

**Fill in this information to identify the case:**

Debtor Hi-Tech Pharmacal Co., Inc.

United States Bankruptcy Court for the: \_\_\_\_\_ District of Delaware  
(State)

Case number 20-11189

**Official Form 410  
Proof of Claim**

04/19

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

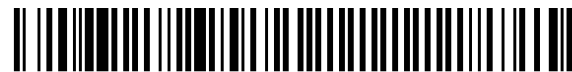
**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

**Part 1: Identify the Claim**

<b>1. Who is the current creditor?</b>	<u>AMRI</u> Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor _____	
<b>2. Has this claim been acquired from someone else?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
<b>3. Where should notices and payments to the creditor be sent?</b>  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b>	<b>Where should payments to the creditor be sent? (if different)</b>
	<u>AMRI</u>	
	<u>c/o Stacie Phillips, General Counsel</u>	
	<u>26 Corporate Circle</u>	
	<u>Albany, New York 12212, USA</u>	
	Contact phone <u>847-241-5210</u>	Contact phone _____
	Contact email <u>Stacie.phillips@amriglobal.com</u>	Contact email _____
	<b>(see summary page for notice party information)</b>	
	Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
<b>4. Does this claim amend one already filed?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
<b>5. Do you know if anyone else has filed a proof of claim for this claim?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	



**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 0249 \_\_\_ \_\_\_

7. How much is the claim? \$ 1,364,671.00. Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.  
  
See: Attached Addendum

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.  
**Nature or property:**  
 Real estate: If the claim is secured by the debtor's principle residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: \_\_\_\_\_  
  
**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amount should match the amount in line 7.)  
  
**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_  
  
**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
 Fixed  
 Variable

10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: \_\_\_\_\_



12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. Check all that apply:

	Amount entitled to priority
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
<input type="checkbox"/> Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies.	\$ _____

\* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim pursuant to 11 U.S.C. § 503(b)(9)?

No

Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ \_\_\_\_\_

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

*Check the appropriate box:*

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 07/31/2020  
MM / DD / YYYY

/s//s/ R. Scott Alterda  
Signature

**Print the name of the person who is completing and signing this claim:**

Name /s/ R. Scott Alterda  
First name Middle name Last name

Title \_\_\_\_\_

Company Nixon Peabody LLP  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_

Contact phone \_\_\_\_\_ Email \_\_\_\_\_



# KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (877) 725-7539 | International (424) 236-7247

<b>Debtor:</b> 20-11189 - Hi-Tech Pharmacal Co., Inc.		
<b>District:</b> District of Delaware		
<b>Creditor:</b> AMRI c/o Stacie Phillips, General Counsel 26 Corporate Circle  Albany, New York, 12212 USA <b>Phone:</b> 847-241-5210 <b>Phone 2:</b>  <b>Fax:</b>  <b>Email:</b> Stacie.phillips@amriglobal.com	<b>Has Supporting Documentation:</b> Yes, supporting documentation successfully uploaded	
	<b>Related Document Statement:</b>	
	<b>Has Related Claim:</b> No	
<b>Related Claim Filed By:</b>		<b>Filing Party:</b> Authorized agent
<b>Disbursement/Notice Parties:</b> Nixon Peabody LLP c/o R. Scott Alsterda 70 W. Madison Suite 3500  Chicago, IL, 60602 USA <b>Phone:</b> 312-977-9203 <b>Phone 2:</b>  <b>Fax:</b>  <b>E-mail:</b> rsalsterda@nixonpeabody.com		
<b>Other Names Used with Debtor:</b>	<b>Amends Claim:</b> No	
	<b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> See: Attached Addendum	<b>Last 4 Digits:</b> Yes - 0249	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 1,364,671.00	<b>Includes Interest or Charges:</b> No	
<b>Has Priority Claim:</b> No	<b>Priority Under:</b>	
<b>Has Secured Claim:</b> No	<b>Nature of Secured Amount:</b>	
<b>Amount of 503(b)(9):</b> No	<b>Value of Property:</b>	
<b>Based on Lease:</b> No	<b>Annual Interest Rate:</b>	
<b>Subject to Right of Setoff:</b> No	<b>Arrearage Amount:</b>	
	<b>Basis for Perfection:</b>	
	<b>Amount Unsecured:</b>	
<b>Submitted By:</b> /s/ R. Scott Alterda on 31-Jul-2020 1:21:54 p.m. Eastern Time		
<b>Title:</b>		
<b>Company:</b> Nixon Peabody LLP		

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: ) Chapter 11  
)  
AKORN, INC.,<sup>1</sup> ) Case No. 20-11177 (KBO)  
) (Jointly Administered)  
DEBTORS. )

**ADDENDUM TO PROOF OF CLAIM FILED BY CRYSTAL PHARMA, S.A.U.**

This Addendum is submitted with and incorporated into the Proof of Claim (the “Proof of Claim”) filed in this case. As referred to in this Addendum, “Debtor” shall mean Hi-Tech Pharmacal Co., Inc. (“Hi-Tech”).

