

**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)

**AFFIDAVIT OF PUBLICATION OF
NOTICE OF DISCLOSURE STATEMENT
HEARING AND CLASS OBJECTION DEADLINE IN
THE NEW YORK TIMES AND SAN FRANCISCO CHRONICLE**

This Affidavit of Publication includes sworn statements verifying that the Notice of Disclosure Statement Hearing and Class Objection Deadline was published and incorporated by reference herein as follows:

1. In *The New York Times* on July 18, 2024, attached hereto as **Exhibit A**.
2. In the *San Francisco Chronicle* on July 18, 2024, attached hereto as **Exhibit B**.

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.



248004024073000000000003

Exhibit A



The New York Times Company

620 8th Avenue
New York, NY 10018
nytimes.com

PROOF OF PUBLICATION

July 18, 2024

I, Tami Bacon, in my capacity as a Principal Clerk of the Publisher of The New York Times, a daily newspaper of general circulation printed and published in the City, County, and State of New York, hereby certify that the advertisement annexed hereto was published in the editions of The New York Times on the following date or dates, to wit on.

7/18/2024, NY& NATL, pg B3

Digitally signed
by John McGill
Date: 2024.07.18
11:16:16 -04'00'

JOHN MCGILL
Electronic Notary Public
Commonwealth of Virginia
Registration No. 8038092
My Commission Expires Dec 31, 2027

Tami Bacon

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION**
In re: EIGER BIOPHARMACEUTICALS, Chapter 11
INC., et al. Case No. 24-80040 (SGJ)
(Jointly Administrated)
Debtors.

**NOTICE OF DISCLOSURE STATEMENT
HEARING AND CLASS OBJECTION DEADLINE**

On July 15, 2024, the above-captioned debtors and debtors in possession (collectively, the "Debtors") filed with the United States Bankruptcy Court for the Northern District of Texas (the "Bankruptcy Court") the Joint Plan of Eiger Biopharmaceuticals, Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code (Docket No. 424) (as such may be modified, amended, or supplemented from time to time hereinafter, including all exhibits and supplements thereto, the "Plan") and the Disclosure Statement for Joint Plan of Eiger Biopharmaceuticals, Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code (Docket No. 425) (as such may be modified, amended, or supplemented from time to time hereinafter, including all exhibits and supplements thereto, the "Disclosure Statement") pursuant to sections 1125 and 1126(b) of title 11 of the United States Code (the "Bankruptcy Code"). Copies of the Plan and the Disclosure Statement may be obtained upon request of the Debtors' counsel at the address specified below and are on file with the Clerk of the Court, 1100 Commerce Street, Dallas, Texas 75242, where they are available for review between the hours of 8:00 a.m. to 5:00 p.m., prevailing Central Time. The Plan and the Disclosure Statement also are available for inspection, for a fee, at <https://pacer.gov> (account required) or free of charge on the Debtors' restructuring website at <https://investor.eiger.com>.

A hearing will be held before the Honorable Judge Jernigan, United States Bankruptcy Judge, in Courtroom 1 of the United States Bankruptcy Court, 1100 Commerce Street, Dallas, Texas 75242, on **July 29, 2024 at 9:30 a.m., prevailing Central Time**, to consider the adequacy of the Disclosure Statement, any objections to the Disclosure Statement or the Debtors' classification of such Holder's Claim or Interest as unimpaired, and any other matter that may properly come before the Bankruptcy Court.

Please be advised that you may participate at the hearing either in person or by an audio or video connection. Audio communication will be by use of the Court's dial-in facility. You may access the facility at (850) 475-3207. The access code is 2304 154 2638. Video communication will be by use of the Cisco WebEx platform. Connect via the Cisco WebEx application or click the link on Judge Jernigan's home page: <https://us-courts-webs.com/meet/jerniga>. The meeting code is 2304 154 2638. Click the settings icon in the upper right corner and enter your name under the personal information setting. Please be advised that the Combined Hearing may be continued from time to time by the Court or the Debtor without further notice other than by such adjournment being announced in open court or by a notice of adjournment filed with the Court and served on other parties entitled to notice.

CRITICAL INFORMATION
Notice Record Date. The notice record date is **July 22, 2024**, which is the record date for determining which Holders of Claims and Interests are entitled to receive Non-Voting Packages under the Plan.

Class Treatment. The Plan and Disclosure Statement describe in detail the Liquidation Transactions contemplated by the Plan and the treatment of Holders of Claims and Interests against or in the Debtors. The following chart summarizes the classes of Claims and Interests, their status, and voting rights.

