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*Proposed Co-Counsel to the Debtors and  
Debtors in Possession*

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

INVITAE CORPORATION, *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 24-11362 (MBK)

(Joint Administration Requested)

<sup>1</sup> The last four digits of Debtor Invitae Corporation’s tax identification number are 1898. A complete list of the Debtors in these chapter 11 cases and each such Debtor’s tax identification number may be obtained on the website of the Debtors’ proposed claims and noticing agent at [www.kccllc.net/invitae](http://www.kccllc.net/invitae). The Debtors’ service address in these chapter 11 cases is 1400 16<sup>th</sup> Street, San Francisco, California 94103.



**DEBTORS' MOTION FOR ENTRY OF INTERIM  
AND FINAL ORDERS (I) AUTHORIZING THE DEBTORS  
TO (A) FILE A CONSOLIDATED LIST OF CREDITORS IN LIEU OF  
SUBMITTING A SEPARATE MAILING MATRIX FOR EACH DEBTOR,  
(B) FILE A CONSOLIDATED LIST OF THE DEBTORS' THIRTY (30)  
LARGEST UNSECURED CREDITORS, AND (C) REDACT CERTAIN  
PERSONALLY IDENTIFIABLE INFORMATION AND (II) WAIVING  
THE REQUIREMENT TO FILE A LIST OF EQUITY SECURITY HOLDERS  
AND PROVIDE NOTICE DIRECTLY TO EQUITY SECURITY HOLDERS**

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TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

The above-captioned debtors and debtors in possession (collectively, the "Debtors") respectfully state the following in support of this motion (this "Motion"):<sup>2</sup>

**Relief Requested**

1. The Debtors seek entry of interim and final orders, substantially in the forms attached hereto as **Exhibit A** and **Exhibit B** (respectively, the "Interim Order" and "Final Order"), (a) authorizing the Debtors to (i) file a consolidated list of the Debtors' thirty (30) largest unsecured creditors in lieu of filing separate creditor lists for each Debtor, (ii) file a consolidated list of creditors in lieu of submitting a separate mailing matrix for each Debtor, and (iii) redact certain personally identifiable information and (b) waiving the requirement to file a list of equity security holders and provide notice directly to equity security holders. In addition, the Debtors request that the Court schedule a final hearing within approximately thirty (30) days after the commencement of these chapter 11 cases to consider entry of the Final Order.

**Jurisdiction and Venue**

2. The United States Bankruptcy Court for the District of New Jersey (the "Court")

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<sup>2</sup> A detailed description of the Debtors and their businesses, including the facts and circumstances giving rise to the Debtors' chapter 11 cases, is set forth in the *Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Chapter 11 Filing, First Day Motions, and Access to Cash Collateral* (the "First Day Declaration"), filed contemporaneously herewith. Capitalized terms used but not immediately defined are defined later in this Motion, in the First Day Declaration, or in the Cash Collateral Motion, as applicable.

has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11*, entered July 23, 1984, and amended on September 18, 2012 (Simandle, C.J.). The Debtors confirm their consent to the Court entering a final order in connection with this Motion 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.

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

4. The bases for the relief requested herein are sections 105(a), 107(c), and 521 of title 11 of the United States Code (the “Bankruptcy Code”), rules 1007, 2002, 9007, and 9037 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and rule 1007-1 of the Local Bankruptcy Rules for the District of New Jersey (the “Local Rules”).

### **Background**

5. On February 13, 2024 (the “Petition Date”), each Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtors are operating their businesses and managing their property as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. Concurrent with the filing of this Motion, the Debtors filed a motion requesting procedural consolidation and joint administration of these chapter 11 cases pursuant to Bankruptcy Rule 1015(b). No request for the appointment of a trustee or examiner has been made in these chapter 11 cases, and no official committees have been appointed or designated.

### **Basis for Relief**

#### **I. Cause Exists to Authorize the Debtors to File a Single Consolidated List of Top Thirty (30) Unsecured Creditors and Prepare a List of Creditors in Lieu of Filing a Separate Mailing Matrix for Each Debtor.**

6. Section 521(a) of the Bankruptcy Code and Bankruptcy Rule 1007(a)(1) require a debtor in a voluntary chapter 11 case to file a list containing the name and complete address of

each of the debtors' creditors. *See* 11 U.S.C. § 521(a); Fed. R. Bankr. P. 1007(a)(1). Additionally, Bankruptcy Rule 1007(d) provides that a debtor shall file "a list containing the name, address and claim of the creditors that hold the 20 largest unsecured claims, excluding insiders." Fed. R. Bank. P. 1007(d). This list is primarily used by the United States Trustee for the District of New Jersey (the "U.S. Trustee") to evaluate the types and amounts of unsecured claims against a debtor and, thereby, identify potential candidates to serve on an official committee of unsecured creditors appointed in a debtor's case pursuant to section 1102 of the Bankruptcy Code.

7. The Debtors request authority to file a single list of their thirty (30) largest general unsecured creditors on a consolidated basis (the "Top 30 List").<sup>3</sup> Because the top creditor lists for each individual Debtor overlap, the Debtors submit that filing separate lists for each Debtor would be of limited utility. In addition, the exercise of compiling separate top creditor lists for each individual Debtor could consume an excessive amount of the Debtors', and their advisors', limited time and resources. The Debtors believe that the Top 30 List will better aid the U.S. Trustee in the efforts to communicate with these creditors.

8. Allowing the Debtors to prepare and maintain a consolidated list of their creditors (the "Consolidated Creditor Matrix"), in lieu of filing a separate creditor matrix for each Debtor, is warranted under the circumstances of these chapter 11 cases where there are thousands of creditors and parties in interest. Converting the Debtors' computerized information to a format compatible with the matrix requirements, as well as the preparation of separate lists of creditors for each Debtor would be expensive, time consuming, administratively burdensome, and increase the risk of error with respect to information already on computer systems maintained by the

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<sup>3</sup> The Debtors submit that if any of these chapter 11 cases converts to a case under chapter 7 of the Bankruptcy Code, the applicable Debtor will file an unconsolidated Top 30 List within fourteen (14) days of any such conversion.

Debtors or their agents. Accordingly, the Debtors respectfully request authority to file one Consolidated Creditor Matrix for all Debtors.

9. The Debtors, working together with Kurtzman Carson Consultants LLC (“KCC”) as their proposed claims and noticing agent in these chapter 11 cases (the “Claims and Noticing Agent”), have already prepared a single, consolidated list of the Debtors’ creditors in electronic format. The Debtors are prepared to make the Consolidated Creditor Matrix available in electronic form to any party in interest who so requests (or in non-electronic form at such requesting party’s sole cost and expense), and the Debtors intend to file a copy of the Consolidated Creditor Matrix on the docket.

