




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 December 12, 2024


United States Bankruptcy Judge

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

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

**ORDER SUSTAINING THE LIQUIDATING TRUSTEE'S FIRST
NON-SUBSTANTIVE OMNIBUS OBJECTION TO CERTAIN
(I) PAID/SATISFIED IN PART CLAIMS,
(II) SUPERSEDED CLAIMS, (III) DUPLICATE CLAIMS,
(IV) LATE FILED CLAIMS, AND (V) MISCLASSIFIED CLAIMS**

Upon the objection (the "Objection") of Dundon Advisor LLC (the "Liquidating Trustee")
for entry of an order (this "Order"): (a) reducing each such claim identified on, and as described

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 Ave., Dallas, Texas 75201.



in, **Schedule 1** (collectively, the “Partially Satisfied Claims”); (b) disallowing and expunging each such claim identified on **Schedule 2** to the Order (collectively, the “Superseded Claims”); (c) disallowing and expunging each such claim identified on **Schedule 3** (collectively, the “Duplicate Claims”); (d) disallowing and expunging each such claim identified on **Schedule 4** (collectively, the “Late Filed Claims”); and (e) reclassifying each such claim identified on, and as described in, **Schedule 5** (collectively, the “Misclassified Claims”, and together with the Partially Satisfied Claims, Superseded Claims, Duplicate Claims, and Late Filed Claims, the “Disputed Claims”), in each case pursuant to sections 105(a) and 502(b) of the Bankruptcy Code, all as more fully set forth in the Objection; and upon the Nahas Declaration; and this court having jurisdiction over this matter pursuant to 28 U.S.C. § 13345; and venue of this 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 venue of this proceeding being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and appropriate notice of and opportunity of a hearing on the Objection having been given; and the relief requested in the Objection being in the best interests of the Debtors’ estate, their creditors and equity holders and other parties in interest; and this Court having found that the Liquidating Trustees’ notice of the Objection and opportunity for a hearing on the Objection were appropriate and that no other notice need be provided; and this Court having reviewed the Objection and having heard the statements in support of the relief requested therein at a hearing, if any, before this Court; and the Court having determined that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Objection is sustained to the extent set forth herein.

2. Each Partially Satisfied Claim identified in **Schedule 1** attached hereto is reduced and modified as set forth in Schedule 1.

3. Each Superseded Claim identified in **Schedule 2** attached hereto is disallowed and expunged in its entirety.

4. Each Duplicate Claim identified in **Schedule 3** attached hereto is disallowed and expunged in its entirety.

5. Each Late Filed Claim identified in **Schedule 4** attached hereto is disallowed and expunged in its entirety.

6. Each Misclassified Claim identified in **Schedule 5** attached hereto is reclassified as set forth in Schedule 5.

7. Verita Global, the claims and noticing Agent appointed in these cases, is authorized to update the Claims Register to reflect the relief granted in this Order.

8. Entry of this Order is without prejudice to the Liquidating Trustee's, or any successor in interests', right to object to any other claims in these chapter 11 cases or to further object to (i) the Disputed Claims (to the extent they are not disallowed and expunged pursuant to this Order), (ii) the remaining claims, (iii) the superseding claims, and (iv) the reclassified interest on any grounds whatsoever, at a later date.

9. Each Disputed Claim and the Objection by the Liquidating Trustee to each Disputed Claim identified on **Schedules 1-5** attached hereto constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate order with respect to each Disputed Claim. Any stay of this Order shall apply only to the contested matter which involves such creditor and shall not act to stay the applicability or finality of this Order with respect to the other contested matters covered hereby.

10. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

11. The Liquidating Trustee is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Objection.

12. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

END OF ORDER

Order Submitted by:

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Schedule 1 (Satisfied In Part Claims)

1ST OMNIBUS CLAIMS OBJECTION
SCHEDULE 1

EIGER BIOPHARMACEUTICALS, INC., ET AL, CASE NO. 24-80040
SATISFIED IN PART CLAIMS

	NAME	DATE FILED	SCHEDULE / CLAIM NUMBER	ASSERTED CLASSIFICATION	ASSERTED CLAIM AMOUNT	PAID AMOUNT	REMAINING CLAIM PRIORITY	REMAINING CLAIM AMOUNT	REASON FOR MODIFICATION
1	Caremark, LLC	7/22/2024	57	ADMIN PRIORITY	\$579,000.00	\$268,930.00	ADMIN PRIORITY	\$320,070.00	The claim has been partially paid. The Remaining Claim Amount reflects the outstanding amount, and remains subject to further objection.
2	Caremark, LLC	Scheduled	3299900	GENERAL UNSECURED	\$10,500.00	\$3,500.00	GENERAL UNSECURED	\$7,000.00	The claim has been partially paid. The Remaining Claim Amount reflects the outstanding amount, and remains subject to further objection.
3	Colin Michael Hislop	Scheduled	1087680	PRIORITY GENERAL UNSECURED	\$15,150.00 \$411,210.93	\$15,150.00	PRIORITY GENERAL UNSECURED	\$0.00 \$411,210.93	The claim has been partially paid. The Remaining Claim Amount reflects the outstanding amount, and remains subject to further objection.
4	Colleen Craig	Scheduled	1087682	PRIORITY GENERAL UNSECURED	\$15,150.00 \$449,470.50	\$15,150.00	PRIORITY GENERAL UNSECURED	\$0.00 \$449,470.50	The claim has been partially paid. The Remaining Claim Amount reflects the outstanding amount, and remains subject to further objection.
5	Crosscountry Consulting LLC	Scheduled	3299852	GENERAL UNSECURED	\$12,919.20	\$3,024.00	GENERAL UNSECURED	\$9,895.20	The claim has been partially paid. The Remaining Claim Amount reflects the outstanding amount, and remains subject to further objection.
6	Iron Mountain Information Management LLC	7/19/2024	48	SECURED GENERAL UNSECURED	\$211.00 \$2,225.94	\$211.00	SECURED GENERAL UNSECURED	\$0.00 \$2,225.94	The claim has been partially paid. The Remaining Claim Amount reflects the outstanding amount, and remains subject to further objection.
7	Monica Gangal	7/15/2024	29	PRIORITY GENERAL UNSECURED	\$15,150.00 \$346,908.57	\$15,150.00	PRIORITY GENERAL UNSECURED	\$0.00 \$346,908.57	The claim has been partially paid. The Remaining Claim Amount reflects the outstanding amount, and remains subject to further objection.
8	State of Wisconsin Department of Health Services	9/13/2024	76	GENERAL UNSECURED	\$69,632.32	\$49,169.14	GENERAL UNSECURED	\$20,463.18	The claim has been partially paid. The Remaining Claim Amount reflects the outstanding amount, and remains subject to further objection.

Schedule 2 (Superseded Claims)

