

PILLSBURY WINTHROP SHAW PITTMAN LLP

Hugh M. Ray

609 Main Street, Suite 2000

Houston, Texas 77002

Tel: (713) 276-7600

hugh.ray@pillsburylaw.com

Counsel for Sentynl Therapeutics, Inc.

[additional counsel listed at end of document]

**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)

**SENTYNL THERAPEUTICS INC.'S EXPEDITED MOTION FOR
ENTRY OF AN ORDER AUTHORIZING THE FILING OF EMERGENCY MOTION
FOR INTERIM EQUITABLE RELIEF UNDER SEAL**

Emergency (or expedited) relief has been requested. Relief is requested not later than 4:00 p.m. prevailing Central Time on April 25, 2025.

If you object to the relief requested or you believe that emergency (or expedited) consideration is not warranted, you must appear at the hearing if one is set, or file a written response prior to the date that relief is requested in the preceding paragraph. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

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.



2480040250421000000000004

Sentynl Therapeutics, Inc. (“Sentynl”) submits this *Expedited Motion for Entry of an Order Authorizing the Filing of Emergency Motion for Interim Equitable Relief Under Seal* (the “Motion to Seal”). In support thereof, Sentynl respectfully states as follows:

RELIEF REQUESTED

1. Sentynl’s *Emergency Motion for Interim Equitable Relief* (“Motion for Interim Relief”), a redacted version of which will be filed contemporaneously herewith, contains confidential, commercially sensitive, and proprietary information. Sentynl requests entry of an order, substantially in the form attached hereto as **Exhibit A**, authorizing Sentynl to file an unredacted version of the Motion for Interim Relief under seal.

BACKGROUND

2. On November 1, 2024, Sentynl filed the *Motion for Allowance of Administrative Expense Claim of Sentynl Therapeutics, Inc.* [Docket No. 729] (the “Motion for Allowance”).

3. On March 7, 2025, Dundon Advisors, LLC (the “Liquidating Trustee”) and Gary Broadbent (the “Plan Administrator”) filed the *Objection and Response of the Liquidating Trustee and Plan Administrator to Motion for Allowance of Administrative Expense Claim of Sentynl Therapeutics, Inc.* [Docket No. 777 (redacted); Docket No. 784 (sealed)] (the “Objection”).

4. Also on March 7, 2025, Sentynl filed its *Motion (I) to Enforce the Zokinvy Sale Order and (II) for Contempt Against Eiger InnoTherapeutics, Inc.* [Docket Nos. 779, 781] (the “Motion to Enforce”).

5. On March 24, 2025, EIT Pharma, Inc (“EIT”) filed *EIT Pharma, Inc., Formerly Known as Eiger InnoTherapeutics, Inc.’s Emergency Motion to Confirm Terms of Lonafarnib/Lambda Sale Order* [Docket No. 787] (the “Motion to Confirm Terms”).

6. The Motion for Allowance, Objection, Motion to Enforce, and Motion to Confirm Terms are collectively referred to as the “Contested Matters.” The hearing on the Contested

Matters will begin May 28, 2025. *See Order (I) Setting Discovery and Briefing Schedule and (II) On Related Items* [Docket No. 828] (the “Scheduling Order”). The Scheduling Order requires pre-hearing motions to be filed by April 21, 2025, and set to be heard on April 29, 2025.

JURISDICTION AND VENUE

7. The United States Bankruptcy Court for the Northern District of Texas (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b). Sentyln confirms its consent, pursuant to Rule 7008 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), to the Court’s entry of a final order in connection with this Motion to Seal.

8. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

9. The bases for the relief requested herein are sections 105(a) and 107(b) of title 11 of the United States Code (the “Bankruptcy Code”) and Bankruptcy Rule 9018.

BASIS FOR RELIEF REQUESTED

10. Section 105(a) of the Bankruptcy Code codifies the inherent equitable powers of a bankruptcy court and empowers it to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). Section 107(b) of the Bankruptcy Code provides bankruptcy courts with the power to issue orders that will protect entities from potential harm that may result from the disclosure of certain confidential information. *See In re Gen. Homes. Corp.*, 181 B.R. 898, 903 (Bankr. S.D. Tex. 1995). Bankruptcy Rule 9018 defines the procedures by which a party may move for relief under section 107(b) of the Bankruptcy Code. This section provides, in relevant part that, “[o]n request of a party in interest, the bankruptcy court shall, and on the bankruptcy court’s own motion, the bankruptcy court may—protect an entity with respect to a trade secret or confidential research, development, or commercial

information.” 11 U.S.C. § 107(b)(1). Local Rule 9077-1(b) provides that parties may request to file documents under seal even if no statute or rule requires them to be filed under seal.

11. Once the Court determines that a party in interest is seeking protection of information that falls within one of the categories enumerated in section 107(b), the “court is required to protect a requesting interested party and has no discretion to deny the application.” *Video Software Dealers Ass’n v. Orion Pictures Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 27 (2d Cir. 1994) (stating that section 107(b)(1) of the Bankruptcy Code creates an exception to the general rule that court records are open to examination by the public); *see also In re Global Crossing Ltd.*, 295 B.R. 720, 725 (Bankr. S.D.N.Y. 2003) (stating that the purpose of Bankruptcy Rule 9018 is to “protect business entities from disclosure of information that could reasonably be expected to cause the entity commercial injury”).