10. Courts in this jurisdiction have granted relief similar to the relief requested herein. *See, e.g., In re Careismatic Brands, LLC*, No. 24-10561 (VFP) (Bankr. D.N.J. Jan. 24, 2024) (authorizing a consolidated list of the debtors’ 30 largest unsecured creditors on an interim basis); *In re WeWork, Inc.*, No. 23-19865 (JKS) (Bankr. D.N.J. Dec. 20, 2023) (authorizing a consolidated list of the debtors’ 30 largest unsecured creditors); *In re Rite Aid Corp.*, No. 23-18993 (MBK) (Bankr. D.N.J. Oct. 18, 2023) (authorizing a consolidated list of the debtors’ 50 largest unsecured creditors on an interim basis); *In re Cyxtera Techs., Inc.*, No. 23-14853 (JKS) (Bankr. D.N.J. June 29, 2023) (authorizing a consolidated list of the debtors’ 30 largest unsecured creditors); *In re Bed Bath & Beyond Inc.*, No. 23-13359 (VFP) (Bankr. D.N.J. May 17, 2023) (same); *In re David’s Bridal, LLC*, No. 23-13131 (CMG) (Bankr. D.N.J. Apr. 19, 2023) (same).<sup>4</sup>

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<sup>4</sup> Because of the voluminous nature of the orders cited herein, such orders have not been attached to this Motion. Copies of these orders are available upon request of the Debtors’ proposed counsel.

11. Accordingly, the Debtors submit that filing a Top 30 List and a Consolidated Creditor Matrix is necessary for the efficient and orderly administration of these chapter 11 cases, appropriate under the facts and circumstances, and in the best interests of the Debtors' estates.

## II. Redaction of Certain Confidential Information of Individuals Is Warranted.

12. Section 107(c) of the Bankruptcy Code provides that the Court:

[F]or cause, may protect an individual, with respect to the following types of information to the extent the court finds that disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual or the individual's property:

(A) Any means of identification . . . contained in a paper filed, or to be filed in a case under [the Bankruptcy Code].

(B) Other information contained in a paper described in subparagraph (A).

13. 11 U.S.C. § 107(c)(1). In addition, Bankruptcy Rule 9037(a) authorizes the Court to redact personally identifiable information of minors. *See* Fed. R. Bankr. P. 9037(a). Further, critical to the Debtors, the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") creates a duty for healthcare providers to protect and maintain the confidentiality of patient information. 42 U.S.C. § 1320d-6. Finally, privacy and data protection regulations have been enacted in key jurisdictions in which the Debtors and non-Debtor affiliates do business.

14. For example, in 2018, the state of California enacted the California Consumer Privacy Act of 2018 (the "CCPA"),<sup>5</sup> which provides individuals domiciled in California the right

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<sup>5</sup> *See also* the Virginia Consumer Data Protection Act Va. Code §§ 59.1-575-59.1-585 (effective as of January 1, 2023), the Connecticut Act Concerning Personal Data Privacy and Online Monitoring, Public Act § 22-15 (effective as of July 1, 2023), the Colorado Privacy Act, Colo. Rec. Stat. § 6-1 (effective as of July 1, 2023), the Utah Consumer Privacy Act, Utah Code § 13-61 (effective on December 31, 2023), the Florida Digital Bill of Rights, Fla. Stat. § 501.701 (effective on July 1, 2024), the Texas Data Privacy and Security Act, Tex. Bus. & Com. Code Ann. § 541 (effective on July 1, 2024), the Oregon Consumer Privacy Act, Or. Rev. Stat. § 1.13 (effective as of July 1, 2024), the Montana Consumer Data Privacy Act, Mont. Code Ann. § 35 (effective on October 1, 2024), the Delaware Personal Data Privacy Act, Del. Code Ann. tit. 6 § 12D-102 (effective as of January 1, 2025), the Iowa Data Privacy Law, Iowa Code § 715D.1 (effective on January 1, 2025), the Tennessee Information Protection Act, Tenn. Code Ann. § 47-18 (effective on July 1, 2025), the New Jersey Data Privacy

to, among other things, request their collected personal information, including postal addresses, be deleted by entities subject to the regulation and opt out of the sale of personal information by such entities to third parties. Violators risk injunctions and civil penalties of up to \$2,500 for *each* violation and up to \$7,500 for *each intentional* violation. Cal. Civ. Code § 1798.155. The CCPA applies to all for-profit entities doing business in California (the “CCPA Entities”) that collect and process consumers’ personal data and satisfy one of the following criteria: (i) annual gross revenue in excess of \$25 million; (ii) buys, shares, receives, or sells the personal information of more than 100,000 consumers, households, or devices for commercial purposes; or (iii) receives 50% or more of their annual revenues from selling consumers’ personal information. Cal. Civ. Code § 1798.140(d)(1). The Debtors likely qualify as CCPA Entities because the Debtors maintain four (4) offices and laboratories located in California and generated annual gross revenue for 2023 of approximately \$487 million.

15. In addition, the United Kingdom Data Protection Act of 2018 and the United Kingdom General Data Protection Regulation (together, the “UK GDPR”), the European General Data Protection Regulation (the “EU GDPR”), and similar laws in other jurisdictions, impose significant constraints on the processing (which includes the transferring or disclosing) of information relating to identified or identifiable individuals (which includes names and home addresses of individuals and individual business contacts) (“Personal Data”). The UK GDPR and EU GDPR apply to the processing of Personal Data in the context of an establishment of a controller or processor in the United Kingdom, regardless of whether the processing takes place in the United Kingdom, or the European Economic Area, regardless of whether the processing takes

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Act, N.J. Rev. Stat. § 56:1 (effective on January 15, 2025), and the Indiana Data Privacy Law, Ind. Code § 24-15 (effective on January 1, 2026).

place in the European Economic Area (and, in some circumstances, organizations established in other countries when processing Personal Data relating to individuals located in the United Kingdom or European Economic Area).

16. The UK GDPR and EU GDPR require a legal basis for all processing (including the disclosure) of Personal Data. The only possible legal basis that may apply for disclosing the Personal Data in this instance would be the “legitimate interests” ground. Article 6(1)(f) UK GDPR and EU GDPR. This ground, however, can be relied on as a legal basis only if the processing is necessary to achieve the relevant purpose, and if the same result can reasonably be achieved in a less intrusive way, the legitimate interest basis no longer applies. Nor can the legitimate interests assessment serve as a legal basis if the rights and freedoms of the relevant individuals override the legitimate interest in question. UK and EU regulators take the position that if a person would not reasonably expect the processing, their interests are likely to override any legitimate interests. *See id.*<sup>6</sup> Moreover, the legal basis of “compliance with a legal obligation,” Article 6(1)(c) UK GDPR and EU GDPR, would not be applicable here, since it is restricted to legal obligations under UK or EU law, and not foreign law such as the Bankruptcy Code.

