

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

GRITSTONE BIO, INC.,¹

Debtor.

Chapter 11

Case No. 24-12305 (KBO)

Related Docket Nos. 354, 355, 387, 414

MOTION OF THE DEBTOR FOR LEAVE TO FILE LATE REPLY IN SUPPORT OF AMENDED DEBTOR’S MOTION FOR AN ORDER (I) APPROVING THE DISCLOSURE STATEMENT; (II) SCHEDULING CONFIRMATION HEARING; (III) APPROVING FORM AND MANNER OF NOTICE OF CONFIRMATION HEARING; (IV) ESTABLISHING PROCEDURES FOR SOLICITATION AND TABULATION OF VOTES TO ACCEPT OR REJECT PLAN, INCLUDING (A) APPROVING FORM AND CONTENT OF SOLICITATION MATERIALS; (B) ESTABLISHING RECORD DATE AND APPROVING PROCEDURES FOR DISTRIBUTION OF SOLICITATION MATERIALS; (C) APPROVING FORMS OF BALLOTS; (D) ESTABLISHING VOTING DEADLINE FOR RECEIPT OF BALLOTS AND (E) APPROVING PROCEDURES FOR VOTE TABULATIONS; (V) APPROVING FORM AND MANNER OF NOTICE OF PLAN RELEASES; (VI) ESTABLISHING DEADLINE AND PROCEDURES FOR FILING OBJECTIONS TO CONFIRMATION OF PLAN; AND (VII) GRANTING RELATED RELIEF

The above-captioned debtor and debtor in possession (the “Debtor”) files this motion (the “Motion for Leave”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), granting the Debtor leave to file a late reply (the “Reply”) in support of the *Amended Debtor’s Motion for an Order (I) Approving the Disclosure Statement; (II) Scheduling Confirmation Hearing; (III) Approving Form and Manner of Notice of Confirmation Hearing; (IV) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject Plan, Including (A) Approving Form and Content of Solicitation Materials; (B) Establishing Record Date and Approving Procedures for Distribution of Solicitation Materials; (C) Approving Forms of Ballots; (D) Establishing Voting Deadline for Receipt of Ballots and (E) Approving*

¹ The Debtor’s mailing address is 4698 Willow Road, Pleasanton, CA 94588, and the last four digits of the Debtor’s federal tax identification number is 9534.



Procedures for Vote Tabulations; (V) Approving Form and Manner of Notice of Plan Releases; (VI) Establishing Deadline and Procedures for Filing Objections to Confirmation of Plan; and (VII) Granting Related Relief [Docket No. 387] (the “Amended Disclosure Statement Motion”) that is scheduled for a remote hearing on February 12, 2025, at 11:30 a.m. (ET) (the “Hearing”). The Reply is being filed contemporaneously. In support of this Motion for Leave, the Debtor respectfully states as follows:

Jurisdiction and Venue

1. The United States District Court for the District of Delaware has jurisdiction over this matter pursuant to 28 U.S.C. § 1334, which was referred to the United States Bankruptcy Court for the District of Delaware (the “Court”) under 28 U.S.C. § 157 pursuant to the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and the Debtor confirms its consent pursuant to Rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”) to the entry of a final order by the Court in connection with this Motion for Leave to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

2. Venue in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory bases for the relief requested herein are section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”) and Local Rule 9006-1(d).

Background

4. On October 10, 2024 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “Chapter 11 Case”). The Debtor is operating its business and managing its property as debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or examiner has been made in the Chapter 11 Case.

5. On October 29, 2024, the Office of the United States Trustee (the “U.S. Trustee”) appointed an Official Committee of Unsecured Creditors (the “Committee”) including the following: BMR-Sidney Research Campus LLC, Presidio, and Murigenics, Inc.. *See* Docket No. 77.

6. The Debtor filed the Amended Disclosure Statement Motion on January 29, 2025.

7. The objection deadline for the Amended Disclosure Statement Motion was set for February 6, 2025 at 5:00 p.m. (ET) (the “Objection Deadline”). Pursuant to Local Rule 9029-3(a)(i), the agenda for the Hearing was required to be filed on or before 12:00 p.m. (ET) on February 10, 2025. Accordingly, pursuant to Local Rule 9006-1(d), the deadline for the Debtor to file a Reply (the “Reply Deadline”) would be 4:00 p.m. (ET) on February 9, 2025.

