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Co-Counsel to the Plan Administrator and Debtors

**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)

Hearing Date: September 26, 2024 @ 10:00 a.m. ET

Obj. Deadline: September 19, 2024

**Oral Argument Waived Unless Objections Timely
Filed**

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 <https://www.veritaglobal.net/invitae>. The Debtors' service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.



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**NOTICE OF PLAN ADMINISTRATOR'S MOTION FOR ENTRY OF AN ORDER
(A) APPROVING THE (I) OMNIBUS CLAIMS OBJECTION PROCEDURES AND
FORM OF NOTICE, (II) OMNIBUS SUBSTANTIVE CLAIMS OBJECTIONS, AND
(III) SATISFACTION PROCEDURES AND FORM OF NOTICE, AND (B) WAIVING
BANKRUPTCY RULE 3007(e)**

PLEASE TAKE NOTICE that on September 26, 2024 at 10:00 a.m. (ET), or as soon thereafter as counsel may be heard, the Plan Administrator for the above-captioned wind-down debtors (collectively, the "Debtors"), by and through their undersigned counsel, shall move (the "Motion") before the Honorable Michael B. Kaplan, Chief United States Bankruptcy Judge, in Courtroom #8 of the United States Bankruptcy Court for the District of New Jersey (the "Bankruptcy Court"), 402 East State Street, Trenton, New Jersey 08608, or such other physical or virtual location as may be determined by the Court, for entry of an order, substantially in the form submitted herewith.

PLEASE TAKE FURTHER NOTICE the Motion sets forth the relevant factual bases upon which the relief requested should be granted. A Proposed Order granting the relief requested in the Motion is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion shall: (i) be in writing, (ii) state with particularity the basis of the objection; (iii) conform with the Bankruptcy Court's *Order Establishing Certain Notice, Case Management, and Administrative Procedures* [Docket No. 62] (the "Case Management Order"), and (iv) be filed with the Clerk of the United States Bankruptcy Court electronically by attorneys who regularly practice before the Bankruptcy Court in accordance with the General Order Regarding Electronic Means for Filing Signing, and Verification of Documents dated March 27, 2002 (the "General Order") and the Commentary Supplementing Administrative Procedures dated as of March 2004 (the "Supplemental Commentary") (the General Order, the Supplemental Commentary and the

User's Manual for the Electronic Case Filing System can be found at www.njb.uscourts.gov, the official website for the Bankruptcy Court) and, by all other parties-in-interest, on CD-ROM in Portable Document Format (PDF), and shall be served in accordance with the General Order and the Supplemental Commentary, so as to be received no later than seven (7) days before the hearing date set forth above.

PLEASE TAKE FURTHER NOTICE that unless responses are timely filed and served, the Motion shall be decided on the papers in accordance with D.N.J. LBR 9013-3(d), and the relief requested may be granted without further notice or hearing.

PLEASE TAKE FURTHER NOTICE that copies of all documents filed in these chapter 11 cases may be obtained free of charge by visiting the website of Kurtzman Carson Consultants LLC at <https://veritaglobal.net/invitae>. You may also obtain copies of any pleadings by visiting the Court's website at www.njb.uscourts.gov in accordance with the procedures and fees set forth therein.

<p>If you have any questions regarding this notice,</p> <p>please call (866) 967-0263 (domestic) or +1 (310) 751-2663 (international),</p> <p>or submit an inquiry via https://veritaglobal.net/invitae.</p>
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Dated: August 30, 2024

/s/ Michael D. Sirota

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INVITAE CORPORATION, *et al.*,

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Chapter 11

Case No. 24-11362 (MBK)

(Jointly Administered)

**PLAN ADMINISTRATOR'S MOTION FOR
ENTRY OF AN ORDER (A) APPROVING THE (I) OMNIBUS
CLAIMS OBJECTION PROCEDURES AND FORM OF NOTICE, (II) OMNIBUS
SUBSTANTIVE CLAIMS OBJECTION, AND (III) SATISFACTION PROCEDURES
AND FORM OF NOTICE, AND (B) WAIVING BANKRUPTCY RULE 3007(e)**

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 <https://www.veritaglobal.net/invitae>. The Debtors' service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.

