

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

In re:

Apple Tree Life Sciences, Inc., *et al.*,¹

Debtors.

Chapter 11

Case No. 25-12177 (LSS)

(Jointly Administered)

Hearing Date: January 20, 2026 at 2:30 p.m. (ET)

Objection Deadline: January 13, 2026 at 4:00 p.m. (ET)

Re: Docket Nos. 83 & 84

**MOTION FOR AN ORDER AUTHORIZING THE DEBTORS
TO FILE UNDER SEAL THE (A) DEBTORS' MOTION FOR AN
ORDER (I) ENFORCING THE AUTOMATIC STAY AND (II) IMPOSING
SANCTIONS AGAINST RIGMORA AND (B) DECLARATION OF ERIC
WINSTON IN SUPPORT OF DEBTORS' MOTION FOR AN ORDER (I) ENFORCING
THE AUTOMATIC STAY AND (II) IMPOSING SANCTIONS AGAINST RIGMORA**

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) respectfully state the following in support of this motion (this “Motion”):

RELIEF REQUESTED

1. The Debtors seek entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), pursuant to section 107 of title 11 of the United States Code (the “Bankruptcy Code”), rule 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and rule 9018-1 of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), authorizing Debtors to file under seal the (a) *Debtors' Motion for an Order (I) Enforcing the Automatic Stay and (II) Imposing Sanctions*

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number include: Apple Tree Life Sciences, Inc. (4506); ATP Life Science Ventures, L.P. (8224); ATP III GP, Ltd. (6091); Apertor Pharmaceuticals, Inc. (3161); Initial Therapeutics, Inc. (2453); Marlinspike Therapeutics, Inc. (4757); and Red Queen Therapeutics, Inc. (8563). The location of the Debtors' service address in these chapter 11 cases is 230 Park Avenue, Suite 2800, New York, NY 10169.



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Against Rigmora [Docket No. 83] (the “Motion to Enforce”)² and (b) *Declaration of Eric Winston in Support of Debtors’ Motion for an Order (I) Enforcing the Automatic Stay and (II) Imposing Sanctions Against Rigmora* [Docket No. 84] (the “Winston Declaration”).

JURISDICTION AND VENUE

2. The United States Bankruptcy Court for the District of Delaware (this “Court”) has 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 entered February 29, 2012.

3. Pursuant to Local Rule 9013-1(f), the Debtors confirm their consent to the Court entering a final order in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

4. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

5. The bases for the relief requested herein are section 107(b) of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1.

BACKGROUND

6. On December 9 and 15, 2025 (the “Petition Dates”), each Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “Chapter 11 Cases”). These Chapter 11 Cases are being jointly administered for procedural purposes only pursuant to Bankruptcy Rule 1015(b). *See* Docket No. 69. A detailed description of the facts and circumstances of these Chapter 11 Cases is set forth in the *Declaration of Dr. Seth L. Harrison in Support of Chapter 11 Petitions and First Day Motions* [Docket No. 18] (the “Harrison

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

Declaration”) and the *Declaration of Perry M. Mandarino, Chief Restructuring Officer of the Debtors, in Support of Chapter 11 Petitions and First Day Motions* [Docket No. 25] (the “Mandarino Declaration,” and with the Harrison Declaration, the “First Day Declarations”). As described in more detail in the First Day Declarations, the Debtors commenced these Chapter 11 Cases due to the failure of the Rigmora LPs to fulfill their contractual obligations, and their attempts to wind up the Partnership, which would destroy the Partnership through litigation. Through these Chapter 11 Cases, the Debtors seek to stabilize their business, and, under the Court’s supervision, restructure the Partnership’s capital structure.

7. The Debtors are operating their business and managing their property as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. On December 17, 2025, the Court entered an order [Docket No. 69] authorizing joint administration the Chapter 11 Cases. No request for the appointment of a trustee or examiner has been made in these Chapter 11 Cases, and no official committees have been appointed or designated.