8. The Debtor requires, and respectfully requests, additional time to prepare and file the Reply. Based on ongoing discussions with the U.S. Trustee, the Debtor extended the Objection Deadline for the U.S. Trustee to February 10, 2025. Given this narrow timing in advance of the Hearing, the Debtor’s continued discussions regarding the Disclosure Statement, the Debtor’s timing needs to prepare the Reply, and that the requested relief will not prejudice parties in interest, an extension of the Reply Deadline to February 11, 2025 is warranted.

Relief Requested

9. The Debtor respectfully requests entry of the Proposed Order granting the Debtor leave to file a late Reply in support of the Amended Disclosure Statement Motion on or before February 11, 2025.

Basis for Relief

10. Pursuant to Local Rule 9006-1(d), “[r]eply papers by the movant, or any party that has joined the movant, may be filed by 4:00 p.m. prevailing Eastern Time the day prior to the deadline for filing the agenda.” Del. Bankr. L.R. 9006-1(d). Parties may file a motion for leave to file a late reply, which shall not require a motion to shorten notice. *Id.*

11. Here, sufficient cause exists to allow the late filing of the Reply. As described above, the Objection Deadline was set for February 6, 2025 at 4:00 p.m. (ET) and the Reply was due on February 9, 2024 at 4:00 p.m. (ET) pursuant to Local Rule 9006-1(d). Based on ongoing discussions regarding the Disclosure Statement with the U.S. Trustee, the Debtor agreed to extend the Objection Deadline for the U.S. Trustee to February 10, 2025. Given the timing of the agenda filing deadline, the extension of the Objection Deadline, and the Hearing, the Debtor requires additional time to review and analyze the filed objection, to continue and provide its full attention to discussion with the U.S. Trustee, and to prepare and file the Reply. Further, the Debtor submits that no parties will be prejudiced by the filing of a late Reply, which will be filed on the Court’s docket and accessible to all parties in interest the business day prior to the Hearing. Accordingly, the Debtor seeks to extend the time to file the Reply to on or before February 11, 2025.

WHEREFORE, the Debtor respectfully requests that the Court enter the Proposed Order granting the relief sought herein and such other and further relief as may be just and proper.

Dated: February 11, 2025

PACHULSKI STANG ZIEHL & JONES LLP

/s/ James E. O'Neill

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Exhibit A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

GRITSTONE BIO, INC.,¹

Debtor.

Chapter 11

Case No. 24-12305 (KBO)

Related Docket No.

**ORDER GRANTING MOTION OF THE DEBTOR FOR LEAVE
TO FILE LATE REPLY IN SUPPORT OF AMENDED DEBTOR'S MOTION
FOR AN ORDER (I) APPROVING THE DISCLOSURE STATEMENT;
(II) SCHEDULING CONFIRMATION HEARING; (III) APPROVING FORM
AND MANNER OF NOTICE OF CONFIRMATION HEARING; (IV) ESTABLISHING
PROCEDURES FOR SOLICITATION AND TABULATION OF VOTES TO ACCEPT
OR REJECT PLAN, INCLUDING (A) APPROVING FORM AND CONTENT OF
SOLICITATION MATERIALS; (B) ESTABLISHING RECORD DATE AND
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MATERIALS; (C) APPROVING FORMS OF BALLOTS; (D) ESTABLISHING VOTING
DEADLINE FOR RECEIPT OF BALLOTS AND (E) APPROVING PROCEDURES FOR
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FILING OBJECTIONS TO CONFIRMATION OF PLAN;
AND (VII) GRANTING RELATED RELIEF**

Upon consideration of the *Motion of the Debtor for Leave to File Late Reply in Support of Amended Motion for an Order (I) Approving the Disclosure Statement; (II) Scheduling Confirmation Hearing; (III) Approving Form and Manner of Notice of Confirmation Hearing; (IV) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject Plan, Including (A) Approving Form and Content of Solicitation Materials; (B) Establishing Record Date and Approving Procedures for Distribution of Solicitation Materials; (C) Approving Forms of Ballots; (D) Establishing Voting Deadline for Receipt of Ballots and (E) Approving Procedures*

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for Vote Tabulations; (V) Approving Form and Manner of Notice of Plan Releases; (VI) Establishing Deadline and Procedures for Filing Objections to Confirmation of Plan; and (VII) Granting Related Relief;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Debtor is permitted to file a late Reply on or before February 11, 2025 and such Reply shall be deemed timely filed.