TO THE HONORABLE MICHAEL B. KAPLAN,
CHIEF UNITED STATES BANKRUPTCY JUDGE:

Andrew Spirito, as the Plan Administrator (the “Plan Administrator”) in the above-referenced chapter 11 cases (the “Chapter 11 Cases”), hereby files this *Plan Administrator’s Motion for Entry of an Order (A) Approving (I) Omnibus Claims Objection Procedures and Form of Notice, (II) Omnibus Substantive Claims Objections, and (III) Satisfaction Procedures and Form of Notice and (B) Waiving Bankruptcy Rule 3007(e)* (the “Motion”). In support of the Motion, the Plan Administrator respectfully represents as follows:

Relief Requested

1. The Plan Administrator seeks entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”): (a) approving the objection procedures described herein; (b) authorizing the Plan Administrator to assert substantive objections to “claims” (collectively, “Claims”) as that term is defined in section 101(5) of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”), including requests for payment of administrative expense claims (collectively, “Administrative Claims”), in an omnibus format pursuant to rules 3007(c) and (d) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”); (c) approving the satisfaction procedures and form of notice described herein; and (d) waiving Bankruptcy Rule 3007(e)(6).

Jurisdiction and Venue

2. The United States Bankruptcy Court for the District of New Jersey (the “Court”) 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 September 18, 2012 (Simandle, C.J.). The Plan Administrator confirms its 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) and 502(a) of Bankruptcy Code, Bankruptcy Rule 3007, and Rules 3007-1, 3007-2 and 9013-1 of the Local Rules of the United States Bankruptcy Court for the District of New Jersey (the “Local Rules”).

Background

5. On February 13, 2024 (the “Petition Date”), each Debtor (collectively, the “Debtors”) filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

6. These Chapter 11 Cases are being jointly administered under lead Case No. 24-11362.

7. On March 1, 2024, the United States Trustee for the District of New Jersey (the “U.S. Trustee”) appointed an official committee of unsecured creditors pursuant to section 1102 of the Bankruptcy Code (the “Committee”) [Docket No. 131].

8. On August 2, 2024, the Court entered the *Findings of Fact, Conclusions of Law, and Order Confirming the Third Amended Joint Plan of Invitae Corporation and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 913] (the “Confirmation Order”) confirming the *Third Amended Joint Plan of Invitae Corporation and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 909] (the “Plan”).²

9. On August 7, 2024, the Effective Date (as defined in the Plan) occurred and the Plan Administrator was appointed. *See Notice of (A) Entry of the Order Confirming the Third*

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Plan.

Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 932].

Claims Reconciliation Process

10. On March 18, 2024, the Court entered the *Order (I) Setting Bar Dates for Submitting Proofs of Claim, Including Requests for Payment Under Section 503(B)(9), (II) Establishing an Amended Schedules Bar Date and a Rejection Damages Bar Date, (III) Approving the Form, Manner, and Procedures for Filing Proofs of Claim, and (IV) Approving Notice Thereof* [Docket No. 189] (the “Bar Date Order”) establishing certain dates and deadlines for filing proofs of Claims (collectively, the “Proofs of Claim”) in these Chapter 11 Cases. The Bar Date Order established (a) April 15, 2024 at 4:00 p.m. (prevailing Eastern Time) as the last date and time for certain creditors other than governmental units to file Proofs of Claim based on prepetition Claims against any Debtor (the “Claims Bar Date”), (b) August 11, 2024 at 4:00 p.m. (prevailing Eastern Time) as the last date and time for each governmental unit to file Proofs of Claim against any Debtor (the “Governmental Bar Date”), (c) the later of (i) the applicable Bar Date and (ii) any date this Court may fix in the applicable order authorizing rejection of any executory contract or unexpired lease of the Debtors and, if no such date is provided, thirty (30) calendar days from the date of entry of such order, as the deadline by which claimants asserting Claims resulting from the Debtors’ rejection of an executory contract or unexpired lease must file Proofs of Claim for damages arising from such rejection, and (d) at least thirty (30) calendar days from the date on which the Debtors provided notice of an amendment or supplement to the Schedules (as defined below), as the deadline for when claimants holding Claims that the filing, amendment, or supplement affected must file Proofs of Claim with respect to such claim.

11. On March 18, 2024, the Debtors filed: the Schedules of Assets and Liabilities of: Invitae Corporation (Case No. 24-11362) [Docket No. 202] (as amended by Docket No. 311), ArcherDX Clinical Services, Inc. (Case No. 24-11363) [Docket No. 203] (as amended by Docket No. 312); ArcherDX, LLC (Case No. 24-11364) [Docket No. 204] (as amended by Docket No. 313), Genetic Solutions LLC (Case No. 24-11365) [Docket No. 205] (as amended by Docket No. 315), Genosity, LLC (Case No. 24-11361) [Docket No. 206] (as amended by Docket No. 314), and Ommdom Inc. (Case No. 24-11366) [Docket No. 207] (as amended by Docket No. 316) (collectively and as may be amended from time to time, the “Schedules”) pursuant to Bankruptcy Rule 1007.