17. In addition, processing (including disclosure) under the UK GDPR and EU GDPR must comply with certain key principles, including the principle of data minimization, which requires that any processing must be necessary in relation to its purpose. Disclosure of the unredacted names and home and email addresses (or other Personal Data) of individual creditors on the public docket is not necessary for the purpose of reviewing the claim amounts of individual creditors in connection with a plan of reorganization or administering the chapter 11 cases, and the

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<sup>6</sup> See Information Commissioner’s Office, *Legitimate Interests*, <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/a-guide-to-lawful-basis/lawful-basis-for-processing/legitimate-interests/> (last visited Feb. 1, 2024).



proposed redaction would be a less intrusive way of achieving this purpose. The right of individual creditors not to have their unredacted names and home and email addresses disclosed on the public docket would also override the legitimate interest of disclosing such information to facilitate these chapter 11 cases. By redacting the Personal Data on the public docket, the Debtors are complying with their obligations under the Bankruptcy Code, protecting individuals' interests and right to privacy, and abiding by one of the foundational principles of the GDPR by opting for the least intrusive way to reasonably achieve the desired purpose. GDPR Art. 5(1)(c).<sup>7</sup>

18. Violators of the UK GDPR and EU GDPR risk severe penalties. If an organization is found to have processed information in breach of the UK GDPR, the organization may be fined up to the higher of £17,500,000 or four (4) percent of worldwide annual turnover—*i.e.*, total annual revenues—of the preceding financial year. *See* United Kingdom Data Protection Act 2018, section 157(5)(a) (as amended by Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2019). Similarly, for a breach of the EU GDPR, the organization may be fined up to the higher of €20,000,000 or four (4) percent of worldwide annual turnover—*i.e.*, total annual revenues—of the preceding financial year. *See* General Data Protection Regulation (EU) 2016/679, art. 83(5).<sup>8</sup> The UK GDPR and EU GDPR may apply to the Debtors, specifically, as certain of the Debtors may be indirectly processing data relating to their creditors in the context

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<sup>7</sup> Article 5(1)(c) UK GDPR and EU GDPR (“Personal data shall be: . . . (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (‘data minimisation’).”).

<sup>8</sup> Indeed, on May 12, 2023, the Data Protection Commission of Ireland fined Facebook (Meta Ireland) €1.2 billion for improperly transferring data to the United States under the EU GDPR. *See In re Meta Platforms Ireland Ltd.*, Reference No. IN-20-8-1 (Ir. Data Prot. Comm'n May 12, 2023).

of an establishment in the United Kingdom, such as with certain non-Debtors' operations<sup>9</sup> in the United Kingdom or a member state of the European Economic Area.

19. It is appropriate to authorize the Debtors to redact from any paper filed or to be filed with the Court in these chapter 11 cases, including but not limited to the Consolidated Creditor Matrix and any schedules of assets and liabilities and statements of financial affairs (the "Schedules and Statements"), and any related affidavits of service, the names, home addresses, and email addresses of natural persons—including the Debtors' employees, contract workers, patients, debtholders and individual equity holders. For the avoidance of doubt, the foregoing is applicable to (a) the names, home and email addresses of all natural persons who are United States citizens located in the United States, (b) all personally identifiable information of minors, and (c) the names, home addresses, and email addresses, and other Personal Data of any natural person to the extent they are processed subject to the UK GDPR or EU GDPR. Redaction of the names, home and email addresses of natural persons is appropriate because, respectively, (x) such information may be subject to HIPAA regulations, (y) such personally identifiable information can be used to perpetrate identity theft<sup>10</sup> and phishing scams or to locate survivors of domestic

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<sup>9</sup> The non-Debtors incorporated and operating in Europe are Invitae Latvia SIA (Latvia), Invitae Netherlands, B.V. (Netherlands), and Orbicule BVBA d/b/a Diploid (Belgium).

<sup>10</sup> See *In re Endo Int'l. PLC*, No. 22-22549 (JLG), 2022 WL 16640880 at \*7, 10–12 (Bankr. S.D.N.Y. Nov. 2, 2022) (taking "judicial notice of the fact that identity theft is a world-wide problem," recognizing that the right of public access to judicial records "is not absolute," and authorizing the debtors to redact the names, home addresses, and email addresses of certain litigation claimants located in the US, EU, UK, and Australia from any paper filed with that court and/or otherwise made publicly available by the debtors and the claims and noticing agent thereof); see also *In re Genesis Global Holdco, LLC*, 652 B.R. 618, 636–38 (Bankr. S.D.N.Y. Aug. 4, 2023) (citing *Endo*, and finding that "[h]ome addresses fall within that category of information, as it is taken as a 'given' that they constitute personally identifiable information that is vital information to perpetrators of identity theft, stalking and intimate partner violence alike, and that publishing such information facilitates an identify thief's search for data and a stalker's or abuser's ability to find his or her target" and that "an undue risk of identity theft of unlawful injury exists to the Individual [creditors] should their names, addresses, or other contact information be released in the bankruptcy cases. . . . redaction of the Individual [creditors] names is important because contact information—including home addresses—could easily be found on the internet through the use of their names." ). *Id.* at 635, 637.

violence, harassment, or stalking under 11 U.S.C. § 107(c)(1), and (z) disclosure risks violating the UK GDPR and EU GDPR, and other similar laws, exposing the Debtors to potential civil liability and significant financial penalties. Given the breadth of the Debtors' customer base, it is difficult to ascertain which of the Debtors' customers, individual creditors, employees, and individual equity holders are also patients, some of whom may be minors, subject to HIPAA. Suppressing the names and addresses of natural persons will prevent the inadvertent disclosure of protected health information ("PHI") because KCC is not in a position to parse through thousands of names and addresses and make any determinations as to what constitutes PHI. Accordingly, out of an abundance of caution, the Debtors seek to redact the names, home addresses, and email addresses of all natural persons.

20. Redaction is necessary to protect information that would violate HIPAA and would create "undue risk of identity theft or other unlawful injury to the individual or the individual's property." 11 U.S.C. § 107(c)(1). The risk in relation to 11 U.S.C. § 107(c)(1) is not merely speculative. In at least one recent chapter 11 case, the abusive former partner of a debtor's employee used the publicly accessible creditor and employee information filed in the chapter 11 case to track the employee at her new address that had not been publicly available until then, forcing the employee to change her addresses again.<sup>11</sup> More recently, in a chapter 11 case in the Southern District of New York, at least twelve phishing scams have been uncovered,<sup>12</sup> including instances where scammers posed as associates of debtor's counsel using fake email accounts purportedly from debtor's counsel, posed as the debtor's claims agent, falsified a court order to

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<sup>11</sup> The incident, which took place during the first Charming Charlie chapter 11 proceedings in 2017, is described in the "creditor matrix motion" filed in *Charming Charlie Holdings Inc.*, No. 19-11534 (CSS) (Bankr. D. Del. Jul. 11, 2019), ECF No. 4.

