

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

In re:

TRICIDA, INC.,¹

Debtor.

Chapter 11

Case No. 23-10024 (JTD)

Re: Docket No. 8

**RESERVATION OF RIGHTS OF THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS TO DEBTOR’S MOTION FOR ENTRY OF INTERIM AND FINAL
ORDERS (A) AUTHORIZING THE DEBTOR TO (I) PAY PREPETITION
WAGES, COMPENSATION, AND BENEFIT OBLIGATIONS AND
(II) CONTINUE EMPLOYEE COMPENSATION AND BENEFITS
PROGRAMS, AND (B) GRANTING RELATED RELIEF**

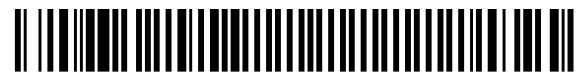
The Official Committee of Unsecured Creditors (the “Committee”) appointed in the chapter 11 case of the above-captioned debtor and debtor-in-possession (the “Debtor”) hereby submits this reservation of rights (the “Reservation of Rights”) with respect to the Debtor’s Motion for Entry of Interim and Final Orders (A) Authorizing the Debtor to (I) Pay Prepetition Wages, Compensation, and Benefit Obligations and (II) Continue Employee Compensation and Benefits Programs, and (B) Granting Related Relief (Docket No. 8) (the “Motion”).² In support of the Reservation of Rights, the Committee states as follows:

RESERVATION OF RIGHTS

1. The Committee supports paying prepetition wages, compensation and benefit obligations to the Debtor’s employees within the statutory limitations set forth in the Bankruptcy Code. The Committee does not, however, support the payment of any RIF, Severance Plan or

¹ 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.

² Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.



Retention Plan (all as defined in the Motion) to any employees. Indeed, the Final Order granting the relief requested should make clear:

- (a) Nothing in the Final Order authorizes the Debtor to pay any RIF, Severance Plan or Retention Plan payments to any employees;
- (b) Nothing in the Final Order authorizes or approves the payment or assumption of any obligations due and owing under any RIF, Severance Plan or Retention Plan;
- (c) Nothing in the Final Order releases, waives, discharges or settles any claims or causes of action the Debtor's estate may have or hold against any employee, including but not limited to any claims or causes of action relating to the RIF, the Severance Plan or the Retention Plan; and
- (d) Nothing in the Final Order authorizes the Debtor to pay any employee prepetition wages, compensation or benefits not otherwise identified in the Motion.

2. The Committee's Reservation of Rights, and the above clarifying language to the Final Order, is necessitated by the Debtor's prepetition implementation of a seemingly favorable RIF, Severance Plan and Retention Plan (collectively the "Prepetition Employee Plans"). Upon information and belief, the cost of the Prepetition Employee Plans may have exceeded \$5.0 million, approximately \$2.4 million of which was paid to four (4) of the Debtor's senior executive employees. The Committee has requested various documents and information from the Debtor regarding the Prepetition Employee Plans, and seeks, through this Reservation of Rights, to preserve any and all rights, claims, causes of action or challenges that the Debtor's estate may have or hold in connection with the Prepetition Employee Plans.

Dated: February 2, 2023
Wilmington, Delaware

WOMBLE BOND DICKINSON (US) LLP

/s/ Donald J. Detweiler

Donald J. Detweiler (DE Bar No. 3087)

Todd A. Atkinson (DE Bar No. 4825)

Elazar A. Kosman (DE Bar No. 7077)

1313 North Market Street, Suite 1200

Wilmington, Delaware 19801

Telephone: (302) 252-4320

Facsimile: (302) 252-4330

Email: don.detweiler@wbd-us.com

Email: todd.atkinson@wbd-us.com

Email: elazar.kosman@wbd-us.com

*Proposed Counsel to the Official Committee
of Unsecured Creditors*

CERTIFICATE OF SERVICE

I, Donald J. Detweiler, do hereby certify that on February 2, 2023, I caused a copy of the foregoing **Reservation of Rights of the Official Committee of Unsecured Creditors to Debtor's Motion for Entry of Interim and Final Orders (A) Authorizing the Debtor to (I) Pay Prepetition Wages, Compensation and Benefit Obligations and (II) Continue Employee Compensation and Benefits Programs, and (B) Granting Related Relief** to be served on the parties listed on the attached service list via email.

/s/ Donald J. Detweiler

Donald J. Detweiler (DE Bar No. 3087)

SERVICE PARTIES

Counsel to the Debtor

SIDLEY AUSTIN LLP

Attn.: Samuel A. Newman

Julia Philips Roth

Charles Persons

Geoffrey Levin

555 West Fifth Street

Los Angeles, CA 90013

Email: Samuel A. Newman

Julia Philips Roth

Charles Persons

Geoffrey Levin

Counsel to the Debtor

YOUNG CONAWAY STARGATT

& TAYLOR, LLP

Attn: Sean M. Beach

Allison S. Mielke

1000 N. King Street

Rodney Square

Wilmington, DE 19801

Email: sbeach@ycst.com

amielke@ycst.com

**Office of the United States Trustee
for the District of Delaware**

J. Caleb Boggs Federal Building

Attn: Timothy J. Fox

844 King Street, Suite 2207

Wilmington, DE 19801

Email: Timothy.J.Fox@usdoj.gov