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*Proposed Attorneys for the Debtors  
and Debtors in Possession*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:

EIGER BIOPHARMACEUTICALS, INC., *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-80040 (SGJ)

(Joint Administration Requested)

**NOTICE OF DESIGNATION AS  
COMPLEX CHAPTER 11 BANKRUPTCY CASE**

On April 1, 2024, Impel Pharmaceuticals Inc. and its affiliated debtors and debtors-in-possession (collectively, the “Debtors”) commenced voluntary petitions for relief under title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Northern District of Texas (the “Court”). The undersigned proposed counsel believes that these chapter 11 cases qualify as complex chapter 11 cases because:

  X   The debtors have total debt of more than \$25 million;

<sup>1</sup> The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are: Eiger BioPharmaceuticals, Inc. (1591); EBPI Merger Inc. (9986); EB Pharma LLC (8352); Eiger BioPharmaceuticals Europe Limited (N/A); and EigerBio Europe Limited (N/A). The Debtors’ service address is 2155 Park Boulevard, Palo Alto, California 94306.



There are more than 50 parties in interest in this case

Claims against the debtors are publicly traded;

Other (Substantial explanation is required. Attach additional sheets if necessary.)

*[Remainder of the page intentionally left blank.]*

Dated: April 1, 2024  
Dallas, Texas

**SIDLEY AUSTIN LLP**

*/s/ Thomas R. Califano*

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*Proposed Attorneys for the Debtors and Debtors  
in Possession*

**Certificate of Service**

I certify that on April 1, 2024, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Northern District of Texas.

/s/ Thomas R. Califano  
Thomas Califano

**Exhibit A**

**Proposed Order**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:

EIGER BIOPHARMACEUTICALS, INC., *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-80040 (SGJ)

(Joint Administration Requested)

**ORDER GRANTING  
COMPLEX CHAPTER 11 BANKRUPTCY CASE TREATMENT**

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On April 1, 2024, debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the “Debtors”) filed for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”). A *Notice of Designation as Complex Chapter 11 Cases* (see General Order No. 2023-01) was filed. After review of the initial pleadings filed in these cases,

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<sup>1</sup> The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are: Eiger BioPharmaceuticals, Inc. (1591); EBPI Merger Inc. (9986); EB Pharma LLC (8352); Eiger BioPharmaceuticals Europe Limited (N/A); and EigerBio Europe Limited (N/A). The Debtors’ service address is 2155 Park Boulevard, Palo Alto, California 94036.

the Court concludes that these cases appear to be complex Chapter 11 cases. Accordingly, unless the Court orders otherwise,

**IT IS ORDERED:**

**OMNIBUS HEARING DATES**

1. After the Second Day Hearing to be held on April [●], 2024, at [●] a.m./p.m, the Court sets the following dates and times for the next two months as the pre-set hearing date and time for hearing all motions and other matters in these cases (the “Omnibus Settings”):

[●], 2024 at [●] \_\_.m.  
[●], 2024 at [●] \_\_.m.  
[●], 2024 at [●] \_\_.m.

2. Pursuant to General Order 2023-05, subject to the discretion of Court, all hearings before the Court are currently being conducted in one of the following three ways depending upon the nature of the proceeding: (1) in a remote only mode (by video or telephone via the Court’s WebEx platform); (2) in an in-person only mode (before the Honorable Chief Judge Stacey G. C. Jernigan, United States Bankruptcy Court for the Northern District of Texas, Room 1428, Earle Cabell Federal Building, 1100 Commerce Street, 14th Floor, Courtroom 1, Dallas, Texas, 75242,); or (3) in a hybrid mode (enabling participants to choose between appearing in person or remotely). Counsel shall comply with the Court’s Telephonic and Videoconference Hearing Policy:

<https://www.txnb.uscourts.gov/judges-info/hearing-dates/chief-judge-jernigans-hearing-dates>

3. Settings for subsequent months will be published by the Court no later than 30 days prior to the first hearing date in the said following months. (There may be exceptions; those exceptions will be noted on the Court’s internet schedule, available at [www.txnb.uscourts.gov](http://www.txnb.uscourts.gov)).