8. On December 22, 2025, the Debtors filed the Motion to Enforce and the Winston Declaration, seeking to enforce the automatic stay and impose sanctions against Rigmora Biotech Investor One LP and Rigmora Biotech Investor Two LP (collectively, “Rigmora”) for willful and knowing violations of the automatic stay. The Motion to Enforce and the Winston Declaration contain confidential information related to the Existing Winding-Up Proceeding before the Cayman Court, communications between the parties and the Cayman Court, and briefing, orders, and other filings in the Cayman Court (the “Confidential Information”), information that, as the Debtors understand it, absent application to the Cayman Court or the consent of the parties, is not ordinarily publicly available and might otherwise be presumed in that jurisdiction to be held confidential.

BASIS FOR RELIEF

9. Section 107(b)(1) of the Bankruptcy Code provides that “[o]n request of a party in interest, the bankruptcy court shall . . . protect an entity with respect to a trade secret or confidential research, development, or commercial information.” 11 U.S.C. § 107(b). Section 107(b) of the Bankruptcy Code creates an exception to the general rule that court records are open to examination by the public. *Video Software Dealers Ass’n v. Orion Pictures Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 27 (2d Cir. 1994); *see Mesabi Metallica Co. LLC v. Cleveland-Cliffs, Inc. (In re ESML Holdings Inc.)*, 135 F.4th 80, 95-96 (3d Cir. 2025). Under this exception, an interested party must show only that the information it wishes to seal is “confidential” and “commercial in nature.” *In re Orion Pictures Corp.*, 21 F.3d at 27. Commercial information need not rise to the level of a trade secret to be protected under section 107(b) of the Bankruptcy Code. *Id.*

10. In granting motions to redact “commercial information,” courts have defined this term as “information which would cause ‘an unfair advantage to competitors by providing them information as to the commercial operations’” of the entity whose information would be disclosed absent the requested relief. *Id.* at 28; *see also In re Glob. Crossing Ltd.*, 295 B.R. 720, 725 (Bankr. S.D.N.Y. 2003) (the purpose of Bankruptcy Rule 9018 is to “protect business entities from disclosure of information that could reasonably be expected to cause the entity commercial injury”); *see also In re ESML Holdings Inc.*, 135 F.4th at 97 (holding that to qualify as confidential commercial information under section 107(b), disclosure of the information must cause “an unfair advantage to competitors”).

11. Unlike Rule 26(c) of the Federal Rules of Civil Procedure, section 107(b) of the Bankruptcy Code does not require an entity seeking protection thereunder to demonstrate “good

cause.” *See, e.g., In re Orion Pictures Corp.*, 21 F.3d at 28; *Phar-Mor, Inc. v. Defendants Named Under Seal (In re Phar-Mor, Inc.)*, 191 B.R. 675, 679 (Bankr. N.D. Ohio 1995). Instead, the moving party need only demonstrate that the material to be protected satisfies one of the categories identified in section 107(b) of the Bankruptcy Code. Once a court determines that a party in interest is seeking protection of information that falls within the ambit of section 107(b), “the court is required to protect a requesting interested party and has no discretion to deny the application.” *In re Orion Pictures Corp.*, 21 F.3d at 27; *see In re ESML Holdings Inc.*, 135 F.4th at 96 (holding that section 107(b)’s use of the term “shall” means “the bankruptcy court lacks discretion to decline to protect covered information”).

12. Bankruptcy Rule 9018 sets forth the procedures by which a party may move for relief under section 107(b), and provides, in relevant part, that “the court may, with or without notice, issue any order that justice requires to (1) protect the estate or any entity regarding a trade secret or other confidential research, development, or commercial information.” Fed. R. Bankr. P. 9018(a). Local Rule 9018-1(d) requires that a party seeking to file documents under seal file a motion requesting such relief. Del. Bankr. L.R. 9018-1(d).