12. On March 31, 2024, the Debtors caused the Bar Date Notice (as defined in the Bar Date Order) to be published in the *New York Times*, as set forth in the proof of publication filed at Docket No. 235. With the assistance of Verita Global (the “Claims and Noticing Agent”), the Debtors also served the Bar Date Order and a Proof of Claim Form by email and/or first-class mail in accordance with the procedures set forth in the *Order Establishing Certain Notice, Case Management, and Administrative Procedures* [Docket No. 62] (the “Case Management Order”) on:

- a. the Master Service List (as defined in the Case Management Order);
- b. all known creditors and other known holders of potential Claims against the Debtors as of the date of entry of the Bar Date Order, including all persons or entities listed in the Schedules for which the Debtors have mailing addresses or email addresses;
- c. all entities that have filed Proofs of Claim in these Chapter 11 Cases as of the date of entry of the Bar Date Order;
- d. all entities that have filed pleadings in these Chapter 11 Cases as of entry of the Bar Date Order, whether or not such party has filed a notice of appearance;

- e. all known non-Debtor equity and interest holders of the Debtors as of the date of entry of the Bar Date Order;
- f. all entities who are party to executory contracts and unexpired leases with the Debtors;
- g. all entities who are party to litigation with the Debtors;
- h. all current and former employees (to the extent that contact information for former employees is available in the Debtors' records);
- i. all regulatory authorities that regulate the Debtors' businesses, including consumer protection, environmental, and permitting authorities;
- j. the indenture trustee for the Debtors' 2.00% convertible senior unsecured notes due 2024 and 1.50% convertible senior unsecured notes due 2028; and counsel thereto; and
- k. all taxing authorities for the jurisdictions in which the Debtors maintain or conduct business.

The Bar Date Notice and Proof of Claim Forms were also published on the Debtors' case website maintained by the Claims and Noticing Agent at <https://veritaglobal.net/invitae>.

13. As of the date hereof, over 1,300 Proofs of Claim have been filed against the Debtors. The Debtors, prior to the Effective Date, and the Plan Administrator following Effective Date, together with their advisors, have commenced the Claims reconciliation process and anticipate that they will object to a substantial number of Proofs of Claim asserted against the Debtors in accordance with Bankruptcy Rule 3007(d), which authorizes the Debtors to object to multiple Claims in an omnibus fashion based on certain enumerated grounds, and on additional grounds not set forth in Bankruptcy Rule 3007(d). It would be time-consuming for the Plan Administrator to prepare and file individual pleadings for each objection not specifically set forth in Bankruptcy Rule 3007(d). Authority to object to multiple Proofs of Claim in an omnibus format on grounds other than those set forth in Bankruptcy Rule 3007(d) will ease the administrative and financial burden associated with the Claims reconciliation process. Accordingly, the Plan

Administrator requests authority to file omnibus objections in accordance with the relief sought herein as well as to provide notices of satisfaction to claimants asserting Claims that have been satisfied in full.

Proposed Objection Procedures

14. The Plan Administrator seeks approval of the procedures attached as Exhibit 1 to the Proposed Order (the “Objection Procedures”) to expedite and complete the Claims reconciliation process in a timely, efficient, and cost-effective manner. The Objection Procedures describe the key aspects of the Plan Administrator’s proposed Claims objection process, such as (a) the form of omnibus objection (each, an “Omnibus Objection”), (b) the types of exhibits and supporting documentation that will be included with each Omnibus Objection, (c) the form of notice that will be provided to affected creditors (the “Objection Notice”), substantially in the form attached as Exhibit 2 to the Proposed Order³, (d) information for creditors on how they may attempt to resolve informally the objection to their Claim or file a formal response to the objection to their Claim, (e) the implications of failing to resolve or respond to such objection timely, and (f) information relating to filing replies, obtaining discovery, and hearings. The Objection Procedures and the Objection Notice will contain the procedural safeguards for Omnibus Objections set forth in Bankruptcy Rule 3007(e)(1)–(e)(5) to protect the due process rights of creditors.

Proposed Satisfaction Procedures

15. The Plan Administrator also seeks approval of the procedures for filing and serving notices of satisfaction of Claims set forth in Exhibit 3 to the Proposed Order (the “Satisfaction”

³ The Objection Notice generally will be in the form set forth as Exhibit 2 to the Proposed Order and will contain all information included in the standard form pursuant to Local Rule 3007-2, but it may be tailored to address issues specific to particular creditors, Claims, or objections, as necessary and appropriate.

Procedures”), which will further streamline the Claims reconciliation process. The form of notice of satisfaction, attached as Exhibit 4 to the Proposed Order (the “Notice of Satisfaction”),⁴ will comply with the Satisfaction Procedures. The Satisfaction Procedures provide information about objecting to the Notice of Satisfaction and/or filing a formal response thereto as well as the implications of failing to object or respond to such Notice of Satisfaction in timely manner and in accordance with the procedures. The Notice of Satisfaction will notify certain claimants of the Plan Administrator’s belief that their Claims have been satisfied in full pursuant to the Debtors’ books and records, a Court Order, or otherwise, and state that their Claims will be expunged from the Claims Register as a result of their satisfaction, subject to the Response procedures set forth therein.

