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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)

(Jointly Administered)

**AGENDA FOR HEARING  
SCHEDULED FOR APRIL 23, 2024 AT 9:30 A.M.  
(PREVAILING CENTRAL TIME)**

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) hereby file this agenda for matters set for hearing on **April 23, 2024 at 9:30 a.m.** (prevailing Central Time), before the Honorable Stacey G. C. Jernigan at the United States Bankruptcy Court for the Northern District of Texas, at Courtroom #1, Earle Cabell Federal Building, 1100 Commerce Street, Dallas, Texas 75242-1496.

<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 2100 Ross Avenue, Dallas, Texas 75201.



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**AGENDA MATTERS**

1. *Debtors' Motion for Entry of an Order (I)(A) Approving the Bid Procedures; (B) Authorizing the Debtors to Select Sentynl Therapeutics, Inc. as the Zokinvy Stalking Horse Purchaser & Approving Bid Protections; (C) Approving the Bid Protections Relating to the Remaining Assets Stalking Horse Purchaser(s), If Any; (D) Establishing Bid Deadlines, Auction(s), and Sale Hearing(s); (E) Approving the Form and Manner of Sale Notice; (F) Approving Assignment and Assumption Procedures; (G) Approving the Form and Manner of Potential Assumption and Assignment Notice; (II)(A) Authorizing the Sale of the Assets Free and Clear; and (B) Approving the Assumption and Assignment of Designated Contracts; and (III) Granting Related Relief [Docket No. 13]*

**Related Documents:**

- a. *Declaration of David Apelian in Support of the Chapter 11 Petitions and First Day Pleadings [Docket No. 19]*
- b. *Notice of Emergency Hearing for April 3, 2024 Setting [Docket No. 22]*
- c. *Declaration of J. Scott Victor in Support of Debtors' Motion for Entry of an Order (I)(A) Approving the Bid Procedures; (B) Authorizing the Debtors to Select Sentynl Therapeutics, Inc. as the Zokinvy Stalking Horse Purchaser & Approving Bid Protections; (C) Approving the Bid Protections Relating to the Remaining Assets Stalking Horse Purchaser(s), If Any; (D) Establishing Bid Deadlines, Auction(s), and Sale Hearing(s); (E) Approving the Form and Manner of Sale Notice; (F) Approving Assignment and Assumption Procedures; (G) Approving the Form and Manner of Potential Assumption and Assignment Notice; (II)(A) Authorizing the Sale of the Assets Free and Clear; and (B) Approving the Assumption and*

*Assignment of Designated Contracts; and (III) Granting Related Relief*  
[Docket No. 24]

- d. *Declaration of David Apelian in Support of the Debtors' Motion for Entry of an Order (I)(A) Approving the Bid Procedures; (B) Authorizing the Debtors to Select Sentyln Therapeutics, Inc. as the Zokinvy Stalking Horse Purchaser & Approving Bid Protections; (C) Approving the Bid Protections Relating to the Remaining Assets Stalking Horse Purchaser(s), If Any; (D) Establishing Bid Deadlines, Auction(s), and Sale Hearing(s); (E) Approving the Form and Manner of Sale Notice; (F) Approving Assignment and Assumption Procedures; (G) Approving the Form and Manner of Potential Assumption and Assignment Notice; (II)(A) Authorizing the Sale of the Assets Free and Clear; and (B) Approving the Assumption and Assignment of Designated Contracts; and (III) Granting Related Relief* [Docket No. 27]

- e. *Notice of Hearing for April 23, 2024 Setting* [Docket No. 112]
- f. *Notice of Cure Amounts and Potential Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection with Zokinvy Sale Transaction* [Docket No. 116]
- g. *Notice of Filing of Revised Bid Procedures* [Docket No. 119]
- h. *Preliminary Response to Debtors' Motion to Sell the Zokinvy Assets and Reservation of Rights* [Docket No. 120]
- i. *Objection and Reservation of Rights Regarding Debtors' Notice of Cure Amounts and Potential Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection with the Zokinvy Sale Transaction* [Docket No. 123]
- j. *Limited Objection and Reservation of Rights Regarding Debtors' Notice of Cure Amounts and Potential Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection with the Zokinvy Sale Transaction* [Docket No. 124]
- k. *Notice of Selection of Winning Bid* [Docket No. 129]
- l. *Innovatus Life Sciences Lending Fund I, L.P.'s Witness and Exhibit List for the April 23, 2024 Hearing* [Docket No. 130]
- m. *Debtors' Witness and Exhibit List* [Docket No. 132]
- n. *Revised Notice of Selection of Winning Bid* [Docket No. 133]
- o. *Second Revised Notice of Selection of Winning Bid* [Docket No. 139]
- p. *Supplemental Declaration of J. Scott Victor in Support of Debtors' Motion for the Sale of the Zokinvy Assets and Motion for Entry of the Final Order (I) Authorizing the Debtors to Use Cash Collateral; (II) Granting Adequate Protection to*

*Prepetition Term Loan Secured Parties; and (III) Modifying the Automatic Stay*  
[Docket No. 141]

- q. *Debtors' Omnibus Reply in Support of the Zokinvy Sale Transaction* [Docket No. 143]

**Status:** This matter is going forward on a contested basis.

2. *Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Term Loan Secured Parties; (III) Modifying Automatic Stay; and (IV) Scheduling a Final Hearing* [Docket No. 16]

**Related Documents:**

- a. *Declaration of David Apelian in Support of the Chapter 11 Petitions and First Day Pleadings* [Docket No. 19]
- b. *Declaration of Paul Rundell, Managing Director of Alvarez & Marsal North America, LLC, in Support of the Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Term Loan Secured Parties; (III) Modifying Automatic Stay; and (IV) Scheduling a Final Hearing* [Docket No. 20]
- c. *Notice of Emergency Hearing for April 3, 2024 Setting* [Docket No. 22]
- d. *Preliminary Objection to Debtors' Motion for Authorization to Use Cash Collateral* [Docket No. 35]
- e. *Interim Order (I) Authorizing the Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Term Loan Secured Parties; (III) Modifying the Automatic Stay; and (IV) Scheduling a Final Hearing* [Docket No. 93]

- f. *Notice of Hearing for April 23, 2024 Setting* [Docket No. 112]
- g. *Innovatus Life Sciences Lending Fund I, L.P.'s Witness and Exhibit List for the April 23, 2024 Hearing* [Docket No. 130]
- h. *Debtors' Witness and Exhibit List* [Docket No. 132]
- i. *Notice of Consent to Debtors' Use of Cash Collateral* [Docket No. 136]
- j. *Declaration of Douglas Staut, Proposed Chief Restructuring Officer of Eiger Biopharmaceuticals, Inc., in Support of the Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Term Loan Secured Parties; (III) Modifying Automatic Stay; and (IV) Scheduling a Final Hearing* [Docket No. 138]
- k. *Supplemental Declaration of J. Scott Victor in Support of Debtors' Motion for the Sale of the Zokinvy Assets and Motion for Entry of the Final Order (I) Authorizing the Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Term Loan Secured Parties; and (III) Modifying the Automatic Stay* [Docket No. 141]
- l. *Debtors' Reply in Support of Entry of the Final Order (I) Authorizing the Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Term Loan Secured Parties; and (III) Modifying the Automatic Stay* [Docket No. 142]

**Status:** This matter is going forward on a contested basis.

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Dated: April 22, 2024  
Dallas, Texas

**SIDLEY AUSTIN LLP**

*/s/ Thomas R. Califano*

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**Certificate of Service**

I certify that on April 22, 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 R. Califano