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

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

In re: §  
§ Chapter 11  
EIGER BIOPHARMACEUTICALS, INC. *et* §  
*al.*<sup>1</sup>, § Case No. 24-80040 (SGJ)  
§ (Jointly Administered)  
Debtors. §  
§

**INNOVATUS LIFE SCIENCES LENDING FUND I, LP’S MOTION FOR LEAVE TO EXCEED PAGE LIMITS FOR INNOVATUS LIFE SCIENCES LENDING FUND I, LP’S EMERGENCY MOTION FOR STAY PENDING APPEAL**

Innovatus Life Sciences Lending Fund I, LP (“Innovatus”) files this *Innovatus Life Sciences Lending Fund I, LP’s Motion for Leave to Exceed Page Limits for Innovatus Life Sciences Lending Fund I, LP’s Emergency Motion for Stay Pending Appeal* (the “Motion”) in relation to the *Innovatus Life Sciences Lending Fund I, LP’s Emergency Motion for Stay Pending Appeal*

<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 Ave., Dallas, Texas 75201.



[Docket No. 595] (the “Motion to Stay Pending Appeal”). In support thereof, Innovatus respectfully shows as follows:

**REQUEST FOR RELIEF AND BASES THEREOF**

1. Innovatus seeks the entry of an order, substantially in the form attached hereto, authorizing Innovatus to file the Motion to Stay Pending Appeal in excess of twenty-five (25) pages. The Motion to Stay Pending Appeal is currently thirty-four (34) pages exclusive of caption, table of contents, table of authorities, signature page, and certificate of service.

2. The bases for the relief sought herein are section 105 of title 11 of the United States Code (the “Bankruptcy Code”), Rule 7007-2 of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas (the “Local Rules”), and the Procedures for Complex Cases in the Northern District of Texas.

**DISCUSSION**

3. On April 1, 2024 (the “Petition Date”), the above-captioned debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code.

4. On August 23, 2024, the Court entered its *Order Estimating Claim of Innovatus Life Sciences Lending Fund I, LP for the Purposes of Establishing Sufficient Reserves to Unimpaired Claim* [Docket No. 561] (the “Estimation Order”).

5. On August 30, 2024, Innovatus filed the Motion to Stay Pending Appeal, which seeks the entry of an order staying the relief granted in the Estimation Order to ensure Innovatus’s rights are protected.

6. Local Rule 7007-2(c) provides that a brief shall not exceed twenty-five (25) pages absent permission from the presiding judge. Here, the Court should grant Innovatus leave to file the Motion to Stay Pending Appeal in excess of twenty-five (25). The Motion to Stay Pending

Appeal is currently thirty-four (34) pages exclusive of caption, table of contents, table of authorities, signature page, and certificate of service. The factual issues contained in the Motion to Stay Pending Appeal are many and the legal issues are complex and not ordinary. Simply put, twenty-five (25) pages is insufficient to provide a fulsome and adequate presentation of the facts and law that support granting the Motion to Stay Pending Appeal, and the Court should grant Innovatus leave to file its Motion to Stay Pending Appeal in excess of twenty-five (25) pages exclusive of caption, table of contents, table of authorities, signature page, and certificate of service.

**PRAYER**

For the reasons stated above, Innovatus requests that the Court grant it leave to exceed the page limit for the Motion to Stay Pending Appeal exclusive of caption, table of contents, table of authorities, signature page, and certificate of service and for any other relief the Court deems appropriate.

Date: August 31, 2024

Respectfully submitted,

**FORSHEY & PROSTOK LLP**

/s/ Jeff. P. Prostok

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

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing document to be served via the Court's CM/ECF system to all parties authorized to receive electronic notice in this case on this 31st day of August 2024.

/s/ Jeff P. Prostok

Jeff P. Prostok

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

In re: §  
§ Chapter 11  
EIGER BIOPHARMACEUTICALS, INC. *et* §  
*al.*<sup>1</sup>, § Case No. 24-80040 (SGJ)  
§ (Jointly Administered)  
Debtors. §  
§

**ORDER GRANTING INNOVATUS  
LIFE SCIENCES LENDING FUND I, LP’S MOTION FOR  
LEAVE TO EXCEED PAGE LIMITS FOR INNOVATUS LIFE SCIENCES  
LENDING FUND I, LP’S EMERGENCY MOTION FOR STAY PENDING APPEAL**  
*(Relates to Docket No. \_)*

Before the Court is the *Innovatus Life Sciences Lending Fund I, LP’s Motion for Leave to Exceed Page Limits for Innovatus Life Sciences Lending Fund I, LP’s Emergency Motion for Stay*

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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 2100 Ross Ave., Dallas, Texas 75201.

*Pending Appeal* [Docket No. \_] (the “Motion”)<sup>2</sup> filed by Innovatus Life Sciences Lending Fund I, LP (“Innovatus”) for entry of an order (this “Order”) authorizing Innovatus to file its Motion to Stay Pending Appeal at Docket No. 595 in excess of twenty-five (25) pages exclusive of caption, table of contents, table of authorities, signature page, and certificate of service; and appropriate notice of and opportunity for a hearing on the Motion having been given and no other notice need be provided; 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 Motion is GRANTED.
2. Innovatus may file the Motion to Stay Pending Appeal in excess of twenty-five (25) pages exclusive of caption, table of contents, table of authorities, signature page, and certificate of service.
3. Innovatus is authorized and empowered to take any actions necessary to implement and effectuate the terms of this Order.
4. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

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

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<sup>2</sup> Capitalized terms used herein but not otherwise defined have the meaning given to them in the Motion.

Submitted by:

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