

DR. CHARLES P. EHLEN

2920 Winnebago Road, Sartell, Minnesota 56377
320-252-0368 Home 320-267-7778 Mobile
email: chaz2920@cloudnet.com

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CLERK
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

August 10, 2020

Honorable Karen B. Owens
United States Bankruptcy Court
District of Delaware
824 North Market Street, 3rd Floor
Wilmington, DE 19801

RE: Akorn, Inc., et al. Case Number: 20-30608

Dear Judge Owens,

In a message to our Stakeholders, the company writes:

On May 20, 2020, Akorn, Inc. and its U.S. subsidiaries filed for voluntary protection under Chapter 11 of the U.S. Bankruptcy Code in order to execute an in-court sale of the business while addressing litigation-related overhangs and best positioning the business for long-term **success under new ownership.**

The company message concludes with:

We expect that our stock will continue to trade over-the-counter until our business emerges from Chapter 11, at which time we will be under a new ownership structure and **current equity interests will be cancelled.**

As a significant stockholder of Akorn, Inc. and a retired physician, I have great concern that the company and its lenders are using the U.S Bankruptcy Code as a “quick fix” to the cure the financial issues created by the company’s management and their lenders i.e Stalking Horse (or as I see it “Stealing Horse”). In preparation for their bankruptcy filing the company has written off over \$640,000,000 of company assets versus diligently deploying those assets for the benefit of the current owners. It is my opinion that the company management and their lenders have conspired to “steal” the equity interests of Akorn, Inc.’s stockholders.

Additionally, it has proven to be very difficult, if not impossible to locate a detailed list of assets which would be the basis for submitting a bid by stockholders or other parties. I believe that this point in time represents a unique opportunity as pharmaceutical manufacturing is coming back to the USA as demonstrated by Eastman Kodak’s \$768M loan from the federal government to support that company’s entry into pharmaceutical manufacturing.

I’m also concerned that as a stockholder I was never informed that John Kapoor, Akorn’s former Chairman of the Board, has been convicted and sentenced to jail for illegal pharmaceutical




management practices. Further more I have been unsuccessful in locating any information as to the disposition of Mr. Kapoor's 25% stock holdings in Akron, Inc.

I will certainly cast my vote to reject the proposed Chapter 11 plan. I hope that a majority of the current stockholders will also reject the plan. If they do not, I begs the question.....why not?

My hope is that I have raised your curiosity and questions about the ethics and intent of this filing. Thank you for you for considering the stockholder's interests as you preside over this case and I am available to discuss additional details with you or staff at your convenience

Respectfully,



Dr. Charles P. Ehlen

P.S. My investment in Akorn, Inc. was based on the company's distribution rights for an oral medication for the treatment of diarrhea. I believe that drug has been misclassified by the FDA, under utilized by management and represents a huge potential for the company. The unfortunate reality is that this "miracle drug" has been shelved since the early 1970's and resulted in the consumers and medical community have lost the benefits of this drug. My hope was that I could work with management to obtain appropriate FDA reclassification and the distribution of the medication for the significant financial benefit of the company and health benefits to the consumer.

Stock price - August 2015 @ \$43.68 August 2018 @ \$18.59 and August 2020 @ \$0.08

See enclosures: Condensed Financial Information 2017 - 2020

PART I. FINANCIAL INFORMATION**Item 1. Financial Statements.**

Certain prior-period amounts have been reclassified to conform to current-period presentation including cost of sales, selling, general and administrative expenses and other non-operating income (expense), net on the condensed consolidated statements of comprehensive (loss) income and condensed consolidated statements of cash flows.

AKORN, INC.
CONDENSED CONSOLIDATED BALANCE SHEETS
(In Thousands, Except Share Data)

