



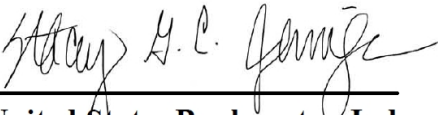
CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed May 13, 2024


United States Bankruptcy Judge

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

In re:

EIGER BIOPHARMACEUTICALS, INC., *et al.*¹

Debtors.

Chapter 11

Case No. 24-80040 (SGJ)

(Jointly Administered)

**FINAL ORDER (I) AUTHORIZING THE DEBTORS TO
HONOR AND CONTINUE CERTAIN CUSTOMER PROGRAMS AND CUSTOMER
OBLIGATIONS IN THE ORDINARY COURSE OF BUSINESS AND(II)
AUTHORIZING BANKS TO HONOR AND PROCESS CHECKS AND ELECTRONIC
TRANSFER REQUESTS RELATED THERETO**

Upon the motion ("Motion")² of the debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the "Debtors") for entry of an order (this "Final Order")

(a) authorizing the Debtors, in their sole discretion, to honor certain prepetition obligations

¹ 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.

² Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Motion.



incurred in connection with the Customer Programs and to otherwise continue certain prepetition Customer Programs in the ordinary course of business, (b) authorizing the Banks to honor and process checks and electronic transfer requests related to the Customer Programs, and (c) granting related relief, each as more fully set forth in the Motion; and upon consideration of the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and the Court being able to issue a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and appropriate notice of and opportunity for a hearing on the Motion having been given; and the relief requested in the Motion being in the best interests of the Debtors' estates, their creditors and other parties in interest; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is

HEREBY ORDERED THAT:

1. The Debtors are authorized to continue the Customer Programs and pay, setoff, and/or recoup prepetition amounts incurred in connection with the Customer Programs in the ordinary course of their business.
2. The Debtors are authorized to honor the Customer Programs and the Debtors and their Customers are authorized, in the ordinary course of business, to set off undisputed prepetition debts arising under the Customer Programs against both pre- and post-petition obligations to the Debtors in the ordinary course of business of the Debtors and such Customer.

3. The Debtors, in their business judgment, are authorized, but not directed, to continue, renew, replace, implement, modify and/or terminate their Customer Programs, in the ordinary course of business and consistent with the Debtors' prepetition practices, without further application to the Court.

4. Notwithstanding the relief granted herein and any actions taken pursuant to such relief, nothing in this Final Order shall be deemed (a) an admission as to the amount of, basis for, or validity of any claim against a Debtor entity under the Bankruptcy Code or other applicable nonbankruptcy law; (b) a waiver of the Debtors' or any party in interest's rights to dispute any claim or interest on any grounds; (c) a promise or requirement to pay any claim; (d) a waiver of the Debtors' or any other party in interest's rights under the Bankruptcy Code or any other applicable law; (e) an implication or admission that any particular claim is of a type specified or defined in this Final Order or any other order granting the relief requested in this motion or a finding that any particular claim is an administrative expense claim or other priority claim; (f) an approval to assume, adopt, or reject any agreement, contract, program, policy, or lease under section 365 of the Bankruptcy Code; or (g) an admission as to the validity, priority, enforceability, or perfection of any lien on, security interest in, or other encumbrance on property of the Debtors' estates. Any payment made pursuant to this Final Order is not intended to be nor should it be construed as an admission as to the validity of any claim or a waiver of the Debtors' rights to subsequently dispute such claim.

5. Notwithstanding anything to the contrary herein, any payment to be made by the Debtors pursuant to the authority granted herein shall be subject to and in compliance with any orders entered by the Court authorizing the Debtors' use of cash collateral and/or any budget in connection therewith.

6. The banks and financial institutions on which checks were drawn or electronic payment requests made in payment of the prepetition obligations approved herein are authorized to receive, process, honor, and pay all such checks and electronic payment requests when presented for payment, and all such banks and financial institutions are authorized to rely on the Debtors' designation of any particular check or electronic payment request as approved in this Final Order.