Class	Claims and Interests	Status	Voting Rights
Class 1	Other Secured Claims	Unimpaired	Not Entitled to Vote (Deemed to Accept)
Class 2	Other Priority Claims	Unimpaired	Not Entitled to Vote (Deemed to Accept)
Class 3	Prepetition Term Loan Claims	Unimpaired	Not Entitled to Vote (Deemed to Accept)
Class 4	General Unsecured Claims	Unimpaired	Not Entitled to Vote (Deemed to Accept)
Class 5	Intercompany Claims	Unimpaired	Not Entitled to Vote (Deemed to Accept)
Class 6	Existing Equity Interests	Unimpaired	Not Entitled to Vote (Deemed to Accept)

Class Objection Deadline. Objections, if any to the Debtors' classification of such Holder's Claim or Interest as unimpaired must: (a) be in writing; (b) conform to the Federal Rules of Bankruptcy Procedure, the Bankruptcy Local Rules for the Northern District of Texas, and any orders of the Court; (c) state, with particularity, the legal and factual bases and nature of any objection and, if practicable, a proposed modification to the Plan (or related materials) that would resolve such objection; and (d) be filed with the Bankruptcy Court (contemporaneously with a proof of service) and served upon the following parties so as to be **actually received** on or before **July 29, 2024 at 9:30 a.m., prevailing Central Time** (the "Class Objection Deadline"): (i) Debtors: Eiger Biopharmaceuticals, Inc., 2100 Ross Avenue, Dallas, Texas 75201; Attn: Douglas Staut, Chief Restructuring Officer, Email: dstaut@alvarezandmarsal.com; (ii) Counsel to the Debtors: Sidley Austin LLP, 787 Seventh Avenue, New York, New York 10019; Facsimile: (212) 839-5599; Attn: William E. Curtin, Anne G. Wallace, Email: wcurtin@sidley.com, anne.wallace@sidley.com; (iii) United States Trustee: Office of the United States Trustee, 1100 Commerce Street, Room 976, Dallas, Texas 75242; Attn: Elizabeth A. Young, Email: elizabeth.a.young@usdoj.gov; (iv) Proposed Counsel to the Official Committee of Unsecured Creditors: Munsch Hardt Kopf & Hart, P.C., 500 N. Akard Street, Suite 4000, Dallas, TX 75201; Telephone: (713) 485-7300; Facsimile: (713) 485-7344; Attn: Davor Rukavina, Thomas Berghman, Garrick Smith, Email: drukavina@munsch.com, tberghman@munsch.com, gsmith@munsch.com; -and- Meland Budwick, P.A., 3200 Southeast Financial Center, 200 South Biscayne Blvd., Miami, Florida 33131; Telephone: (305) 358-6363; Attn: Michael S. Budwick, Daniel N. Gonczak, Meghan E. Murphy, Shira A. Baratz, Email: mbudwick@melandbudwick.com, mgonczak@melandbudwick.com, mbaratz@melandbudwick.com; (v) Proposed Counsel to the Official Equity Security Holders' Committee: Porzio, Bromberg, & Newman, P.C., 100 Southgate Parkway, P.O. Box 199, Morristown, NJ 07962; Telephone: (973) 538-4006; Attn: Warren J. Martin Jr., Rachel A. Parisi, David E. Sikar, Email: WJMartin@pbnlaw.com, RAParis@pbnlaw.com, DESikar@pbnlaw.com; -and- McKool Smith, P.C., 600 Travis Street, Suite 7000, Houston, Texas 77002; Telephone: (713) 485-7300; Facsimile: (713) 485-7344; Attn: John J. Sparacino, Esq., Email: jgsparacino@mckoolsmith.com.

UNLESS AN OBJECTION IS TIMELY SERVED AND FILED IN ACCORDANCE WITH THIS NOTICE IT MAY NOT BE CONSIDERED BY THE BANKRUPTCY COURT.

YOU ARE ADVISED TO CAREFULLY REVIEW AND CONSIDER THE PLAN, INCLUDING THE SUMMARY OF CLASSES AND TREATMENT OF CLAIMS OR INTERESTS IN ARTICLE III OF THE PLAN, AS YOUR RIGHTS MIGHT BE AFFECTED.

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 defined herein have the meanings given to them in the Plan or the Disclosure Statement, as applicable. The statements contained herein are summaries of the provisions contained in the Plan and the Disclosure Statement and do not purport to be precise or complete statements of all the terms and provisions of the Plan or the documents referred therein. To the extent there is a discrepancy between the terms herein and the Plan or the Disclosure Statement, as applicable, shall govern and control. For a more detailed description of the Plan, please refer to the Disclosure Statement.

Exhibit B

DECLARATION OF PUBLICATION OF SAN FRANCISCO CHRONICLE

Amir Rezaee

declares that:

The annexed advertisement has been regularly published
in the

SAN FRANCISCO CHRONICLE

which is and was at all times herein mentioned
established as newspaper of general circulation in the
City and County of San Francisco, State of California, as
that term is defined by Section 6000 of the Government
Code.

SAN FRANCISCO CHRONICLE

(Name of Newspaper)

901 Mission Street

San Francisco, CA 94103

From July 18,2024

To July 18,2024

Namely, on July 18,2024

(Dates of Publication)

I declare under penalty of perjury that the foregoing is
true and correct.

Executed on July 18,2024

at San Francisco, California.

Amir Rezaee

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<p>IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION</p>																													
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