13. The Confidential Information contains information, correspondence, and documents filed in the Cayman Court relating to the Existing Winding-Up Proceeding and these Chapter 11 Cases. As the Debtors have come to understand it, absent application to the Cayman Court or the consent of the parties, this Confidential Information is not ordinarily publicly available and may otherwise be presumed in that jurisdiction to be held confidential. For example, the Debtors understand that transcripts of certain types of hearings in the Cayman Court are not automatically available to the public; rather, any access requires either the consent of the parties or permission of the Cayman Court. The Debtors understand that other Confidential Information,

including certain pleadings and documents maintained on the dockets of the Cayman Court, are available for inspection only to the parties to those proceedings or, in the case of a non-party, upon application to the Cayman Court. Finally, the Debtors understand that documents disclosed solely for purposes of proceedings before the Cayman Court and witness statements that have not become sworn testimony at trial, are subject to the “collateral undertaking” imposed under Cayman law, which prohibits their use or disclosure in other proceedings.

14. Out of an abundance of caution and due to the current procedural posture of these Chapter 11 Cases and the Existing Winding-Up Proceedings, the Debtors submit that, other than information that has already been publicly disclosed, the Confidential Information is not, and should not be, publicly available.

15. Because the Debtors rely upon the Confidential Information in the Motion to Enforce and the Winston Declaration, the Debtors seek authority to redact the Confidential Information and to file the unredacted Motion to Enforce and Winston Declaration under seal. The Debtors further request that unredacted versions of the Motion to Enforce and the Winston Declaration be made available only to this Court, Rigmora, the Office of the United States Trustee for the District of Delaware (the “U.S. Trustee”), and others solely upon agreement by the Debtors and Rigmora or further Court order.

16. The Debtors have already filed the Motion to Enforce and the Winston Declaration as restricted documents, in accordance with the Local Rules.

CERTIFICATION PURSUANT TO LOCAL RULE 9018-1(d)(iv)

17. The Debtors do not believe that the Confidential Information contains “another entity’s confidential information,” as contemplated by Local Rule 9018-1(d)(ii).

NOTICE

18. The Debtors will provide notice of this Motion to the following parties or their respective counsel: (a) the U.S. Trustee; (b) the holders of the twenty largest unsecured claims against the Debtors (on a consolidated basis); (c) the United States Attorney's Office for the District of Delaware; (d) the Internal Revenue Service; (e) the offices of the attorneys general in the states in which the Debtors operate; (f) Rigmora; and (g) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

NO PRIOR REQUEST

19. No previous request for the relief requested herein has been made to this or any other court.

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CONCLUSION

WHEREFORE, for the reasons set forth above, the Debtors respectfully request that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and awarding such other and further relief as the Court deems just and proper.

Dated: December 31, 2025
Wilmington, Delaware

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Rachel E. Epstein, Esq. (admitted *pro hac vice*)
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Respectfully submitted,

/s/ Brett M. Haywood

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Proposed Counsel to the Debtors and Debtors in Possession

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

In re:

Apple Tree Life Sciences, Inc., *et al.*,¹

Debtors.

Chapter 11

Case No. 25-12177 (LSS)

(Jointly Administered)

Hearing Date: January 20, 2026 at 2:30 p.m. (ET)

Objection Deadline: January 13, 2026 at 4:00 p.m. (ET)

**NOTICE OF MOTION FOR AN ORDER AUTHORIZING THE DEBTORS
TO FILE UNDER SEAL THE (A) DEBTORS' MOTION FOR AN ORDER
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AGAINST RIGMORA AND (B) DECLARATION OF ERIC WINSTON
IN SUPPORT OF DEBTORS' MOTION FOR AN ORDER (I) ENFORCING THE
AUTOMATIC STAY AND (II) IMPOSING SANCTIONS AGAINST RIGMORA**

PLEASE TAKE NOTICE that the above-captioned debtors and debtors in possession (the "Debtors"), filed the *Motion for an Order Authorizing the Debtors to File Under Seal the (A) Debtors' Motion for an Order (I) Enforcing the Automatic Stay and (II) Imposing Sanctions Against Rigmora and (B) Declaration of Eric Winston in Support of Debtors' Motion for an Order (I) Enforcing the Automatic Stay and (II) Imposing Sanctions Against Rigmora* (the "Motion") with the United States Bankruptcy Court for the District of Delaware (the "Court").