<sup>12</sup> See *In re Celsius Network, LLC*, No. 22-10964 (MG), Docket Nos. 1527, 1904, 1992, 2082, 2896, 3121, 3251, 3422, 3722, 3932, and 4070.

provide for purported “filing fees” and “tax fees,” called individual creditors from a number formerly associated with the debtor’s now defunct customer center, or manipulated the automatic reply function of the debtor’s customer support email system to send emails containing phishing URLs in the subject line to approximately 144,000 email addresses associated with individual creditors of the debtors, all designed to obtain individual creditors’ personally identifiable information, account information, or to gain access to their financial assets. These events suggest that disclosure of Personal Data would not satisfy a legitimate interests assessment and would not be compliant with the minimization principle under the UK GDPR and EU GDPR.

21. The Debtors propose to provide an unredacted version of the Creditor Matrix, Schedules and Statements, and any other filings redacted pursuant to the proposed Interim and Final Orders to (a) the Court; (b) the U.S. Trustee; (c) counsel to any official committee appointed in these chapter 11 cases; (d) KCC; and (e) any party in interest upon a request to the Debtors (email is sufficient) or to the Court that is reasonably related to these chapter 11 cases; *provided* that any receiving party shall not transfer or otherwise provide such unredacted document to any person or entity not party to the request. In each case, this would be subject to a review of whether such disclosure, on a case-by-case basis, would violate any obligation under the HIPAA, UK GDPR, EU GDPR, or any other privacy or data protection law or regulation. Nothing requested herein is intended to preclude a party in interest’s right to file a motion requesting that the Court unseal the information redacted by the Interim and Final Orders. In addition, the Debtors will distribute as applicable any notices that are received at the Debtors’ corporate headquarters and are intended for a current employee.

22. Courts in this district and within the Third Circuit have granted the relief requested herein in comparable chapter 11 cases. *See, e.g., In re Careismatic Brands, LLC*, No. 24-10561

(VFP) (Bankr. D.N.J. Jan. 24, 2024) (authorizing the debtors to redact the home and email addresses of natural persons listed on the creditor matrix, schedules and statements, and other documents filed with the court on an interim basis); *In re WeWork Inc.*, No. 23-19865 (JKS) (Bankr. D.N.J. Dec. 20, 2023) (authorizing the debtors to redact the home and email addresses of natural persons listed on the creditor matrix, schedules, and statements, and other documents filed with the court); *In re BlockFi, Inc.*, No. 22-19361 (MBK) (Bankr. D.N.J. Oct. 19, 2023) (authorizing the debtors to redact the names, home and email addresses of natural persons listed on the creditor matrix, schedules and statements, and other documents filed with the court); *In re Rite Aid Corp.*, No. 23-18993 (MBK) (Bankr. D.N.J. Oct. 18, 2023) (authorizing the debtors to redact the names, home and email addresses of natural persons listed on the creditor matrix, schedules and statements, and other documents filed with the court on an interim basis); *In re Bed, Bath & Beyond Inc.*, No. 23-13359 (VFP) (Bankr. D.N.J. May 17, 2023) (authorizing the debtors to redact the home and email addresses of individuals listed on the creditor matrix, schedules and statements, and other documents filed with the court); *In re David's Bridal, LLC*, No. 23-13131 (CMG) (Bankr. D.N.J. Apr. 19, 2023) (authorizing the debtors to redact (i) the home and email addresses of individuals and (ii) and the names, home and email addresses of customers and employees that are minors listed on the creditor matrix, schedules and statements, and other documents filed with the court); *In re Christopher & Banks Corp.*, No. 21-10269 (ABA) (Bankr. D.N.J. Jan. 15, 2021) (authorizing the debtors to redact the home addresses of individuals listed on the creditor matrix, schedules and statements, and other documents filed with the court); *In re SLT Holdco, Inc.*, No. 20-18368 (MBK) (Bankr. D.N.J. July 30, 2020) (same); *In re AmeriMark Interactive, LLC*, No. 23-10438 (TMH) (Bankr. D. Del. Apr. 13, 2023) (same); *see also In re Prime Core Technologies Inc., et al.*, No 23-11161 (JKS) (Bankr. D. Del. Sept.

20, 2023) (authorizing the debtors to redact the names, addresses, and any other contact information of individual customers from all court filings); *In re Boxed, Inc.*, No. 23-10397 (BLS) (Bankr. D. Del. Apr. 6, 2023) (authorizing the debtors to redact the home and email addresses of individuals listed on the creditor matrix, schedules and statements, and other documents filed with the court); *In re FTX Trading Ltd.*, No. 22-11068 (JTD) (Bankr. D. Del. Jan. 20, 2023) (authorizing the debtors to redact the names, addresses, and email addresses of their customers from any documents filed with the court or made publicly available in the debtors' chapter 11 cases for ninety (90) days from the entry of the final order).<sup>13</sup>

23. In addition to granting the requested relief, bankruptcy courts in other districts within the Third Circuit have expounded on the importance of authorizing debtors to redact individual creditors' personally identifiable information, including home addresses in particular. In the Delaware case *Art Van Furniture*, in overruling the objection of the U.S. Trustee to the same redaction relief proposed here, Chief Judge Sontchi noted that the proposed redaction is not a "burden of proof" issue so "much as a commonsense issue." Hr'g Tr. at 25:6–7, *In re Art Van Furniture, LLC*, No. 20-10533 (CSS) (Bankr. D. Del. Mar. 2020).<sup>14</sup> Judge Sontchi found that "at this point and given the risks associated with having any kind of private information out on the

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<sup>13</sup> Because of the voluminous nature of the orders cited herein, such orders have not been attached to this motion. Copies of these orders are available upon request of the Debtors' proposed counsel.

<sup>14</sup> Similarly, Judge Sontchi previously overruled the Delaware U.S. Trustee's objection to the redaction of individuals' information and found that "it's just plain common sense in 2019—soon-to-be 2020—to put as little information out as possible about people's personal lives to present [sic] scams . . . [Identity theft] is a real-life issue, and, of course, the issue of domestic violence is extremely important." Hr'g Tr. at 48:20–22, 49:3–5, *In re Anna Holdings*, No. 19-12551 (CSS) (Bankr. D. Del. Dec. 3, 2019).