**CREDITOR**

Crystal Pharma, S.A.U., a company organized and existing under the laws of Spain, with offices located at Parque Tecnológico, P-105, 47151-Beocillo Valladolid, Spain (“Crystal”) is party to an Exclusive Manufacture and Supply Agreement with Hi-Tech, dated March 28, 2011 (the “Agreement”). The Agreement and the terms of the Agreement are confidential, however in general the Agreement provides for Crystal and Hi-Tech to cooperatively develop, manufacture and supply certain pharmaceutical ingredients and products.

**CLASSIFICATION AND AMOUNT OF CLAIMS AGAINST DEBTOR**

A. Under the terms of the Agreement, Crystal estimates that Hi-Tech owes Crystal approximately \$1,364,671.00 (the “Claim”) as of May 20, 2020 (the “Petition Date”). The exact amount of the Claim cannot be determined without further information from Hi-Tech, and Crystal expressly reserves its rights to amend the amount of the Claim as further information becomes available.

B. The Claim is being filed as a general unsecured claim, however the Claim, as amended may also represent a “cure” amount if the Agreement subject to Court approval is assumed and/or assumed and assigned pursuant to the relevant provisions of the Bankruptcy Code.

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, if any, are: Akorn, Inc. (7400); 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); Hi-Tech 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 Debtors' service address is: 1925 W. Field Court, Suite 300, Lake Forest, Illinois 60045.

C. If the Agreement is rejected by Hi-Tech pursuant to the relevant provisions of the Bankruptcy Code, Crystal reserves its rights to amend the Claim for any additional amounts that may become due and owing.

D. Crystal also holds an unsecured and contingent claim against Hi-Tech in an unliquidated amount arising out of the recovery of property, if any, from Crystal pursuant to 11 U.S.C. § 502(h).

**RESERVATION OF RIGHTS AND CLAIMS, AND RIGHT TO AMEND**

Crystal reserves the right to (a) amend and/or supplement this Proof of Claim at any time, including after any bar date, and in any manner; and (b) to file additional proofs of claim for any additional claim against Hi-Tech which may be based on the same or additional documents or grounds of liability. This Proof of Claim is not a waiver of any claim by Crystal.

The filing of this Proof of Claim is not and shall not be deemed or construed as: (a) a waiver or release by Crystal of any rights against any person, entity or property; (b) a consent by Crystal to the jurisdiction of this Court or any other court with respect to proceedings, if any, commenced in any case against or otherwise involving Crystal; (c) a waiver or release of Crystal's right to trial by jury in this Court or any other court in any proceeding as to any and all matters so triable herein, whether or not the same be designated legal or private rights or in any case, controversy or proceeding related hereto, notwithstanding the designation or not of such matters as core proceedings pursuant to 28 U.S.C. § 157, and whether such jury trial right is pursuant to the statute or the United States Constitution; (d) a consent by Crystal to a jury trial in this Court or any other court in any proceeding as to any and all matters so triable herein or in any case, controversy or proceeding related hereto pursuant to 28 U.S.C. § 157 or otherwise; (e) a waiver or release of Crystal's right to have any and all final orders in any and all non-core matters or proceedings entered on after *de novo* review by a judge of the United States District Court; (f) a waiver of the right to move to withdraw the reference with respect to the subject matter of this Proof of Claim, any objection thereto or other proceeding which may be commenced in this case or otherwise involving Crystal; (g) an election of remedies; (h) a waiver or release of, or any limitation on Crystal's right to assert that any portion of the claims asserted herein are entitled to treatment as priority claims; (i) a waiver or release of, or any limitation on Crystal's right to assert that any portion of the claims asserted herein are entitled to treatment as administrative claims under §§ 503(b) and 507(a) of the Bankruptcy Code; or (k) a waiver of any rights, claim, actions or defenses, setoffs, recoupments or other matters to which Crystal is entitled under any agreements, at law, in equity or under the United States Constitution.

Any questions regarding this Proof of Claim may be directed to the signatory of the Proof of Claim or to counsel for Crystal at the following location:

R. Scott Alsterda  
Nixon Peabody LLP  
70 West Madison, Suite 3500  
Chicago, IL 60602  
Telephone: (312) 977-9203  
[rsalsterda@nixonpeabody.com](mailto:rsalsterda@nixonpeabody.com)