16. The Plan Administrator has incorporated safeguards into the Satisfaction Procedures and the Notice of Satisfaction to protect the due process rights of creditors. For example, the Notice of Satisfaction will include (a) the name of the claimant or Reference Number, as applicable, (b) the Proof of Claim number (if applicable), (c) the amount for which each particular Claim has been satisfied, to the extent applicable, and (d) the response deadline and procedures for responding to the Notice of Satisfaction.

Relief Pursuant to Bankruptcy Rule 3007(c)

17. Although the Plan Administrator expects to object to a number of Claims on the grounds enumerated in Bankruptcy Rule 3007(d), certain Claims necessitate objections on additional grounds not set forth expressly therein (collectively, the “Additional Grounds”). The Additional Grounds include the following or grounds similar thereto:

⁴ The Notice of Satisfaction generally will be in the form set forth as Exhibit 4 to the Proposed Order, but it may be tailored to address issues specific to particular creditors, Claims, or objections, as necessary and appropriate.

- a. the Claims are inconsistent with the Debtors' books and records;
- b. the Claims fail to specify the asserted claim amount (or only list the claim amount as "unliquidated");
- c. the Claims fail to sufficiently specify the basis for the claim or provide sufficient supporting documentation in support of such claim; *provided, however* that the Plan Administrator shall be required to submit at least one request for additional information to the claimant prior to objecting on this ground;
- d. the Claims seek recovery of amounts for which the Debtors are not liable;
- e. the Claims are classified incorrectly or improperly;
- f. the Claims are disallowed pursuant to section 502 of the Bankruptcy Code;
- g. the Claims have been satisfied in full by a party that is not a Debtor;
- h. the Claims are subject to satisfaction by one or more of the Debtors' insurers with a legal obligation to satisfy such claim; and
- i. the Claims have been withdrawn formally by the claimant pursuant to either a pleading or an order of the Court.

The Plan Administrator seeks authority to object to multiple Claims on the Additional Grounds outlined above in an Omnibus Objection pursuant to Bankruptcy Rules 3007(c) and (d). This will allow the Plan Administrator to minimize the cost, confusion, and delay associated with preparing and filing individual objections on a Claim-by-Claim basis.

18. Waiver of Bankruptcy Rule 3007(e)(6) will further minimize costs and enable the Plan Administrator to execute an efficient and expedient Claims resolution process which will permit the Plan Administrator to make distributions more quickly. Over 1,300 Proofs of Claim have been filed, which makes the limitations imposed under Bankruptcy Rule 3007(e)(6) burdensome and counterproductive. Adherence to this rule would lead to redundancies and an unnecessary use of estate resources. This could create unintended and unforeseeable issues for creditors with multiple Claims as well as complicate the Court's docket. The relief requested

herein is intended to maximize value without sacrificing the procedural safeguards contained in Bankruptcy Rule 3007(e) and the additional protections set forth in the Objection Procedures.

Basis for Relief Requested

19. Section 502(a) of the Bankruptcy Code provides that “[a] claim or interest, proof of which is filed under section 501 of this title, is deemed allowed, unless a party in interest . . . objects.” 11 U.S.C. § 502(a). Bankruptcy Rule 3001 states that “a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim.” *See* Fed. R. Bankr. P. 3001. Under section 1111(a) of the Bankruptcy Code, scheduled claims are treated as Proofs of Claim. *See* 11 U.S.C. § 1111(a) (“A proof of claim . . . is deemed filed under section 501 of this title for any claim . . . that appears in the schedules . . . except a claim . . . that is scheduled as disputed, contingent, or unliquidated.”). As such, the Plan Administrator must review and reconcile all Claims as part of the Claims reconciliation process.

20. In addition to the grounds enumerated in Bankruptcy Rule 3007(d) for filing Omnibus Objections to claims, Bankruptcy Rule 3007(e) affords the Court discretion to authorize Omnibus Objections based upon grounds beyond those explicitly delineated by Bankruptcy Rule 3007(d). *See* Fed. R. Bankr. P. 3007(c) (“Unless otherwise ordered by the court or permitted by subdivision (d), objections to more than one Claim shall not be joined in a single objection.”). Section 105(a) of the Bankruptcy Code provides that a bankruptcy court may “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions [of the Bankruptcy Code].” 11 U.S.C. § 105(a). The Third Circuit has construed this provision to give bankruptcy courts “broad authority” to provide appropriate equitable relief to assure the orderly conduct of reorganization proceedings. *In re Nortel Networks, Inc.*, 532 B.R. 494, 554 (Bankr. D. Del. 2015) (citing *In re Combustion Eng’g, Inc.*, 391 F.3d 190, 236 (3d Cir. 2004)); *see also Official Comm.*

