetition practices without further order of the Court; *provided, however*, that the Debtor shall give notice of the opening or closing of any such bank account within fifteen (15) days to (a) the U.S. Trustee and (b) counsel to any statutory committee appointed in this chapter 11 case, and as consistent with this interim order. Any new bank account opened by the Debtor shall be established at an institution that is a party to a Uniform Depository Agreement with the U.S. Trustee or is willing to immediately execute a Uniform Depository Agreement.

6. The Banks with which the Debtor maintains Bank Accounts as of the Petition Date are authorized and directed to continue to maintain, service, and administer the Bank Accounts without interruption and in the usual and ordinary course and to receive, process, honor, and pay all checks presented for payment and honor all fund transfer requests made by the Debtor related thereto, to the extent that sufficient funds are on deposit in those accounts; *provided, however*, that

nothing contained herein shall authorize any Bank to honor any check, draft, wire, or other transfer issued or dated prior the Petition Date, except as otherwise provided by order of this Court; *provided further* that any financial institution is authorized to accept and rely on all representations made by the Debtor with respect to which checks, drafts, wires, or ACH transfers should be honored or dishonored in accordance with this or any other order of the Court, whether such checks, drafts, wires, or ACH transfers are dated prior to, on, or subsequent to the Petition Date, without any duty to inquire otherwise.

7. The Debtor shall maintain accurate records of all transfers into and out of the Bank Accounts so that all postpetition transfers and transactions shall be adequately and promptly documented in, and readily ascertainable from, its books and records, to the same extent maintained by the Debtor before the Petition Date.

8. The requirement in the Guidelines that the Debtor establish a specific new bank account for tax payments is waived. The Debtor is granted an extension of the time to comply with the requirements of 11 U.S.C. § 345(b) until a final order with respect to the Motion is entered, without prejudice to the Debtor's right to seek additional time through further order of this Court.

9. For all Banks at which the Debtor maintains Bank Accounts that are party to a Uniform Depository Agreement with the U.S. Trustee, within five (5) business days of the date of entry of this interim order, the Debtor shall (a) contact each such Bank, (b) provide each such Bank with the Debtor's employer identification number, and (c) identify each of its Bank Accounts held at such Banks as being held by a debtor in possession in a chapter 11 case.

10. To the extent applicable, for Banks at which the Debtor holds Bank Accounts that are not party to a Uniform Depository Agreement with the U.S. Trustee, the Debtor shall use its

good-faith effort to cause such Banks to execute a Uniform Depository Agreement in a form prescribed by the U.S. Trustee within thirty (30) days of the date of this interim order.

11. The Debtor is authorized, but not directed, to (a) obtain credit through its use of the Credit Card Program on an uninterrupted and ongoing basis pursuant to section 364 of the Bankruptcy Code and continue the Credit Card Program, subject to any terms and conditions under the applicable servicing agreements, on a postpetition basis consistent with its past practices.

12. Nothing in this interim order constitutes (a) an admission as to the validity of any claim against the Debtor; (b) a waiver of the Debtor's or any party in interest's rights to dispute the amount of, basis for, or validity of any claim or interest under applicable law or nonbankruptcy law; (c) a promise or requirement to pay any claim; (d) a waiver of the Debtor's or any other party in interest's rights under the Bankruptcy Code or any other applicable law; or (e) a request for or granting of approval for assumption of any agreement, contract, program, policy, or lease under section 365 of the Bankruptcy Code. Any payment made pursuant to this order is not intended to be nor should it be construed as an admission as to the validity of any claim or a waiver of the Debtor's rights to subsequently dispute such claim.

13. The contents of the Motion satisfy the requirements of Bankruptcy Rule 6003(b) because the relief granted in this interim order is necessary to avoid immediate and irreparable harm to the Debtor's estate.

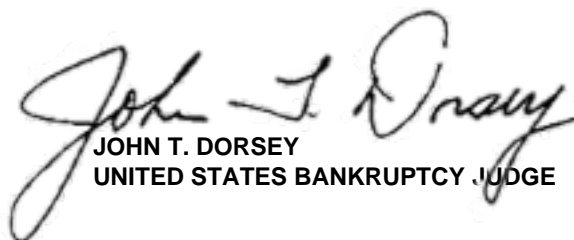
14. Notice of the Motion shall be deemed good and sufficient notice of such Motion, and the requirements of Bankruptcy Rule 6004(a) and the Bankruptcy Local Rules are waived by such notice.

15. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this interim order are immediately effective and enforceable upon its entry.

16. The Debtor is authorized to take all actions necessary to effectuate the relief granted in this interim order in accordance with the Motion.

17. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation and enforcement of this interim order.

Dated: January 13th, 2023  
Wilmington, Delaware

  
JOHN T. DORSEY  
UNITED STATES BANKRUPTCY JUDGE