PLEASE TAKE FURTHER NOTICE that objections to the Motion, if any, must be in writing, filed with the Clerk of the United States Bankruptcy Court for the District of Delaware, 3rd Floor, 824 N. Market Street, Wilmington, Delaware 19801, on or before

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number include: Apple Tree Life Sciences, Inc. (4506); ATP Life Science Ventures, L.P. (8224); ATP III GP, Ltd. (6091); Apertor Pharmaceuticals, Inc. (3161); Initial Therapeutics, Inc. (2453); Marlinspike Therapeutics, Inc. (4757); and Red Queen Therapeutics, Inc. (8563). The location of the Debtors' service address in these chapter 11 cases is 230 Park Avenue, Suite 2800, New York, NY 10169.

January 13, 2026 at 4:00 p.m. (ET) (the “Objection Deadline”), and served upon and received by the undersigned proposed counsel for the Debtors.

PLEASE TAKE FURTHER NOTICE that, if any objections to the Motion are received, the Motion and such objections shall be considered at a hearing before the Honorable Laurie Selber Silverstein at the Bankruptcy Court, 824 N. Market Street, 6th Floor, Courtroom No. 2, Wilmington, Delaware 19801 on **January 20, 2026 at 2:30 p.m. (ET)**.

IF NO OBJECTIONS TO THE MOTION ARE TIMELY FILED, SERVED AND RECEIVED IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

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Dated: December 31, 2025
Wilmington, Delaware

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Proposed Counsel to the Debtors and Debtors in Possession

EXHIBIT A

Proposed Order

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

In re:

Apple Tree Life Sciences, Inc., *et al.*,¹

Debtors.

Chapter 11

Case No. 25-12177 (LSS)

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Re: Docket No. __

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WINSTON IN SUPPORT OF DEBTORS' MOTION FOR AN ORDER (I) ENFORCING
THE AUTOMATIC STAY AND (II) IMPOSING SANCTIONS AGAINST RIGMORA**

Upon consideration of the *Motion for an Order Authorizing the Debtors to File Under Seal the (A) Debtors' Motion for an Order (I) Enforcing the Automatic Stay and (II) Imposing Sanctions Against Rigmora and (B) Declaration of Eric Winston in Support of Debtors' Motion for an Order (I) Enforcing the Automatic Stay and (II) Imposing Sanctions Against Rigmora* (the "Motion to Seal")² pursuant to section 107 of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1; the Court having found that it has jurisdiction over this matter; due and proper notice of the Motion to Seal has been given, and no other or further notice is required; and the Court having determined that the legal and factual bases set forth in the Motion to Seal establish just cause for the relief granted herein; and it appearing that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that the venue of this proceeding and this Motion to Seal is proper

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² All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion to Seal.

pursuant to 28 U.S.C. §§ 1408 and 1409; and after due deliberation, and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion to Seal is **GRANTED** as set forth herein.
2. Pursuant to section 107(b) of the Bankruptcy Code and Local Rule 9018-1, the Debtors are authorized to file the Motion to Enforce and the Winston Declaration under seal.
3. The unredacted versions of the Motion to Enforce and the Winston Declaration will be provided only to the Court, the U.S. Trustee, Rigmora, and to others upon the agreement of the Debtors or further order of the Court.
4. Any party receiving the unredacted versions of the Motion to Enforce or the Winston Declaration shall not disclose such information to any other party, person or entity without further order of the Court.
5. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of the relief granted herein.