of Unsecured Creditors of Cybergenics Corp. ex rel. Cybergenics Corp. v. Chinery, 330 F.3d 548, 568 (3d Cir. 2003) (en banc) (noting bankruptcy court’s equitable power to “craft flexible remedies that, while not expressly authorized by the Code, effect the result the Code was designed to obtain.”); *In re Morristown & Erie R.R. Co.*, 885 F.2d 98, 100 (3d Cir. 1990) (noting that section 105(a) of the Bankruptcy Code is a powerful and versatile tool); *Comm. of Equity Sec. Holders v. Lionel Corp. (In re Lionel Corp.)*, 722 F.2d 1063, 1069 (2d Cir. 1983) (“[A] bankruptcy judge must have substantial freedom to tailor his orders to meet differing circumstances.”); *In re Keene Corp.*, 168 B.R. 285, 292 (Bankr. S.D.N.Y. 1994).

21. It is within the Court’s power under section 105(a) of the Bankruptcy Code and Bankruptcy Rule 3007, to authorize the Plan Administrator to file Omnibus Objections consistent with the Objection Procedures and send Notices of Satisfaction consistent with the Satisfaction Procedures. Bankruptcy Rule 3007(c) contemplates an order modifying the limitation set forth therein on joining claims in a single objection, which is what the Plan Administrator seeks authority to do pursuant to the relief requested in this Motion. Bankruptcy Rule 3007(d) already allows multiple claims against different entities to be included in one omnibus objection. The Plan Administrator merely seeks to add to the circumstances under which omnibus objections are filed for administrative convenience.

22. Authorizing the Plan Administrator to file Omnibus Objections consistent with the Objection Procedures is an appropriate use of the Court’s power under section 105(a) of the Bankruptcy Code and conforms to the spirit of Bankruptcy Rule 3007 to balance the due process rights of creditors with the efficient administration of large and complex Chapter 11 cases.

23. The proposed Objection Procedures provide a cost-effective and efficient framework for the careful review, prosecution, and reconciliation of Claims by, among other

things, (a) providing greater certainty in administering the objection process, (b) promoting the consensual resolution of Claims objections or, alternatively, establishing efficient fair mechanisms to settle Claims objections, and (c) reducing the cost, time, and delay of prosecuting Claims objections. The proposed Objection Procedures also respect creditors' due process rights by implementing the safeguards set forth for Omnibus Objections already authorized under Bankruptcy Rule 3007(e) and requiring service of the Objection Notice on affected creditors in full compliance with the due process requirements of the Bankruptcy Code and Bankruptcy Rules (except Bankruptcy Rule 3007(e)(6)). Each notice will contain information about how affected creditors can resolve objections to Claims formally and informally and will include the deadline to file responses to the applicable Omnibus Objections. The notices will also have a customized schedule attached thereto that will reference the claimant's specific Claim that is subject to an objection or could be deemed satisfied. Therefore, the proposed Claims reconciliation process will exceed what is required in Bankruptcy Rule 3007 and the Bankruptcy Code.

24. Similarly, if the Plan Administrator is allowed to object to Claims on Additional Grounds in an omnibus format and include more than 100 Claims in an Omnibus Objection, he will be more efficient and cost-effective in administering the Claims resolution process. The relief requested will save the Plan Administrator from the added time and expense of filing potentially hundreds of individual claim objections. The claims objection process will be well-organized, and all parties in interest will benefit from a streamlined filing process that will result in fewer pleadings, fewer hearings, and greater efficiency. Ultimately, through a well-organized process, estate value will be preserved, and fewer resources will be spent reconciling Claims.

25. Further, the Notice of Satisfaction will bring certainty to the Claims resolution process, which will involve reconciling the Proofs of Claim for the Plan Administrator. Such

notice and Satisfaction Procedures will allow claimants to know when their Claims have been satisfied in accordance with the Bankruptcy Code and can reduce needless litigation and uncertainty around whether and when such Claims have been resolved on a final basis.