## **HEARING, NOTICE AND OBJECTION PROCEDURES**

4. The following hearing, notice and objection procedures will apply to motions and other matters in these chapter 11 cases:

- a. **General Notice Requirements.** Parties may self-calendar motions for the next Omnibus Setting that is at least twenty-four (24) or thirty-one (31) days following the filing of the motion, which ever date provides sufficient notice under applicable Bankruptcy Rules and Local Rules. Such hearings shall be deemed scheduled upon the filing and service of a Notice of Hearing that includes a certificate of service. In lieu of any language required by Local Bankruptcy Rule 9007-1(c) or any other Local Rules, all such motions shall include the following language immediately below the case caption:

**If you object to the relief requested, you must respond in writing. Unless otherwise directed by the Court, you must file your response electronically at <https://ecf.txnb.uscourts.gov/> no more than [twenty-four (24) / thirty-one (31)] days after the date this motion was filed. If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk and filed on the docket no more than [twenty-four (24) / thirty-one (31)] days after the date this motion was filed. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.**

**[IF A HEARING DATE HAS BEEN OBTAINED, INCLUDE THE FOLLOWING PARAGRAPHS:]**

**A hearing will be conducted on this matter on [●], 2024 at [●] am/pm in Room 1428, Earle Cabell Federal Building, 1100 Commerce Street, 14th Floor, Courtroom 1, Dallas, Texas, 75242.**

**[INCLUDE ONE AS APPLICABLE: You may participate in the hearing either in person or by an audio and video connection [OR] Participation at the hearing will only be permitted by an audio and video connection] [OR] You are required to appear in person at the hearing pursuant to the Court’s order.]**

**Audio communication will be by use of the Court’s dial-in facility. You may access the facility at 1.650.479.3207. Video communication will be by the use of the Cisco WebEx platform. Connect via the Cisco WebEx application or click the link on Judge Jernigan’s home page. The meeting code is 479 393 582. Click the settings icon in the upper right corner and enter your name under the personal information setting.**

- b. **Emergency Hearings.** Emergency Motions. All motions seeking relief on shorter notice than required under the applicable rules will be considered “emergency” motions (“Emergency Motions”). An Emergency Motion must contain the word “Emergency” in the title of the motion and must be filed using a CM/ECF code for an Emergency Motion. All Emergency Motions must include a certificate of



conference, containing the same certification of counsel that is presently required under L.B.R. 9007-1(f).

Movants are not required to file a separate pleading to request hearings on Emergency Motions. Emergency motions may be filed without a designated hearing date. Alternatively, an Emergency Motion may be calendared for hearing on a date obtained prior to the filing from the Court's Case Manager. The Court's Case Manager shall direct the movant when to file and serve any notice of hearing (the "Emergency Hearing") on the Emergency Motion. Unless otherwise directed by the Court, the Court will determine, as an initial matter at the Emergency Hearing, whether to allow emergency consideration. Emergency Motions must state, just below the case caption and in lieu of the language required by any Local Rule, the following:

**Emergency relief has been requested. Relief is requested not later than [●] am/pm on [●], 2024.**

**If you object to the relief requested or you believe that emergency consideration is not warranted, you must appear at the hearing if one is set, or file a written response prior to the date that relief is requested in the preceding paragraph. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.**

**[IF A HEARING DATE HAS BEEN OBTAINED, INCLUDE THE FOLLOWING PARAGRAPHS:]**

**A hearing will be conducted on this matter on [●], 2024 at [●] am/pm in Room 1428, Earle Cabell Federal Building, 1100 Commerce Street, 14th Floor, Courtroom 1, Dallas, Texas, 75242.**

**[INCLUDE ONE AS APPLICABLE: You may participate in the hearing either in person or by an audio and video connection [OR] Participation at the hearing will only be permitted by an audio and video connection] [OR] You are required to appear in person at the hearing pursuant to the Court's order.]**