Notably, Judge Sontchi acknowledged that "the world is very different from [the 1980s] when you and I started practice with the problems of identity theft" and that his perspective had evolved in that he was not previously aware of "the dangers with this kind of information becoming public." See Hr'g Tr. at 45:25-46:2, 47:22–24. The Debtors reserve the right to supplement the record with respect to such risks insofar as they are not self-evident in this instance.

internet, [redaction] has really become routine [and] I think obvious relief.” *Id.* at 25:13–16. Similarly, in *Clover*, another Delaware case, Judge Owens overruled the U.S. Trustee’s objection, noting that “[t]o me it is common sense. I don’t need evidence that there is, at best, a risk of identity theft and worse a risk of personal injury from listing someone’s name and address on the internet by way of the court’s electronic case filing system and, of course, the claims agent’s website. . . . The court can completely avoid contributing to the risk by redacting the addresses. And while there is, of course, an important right of access we routinely redact sensitive and confidential information for corporate entities and redact individual’s home addresses.” Hr’g Tr. at 24:21–25, 25:9–10, *In re Clover Techs. Grp., LLC*, No. 19-12680 (KBO) (Bankr. D. Del. Jan. 22, 2020). And, in *Forever 21*, in overruling the U.S. Trustee’s objection, Judge Gross found that “[w]e live in a new age in which the theft of personal identification is a real risk, as is injury to persons who, for personal reasons, seek to have their addresses withheld.” Hr’g Tr. at 60:22–25, *In re Forever 21, Inc.*, No. 19-12122 (KG) (Bankr. D. Del. Dec. 19, 2019).

24. Further, Judge Gross found that it was not necessary to the effective administration of the debtors’ bankruptcy estates to disclose the personally identifiable information of the debtors’ stakeholders who are European Economic Area citizens, which created risk that debtors could be fined under the UK or EU GDPR for unnecessary disclosures of personal information:

But I’ll say the GDPR contains a necessity test in its guidelines. Is disclosure necessary for the legal proceedings at hand? Clearly, disclosing home addresses is not necessary for the conduct of the bankruptcy case and the absence of the address does not prejudice anyone; indeed, there’s been no objection from any creditor in this case.

Hr’g Tr. at 62:16–22, *In re Forever 21, Inc.*, No. 19-12122.

25. For these reasons, the Debtors respectfully submit that cause exists to authorize the Debtors to redact, pursuant to 11 U.S.C. § 107(c)(1) and Bankruptcy Rule 9037, and in compliance

with the HIPAA, UK GDPR, and EU GDPR, the names, home and email addresses of natural persons (and, where such information has been provided to, and is being processed by, an organization with an establishment located in the United Kingdom or a member state of the European Economic Area, the names, home addresses and other Personal Data of any natural person) listed on the Consolidated Creditor Matrix, Schedules and Statements, or any other document filed with the Court. Absent such relief, the Debtors (a) would run the risk of violating HIPAA, (b) may be in violation of applicable data privacy law, thereby exposing them to severe monetary penalties that could threaten the value of the Debtors' estates during this sensitive stage of their restructuring, (c) would unnecessarily render individuals more susceptible to identity theft and phishing scams, and (d) could jeopardize the safety of employees, contract workers, and other individual creditors or individual equity holders who, unbeknownst to the Debtors, are survivors of domestic violence, harassment, or stalking by publishing their home and email addresses without any advance notice or opportunity to opt out or take protective measures.

**III. Waiver of the Requirements to File a List of Equity Security Holders and Provide Notice Directly to Equity Security Holders Is Warranted Under the Circumstances of These Chapter 11 Cases.**

26. The Bankruptcy Rules contain certain requirements with respect to a debtor's equity security holders. Bankruptcy Rule 1007(a)(3) requires a debtor to file, within fourteen (14) days after the petition date, a list of the debtor's equity security holders. Bankruptcy Rule 2002(d) requires that equity security holders be provided notice of, among other things, the commencement of the bankruptcy case and the confirmation hearing. Bankruptcy courts have authority to modify or waive the requirements under both rules. Fed. R. Bankr. P. 1007(a)(3) (“[U]nless the court orders otherwise, the debtor shall file . . . a list of the debtor's equity security holders . . . .”); Fed. R. Bankr. P. 2002(d) (“[U]nless otherwise ordered by the court, the clerk . . . shall in the manner and form directed by the court give notice to all equity security holders . . . .”); *see also*



11 U.S.C. § 105(a) (“The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.”); Fed. R. Bankr. P. 9007 (“When notice is to be given under these rules, the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given.”).

27. The requirements to file a list of, and to provide notice directly to, equity security holders should be waived as to Debtor Invitae Corporation (“Invitae”). Invitae’s common stock is publicly traded on the New York Stock Exchange, with approximately 291.1 million outstanding shares of common stock as of the Petition Date and cannot be readily traced to specific individual holders. Invitae only maintains a list of its registered equity security holders and therefore must obtain the names and addresses of its beneficial shareholders from a securities agent. Preparing and submitting such a list with last known addresses for each equity security holder and sending notices to all such parties will create undue expense and administrative burden with limited corresponding benefit to the estates or parties in interest.

28. Invitae has taken or will take several actions to inform its equity security holders of the commencement of these chapter 11 cases. On or about the date hereof, the Debtors will issue a press release announcing the filing. Invitae also filed with its petition a list of persons and entities with significant holdings of its outstanding common stock. As soon as is practicable following the date hereof, the Debtors intend to cause the notices required under Bankruptcy Rule 2002(d) to be served on registered holders of Invitae’s common stock and published in full in *The New York Times* (National Edition) and *USA Today*. Accordingly, the Debtors request that the requirements to file a list of equity security holders and provide notice directly to Invitae’s equity security holders (other than registered holders of Invitae’s common stock) be waived.

29. This Court and courts within the Third Circuit have granted substantially similar

relief to the relief requested herein. *See, e.g., In re WeWork Inc.*, No. 23-19865 (JKS) (Bankr. D.N.J. Dec. 20, 2023) (waiving the requirement to provide notice directly to equity security holders under Bankruptcy Rule 2002(d) and authorizing the Debtors to serve the notices required under Bankruptcy Rule 2002(d) on the registered holders of the Debtors' equity securities); *In re Rite Aid Corp.*, No. 23-18993 (MBK) (Bankr. D.N.J. Oct. 18, 2023) (same on an interim basis); *In re Cyxtera Techs., Inc.*, No. 23-14853 (JKS) (Bankr. D.N.J. Jun. 29, 2023) (same); *In re Bed Bath & Beyond Inc.*, No. 23-13359 (VFP) (Bankr. D.N.J. May 17, 2023) (same); *In re Lannett Co., Inc.*, No. 23-10559 (JKS) (Bankr. D. Del. Aug. 11, 2023) (same).

#### **Waiver of Memorandum of Law**

30. The Debtors respectfully request that the Court waive the requirement to file a separate memorandum of law pursuant to Local Rule 9013-1(a)(3) because the legal basis upon which the Debtors rely is set forth herein and the Motion does not raise any novel issues of law.

#### **Reservation of Rights**

31. Nothing contained in this Motion or any order granting the relief requested in this Motion, and no action taken pursuant to the relief requested or granted (including any payment made in accordance with any such order), is intended as or shall be construed or deemed to be: (a) an admission as to the amount of, basis for, priority of, or validity of any claim against the Debtors under the Bankruptcy Code or other applicable nonbankruptcy law; (b) a waiver of the Debtors' or any other party in interest's right to dispute any claim on any grounds; (c) a promise or requirement to pay any particular claim; (d) an implication, admission or finding that any particular claim is an administrative expense claim, other priority claim or otherwise of a type specified or defined in this Motion or any order granting the relief requested by this Motion; (e) a request or authorization to assume, adopt, or reject any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; (f) an admission as to the validity, priority, enforceability

or perfection of any lien on, security interest in, or other encumbrance on property of the Debtors' estates; or (g) a waiver or limitation of any claims, causes of action or other rights of the Debtors or any other party in interest against any person or entity under the Bankruptcy Code or any other applicable law.

