

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|----------------------|---|-------------------------|
| |) | |
| In re: |) | Chapter 11 |
| |) | |
| AKORN, INC., |) | Case No. 20-11177 (KBO) |
| |) | |
| Debtor. ¹ |) | |
| |) | Re: Docket No. 1235 |
| |) | |

CERTIFICATE OF NO OBJECTION REGARDING DEBTOR’S MOTION FOR ENTRY OF AN ORDER (I) ENLARGING THE PERIOD WITHIN WHICH THE DEBTOR MAY REMOVE ACTIONS AND (II) GRANTING RELATED RELIEF

The undersigned hereby certifies that she has received no answer, objection, or any other responsive pleading with respect to the *Debtor’s Motion for Entry of an Order (I) Enlarging the Period Within Which the Debtor May Remove Actions and (II) Granting Related Relief* [Docket No. 1235] (the “Motion”) filed by the above-captioned debtor (the “Debtor”) with the United States Bankruptcy Court for the District of Delaware (the “Court”) on August 12, 2024.

The undersigned further certifies that she has reviewed the Court’s docket in the above-referenced chapter 11 case and no answer, objection or other responsive pleading to the Motion appears thereon. Pursuant to the *Notice of Motion and Hearing* filed contemporaneously with the Motion, objections or responses to the Motion were to be filed no later than August 26, 2024 at 4:00 p.m. (prevailing Eastern Time) (the “Objection Deadline”).

¹ The Debtor in this chapter 11 case, along with the last four digits of the Debtor’s federal tax identification number, is: Akorn, Inc. (7400). The chapter 11 cases of the following entities, formerly administratively consolidated with the foregoing case, have been closed: 10 Edison Street LLC (7890); 13 Edison Street LLC; Advanced Vision Research, Inc. (9046); Akorn (New Jersey), Inc. (1474); Akorn Animal Health, Inc. (6645); Akorn Ophthalmics, Inc. (6266); Akorn Sales, Inc. (7866); Clover Pharmaceuticals Corp. (3735); Covenant Pharma, Inc. (0115); HiTech Pharmacal Co., Inc. (8720); Inspire Pharmaceuticals, Inc. (9022); Oak Pharmaceuticals, Inc. (6647); Olta Pharmaceuticals Corp. (3621); VersaPharm Incorporated (6739); VPI Holdings Corp. (6716); and VPI Holdings Sub, LLC. The location of the Debtor’s service address is: 1925 W. Field Court, Suite 300, Lake Forest, Illinois 60045.



WHEREFORE, the Debtor respectfully requests that the proposed form of order, substantially in the form attached hereto as **Exhibit A**, be entered at the earliest convenience of the Court.

Wilmington, Delaware
September 4, 2024

/s/ Emily R. Mathews

RICHARDS, LAYTON & FINGER, P.A.

Paul N. Heath (No. 3704)
Amanda R. Steele (No. 5530)
Zachary I. Shapiro (No. 5103)
Emily R. Mathews (No. 6866)
One Rodney Square
920 N. King Street
Wilmington, Delaware 19801
Telephone: (302) 651-7700
Facsimile: (302) 651-7701
Email: heath@rlf.com
steele@rlf.com
shapiro@rlf.com
mathews@rlf.com

Co-Counsel for the Debtor

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

Patrick J. Nash, Jr., P.C. (admitted *pro hac vice*)
300 North LaSalle Street
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
Email: patrick.nash@kirkland.com

-and-

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

Nicole L. Greenblatt, P.C. (admitted *pro hac vice*)
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
Email: nicole.greenblatt@kirkland.com

Co-Counsel for the Debtor

EXHIBIT A

(Proposed Order)

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

| | | |
|---|---------------------------------|---|
| In re: AKORN, INC., <div style="text-align: right;">Debtor.¹</div> |))))))) | Chapter 11 Case No. 20-11177 (KBO) Re: Docket No. 1235 |
|---|---------------------------------|---|

**ORDER (I) ENLARGING THE PERIOD WITHIN WHICH THE
DEBTOR MAY REMOVE ACTIONS AND (II) GRANTING RELATED RELIEF**

Upon the motion (the “Motion”)² of the above-captioned debtor (the “Debtor”) for entry of an order (this “Order”): (a) enlarging the Removal Period for filing notices of removal of the Actions by approximately 90 days, up to and including November 11, 2024, without prejudice to the Debtor’s right to seek further extensions; and (b) granting related relief, all as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 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 Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtor’s estate, its creditors, and other parties in interest; and this Court having found that the

¹ The Debtor in this chapter 11 case, along with the last four digits of the Debtor’s federal tax identification number, is: Akorn, Inc. (7400). The chapter 11 cases of the following entities, formerly administratively consolidated with the foregoing case, have been closed: 10 Edison Street LLC (7890); 13 Edison Street LLC; Advanced Vision Research, Inc. (9046); Akorn (New Jersey), Inc. (1474); Akorn Animal Health, Inc. (6645); Akorn Ophthalmics, Inc. (6266); Akorn Sales, Inc. (7866); Clover Pharmaceuticals Corp. (3735); Covenant Pharma, Inc. (0115); HiTech Pharmacal Co., Inc. (8720); Inspire Pharmaceuticals, Inc. (9022); Oak Pharmaceuticals, Inc. (6647); Olta Pharmaceuticals Corp. (3621); VersaPharm Incorporated (6739); VPI Holdings Corp. (6716); and VPI Holdings Sub, LLC. The location of the Debtor’s service address is: 1925 W. Field Court, Suite 300, Lake Forest, Illinois 60045.

² Capitalized terms used but not defined herein have the meanings given to such terms in the Motion.

Debtor's notice of the Motion and opportunity for a hearing on the Motion were appropriate and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing (if any) before this Court (the "Hearing"); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing (if any) establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. The period within which the Debtor may seek removal of the Actions pursuant to 28 U.S.C. § 1452 and Bankruptcy Rule 9027 is enlarged by 91 days, with a deadline for filing notices of removal through and including November 11, 2024.
3. This Order is without prejudice to the Debtor's right to request a further extension of time to file notices of removal of any or all of the Actions.
4. This Order shall be without prejudice to any position the Debtor may take regarding whether section 362 of the Bankruptcy Code applies to stay any Action.
5. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).
6. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.
7. The Debtor is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

8. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.