26. The relief sought herein is consistent with similar claims objection procedures approved in other large Chapter 11 cases, including by this Court. *See, e.g., In re Cyxtera Techs., Inc.*, No. 23-14853 (JKS) (Bankr. D.N.J. July 17, 2024); *In re WeWork Inc.*, No. 23-19865 (JKS) (Bankr. D.N.J. May 8, 2024); *In re BlockFi Inc., et al.*, Case No. 22-19361 (MBK) (Bankr. D.N.J. Mar. 13, 2023); *In re RTW Retailwinds, Inc., et al.*, Case No. 20-18445 (JKS) (Bankr. D.N.J. Feb. 22, 2021); *In re Revlon, Inc., et al.*, Case No. 22-10760 (DSJ) (Bankr. S.D.N.Y. Nov. 29, 2022); *In re HSP Liquidation, LLC*, Case No. 19-11608 (MEW) (Bankr. S.D.N.Y. Dec. 16, 2019). The Plan Administrator believes that the relief requested herein appropriately balances judicial and administrative efficiency with due process rights. Specifically, the procedures and notices preserve and protect Estate assets and are designed to streamline the Claims reconciliation process. Accordingly, the Plan Administrator respectfully request that the Court approve the relief requested herein.

Reservation of Rights

27. Nothing contained in this Motion or any actions taken pursuant to any order granting the relief requested by this Motion is intended or should be construed as: (a) an admission as to the validity of any particular claim against the Debtors; (b) a waiver of the Plan Administrator's rights to dispute any particular claim on any grounds; (c) a promise or requirement to pay any particular claim; (d) an implication or admission that any particular claim is 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 any agreement, contract, or lease pursuant to section 365 of the

Bankruptcy Code; (f) a waiver or limitation of the Plan Administrator's rights under the Bankruptcy Code or any other applicable law; or (g) a concession by the Plan Administrator that any liens (contractual, common law, statutory, or otherwise) satisfied pursuant to the Motion are valid, and the Plan Administrator expressly reserves his rights to contest the extent, validity, or perfection or seek avoidance of all such liens. If the Court grants the relief sought herein, any transfer made pursuant to the Court's order is not intended and should not be construed as an admission as to the validity of any particular claim or a waiver of the Plan Administrator's rights to subsequently dispute such claim.

Waiver of Memorandum of Law

28. The Plan Administrator respectfully requests 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 Plan Administrator relies is set forth herein and the Motion does not raise any novel issues of law.

No Prior Request

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

Notice

30. The Plan Administrator 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, One Newark Center, Suite 2100, Newark, NJ 07102; (b) counsel to the Committee; (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; and (m) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Plan Administrator submits that, in view of the facts and circumstances, such notice is sufficient and no other or further notice need be provided.

WHEREFORE, the Plan Administrator respectfully requests entry of the Proposed Order granting the relief requested herein and such other and further relief as the Court may deem just and appropriate.

[Remainder of page intentionally left blank]

Dated: August 30, 2024

Respectfully Submitted,

/s/ Michael D. Sirota

COLE SCHOTZ P.C.

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Co-Counsel to the Plan Administrator and Debtors

EXHIBIT A

Proposed Order

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
In re: INVITAE CORPORATION, <i>et al.</i> , Debtors. ¹	Chapter 11 Case No. 24-11362 (MBK) (Jointly Administered)

**ORDER GRANTING PLAN
ADMINISTRATOR’S MOTION FOR ENTRY OF AN
ORDER (A) APPROVING THE (I) OMNIBUS CLAIMS OBJECTION
PROCEDURES AND FORM OF NOTICE, (II) OMNIBUS SUBSTANTIVE
CLAIMS OBJECTIONS, AND (III) SATISFACTION PROCEDURES
AND FORM OF NOTICE AND (B) WAIVING BANKRUPTCY RULE 3007(e)**

The relief set forth on the following pages, numbered three (3) through six (6) is
ORDERED.

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 <https://www.veritaglobal.net/invitae>. The Debtors’ service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.

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

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Co-Counsel to the Plan Administrator and Debtors

(Page 3)

Debtors: Invitae Corporation

Case No. 24-11362 (MBK)

Caption of Order: ORDER GRANTING PLAN ADMINISTRATOR'S MOTION FOR ENTRY OF AN ORDER (A) APPROVING THE (I) OMNIBUS CLAIMS OBJECTION PROCEDURES AND FORM OF NOTICE, (II) OMNIBUS SUBSTANTIVE CLAIMS OBJECTION, AND (III) SATISFACTION PROCEDURES AND FORM OF NOTICE AND (B) WAIVING BANKRUPTCY RULE 3007(e)

Upon consideration of the *Plan Administrator's Motion for Entry of an Order (A) Approving (I) Omnibus Claims Objection Procedures and Form of Notice, (II) Omnibus Substantive Claims Objections, and (III) Satisfaction Procedures and Form of Notice and (B) Waiving Bankruptcy Rule 3007(e)* (the "Motion")²; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 157 and Standing Order 12-1 (Simandle, C.J.), *Standing Order of Reference to the Bankruptcy Court Under Title 11*, dated September 18, 2012; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided; and it appearing that no other or further notice need be provided; and it appearing that no other or further notice of the Motion need be provided; and the Court having held a hearing to consider the relief requested in the Motion (the "Hearing"); and all objections, if any, to the Motion having been withdrawn, resolved, or overruled; and the Court having found and determined that the relief sought in the Motion is in the best interests of the Debtors, their respective estates and creditors, and all 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 upon the record of the Hearing, and all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor,