**No Prior Request**

32. No prior request for the relief sought in this Motion has been made to this or any other court.

**Notice**

33. The Debtors will provide notice of this Motion to the following parties and/or their respective counsel, as applicable: (a) the office of the United States Trustee for the District of New Jersey; (b) the Debtors' thirty (30) largest unsecured creditors (on a consolidated basis); (c) counsel to the agent to the Secured Notes; (d) the indenture trustee to the 2024 Convertible Notes; (e) the indenture trustee to the 2028 Convertible Notes; (f) Sullivan & Cromwell LLP, as counsel to the Required Holders; (g) Wollmuth Maher & Deutsch LLP, as counsel to the Required Holders; (h) counsel to the 2028 Convertible Noteholders; (i) the U.S. Securities and Exchange Commission; (j) the United States Attorney's Office for the District of New Jersey; (k) the attorneys general in the states where the Debtors conduct their business operations; (l) the Internal Revenue Service; (m) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

**WHEREFORE**, the Debtors respectfully request entry of the Interim Order and Final Order, substantially in the forms attached hereto as **Exhibit A** and **Exhibit B**, respectively, and granting the relief requested herein.

Dated: February 14, 2024

*/s/ Michael D. Sirota*

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*Proposed Co-Counsel to the Debtors and  
Debtors in Possession*

**Exhibit A**

**Proposed Interim Order**

Caption in Compliance with D.N.J. LBR 9004-1(b)

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
In re:	
INVITAE CORPORATION, <i>et al.</i> ,	
	Debtors. <sup>1</sup>

Chapter 11

Case No. 24-11362 (MBK)

(Joint Administration Requested)

---

<sup>1</sup> The last four digits of Debtor Invitae Corporation's tax identification number are 1898. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' proposed claims and noticing agent at [www.kccllc.net/invitae](http://www.kccllc.net/invitae). The Debtors' service address in these chapter 11 cases is 1400 16<sup>th</sup> Street, San Francisco, California 94103.

**INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO  
(A) FILE A CONSOLIDATED LIST OF CREDITORS IN LIEU OF  
SUBMITTING A SEPARATE MAILING MATRIX FOR EACH DEBTOR,  
(B) FILE A CONSOLIDATED LIST OF THE DEBTORS' THIRTY (30)  
LARGEST UNSECURED CREDITORS, AND (C) REDACT CERTAIN  
PERSONALLY IDENTIFIABLE INFORMATION AND (II) WAIVING THE  
REQUIREMENT TO FILE A LIST OF EQUITY SECURITY HOLDERS  
AND PROVIDE NOTICE DIRECTLY TO EQUITY SECURITY HOLDERS**

The relief set forth on the following pages, numbered three (3) through eight (8), is

**ORDERED.**

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

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(Page | 3)

Debtors: INVITAE CORPORATION, *et al.*

Case No. 24-11362 (MBK)

Caption of Order: INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO (A) FILE A CONSOLIDATED LIST OF CREDITORS IN LIEU OF SUBMITTING A SEPARATE MAILING MATRIX FOR EACH DEBTOR, (B) FILE A CONSOLIDATED LIST OF THE DEBTORS' THIRTY (30) LARGEST UNSECURED CREDITORS, AND (C) REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION AND (II) WAIVING THE REQUIREMENT TO FILE A LIST OF EQUITY SECURITY HOLDERS AND PROVIDE NOTICE DIRECTLY TO EQUITY SECURITY HOLDERS

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Upon the *Debtors' Motion for Entry of an Interim and Final Orders (I) Authorizing the Debtors to (A) File a Consolidated List of Creditors in Lieu of Submitting a Separate Mailing Matrix for Each Debtor, (B) File a Consolidated List of the Debtors' Thirty (30) Largest Unsecured Creditors, and (C) Redact Certain Personally Identifiable Information and (II) Waiving the Requirement to File a List of Equity Security Holders and Provide Notice Directly to Equity Security Holders* (the "Motion"),<sup>2</sup> of the above-captioned debtors and debtors in possession (collectively, the "Debtors"), for entry of an interim order (this "Interim Order") (a) authorizing the Debtors to (i) file a consolidated list of the Debtors' thirty (30) largest unsecured creditors in lieu of filing separate creditor lists for each Debtor, (ii) file a consolidated list of creditors in lieu of submitting a separate mailing matrix for each Debtor, and (iii) redact certain personally identifiable information, (b) waiving the requirement to file a list of equity security holders and provide notice directly to equity security holders, and (c) scheduling a final hearing (the "Final Hearing") to consider approval of the Motion on a final basis, all as more fully set forth in the Motion; and upon the First Day Declaration; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States

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<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

(Page | 4)

Debtors: INVITAE CORPORATION, *et al.*

Case No. 24-11362 (MBK)

Caption of Order: INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO (A) FILE A CONSOLIDATED LIST OF CREDITORS IN LIEU OF SUBMITTING A SEPARATE MAILING MATRIX FOR EACH DEBTOR, (B) FILE A CONSOLIDATED LIST OF THE DEBTORS' THIRTY (30) LARGEST UNSECURED CREDITORS, AND (C) REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION AND (II) WAIVING THE REQUIREMENT TO FILE A LIST OF EQUITY SECURITY HOLDERS AND PROVIDE NOTICE DIRECTLY TO EQUITY SECURITY HOLDERS

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District Court for the District of New Jersey, entered July 23, 1984, and amended on September 18, 2012 (Simandle, C.J.); and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the Debtors' notice of the Motion was appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefore **IT IS HEREBY ORDERED THAT:**

1. The Motion is **GRANTED** on an interim basis as set forth herein.

2. The Final Hearing on the Motion will be held on \_\_\_\_\_, **2024**, at \_\_\_\_\_

**(Eastern Time)**. Objections, if any, that relate to the Motion shall be filed and served so as to be actually received by (i) the Debtors' proposed counsel; (ii) the office of the United States Trustee for the District of New Jersey; (iii) the agent to the Secured Notes; (iv) the indenture trustee to the 2024 Convertible Notes; (v) the indenture trustee to the 2028 Convertible Notes; (vi) counsel to the Required Holders; (vii) counsel to the 2028 Convertible Noteholders; and (viii) counsel to any statutory committee appointed in these chapter 11 cases on or before \_\_\_\_\_, **2024**,

(Page | 5)

Debtors: INVITAE CORPORATION, *et al.*

Case No. 24-11362 (MBK)

Caption of Order: INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO (A) FILE A CONSOLIDATED LIST OF CREDITORS IN LIEU OF SUBMITTING A SEPARATE MAILING MATRIX FOR EACH DEBTOR, (B) FILE A CONSOLIDATED LIST OF THE DEBTORS' THIRTY (30) LARGEST UNSECURED CREDITORS, AND (C) REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION AND (II) WAIVING THE REQUIREMENT TO FILE A LIST OF EQUITY SECURITY HOLDERS AND PROVIDE NOTICE DIRECTLY TO EQUITY SECURITY HOLDERS

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**at 4:00 p.m. (Eastern Time).** If no objections are filed to the Motion, the Court may enter an order approving the relief requested in the Motion on a final basis without further notice or hearing.