1ST OMNIBUS CLAIMS OBJECTION
SCHEDULE 2

EIGER BIOPHARMACEUTICALS, INC., ET AL. CASE NO. 24-80040
SUPERSEDED SCHEDULED CLAIMS

	NAME	SCHEDULE NUMBER	SCHEDULED CLASSIFICATION	SCHEDULED AMOUNT	SUPERSEDING CLAIM NUMBER	SUPERSEDING CLAIM CLASSIFICATION	SUPERSEDING CLAIM AMOUNT	REASON FOR MODIFICATION
1	Biorasi, LLC	3299872	GENERAL UNSECURED	\$134,144.59	39	GENERAL UNSECURED	\$532,763.95	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
2	Blair Narog	1087684	PRIORITY GENERAL UNSECURED	\$15,150.00 \$171,111.90	14	PRIORITY	\$180,241.90	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
3	Blair Narog	3299848	GENERAL UNSECURED	\$4,500.49	14	PRIORITY	\$180,241.90	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
4	Bradford Lees	3299787	GENERAL UNSECURED	\$16,650.00	60	GENERAL UNSECURED	\$74,000.00	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
5	Charissa Elizabeth Bondy	3299791	GENERAL UNSECURED	\$33,187.50	47	GENERAL UNSECURED	\$107,504.71	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
6	Christopher James Kurtz	3299811	GENERAL UNSECURED	\$76,960.00	64	GENERAL UNSECURED	\$76,960.00	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
7	Connor Group Global Services, LLC	3299829	GENERAL UNSECURED	\$132,510.00	11	GENERAL UNSECURED	\$132,510.00	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
8	David Apelian	3299812	GENERAL UNSECURED	\$195,000.00	32	GENERAL UNSECURED	\$195,000.00	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
9	David Cory	3299777	GENERAL UNSECURED	\$213,847.90	16	GENERAL UNSECURED	\$334,400.00	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
10	Fair Harbor Capital LLC	3299901	GENERAL UNSECURED	\$26,432.81	67	GENERAL UNSECURED	€1,840.00	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
11	Fujifilm Dicosynth Biotechnologies, U.S.A., Inc.	3299847	GENERAL UNSECURED	\$25,000.00	56	GENERAL UNSECURED	\$202,280.00	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
12	Iron Mountain Information Management LLC	3299836	GENERAL UNSECURED	\$944.92	48	GENERAL UNSECURED SECURED	\$2,225.94 \$211.00	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
13	James Andrew Vollins	3299816	GENERAL UNSECURED	\$85,000.00	27	GENERAL UNSECURED	\$85,000.00	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
14	Jump Start Technology, Inc.	3299850	GENERAL UNSECURED	\$17,203.75	44	GENERAL UNSECURED	\$17,203.75	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
15	Kaci Schiermeyer	3299890	GENERAL UNSECURED	\$4,000.00	30	PRIORITY	\$4,000.00	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
16	Matthew J Bys	3299779	GENERAL UNSECURED	\$29,925.00	41	GENERAL UNSECURED	\$405,053.21	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
17	Monica Gangal	1087681	PRIORITY GENERAL UNSECURED	\$15,150.00 \$346,908.57	29	PRIORITY GENERAL UNSECURED	\$15,150.00 \$346,908.57	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
18	Monica Gangal	3299781	GENERAL UNSECURED	\$200.00	29	PRIORITY GENERAL UNSECURED	\$15,150.00 \$346,908.57	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
19	Pharmaceutical Research Associates Inc., Affiliate of Icon Clinical Research Limited	3299883	GENERAL UNSECURED	\$658.79	53	GENERAL UNSECURED	\$658.79	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
20	Rxcrossroads 3PI LLC	3299877	GENERAL UNSECURED	\$11,767.93	34	GENERAL UNSECURED	\$11,767.93	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
21	Say Technologies LLC	3299892	GENERAL UNSECURED	\$1,282.53	15	GENERAL UNSECURED	\$1,282.53	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
22	Seyfarth Shaw Lip	3299863	GENERAL UNSECURED	\$3,231.00	31	GENERAL UNSECURED	\$5,785.50	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
23	Stanford University	3299903	GENERAL UNSECURED	\$8,453.00	38	GENERAL UNSECURED	\$19,860.58	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
24	Stanford University - office of Technology Licensing	3299823	GENERAL UNSECURED	\$1,116.00	38	GENERAL UNSECURED	\$19,860.58	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.
25	Tracey L McLaughlin	3299830	GENERAL UNSECURED	\$2,431.00	73	PRIORITY	\$2,431.00	The scheduled claim has been superseded by the respective filed claim, and remains subject to further objection.