7. The Debtors are authorized to issue postpetition checks or to effect postpetition fund transfer requests in replacement of any checks or fund transfer requests that are dishonored as a consequence of these chapter 11 cases with respect to prepetition amounts owed in connection with the relief granted herein.

8. 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 Bankruptcy Local Rules are satisfied by such notice.

9. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Final Order shall be immediately effective and enforceable upon its entry.

10. The Debtors are authorized to take all such reasonable actions necessary to effectuate the relief granted in this Final Order in accordance with the Motion.

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

END OF ORDER

Submitted By:

SIDLEY AUSTIN LLP

Thomas Califano (TX Bar No. 24122825)
William Curtin (admitted *pro hac vice*)
Anne Wallice (admitted *pro hac vice*)
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*Attorneys for the Debtors and Debtors in
Possession*

In re:
Eiger BioPharmaceuticals, Inc.
Debtor

Case No. 24-80040-sgj
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0539-8
Date Rcvd: May 13, 2024

User: admin
Form ID: pdf025

Page 1 of 5
Total Noticed: 17

The following symbols are used throughout this certificate:

Symbol **Definition**

+ Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 15, 2024:

Recip ID	Recipient Name and Address
db	+ Eiger BioPharmaceuticals, Inc., c/o Douglas Staut, CRO, 2100 Ross Avenue, Dallas, TX 75201-2739
aty	+ Adam C. Rogoff, Kramer Levin Naftalis & Franken LLP, 1177 Avenue of the Americas, New York, NY 10036-2714
aty	+ Andrew J. Citron, Kramer Levin Naftalis & Franken LLP, 1177 Avenue of the Americas, New York, NY 10036-2714
aty	+ Clifford W. Carlson, Weil, Gotshal & Manges LLP, 700 Louisiana Street, Suite 3700, Houston, TX 77002-2784
aty	+ Emma S. Wheeler, Weil, Gotshal & Manges LLP, 700 Louisiana Street, Suite 3700, Houston, TX 77002-2784
aty	+ James A Newton, Morrison Foerster, 250 West 55th Street, New York, NY 10019-0050
aty	+ Jon Muenz, Sidley Austin LLP, 787 7th Avenue, New York, NY 10019-6088
aty	+ Kizzy L. Jarashow, Goodwin Procter LLP, The New York Times Building, 620 Eighth Avenue, New York, NY 10018-1618
aty	+ Martin E. Beeler, Covington & Burling LLP, 620 Eighth Avenue, New York, NY 10018-1618
aty	+ Michael St. Patrick Baxter, Covington & Burling LLP, One City Center, 850 Tenth Street, NW, Washington, DC 20001-4956
aty	+ Paul B. O'Neill, Kramer Levin Naftalis & Frankel LLP, 1177 Avenue of the Americas, New York, NY 10036-2714
aty	+ Sean Daly, Morrison Foerster, 250 West 55th Street, New York, NY 10019-0050
cr	+ Biorasi, LLC, Condon Tobin Sladek Thornton Nerenberg,, 8080 Park Lane, Suite 700, Dallas, TX 75231-5920
cr	+ Dr. Colleen Craig Kaludzinski, 144 Costa Rica Avenue, Burlingame, CA 94010-5212
cr	+ INNOVATUS LIFE SCIENCES LENDING FUND I, LP, c/o Bradley, Attn: Jay R. Bender, 214 North Tryon Street, Suite 3700 Charlotte, NC 28202-2671
cr	+ Merck Sharp & Dohme LLC, Attn: Emily Sauter, 126 E. Lincoln Ave., Mailstop RY60-258B, Rahway, NJ 07065-4607

TOTAL: 16

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: schristianson@buchalter.com	May 13 2024 21:07:00	Oracle America, Inc., Buchalter, a Professional Corporation, c/o Shawn M. Christianson, Esq., 425 Market St., Suite 2900, San Francisco, CA 94105-2491

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

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User: admin

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Date: May 15, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 13, 2024 at the address(es) listed below:

Name	Email Address
Anne G. Wallace	on behalf of Debtor Eiger BioPharmaceuticals Inc. anne.wallice@sidley.com, anne--wallice--4789@ecf.pacerpro.com;nyefiling@sidley.com
Anne G. Wallace	on behalf of Debtor EBPI Merger Inc. anne.wallice@sidley.com anne--wallice--4789@ecf.pacerpro.com;nyefiling@sidley.com
Anne G. Wallace	on behalf of Jointly Administered Party/Debtor EB Pharma LLC anne.wallice@sidley.com anne--wallice--4789@ecf.pacerpro.com;nyefiling@sidley.com
Anne G. Wallace	on behalf of Jointly Administered Party/Debtor Eiger BioPharmaceuticals Europe Limited anne.wallice@sidley.com anne--wallice--4789@ecf.pacerpro.com;nyefiling@sidley.com
Anne G. Wallace	on behalf of Debtor EB Pharma LLC anne.wallice@sidley.com anne--wallice--4789@ecf.pacerpro.com;nyefiling@sidley.com
Anne G. Wallace	on behalf of Jointly Administered Party/Debtor EBPI Merger Inc. anne.wallice@sidley.com anne--wallice--4789@ecf.pacerpro.com;nyefiling@sidley.com
Anne G. Wallace	on behalf of Debtor Eiger BioPharmaceuticals Europe Limited anne.wallice@sidley.com anne--wallice--4789@ecf.pacerpro.com;nyefiling@sidley.com
Anne G. Wallace	on behalf of Jointly Administered Party/Debtor EigerBio Europe Limited anne.wallice@sidley.com anne--wallice--4789@ecf.pacerpro.com;nyefiling@sidley.com
Anne G. Wallace	on behalf of Debtor EigerBio Europe Limited anne.wallice@sidley.com anne--wallice--4789@ecf.pacerpro.com;nyefiling@sidley.com
Beverly Weiss Manne	on behalf of Creditor Thermo Fisher Scientific et al. bmanne@tuckerlaw.com, bewmanne@aol.com
Bruce H White	on behalf of Creditor Dr. Colleen Craig Kaludzinski bwhite@parsonsbehle.com
Candice Marie Carson	on behalf of Creditor Eton Pharmaceuticals Inc. Candice.Carson@butlersnow.com
Charles Martin Persons, Jr.	on behalf of Debtor Eiger BioPharmaceuticals Inc. cpersons@sidley.com, txefilingnotice@sidley.com;charles-persons-5722@ecf.pacerpro.com
Elizabeth Ziegler Young	on behalf of U.S. Trustee United States Trustee elizabeth.a.young@usdoj.gov
Eric M. Van Horn	on behalf of Creditor Merck Sharp & Dohme LLC ericvanhorn@spencerfane.com
George H. Barber	on behalf of Creditor INNOVATUS LIFE SCIENCES LENDING FUND I LP gbarber@bradley.com, sbyrd@bradley.com;gbarberbradley@ecf.courtdrive.com;george-barber-8068@ecf.pacerpro.com
Jason S. Brookner	on behalf of Interested Party Eiger InnoTherapeutics Inc. jbrookner@grayreed.com, lwebb@grayreed.com;acarson@grayreed.com
Jason S. Brookner	on behalf of Creditor Jeffrey S. Glenn Individually jbrookner@grayreed.com, lwebb@grayreed.com;acarson@grayreed.com
Jay Robert Bender	on behalf of Creditor INNOVATUS LIFE SCIENCES LENDING FUND I LP jbender@bradley.com
John Joseph Kuster	on behalf of Debtor Eiger BioPharmaceuticals Inc. jkuster@sidley.com
John Joseph Kuster	on behalf of Jointly Administered Party/Debtor EigerBio Europe Limited jkuster@sidley.com

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Total Noticed: 17

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John Joseph Kuster
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John Joseph Kuster
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William E Curtin

District/off: 0539-8

User: admin

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TOTAL: 70