| | June 30, 2018 (Unaudited) | December 31, 2017 |
|--|--|--------------------------|
| ASSETS | | |
| CURRENT ASSETS | | |
| Cash and cash equivalents | \$ 296,782 | \$ 368,119 |
| Trade accounts receivable, net | 187,318 | 141,383 |
| Inventories, net | 191,041 | 183,568 |
| Prepaid expenses and other current assets | 27,613 | 37,081 |
| TOTAL CURRENT ASSETS | 702,754 | 730,151 |
| PROPERTY, PLANT AND EQUIPMENT, NET | 328,909 | 313,418 |
| OTHER LONG-TERM ASSETS | | |
| Goodwill | 284,115 | 285,310 |
| Intangible assets, net | 459,812 | 569,484 |
| Deferred tax assets | 6,319 | 6,521 |
| Other non-current assets | 4,647 | 4,627 |
| TOTAL OTHER LONG-TERM ASSETS | 754,893 | 865,942 |
| TOTAL ASSETS | \$ 1,786,556 | \$ 1,909,511 |
| LIABILITIES AND SHAREHOLDERS' EQUITY | | |
| CURRENT LIABILITIES | | |
| Trade accounts payable | \$ 50,663 | \$ 51,976 |
| Purchase consideration payable | 201 | 3,901 |
| Income taxes payable | 6,792 | 15,775 |
| Accrued royalties | 6,627 | 5,902 |
| Accrued compensation | 17,239 | 12,286 |
| Accrued administrative fees | 35,763 | 38,598 |
| Accrued expenses and other liabilities | 60,946 | 42,651 |
| TOTAL CURRENT LIABILITIES | 178,231 | 171,089 |
| LONG-TERM LIABILITIES: | | |
| Long-term debt (net of non-current deferred financing costs) | 817,803 | 815,195 |
| Deferred tax liability | 19,929 | 43,404 |
| Other long-term liabilities | 48,758 | 48,578 |
| TOTAL LONG-TERM LIABILITIES | 886,490 | 907,177 |
| TOTAL LIABILITIES | 1,064,721 | 1,078,266 |
| SHAREHOLDERS' EQUITY | | |
| Common stock, no par value – 150,000,000 shares authorized; 125,404,158 and 125,090,522 shares issued and outstanding at June 30, 2018 and December 31, 2017, respectively | 564,988 | 550,472 |
| Retained earnings | 178,010 | 294,741 |
| Accumulated other comprehensive loss | (21,163) | (13,968) |
| TOTAL SHAREHOLDERS' EQUITY | 721,835 | 831,245 |
| TOTAL LIABILITIES AND SHAREHOLDERS' EQUITY | \$ 1,786,556 | \$ 1,909,511 |

See notes to condensed consolidated financial statements.

AKORN, INC.
CONDENSED CONSOLIDATED STATEMENTS OF COMPREHENSIVE (LOSS) INCOME
(In Thousands, Except Per Share Data)
(Unaudited)

| | Three Months Ended June 30, | | Six Months Ended June 30, | |
|---|--------------------------------|-----------------|------------------------------|------------------|
| | 2018 | 2017 | 2018 | 2017 |
| Revenues, net | \$ 190,944 | \$ 199,140 | \$ 375,007 | \$ 452,560 |
| Cost of sales (exclusive of amortization of intangibles, included within operating expenses below) | 109,665 | 96,371 | 211,500 | 201,022 |
| GROSS PROFIT | 81,279 | 102,769 | 163,507 | 251,538 |
| Selling, general and administrative expenses | 83,694 | 53,981 | 146,677 | 101,564 |
| Acquisition-related costs | 64 | 76 | 75 | 87 |
| Research and development expenses | 74,271 | 15,876 | 105,238 | 27,167 |
| Amortization of intangibles | 13,182 | 15,504 | 26,372 | 30,975 |
| Impairment of intangible assets | 1,634 | 3,058 | 2,126 | 3,058 |
| TOTAL OPERATING EXPENSES | 172,845 | 88,495 | 280,488 | 162,851 |
| OPERATING (LOSS) INCOME | (91,566) | 14,274 | (116,981) | 88,687 |
| Amortization of deferred financing costs | (1,304) | (1,304) | (2,608) | (2,608) |
| Interest expense, net | (11,062) | (9,380) | (20,640) | (18,946) |
| Other non-operating income, net | (324) | 3,160 | (54) | 4,943 |
| (LOSS) INCOME BEFORE INCOME TAXES | (104,256) | 6,750 | (140,283) | 72,076 |
| Income tax (benefit) provision | (16,272) | 4,213 | (23,552) | 28,512 |
| CONSOLIDATED NET (LOSS) INCOME | \$ (87,984) | \$ 2,537 | \$ (116,731) | \$ 43,564 |
| <u>CONSOLIDATED NET (LOSS) INCOME PER SHARE</u> | | | | |
| CONSOLIDATED NET (LOSS) INCOME PER SHARE, BASIC | \$ (0.70) | \$ 0.02 | \$ (0.93) | \$ 0.35 |
| CONSOLIDATED NET (LOSS) INCOME PER SHARE, DILUTED | \$ (0.70) | \$ 0.02 | \$ (0.93) | \$ 0.35 |
| SHARES USED IN COMPUTING NET (LOSS) INCOME PER SHARE | | | | |
| BASIC | 125,332 | 124,660 | 125,286 | 124,541 |
| DILUTED | 125,332 | 125,194 | 125,286 | 124,855 |
| <u>COMPREHENSIVE (LOSS) INCOME</u> | | | | |
| Consolidated net (loss) income | \$ (87,984) | \$ 2,537 | \$ (116,731) | \$ 43,564 |
| Unrealized holding (loss) gain on available-for-sale securities, net of tax of \$1 and (\$85) for the three months ended June 30, 2018 and 2017, and \$1 and (\$160) for the six month periods ended June 30, 2018 and 2017 respectively. | (4) | 144 | (5) | 272 |
| Foreign currency translation (loss) gain | (6,350) | 1,239 | (7,198) | 5,265 |
| Pension liability adjustment gain, net of tax of (\$1) and (\$6) for the three months ended June 30, 2018 and 2017, and (\$2) and (\$63) for the six month periods ended June 30, 2018 and 2017 respectively. | 4 | 24 | 8 | 247 |
| COMPREHENSIVE (LOSS) INCOME | \$ (94,334) | \$ 3,944 | \$ (123,926) | \$ 49,348 |