12. Courts have also stated that commercial information need not rise to the level of a trade secret to be protected under section 107(b) of the Bankruptcy Code. *See In re Meyrowitz*, No. 06-31660-bjh-11, 2006 WL 6544093, at *2 (Bankr. N.D. Tex. Oct. 27, 2006); *Orion Pictures*, 21 F.3d at 28.

13. Here, information contained in the Motion for Interim Relief is proprietary and confidential (the “Confidential Information”) and warrants protection under section 107(b) of the Bankruptcy Code.

14. This Court has previously sealed documents related to the various sale transactions in these chapter 11 cases. *See* Docket Nos. 774, 775, 784, 785, 793, 798, 801, and 809. No creditor or party in interest to these chapter 11 cases will be prejudiced by allowing Sentylnl to file the Confidential Information under seal.

15. Accordingly, Sentynl asserts that good cause exists to authorize filing of the Motion for Interim Relief under seal.

EXPEDITED CONSIDERATION

16. The deadline for filing motions on preliminary matters in connection with the Contested Matters is April 21, 2025. The Motion for Interim Relief contains Confidential Information necessary to support the interim equitable relief requested. Sentynl therefore requests that the Court approve the relief requested in this Motion to Seal on an expedited basis.

NOTICE

17. Sentynl will provide notice of this Motion to Seal to the following: (a) the U.S. Trustee for the Northern District of Texas; (b) all other parties-in-interest who are required to receive notice pursuant to the Plan; (c) the Progeria Research Foundation and its counsel; (d) the Liquidating Trustee and its counsel; (d) the Plan Administrator; and (e) EIT and its counsel. No other or further notice is needed in light of the nature of the relief requested.

Dated: April 21, 2025

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: /s/ Hugh M. Ray, III

Hugh M. Ray, III
Texas Bar No. 24004246
L. James Dickinson
Texas Bar No. 24105805
Reed C. Trechter
Texas Bar No. 24129454
609 Main Street, Suite 2000
Houston, TX 77002
Tel: (713) 276-7600
hugh.ray@pillsburylaw.com
james.dickinson@pillsburylaw.com
reed.trechter@pillsburylaw.com

-and-

Joshua D. Morse
Four Embarcadero Center, 22nd Floor
San Francisco, CA 94111-5998
Tel: (415) 983-1202
joshua.morse@pillsburylaw.com

STROMBERG STOCK, PLLC

By: /s/ Mark Stromberg

Mark Stromberg
Texas Bar No. 19408830
8350 North Central Expressway, Suite 1225
Dallas, Texas 75206
Tel: (972) 458-5353
mark@strombergstock.com

Counsel for Sentynt Therapeutics, Inc..

CERTIFICATE OF SERVICE

I certify that, on April 21, 2025, I caused a copy of the foregoing Motion to Seal to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Northern District of Texas and to be emailed to the following parties:

Counsel to EIT

GOODWIN PROCTOR LLP
Kizzy Jarashow
kjarashow@goodwinlaw.com
David Chen
davidchen@goodwinlaw.com

Counsel for EIT

GRAY REED
Jason S. Brookner
jbrookner@grayreed.com
Emily F. Shanks
eshanks@grayreed.com

Counsel for the LT

PORZIO, BROMBERG & NEWMAN, P.C.
Warren J. Martin Jr.
WJMartin@pbnlaw.com
Rachel A. Parisi
RAParisi@pbnlaw.com

Counsel for the LT

MCKOOL SMITH, PC
John J. Sparacino
jsparacino@mckoolsmith.com
S. Margie Venus
mvenus@mckoolsmith.com
Travis E. DeArman
tdearman@mckoolsmith.com

Counsel for Progeria Research Foundation

Clifford W. Carlson
Clifford.carlson@weil.com
Emma Wheeler
emma.wheeler@weil.com

/s/ Hugh M. Ray, III

Hugh M. Ray, III

EXHIBIT A

Proposed Order

**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)

**ORDER AUTHORIZING SENTYNL THERAPEUTICS INC. TO FILE
EMERGENCY MOTION FOR INTERIM EQUITABLE RELIEF
UNDER SEAL**

Upon the motion (“Motion to Seal”)² of Sentyln Therapeutics, Inc. (the “Sentyln”) for entry of an order (this “Order”) authorizing Sentyln to file unredacted versions of the Motion for Interim Relief under seal, as more fully set forth in the Motion to Seal; and this Court having

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 otherwise defined herein shall have the respective meanings ascribed to them in the Motion to Seal.

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 to Seal 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 to Seal having been given; and the relief requested in the Motion to Seal 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 to Seal 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 to Seal is granted on a final basis as set forth herein.
2. Sentynl is authorized to file an unredacted version of the Motion for Interim Relief under seal. The Motion for Interim Relief 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, Sentynl, and EIT, and their successors or assigns; or (ii) further order of the Court after notice to the Liquidating Trustee, the Plan Administrator, Sentynl, and EIT 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 to Seal 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. Sentynl is 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