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Counsel Innovatus Life Sciences Lending Fund I, LP

**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)
§
§

**NOTICE OF APPEAL OF ORDER DENYING
UNITED STATES TRUSTEE'S EMERGENCY MOTION TO TRANSFER VENUE
OR DISMISS UNDER 28 U.S.C. §§ 1406 AND 1408 AND FED. R. BANKR. P. 1014(a)(2)**

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 2155 Park Boulevard, Palo Alto, California 94036.



Innovatus Life Sciences Lending Fund I, LP (“Innovatus”), by and through its undersigned counsel, hereby files this Notice of Appeal to the United States District Court for the Northern District of Texas, pursuant to 28 U.S.C. § 158(a) and Federal Rules of Bankruptcy Procedure 8002 and 8003. Innovatus is a secured creditor and party-in-interest in the above-captioned Chapter 11 cases.

Innovatus appeals the following:

Order Denying United States Trustee’s Emergency Motion to Transfer Venue or Dismiss under 28 U.S.C. §§ 1406 and 1408 and Federal Rule of Bankruptcy Procedure 1014(a)(2) [Docket No. 260] (the “Order”), which is attached hereto as **Exhibit A** and was entered on May 13, 2024.

The parties affected by this appeal of the Order are:

Appellant:

Innovatus Life Sciences Lending Fund I, LP

Represented by:

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Debtors / Appellees:

**Eiger Biopharmaceuticals, Inc.,
EBPI Merger Inc.,
EB Pharma LLC,
Eiger BioPharmaceuticals Europe Limited, and
EigerBio Europe Limited**

Represented by:

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Interested Party:

**Office of the United States Trustee for the
Northern District of Texas**

Represented by:

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The Notice of Appeal is accompanied by the prescribed fee.

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Dated: May 28, 2024

Respectfully submitted,

/s/Jeff P. Prostok

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*Attorneys for Innovatus Life Sciences Lending
Fund I, LP*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument has been served on all parties and counsel of record in compliance with the Federal Rules of Civil Procedure on this 28th day of May 2024.

/s/ Jeff P. Prostok
Jeff P. Prostok

Exhibit A




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)

Re: Docket Nos. 111, 200 & 219

**ORDER DENYING
UNITED STATES TRUSTEE'S
EMERGENCY MOTION TO TRANSFER VENUE OR
DISMISS UNDER 28 U.S.C. §§ 1406 AND 1408 AND FED. R. BANKR. P. 1014(a)(2)**

For the reasons stated on the record at the hearing held on May 7, 2024, the *United States Trustee's Emergency Motion to Transfer Venue or Dismiss under 28 U.S.C. §§ 1406 and 1408 and Fed. R. Bankr. P. 1014(a)(2)*, filed at Docket No. 111, is denied.

END OF ORDER

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.

Submitted By:

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*Attorneys for the Debtors and Debtors in
Possession*