See notes to condensed consolidated financial statements.

AKORN, INC.
CONDENSED CONSOLIDATED STATEMENT OF SHAREHOLDERS' EQUITY
FOR THE SIX MONTHS ENDED JUNE 30, 2018
(In Thousands)

| | Shares | Common Stock | Retained Earnings | Other Comprehensive Loss | Total |
|---|----------------|-------------------|----------------------|--------------------------------|-------------------|
| BALANCES AT DECEMBER 31, 2017 | 125,091 | \$ 550,472 | \$ 294,741 | \$ (13,968) | \$ 831,245 |
| Consolidated net (loss) | — | — | (116,731) | — | (116,731) |
| Exercise of stock options | 22 | 546 | — | — | 546 |
| Compensation and share issuances related to restricted stock awards | 170 | 5,817 | — | — | 5,817 |
| Stock-based compensation expense - stock options | — | 5,636 | — | — | 5,636 |
| Foreign currency translation loss | — | — | — | (7,198) | (7,198) |
| Stock compensation plan withholdings for employee taxes | (25) | (292) | — | — | (292) |
| Unrealized holding loss on available-for-sale securities | — | — | — | (5) | (5) |
| Akorn AG pension liability adjustment | — | — | — | 8 | 8 |
| Employee stock purchase plan | 146 | 2,809 | — | — | 2,809 |
| BALANCES AT JUNE 30, 2018 (unaudited) | <u>125,404</u> | <u>\$ 564,988</u> | <u>\$ 178,010</u> | <u>\$ (21,163)</u> | <u>\$ 721,835</u> |

See notes to condensed consolidated financial statements.

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AKORN, INC.
CONDENSED CONSOLIDATED STATEMENTS OF CASH FLOWS
(In Thousands)
(Unaudited)