Schedule 3 (Duplicate Claims)

1ST OMNIBUS CLAIMS OBJECTION
SCHEDULE 3

EIGER BIOPHARMACEUTICALS, INC., ET AL. CASE NO. 24-80040
DUPLICATIVE CLAIMS

	NAME	REMAINING CLAIM NUMBER	DUPLICATE CLAIM NUMBER	DUPLICATE CLAIM CLASSIFICATION	DUPLICATE CLAIM AMOUNT	REASON FOR MODIFICATION
1	Department of Treasury - Internal Revenue Service	13	4	PRIORITY GENERAL UNSECURED	\$984.93 \$466.08	The Duplicate Claim is duplicative of the Remaining Claim, which remains subject to further objection.
2	Franchise Tax Board	9	6	GENERAL UNSECURED	UNLIQUIDATED	The Duplicate Claim is duplicative of the Remaining Claim, which remains subject to further objection.
3	Franchise Tax Board	9	8	PRIORITY	\$800.00	The Duplicate Claim is duplicative of the Remaining Claim, which remains subject to further objection.
4	Franchise Tax Board	9	7	GENERAL UNSECURED	UNLIQUIDATED	The Duplicate Claim is duplicative of the Remaining Claim, which remains subject to further objection.
5	Stanford University	38	35	GENERAL UNSECURED	\$19,860.58	The Duplicate Claim is duplicative of the Remaining Claim, which remains subject to further objection.
6	Stanford University	38	36	GENERAL UNSECURED	\$19,860.58	The Duplicate Claim is duplicative of the Remaining Claim, which remains subject to further objection.
7	Stanford University	38	37	GENERAL UNSECURED	\$19,860.58	The Duplicate Claim is duplicative of the Remaining Claim, which remains subject to further objection.
8	State of Wisconsin Department of Health Services	76	3	GENERAL UNSECURED	\$246,094.00	The Duplicate Claim is duplicative of the Remaining Claim, which remains subject to further objection.
9	Texas Comptroller of Public Accounts	72	71	PRIORITY	\$31,882.00	The Duplicate Claim is duplicative of the Remaining Claim, which remains subject to further objection.

Schedule 4 (Late Filed Claims)

1ST OMNIBUS CLAIMS OBJECTION
SCHEDULE 4

EIGER BIOPHARMACEUTICALS, INC., ET AL. CASE NO. 24-80040
LATE FILED CLAIMS

	NAME	CLAIM NUMBER	DATE FILED	ASSERTED CLAIM CLASSIFICATION	ASSERTED CLAIM AMOUNT	REASON FOR MODIFICATION
1	Dr. Ohad Etzion	62	07/23/24	GENERAL UNSECURED	\$9,550.00	Not timely filed in accordance with Bar Date Order [DI 375].
2	Kryocal, LLC Dba Kyrosphere	66	07/25/24	GENERAL UNSECURED	\$6,562.50	Not timely filed in accordance with Bar Date Order [DI 375].
3	Marc Andrew Osterhaus	74	08/27/24	GENERAL UNSECURED	\$25,350.00	Not timely filed in accordance with Bar Date Order [DI 375]. Claimant has a remaining scheduled claim under MARC ANDREW OSTERHAUS (3299784) for \$225.34, which remains subject to further objection.
4	Specialist Staffing Solutions, Inc	70	08/09/24	GENERAL UNSECURED	\$105,389.13	Not timely filed in accordance with Bar Date Order [DI 375]. Claimant has a remaining scheduled claim under REAL STAFFING GROUP (3299902) for \$61,880.00, which remains subject to further objection.

Schedule 5 (Misclassified Claims)

1ST OMNIBUS CLAIMS OBJECTION
SCHEDULE 5

EIGER BIOPHARMACEUTICALS, INC., ET AL. CASE NO. 24-80040
MISCLASSIFIED CLAIMS

	NAME	CLAIM NUMBER	ASSERTED CLAIM CLASSIFICATION	ASSERTED CLAIM AMOUNT	REASON FOR MODIFICATION
1	Adam Gross	69	GENERAL UNSECURED	BLANK	Claimant is asserting an equity interest in the Debtor. The Claim is disallowed and expunged as a general unsecured claim, and will be reclassified as a Class 6 Equity Interest which remains subject to further objection.