3. The Debtors are authorized pursuant to section 105(a) of the Bankruptcy Code, Bankruptcy Rule 1007(d), and Local Rule 1007-1 to submit a Consolidated Creditor Matrix; *provided* that if any of these chapter 11 cases converts to a case under chapter 7 of the Bankruptcy Code, each applicable Debtor shall file its own creditor mailing matrix within fourteen (14) days of any such conversion.

4. The Debtors are authorized, on an interim basis, to submit a single consolidated list of their thirty (30) largest unsecured creditors in lieu of a separate list for each Debtor.

5. The Debtors are authorized, on an interim basis, pursuant to section 107(c) of the Bankruptcy Code, to redact on the Consolidated Creditor Matrix, Schedules and Statements, or other documents filed with the Court, the names, home, and email addresses of all natural persons. For the avoidance of doubt, the foregoing is applicable to (a) the names, home addresses, and email addresses of all natural persons who are United States citizens located in the United States, (b) all personally identifiable information of minors, and (c) the names, home addresses, email addresses, and other Personal Data of any natural person whose personally identifiable information has been provided to or is processed by an organization with an establishment in the United Kingdom or a European Economic Area member state. The Debtors shall provide an unredacted version of the

(Page | 6)

Debtors: INVITAE CORPORATION, *et al.*

Case No. 24-11362 (MBK)

Caption of Order: INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO (A) FILE A CONSOLIDATED LIST OF CREDITORS IN LIEU OF SUBMITTING A SEPARATE MAILING MATRIX FOR EACH DEBTOR, (B) FILE A CONSOLIDATED LIST OF THE DEBTORS' THIRTY (30) LARGEST UNSECURED CREDITORS, AND (C) REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION AND (II) WAIVING THE REQUIREMENT TO FILE A LIST OF EQUITY SECURITY HOLDERS AND PROVIDE NOTICE DIRECTLY TO EQUITY SECURITY HOLDERS

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Consolidated Creditor Matrix, Schedules and Statements, and any other filings redacted pursuant to this Interim Order to (a) the Court; (b) the U.S. Trustee; (c) counsel to any official committee appointed in these chapter 11 cases; (d) Kurtzman Carson Consultants LLC ("KCC"), the Debtors' Claims and Noticing Agent; and (e) any party in interest upon a request to the Debtors (email is sufficient) or to the Court that is reasonably related to these chapter 11 cases, subject to the restrictions of the HIPAA, UK GDPR, and EU GDPR; *provided* that any receiving party shall not transfer or otherwise provide such unredacted document to any person or entity not party to the request. The Debtors shall inform the U.S. Trustee promptly after denying any request for an unredacted document pursuant to this Interim Order.

6. Nothing herein precludes a party in interest's right to file a motion requesting that the Court unseal the information redacted by this Interim Order.

7. The Debtors shall file a redacted version of the Consolidated Creditor Matrix with the Court as well as post it on the website of KCC, the Claims and Noticing Agent.

8. The Debtors shall cause the Consolidated Creditor Matrix to be made available in readable electronic format (or in non-electronic format) upon reasonable request by parties in interest.

9. The Debtors, through KCC, are authorized, on an interim basis, to serve all pleadings and papers, including the Notice of Commencement, on all parties listed on the

(Page | 7)

Debtors: INVITAE CORPORATION, *et al.*

Case No. 24-11362 (MBK)

Caption of Order: INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO (A) FILE A CONSOLIDATED LIST OF CREDITORS IN LIEU OF SUBMITTING A SEPARATE MAILING MATRIX FOR EACH DEBTOR, (B) FILE A CONSOLIDATED LIST OF THE DEBTORS' THIRTY (30) LARGEST UNSECURED CREDITORS, AND (C) REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION AND (II) WAIVING THE REQUIREMENT TO FILE A LIST OF EQUITY SECURITY HOLDERS AND PROVIDE NOTICE DIRECTLY TO EQUITY SECURITY HOLDERS

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Consolidated Creditor Matrix (including via email if available).

10. Nothing in this Interim Order shall waive or otherwise limit the service of any document upon or the provision of any notice to any party whose personally identifiable information is sealed or redacted pursuant to this Interim Order. Service of all documents and notices upon persons whose personally identifiable information is sealed or redacted pursuant to this Interim Order shall be confirmed in the corresponding certificate of service.

11. The requirement under Bankruptcy Rule 1007(a)(3) to file an Equity List for Debtor Invitae Corporation is waived.

12. Any requirement that Debtor Invitae Corporation provide notice directly to equity security holders under Bankruptcy Rule 2002(d) is waived, and the Debtors are authorized to serve the notices required under Bankruptcy Rule 2002(d) on the registered holders of Debtor Invitae Corporation's equity securities.

13. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Interim Order in accordance with the Motion.

14. The requirement set forth in Local Rule 9013-1(a)(3) that any motion be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Motion or otherwise waived.

15. The Debtors shall serve by regular mail a copy of this Interim Order and the Motion

(Page | 8)

Debtors: INVITAE CORPORATION, *et al.*

Case No. 24-11362 (MBK)

Caption of Order: INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO (A) FILE A CONSOLIDATED LIST OF CREDITORS IN LIEU OF SUBMITTING A SEPARATE MAILING MATRIX FOR EACH DEBTOR, (B) FILE A CONSOLIDATED LIST OF THE DEBTORS' THIRTY (30) LARGEST UNSECURED CREDITORS, AND (C) REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION AND (II) WAIVING THE REQUIREMENT TO FILE A LIST OF EQUITY SECURITY HOLDERS AND PROVIDE NOTICE DIRECTLY TO EQUITY SECURITY HOLDERS

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on all parties required to receive such service pursuant to Local Rule 9013-5(f) within two (2) business days after the entry of this Interim Order.

16. Any party may move for modification of this Interim Order in accordance with Local Rule 9013-5(e).

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

**Exhibit B**

**Proposed Final Order**

Caption in Compliance with D.N.J. LBR 9004-1(b)

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>
In re:  INVITAE CORPORATION, <i>et al.</i> ,  Debtors. <sup>1</sup>

Chapter 11

Case No. 24-11362 (MBK)

(Joint Administration Requested)

---

<sup>1</sup> The last four digits of Debtor Invitae Corporation's tax identification number are 1898. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' proposed claims and noticing agent at [www.kccllc.net/invitae](http://www.kccllc.net/invitae). The Debtors' service address in these chapter 11 cases is 1400 16<sup>th</sup> Street, San Francisco, California 94103.