| | Six Months Ended June 30, | |
|---|------------------------------|--------------------|
| | 2018 | 2017 |
| OPERATING ACTIVITIES: | | |
| Consolidated net (loss) income | \$ (116,731) | \$ 43,564 |
| Adjustments to reconcile consolidated net income to net cash (used in) provided by operating activities: | | |
| Depreciation and amortization | 40,439 | 42,212 |
| Amortization of debt financing costs | 2,608 | 2,608 |
| Impairment of intangible assets | 83,349 | 8,079 |
| Non-cash stock compensation expense | 11,453 | 9,844 |
| Income from available-for-sale securities | — | (3,032) |
| Deferred income taxes, net | (24,512) | (2,341) |
| Loss on sale of available-for-sale securities | — | 196 |
| Other | 481 | (288) |
| Changes in operating assets and liabilities: | | |
| Trade accounts receivable | (45,893) | 105,848 |
| Inventories, net | (7,735) | (6,225) |
| Prepaid expenses and other current assets | 8,176 | 2,078 |
| Trade accounts payable | 602 | (13,465) |
| Accrued expenses and other liabilities | 16,490 | (30,051) |
| NET CASH (USED IN) PROVIDED BY OPERATING ACTIVITIES | \$ (31,273) | \$ 159,027 |
| INVESTING ACTIVITIES: | | |
| Proceeds from disposal of assets | 20 | 4,811 |
| Payments for intangible assets | (50) | (200) |
| Purchases of property, plant and equipment | (35,862) | (50,072) |
| NET CASH USED IN INVESTING ACTIVITIES | \$ (35,892) | \$ (45,461) |
| FINANCING ACTIVITIES: | | |
| Proceeds from the exercise of stock options | 254 | 6,897 |
| Payment of contingent acquisition liabilities | (4,793) | — |
| Lease payments | (6) | — |
| NET CASH (USED IN) PROVIDED BY FINANCING ACTIVITIES | \$ (4,545) | \$ 6,897 |
| Effect of exchange rate changes on cash and cash equivalents | (560) | 626 |
| (DECREASE) INCREASE IN CASH AND CASH EQUIVALENTS | \$ (72,270) | \$ 121,089 |
| Cash and cash equivalents, and restricted at beginning of period | 369,889 | 204,034 |
| CASH, CASH EQUIVALENTS, AND RESTRICTED CASH AT END OF PERIOD | \$ 297,619 | \$ 325,123 |
| SUPPLEMENTAL DISCLOSURES: | | |
| Amount paid for interest | \$ 25,462 | \$ 22,124 |
| Amount paid for income taxes, net | \$ 9,260 | \$ 43,901 |
| Additional capital expenditures included in accounts payable | \$ 12,010 | \$ 8,806 |

See notes to condensed consolidated financial statements.

| | March 31, 2020 (Unaudited) | December 31, 2019 |
|--|---------------------------------------|------------------------------|
| ASSETS | | |
| CURRENT ASSETS | | |
| Cash and cash equivalents | \$ 72,181 | \$ 144,804 |
| Trade accounts receivable, net | 187,218 | 134,173 |
| Inventories, net | 172,597 | 170,047 |
| Prepaid expenses and other current assets | 58,868 | 31,023 |
| TOTAL CURRENT ASSETS | 490,864 | 480,047 |
| PROPERTY, PLANT AND EQUIPMENT, NET | 294,499 | 295,533 |
| OTHER LONG-TERM ASSETS | | |
| Goodwill | — | 267,923 |
| Intangible assets, net | 209,659 | 215,801 |
| Right-of-use assets, net - Operating leases | 21,982 | 22,445 |
| Other non-current assets | 15,271 | 6,890 |
| TOTAL OTHER LONG-TERM ASSETS | 246,912 | 513,059 |
| TOTAL ASSETS | \$ 1,032,275 | \$ 1,288,639 |
| LIABILITIES AND SHAREHOLDERS' EQUITY | | |
| CURRENT LIABILITIES | | |
| Trade accounts payable | \$ 31,118 | \$ 44,958 |
| Income taxes payable | 181 | — |
| Accrued royalties | 8,953 | 5,956 |
| Accrued compensation | 24,563 | 13,005 |
| Current portion of long-term debt (net of deferred financing costs) | 853,627 | 843,328 |
| Accrued administrative fees | 30,537 | 31,725 |
| Current portion of accrued legal fees and contingencies | 14,873 | 23,673 |
| Current portion of lease liability - Operating leases | 2,401 | 2,290 |
| Accrued expenses and other liabilities | 19,350 | 20,652 |
| TOTAL CURRENT LIABILITIES | 985,603 | 985,587 |
| LONG-TERM LIABILITIES | | |
| Deferred tax liability | — | 225 |
| Uncertain tax liabilities | 2,684 | 2,633 |
| Long-term lease liability - Operating leases | 21,427 | 22,021 |
| Long-term portion of accrued legal fees and contingencies | 31,160 | 33,000 |
| Pension obligations and other liabilities | 10,895 | 10,881 |
| TOTAL LONG-TERM LIABILITIES | 66,166 | 68,760 |
| TOTAL LIABILITIES | 1,051,769 | 1,054,347 |
| SHAREHOLDERS' EQUITY | | |
| Preferred stock, \$1 par value - 5,000,000 shares authorized; no shares issued or outstanding at March 31, 2020 and December 31, 2019. | — | — |
| Common stock, no par value – 150,000,000 shares authorized; 126,276,438 and 126,145,832 shares issued and outstanding at March 31, 2020 and December 31, 2019, respectively. | 598,873 | 595,521 |
| Accumulated deficit | (590,665) | (333,938) |
| Accumulated other comprehensive (loss) | (27,702) | (27,291) |
| TOTAL SHAREHOLDERS' EQUITY | (19,494) | 234,292 |
| TOTAL LIABILITIES AND SHAREHOLDERS' EQUITY | \$ 1,032,275 | \$ 1,288,639 |

See notes to condensed consolidated financial statements.

