



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 February 25, 2025


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., <i>et al.</i> ¹	§	Case No. 24-80040 (SGJ)
	§	
Debtors.	§	(Jointly Administered)

**ORDER AUTHORIZING THE LIQUIDATING TRUSTEE TO FILE (I) THE
LIQUIDATING TRUSTEE'S AND PLAN ADMINISTRATOR'S OBJECTION TO
CLAIM NOS. 83 AND 43 FILED BY MERCK SHARP AND DOHME LLC,
(II) MERCK LICENSE, AND (III) SIDE LETTER
UNDER SEAL**

Upon the motion ("Motion")² of Dundon Advisers LLC, c/o Joshua Nahas, in its capacity
as liquidating trustee (the "Liquidating Trustee") of the liquidating trust of Eiger

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 but not otherwise defined herein shall have the respective meanings ascribed to them in the Motion.



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BioPharmaceuticals, Inc., *et al.* (the “Debtor” or “Eiger” or “Eiger Bio”), for entry of an order (this “Order”) authorizing the Liquidating Trustee to file unredacted versions of the Objection, Merck License and Side Letter under seal, as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this matter being a core 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 and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and appropriate notice of and opportunity for a hearing on the Motion having been given; and the relief requested in the Motion being in the best interests of the Debtors’ estates, their creditors and other parties in interest; 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 on a final basis as set forth herein.
2. The Liquidating Trustee and Plan Administrator are authorized to file unredacted versions of the Objection, the Merck License, and Side Letter under seal, along with any other information or documents required by the Court related thereto, or otherwise necessary to submit to the Court in connection with the Objection as determined by the Liquidating Trustee and the Plan Administrator. The Objection, Merck License, Side Letter, other information or documents related thereto, and references thereto shall remain confidential, and shall not be made available to anyone, other than the Court and the United States Trustee, without (i) the prior written consent of the Liquidating Trustee, the Plan Administrator, Merck, and Inno, and their successors or assigns; or (ii) further order of the Court after notice to the Liquidating Trustee, the Plan Administrator, Merck, and Inno with an opportunity to object, and after a hearing. All parties are

directed to redact any Confidential Information which may be contained in any pleadings filed in these chapter 11 cases.

3. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion under the circumstances and the requirements of Bankruptcy Rule 6004(a) and the local rules for the Bankruptcy Court for the Northern District of Texas are satisfied by such notice.

4. Notwithstanding the applicability of Bankruptcy Rule 6004(h), the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

5. The Liquidating Trustee and the Plan Administrator are authorized, but not directed, to take all such actions as are necessary or appropriate to implement the terms of this Order.

6. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

END OF ORDER

Order Submitted by:

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