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

(Page 4)

Debtors: Invitae Corporation

Case No. 24-11362 (MBK)

Caption of Order: ORDER GRANTING PLAN ADMINISTRATOR'S MOTION FOR ENTRY OF AN ORDER (A) APPROVING THE (I) OMNIBUS CLAIMS OBJECTION PROCEDURES AND FORM OF NOTICE, (II) OMNIBUS SUBSTANTIVE CLAIMS OBJECTION, AND (III) SATISFACTION PROCEDURES AND FORM OF NOTICE AND (B) WAIVING BANKRUPTCY RULE 3007(e)

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. Notwithstanding anything to the contrary in the Bankruptcy Code, the Bankruptcy Rules, or the Local Rules, and pursuant to Bankruptcy Rule 3007(c), the Plan Administrator may file Omnibus Objections that include objections to Claims (including requests for payment of Administrative Claims) on any basis provided for in Bankruptcy Rule 3007(d) and/or the Additional Grounds.
3. Notwithstanding anything to the contrary in the Bankruptcy Code, the Bankruptcy Rules, or the Local Rules, the Plan Administrator may object to more than 100 Claims in a single Omnibus Objection on any of the bases set forth in Bankruptcy Rule 3007(d) and/or the Additional Grounds.
4. The Plan Administrator may file and prosecute any Omnibus Objections in accordance with the Objection Procedures attached hereto as **Exhibit 1**, which are approved, and the other procedural safeguards set forth in Bankruptcy Rule 3007(e) except as stated in the preceding paragraph. The Plan Administrator may include scheduled Claims in Omnibus Objections.
5. The form of Objection Notice attached hereto as **Exhibit 2** is approved. The Plan Administrator is authorized to send Objection Notices via first-class mail or electronic mail, as applicable, in accordance with the Objection Procedures.
6. The Satisfaction Procedures attached hereto as **Exhibit 3** are approved.

(Page 5)

Debtors: Invitae Corporation

Case No. 24-11362 (MBK)

Caption of Order: ORDER GRANTING PLAN ADMINISTRATOR'S MOTION FOR ENTRY OF AN ORDER (A) APPROVING THE (I) OMNIBUS CLAIMS OBJECTION PROCEDURES AND FORM OF NOTICE, (II) OMNIBUS SUBSTANTIVE CLAIMS OBJECTION, AND (III) SATISFACTION PROCEDURES AND FORM OF NOTICE AND (B) WAIVING BANKRUPTCY RULE 3007(e)

7. The form of Notice of Satisfaction attached hereto as **Exhibit 4** is approved. The Plan Administrator is authorized to mail or email Notices of Satisfaction via first-class mail or electronic mail in accordance with the Satisfaction Procedures that notify certain claimants of the Plan Administrator's belief that those Claims have been satisfied in full and will be expunged from the Claims Register absent a timely response from the Claim holder. If no response is received timely from the recipient of the Notice of Satisfaction, the Plan Administrator or the Claims and Noticing Agent acting on the Plan Administrator's behalf are authorized to expunge such Claim from the Claims Register and such recipient shall not be treated as a creditor with respect to the Claim for purposes of distribution.

8. The Plan Administrator are authorized to take all steps necessary or appropriate to carry out the relief granted in this Order.

9. The terms, conditions, and provisions of this Order shall be immediately effective and enforceable upon its entry.

10. Nothing contained in this Motion or any actions taken pursuant to any order granting the relief requested by this Motion is intended or should be construed as: (a) an admission as to the validity of any particular claim against the Debtors; (b) a waiver of the Plan Administrator's rights to dispute any particular claim on any grounds; (c) a promise or requirement to pay any particular claim; (d) an implication or admission that any particular claim is 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 any agreement, contract, or lease pursuant to section 365 of the

(Page 6)

Debtors: Invitae Corporation

Case No. 24-11362 (MBK)

Caption of Order: ORDER GRANTING PLAN ADMINISTRATOR'S MOTION FOR ENTRY OF AN ORDER (A) APPROVING THE (I) OMNIBUS CLAIMS OBJECTION PROCEDURES AND FORM OF NOTICE, (II) OMNIBUS SUBSTANTIVE CLAIMS OBJECTION, AND (III) SATISFACTION PROCEDURES AND FORM OF NOTICE AND (B) WAIVING BANKRUPTCY RULE 3007(e)

Bankruptcy Code; (f) a waiver or limitation of the Plan Administrator's rights under the Bankruptcy Code or any other applicable law; or (g) a concession by the Plan Administrator that any liens (contractual, common law, statutory, or otherwise) satisfied pursuant to the Motion are valid, and the Debtors expressly reserve their rights to contest the extent, validity, or perfection or seek avoidance of all such liens. If the Court grants the relief sought herein, any transfer made pursuant to the Court's Order is not intended and should not be construed as an admission as to the validity of any particular claim or a waiver of the Plan Administrator's rights to subsequently dispute such claim.