AKORN, INC.
CONDENSED CONSOLIDATED STATEMENTS OF COMPREHENSIVE (LOSS)
(In Thousands, Except Per Share Data)
(Unaudited)

| | Three Months Ended March 31, | |
|--|---|-------------------------|
| | 2020 | 2019 |
| Revenues, net | \$ 204,693 | \$ 165,871 |
| Cost of sales (exclusive of amortization of intangibles, included within operating expenses below) | 110,149 | 112,358 |
| GROSS PROFIT | 94,544 | 53,513 |
| Selling, general and administrative expenses | 65,056 | 72,498 |
| Research and development expenses | 9,811 | 8,714 |
| Amortization of intangibles | 6,142 | 11,065 |
| Impairment of goodwill | 267,923 | 15,955 |
| Impairment of intangible assets | — | 10,354 |
| Litigation rulings, settlements and contingencies | (7,470) | 410 |
| TOTAL OPERATING EXPENSES | 341,462 | 118,996 |
| OPERATING (LOSS) | (246,918) | (65,483) |
| Amortization of deferred financing costs | (8,629) | (1,304) |
| Interest expense, net | (24,364) | (14,327) |
| Other non-operating (expense) income, net | (261) | 353 |
| (LOSS) BEFORE INCOME TAXES | (280,172) | (80,761) |
| Income tax (benefit)/provision | (23,445) | 1,420 |
| NET (LOSS) | \$ (256,727) | \$ (82,181) |
| NET (LOSS) PER COMMON SHARE: | | |
| Net (Loss) per Common Share, basic and diluted | <u><u>\$ (2.01)</u></u> | <u><u>\$ (0.65)</u></u> |
| SHARES USED IN COMPUTING NET (LOSS) PER COMMON SHARE: | | |
| WEIGHTED AVERAGE BASIC AND DILUTED | <u><u>127,648</u></u> | <u><u>125,566</u></u> |
| COMPREHENSIVE (LOSS): | | |
| Net (loss) | \$ (256,727) | \$ (82,181) |
| Unrealized holding (loss) on available-for-sale securities, net of tax of \$0 and \$0 for the three month periods ended March 31, 2020 and 2019, respectively. | (1) | — |
| Foreign currency translation (loss) | (524) | (424) |
| Pension liability adjustment gain/(loss), net of tax of (\$29) and \$30 for the three month periods ended March 31, 2020 and 2019, respectively. | 114 | (116) |
| COMPREHENSIVE (LOSS) | \$ (257,138) | \$ (82,721) |

See notes to condensed consolidated financial statements.

AKORN, INC.
CONDENSED CONSOLIDATED STATEMENTS OF SHAREHOLDERS' EQUITY
FOR THE THREE MONTHS ENDED MARCH 31, 2020 and 2019
(In Thousands)

| | Shares | Common Stock | Accumulated Deficit | Other Comprehensive (Loss) | Total |
|--|----------------|-------------------|------------------------|----------------------------------|--------------------|
| BALANCES AT DECEMBER 31, 2019 | 126,146 | \$ 595,521 | \$ (333,938) | \$ (27,291) | \$ 234,292 |
| Consolidated net (loss) | — | — | (256,727) | — | (256,727) |
| Compensation and share issuances related to restricted stock awards | 195 | 2,606 | — | — | 2,606 |
| Stock-based compensation expense - stock options | — | 825 | — | — | 825 |
| Foreign currency translation (loss) | — | — | — | (524) | (524) |
| Stock compensation plan withholdings for employee taxes | (65) | (79) | — | — | (79) |
| Unrealized holding (loss) on available-for-sale securities | — | — | — | (1) | (1) |
| Akorn AG pension liability adjustment | — | — | — | 114 | 114 |
| Employee stock purchase plan expense | — | — | — | — | — |
| BALANCES AT MARCH 31, 2020 (unaudited) | <u>126,276</u> | <u>\$ 598,873</u> | <u>\$ (590,665)</u> | <u>\$ (27,702)</u> | <u>\$ (19,494)</u> |