**FINAL ORDER (I) AUTHORIZING THE DEBTORS  
TO (A) FILE A CONSOLIDATED LIST OF CREDITORS  
IN LIEU OF SUBMITTING A SEPARATE MAILING MATRIX  
FOR EACH DEBTOR, (B) FILE A CONSOLIDATED LIST OF THE  
DEBTORS' THIRTY (30) LARGEST UNSECURED CREDITORS, AND  
(C) REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION AND  
(II) WAIVING THE REQUIREMENT TO FILE A LIST OF EQUITY SECURITY  
HOLDERS AND PROVIDE NOTICE DIRECTLY TO EQUITY SECURITY HOLDERS**

The relief set forth on the following pages, numbered three (3) through seven (7), is

**ORDERED.**

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

**KIRKLAND & ELLIS LLP**

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(Page | 3)

Debtors: INVITAE CORPORATION, *et al.*

Case No. 24-11362 (MBK)

Caption of Order: FINAL ORDER (I) AUTHORIZING THE DEBTORS TO (A) FILE A CONSOLIDATED LIST OF CREDITORS IN LIEU OF SUBMITTING A SEPARATE MAILING MATRIX FOR EACH DEBTOR, (B) FILE A CONSOLIDATED LIST OF THE DEBTORS' 30 LARGEST UNSECURED CREDITORS, AND (C) REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION AND (II) WAIVING THE REQUIREMENT TO FILE A LIST OF EQUITY SECURITY HOLDERS AND PROVIDE NOTICE DIRECTLY TO EQUITY SECURITY HOLDERS

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Upon the *Debtors' Motion for Entry of an Interim and Final Orders (I) Authorizing the Debtors to (A) File a Consolidated List of Creditors in Lieu of Submitting a Separate Mailing Matrix for Each Debtor, (B) File a Consolidated List of the Debtors' Thirty (30) Largest Unsecured Creditors, and (C) Redact Certain Personally Identifiable Information and (II) Waiving the Requirement to File a List of Equity Security Holders and Provide Notice Directly to Equity Security Holders* (the "Motion"),<sup>2</sup> of the above-captioned debtors and debtors in possession (collectively, the "Debtors"), for entry of a final order (this "Final Order") (a) authorizing the Debtors to (i) file a consolidated list of the Debtors' thirty (30) largest unsecured creditors in lieu of filing separate creditor lists for each Debtor, (ii) file a consolidated list of creditors in lieu of submitting a separate mailing matrix for each Debtor, and (iii) redact certain personally identifiable information and (b) waiving the requirement to file a list of equity security holders and provide notice directly to equity security holders, all as more fully set forth in the Motion; and upon the First Day Declaration; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey, entered July 23, 1984, and amended on September 18, 2012

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<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

(Page | 4)

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(Simandle, C.J.); and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that sufficient causes exists for the relief set forth herein; and this Court having found that the Debtors' notice of the Motion was appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefore **IT IS HEREBY ORDERED THAT:**

1. The Motion is **GRANTED** on a final basis as set forth herein.
2. The Debtors are authorized pursuant to section 105(a) of the Bankruptcy Code, Bankruptcy Rule 1007(d), and Local Rule 1007-1 to submit a Consolidated Creditor Matrix; *provided* that if any of these chapter 11 cases converts to a case under chapter 7 of the Bankruptcy Code, each applicable Debtor shall file its own creditor mailing matrix within fourteen (14) days of any such conversion.
3. The Debtors are authorized, on a final basis, to submit a single consolidated list of their thirty (30) largest unsecured creditors in lieu of a separate list for each Debtor.
4. The Debtors are authorized, on a final basis, pursuant to section 107(c) of the

(Page | 5)

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Bankruptcy Code, to redact on the Consolidated Creditor Matrix, Schedules and Statements, or other documents filed with the Court, the names, home, and email addresses of all natural persons.

For the avoidance of doubt, the foregoing is applicable to (a) the names, home addresses, and email addresses of all natural persons who are United States citizens located in the United States, (b) all personally identifiable information of minors, and (c) the names, home addresses, email addresses, and other Personal Data of any natural person whose personally identifiable information has been provided to or is processed by an organization with an establishment in the United Kingdom or a European Economic Area member state. The Debtors shall provide an unredacted version of the Consolidated Creditor Matrix, Schedules and Statements, and any other filings redacted pursuant to this Final Order to (a) the Court; (b) the U.S. Trustee; (c) counsel to any official committee appointed in these chapter 11 cases; (d) Kurtzman Carson Consultants LLC ("KCC"), the Debtors' Claims and Noticing Agent; and (e) any party in interest upon a request to the Debtors (email is sufficient) or to the Court that is reasonably related to these chapter 11 cases, subject to the restrictions of the HIPAA, UK GDPR, and EU GDPR; *provided* that any receiving party shall not transfer or otherwise provide such unredacted document to any person or entity not party to the request. The Debtors shall inform the U.S. Trustee promptly after denying any request for an unredacted document pursuant to this Final Order.

5. Nothing herein precludes a party in interest's right to file a motion requesting that

(Page | 6)

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the Court unseal the information redacted by this Final Order.

6. The Debtors shall file a redacted version of the Consolidated Creditor Matrix with the Court as well as post it on the website of KCC, the Claims and Noticing Agent.

7. The Debtors shall cause the Consolidated Creditor Matrix to be made available in readable electronic format (or in non-electronic format) upon reasonable request by parties in interest.

8. The Debtors, through KCC, are authorized, on a final basis, to serve all pleadings and papers, including the Notice of Commencement, on all parties listed on the Consolidated Creditor Matrix (including via email if available).

9. Nothing in this Final Order shall waive or otherwise limit the service of any document upon or the provision of any notice to any party whose personally identifiable information is sealed or redacted pursuant to this Final Order. Service of all documents and notices upon persons whose personally identifiable information is sealed or redacted pursuant to this Final Order shall be confirmed in the corresponding certificate of service.

10. The requirement under Bankruptcy Rule 1007(a)(3) to file an Equity List for Debtor Invitae Corporation is waived.

11. Any requirement that Debtor Invitae Corporation provide notice directly to equity security holders under Bankruptcy Rule 2002(d) is waived, and the Debtors are authorized to serve

(Page | 7)

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the notices required under Bankruptcy Rule 2002(d) on the registered holders of Debtor Invitae Corporation's equity securities.

12. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Final Order in accordance with the Motion.

13. The requirement set forth in Local Rule 9013-1(a)(3) that any motion be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Motion or otherwise waived.

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