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

In re:

INVITAE CORPORATION, *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11362 (MBK)

(Jointly Administered)

**DEBTORS' JOINDER TO DEERFIELD PARTNERS, L.P.'S
MOTION TO COMPEL DEPOSITION AND PRODUCTION
OF DOCUMENTS BY BAKER BROS. ADVISORS LP**

¹ 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' claims and noticing agent at www.kccllc.net/invitae. The Debtors' service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.



The above-captioned debtors and debtors in possession (collectively, the “Debtors”) hereby file this joinder to *Deerfield Partners L.P.’s Motion to Compel Deposition and Production of Documents by Baker Bros. Advisors LP* [Docket No. 646] (the “Motion to Compel”) filed by Deerfield Partners L.P. (“Deerfield”).¹ In support hereof, the Debtors state as follows:

1. On May 21, 2024, the Committee filed its Standing Motion and proposed complaint. The hearing on the Standing Motion is scheduled for July 9, 2024.

2. As the Debtors will explain in their forthcoming opposition to the Standing Motion, the Standing Motion is deeply flawed and should be denied. Seeking to avoid this fate, the Committee—whose counsel represented an ad hoc group of unsecured noteholders prepetition of which Baker was a member—injected Baker into the middle of this dispute by referring to Baker more than 30 times in its proposed complaint. Baker is also a notable figure in this dispute because it participated in (and benefitted from) the same March Exchange that the Committee seeks to challenge in its Standing Motion.

3. The Debtors understand that, despite Baker’s actions playing a central role in the Committee’s proposed complaint, and despite not denying that it possesses information relevant to the Standing Motion, Baker has not provided any information in response to the Subpoena. Given the breadth of Rule 26 of the Federal Rules of Civil Procedure, as made applicable to contested matters by Bankruptcy Rule 9104, and given Baker’s role in this dispute, Baker has no valid grounds to avoid compliance with the Subpoena. Accordingly, the Debtors join in and incorporate by reference the arguments in Deerfield’s Motion to Compel.

¹ Capitalized terms used but not defined herein shall have the meaning ascribed to them in the Motion to Compel.

CONCLUSION

4. For the foregoing reasons, the Debtors respectfully join the in the Motion to Compel requesting that the Court grant the relief requested therein.

Dated: June 19, 2024

/s/ Michael D. Sirota

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