| | Shares | Common Stock | Accumulated Deficit | Other Comprehensive (Loss) | Total |
|--|----------------|-------------------|------------------------|----------------------------------|-------------------|
| BALANCES AT DECEMBER 31, 2018 | 125,492 | \$ 574,553 | \$ (107,168) | \$ (23,519) | 443,866 |
| Consolidated net (loss) | — | — | (82,181) | — | (82,181) |
| Compensation and share issuances related to restricted stock awards | 121 | 3,110 | — | — | 3,110 |
| Stock-based compensation expense - stock options | — | 1,381 | — | — | 1,381 |
| Foreign currency translation (loss) | — | — | — | (424) | (424) |
| Stock compensation plan withholdings for employee taxes | (34) | (116) | — | — | (116) |
| Unrealized holding loss on available-for-sale securities | — | — | — | — | — |
| Akorn AG pension liability adjustment | — | — | — | (116) | (116) |
| Employee stock purchase plan expense | — | 229 | — | — | 229 |
| BALANCES AT MARCH 31, 2019 (unaudited) | <u>125,579</u> | <u>\$ 579,157</u> | <u>\$ (189,349)</u> | <u>\$ (24,059)</u> | <u>\$ 365,749</u> |

See notes to condensed consolidated financial statements.

AKORN, INC.
CONDENSED CONSOLIDATED STATEMENTS OF CASH FLOWS
(In Thousands)
(Unaudited)

| | Three Months Ended March 31, | |
|--|---------------------------------|--------------------|
| | 2020 | 2019 |
| OPERATING ACTIVITIES: | | |
| Net (loss) | \$ (256,727) | \$ (82,181) |
| Adjustments to reconcile consolidated net (loss) to net cash (used in) operating activities: | | |
| Depreciation and amortization | 13,874 | 18,750 |
| Amortization of debt financing costs | 8,629 | 1,304 |
| Impairment of intangible assets | — | 10,354 |
| Goodwill impairment | 267,923 | 15,955 |
| Fixed asset impairment and other | — | 10,089 |
| Non-cash stock compensation expense | 3,431 | 4,720 |
| Non-cash interest expense | 1,670 | — |
| Deferred income taxes, net | (225) | (28) |
| Other | (83) | (31) |
| Changes in operating assets and liabilities: | | |
| Other non-current assets | (8,565) | 584 |
| Trade accounts receivable | (53,009) | (21,283) |
| Inventories, net | (2,486) | 10,819 |
| Prepaid expenses and other current assets | (27,895) | 1,079 |
| Trade accounts payable | (10,057) | 722 |
| Accrued legal fees and contingencies | (10,640) | (2,703) |
| Uncertain tax liabilities | 51 | 1,420 |
| Accrued expenses and other liabilities | 12,680 | (33) |
| NET CASH (USED IN) OPERATING ACTIVITIES | \$ (61,429) | \$ (30,463) |
| INVESTING ACTIVITIES: | | |
| Proceeds from disposal of assets | 386 | — |
| Purchases of property, plant and equipment | (11,531) | (10,059) |
| NET CASH (USED IN) INVESTING ACTIVITIES | \$ (11,145) | \$ (10,059) |
| FINANCING ACTIVITIES: | | |
| Stock compensation plan withholdings for employee taxes | (79) | — |
| Payment of contingent acquisition liabilities | — | (116) |
| Lease payments | \$ (6) | \$ (335) |
| NET CASH (USED IN) FINANCING ACTIVITIES | \$ (85) | \$ (451) |
| Effect of exchange rate changes on cash and cash equivalents | (37) | 54 |
| (DECREASE) IN CASH AND CASH EQUIVALENTS | \$ (72,696) | \$ (40,919) |
| Cash, cash equivalents, and restricted cash at beginning of period | 145,607 | 225,794 |
| CASH, CASH EQUIVALENTS, AND RESTRICTED CASH AT END OF PERIOD | \$ 72,911 | \$ 184,875 |
| SUPPLEMENTAL DISCLOSURES: | | |
| Amount paid for interest | \$ 23,803 | \$ 16,314 |
| Amount (received) for income taxes, net | \$ (56) | \$ (14,526) |
| Additional capital expenditures included in accounts payable | \$ 2,514 | \$ 4,641 |
| Standstill Agreement related non-cash interest | \$ 1,670 | \$ — |

See notes to condensed consolidated financial statements.