

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

In re: EIGER BIOPHARMACEUTICALS, INC., <i>et al.</i>¹ Debtors.	§ § § § §	Chapter 11 Case No. 24-80040 (SGJ) (Jointly Administered)
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**DECLARATION OF JOSHUA NAHAS IN SUPPORT OF THE LIQUIDATING
TRUSTEE’S AND PLAN ADMINISTRATOR’S OBJECTION TO CLAIM NOS. 83 AND
43 FILED BY MERCK SHARP AND DOHME LLC**

I, Joshua Nahas, pursuant to section 1726 of title 28 of the United States Code, hereby declare that the following is true to the best of my knowledge, information, and belief:

1. I am a Managing Director with Dundon Advisers LLC (“Dundon”), a financial advisory and investment management firm. Dundon maintains offices at, among other places, 10 Bank Street, Suite 1100 White Plains, New York 10606. Dundon is the liquidating trustee (the “Liquidating Trustee”) of the liquidating trust of Eiger BioPharmaceuticals, Inc., *et al.* (the “Debtors”). I am familiar with the circumstances set forth in this Declaration, with such familiarity based on my actual knowledge, information and advice provided to me by employees and professionals under my direction, as well as based on information provided to me by the Plan Administrator² and his representatives. In addition, the statements made herein are based, in whole or part, upon my review of public and non-public documents and my discussions with other members of Dundon’s team and advisors on whom I have relied.

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.

² Capitalized terms used herein but not otherwise defined shall have those meanings ascribed to them in the *Fifth Amended Joint Plan of Liquidation of Eiger Biopharmaceuticals, Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [ECF No. 685].



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2. I submit this Declaration in further support of the Liquidating Trustee's and Plan Administrator's Objection to Claim Nos. 83 and 43 filed by Merck Sharp and Dohme LLC. ("Merck").

3. A copy of the agreement between Debtor Eiger BioPharmaceuticals, Inc. and Schering Corporation (which has since merged into Merck) dated September 3, 2010 is attached hereto as **Exhibit A**.

4. A copy of the Side Letter between the Debtors, Merck, and Eiger InnoTherapeutics, Inc., dated September 3, 2024, is attached hereto as **Exhibit B**.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 2/23/2025

By: /s/ Joshua Nahas
Joshua Nahas

Exhibit A

(To be filed under seal.)

Exhibit B

(To be filed under seal.)