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- c. **Notice for Ordinary Motions Set on Shortened Notice.** All motions self-calendared for hearings on the next Omnibus Setting that is at least fourteen (14) calendar days after the filing and service of such motion (**subject to the exceptions set out in paragraph 36(a) of the *Procedures for Complex Cases in the Northern***

*District of Texas, Effective February 6, 2023*) (the “Complex Case Procedures”), shall include the following language immediately below the case caption:

If you object to the relief requested, you must respond in writing. Unless otherwise directed by the Court, you must file your response electronically at <https://ecf.txnb.uscourts.gov/> at least two (2) business days before the start of the hearing. If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk and filed on the docket at least two (2) business days before the start of the hearing. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

**[IF A HEARING DATE HAS BEEN OBTAINED, INCLUDE THE FOLLOWING PARAGRAPHS:]**

**A hearing will be conducted on this matter on [●], 2024 at [●] am/pm in Room 1428, Earle Cabell Federal Building, 1100 Commerce Street, 14th Floor, Courtroom 1, Dallas, Texas, 75242.**

**[INCLUDE ONE AS APPLICABLE: You may participate in the hearing either in person or by an audio and video connection [OR] Participation at the hearing will only be permitted by an audio and video connection] [OR] You are required to appear in person at the hearing pursuant to the Court’s order.]**

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**d. Objection Deadlines.** Unless the Court orders otherwise, objection deadlines shall be as follows:

- (i) where a motion or other matter is filed and served in accordance with the General Notice Requirements in Paragraph 4(a) of this Order, the deadline for objections or responses to such motion or matter shall be no later than 24 or 31 days after service of the motion or other matter (which ever date provides sufficient notice under applicable Bankruptcy Rules and Local Rules)
- (ii) where a motion or other matter is filed and served in accordance with the Emergency Hearing Requirements under Paragraph 4(b) of this Order, the deadline for objections or response to such motion or matter shall be no later than the date of the Emergency Hearing
- (iii) where a motion or other matter is filed and served in accordance with the Ordinary Motions set on Shortened Notice Requirements under Paragraph 4(c) of this Order, the deadline for objections or response to

such motion or matter shall be no later than two (2) business days prior to the start of the hearing.

Any objection deadline may be extended by agreement of the movant, provided, however, that no objection deadline may extend beyond the deadline for filing the agenda. In all instances, any objection must be filed and served as so to be received on or before the applicable objection deadline.

- e. **Hearing Agenda Requirements.** The Debtors shall file an agenda conforming to the guidelines in Section L of the Complex Case Procedures no later than 24 hours prior to the start of the scheduled hearing.
- f. **Witness and Exhibit Lists in Contested Matters or Adversary Proceedings.** In all contested matters and adversary proceedings in which a response is filed, except for (i) contested matters and trials covered by a separate scheduling order that specifically provides alternative deadlines or (ii) when the Court orders otherwise, the deadlines for the exchanges of exhibits, exhibit lists, and witness lists shall conform to the guidelines in Section K of the Complex Case Procedures.

5. If a contested matter is noticed for hearing and all affected parties reach a settlement of the dispute prior to the hearing, the parties should promptly notify Judge Jernigan's Case Manager that the matter is settled. The parties must announce the key terms of the settlement at the scheduled hearing. If the Court determines that the notice of the dispute and the hearing is adequate notice of the effects of the settlement, (*i.e.*, that the terms of the settlement are not materially different from what parties-in-interest could have expected if the dispute were fully litigated) the Court may approve the settlement at the hearing without further notice.

6. The Debtors shall give notice of this order to all parties in interest within seven days. If any party in interest, at any time, objects to the provisions of this order, that party shall file a motion articulating the objection and the relief requested. After hearing the objection and any responses, the Court may reconsider any part of this order and may grant relief, if appropriate.

7. Parties in interest are encouraged to review the Court's Complex Case Procedures in their entirety, available at <https://www.txnb.uscourts.gov/complex-case-procedures>.

**### END OF ORDER ###**

Submitted By:

**SIDLEY AUSTIN LLP**

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