11. 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 is otherwise waived.

12. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Exhibit 1

Objection Procedures

**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)

PROCEDURES FOR FILING AND SERVING OMNIBUS CLAIMS OBJECTIONS

On [], 2024, the United States Bankruptcy Court for the District of New Jersey (the “Court”) entered its *Order Granting Plan Administrator’s Motion for Entry of an Order (A) Approving (I) Omnibus Claims Objection Procedures and Form of Notice, (II) Omnibus Substantive Claims Objections, and (III) Satisfaction Procedures and Form of Notice and (B) Waiving Bankruptcy Rule 3007(e)* [Docket No. []] (the “Order”)² in the Chapter 11 Cases of the above-captioned wind-down debtors (collectively, the “Debtors”). Among other things, the Order approved these omnibus objection procedures.

Omnibus Objections

1. Grounds for Omnibus Objections. In addition to those grounds expressly set forth in Bankruptcy Rule 3007(d), the Plan Administrator may file omnibus objections (each, an “Omnibus Objection”) to Claims on the grounds that such Claims, in part or in whole:

- a. are inconsistent with the Debtors’ books and records;
- b. fail to specify the asserted Claim amount (or only list the claim amount as “unliquidated”);
- c. fail to sufficiently specify the basis for the Claim or provide sufficient supporting documentation in support of such Claim; *provided, however* that the Plan Administrator shall be required to submit at least one request for additional information to the claimant prior to objecting on this ground;
- d. seek recovery of amounts for which the Debtors are not liable;
- e. are classified incorrectly or improperly;

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 <https://www.veritaglobal.net/invitae>. The Debtors’ service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.

² Capitalized terms used but not defined herein have the meanings given to them in the Order.

- f. are disallowed pursuant to section 502 of the Bankruptcy Code;
- g. has been satisfied in full by a party that is not a Debtor;
- h. are subject to satisfaction by one or more of the Debtors' insurers with a legal obligation to satisfy such Claim; and
- i. has been withdrawn formally by the claimant pursuant to either a pleading or an order of the Court.

2. Form of Omnibus Objection. Each Omnibus Objection will be numbered consecutively regardless of basis.

3. Supporting Documentation. To the extent appropriate, an affidavit or declaration may be provided in connection with an Omnibus Objection from a party with knowledge of the Debtors' books and records and the manner in which they are maintained that states that such party has reviewed the Claims included therein and applicable supporting information and documentation provided therewith, made reasonable efforts to research the Claim on the Debtors' books and records, and determined that the books and records do not reflect the debt or the amount of debt that is alleged in the Claim.

4. Claims Exhibits. An exhibit or exhibits listing the Claims that are subject to the particular Omnibus Objection will be attached thereto. Each exhibit will include only the Claims for which there is a common basis for the objection. Claims that have more than one basis for objection may appear on only one exhibit with reference to all of the bases for objecting to the Claims. The Plan Administrator's right to object to a Claim on an additional basis or bases will not be waived if such Claim has been included on an exhibit to either a previous or the same Omnibus Objection. The exhibits will include the following information and will be alphabetized based claimant:

- a. the Claims that are the subject of the Omnibus Objection and, if applicable, the Proof of Claim number(s) or schedule number(s) related thereto from the Claims Register without disclosing personally identifiable information;
- b. the asserted amount of the Claim, if applicable;
- c. the grounds for the Omnibus Objection;
- d. a cross-reference to the section in the Omnibus Objection discussing such Claim; and
- e. other information, as applicable, including (i) the proposed classification of Claims the Plan Administrator seeks to reclassify, (ii) the reduced Claim amount(s) of Claims the Plan Administrator seeks to reduce, or (iii) the surviving Claims, if any, of groups of Claims the Plan Administrator seeks to expunge.

5. Objection Notice. An objection notice, substantially in the form attached to the

Order as Exhibit 2 (the “Objection Notice”) and containing all information included in the standard form pursuant to Local Rule 3007-2, will accompany each Omnibus Objection to address a particular creditor, Claim, or objection and will include the following:

- a. a description of the basic nature of the Omnibus Objection;
- b. information to claimants that their rights may be affected by the Omnibus Objection and that failure to file a response may result in the Omnibus Objection being granted as to the claimant’s Claim;
- c. procedures for filing a written response (each, a “Response”) to the objection, including all relevant dates and deadlines related thereto;
- d. the hearing date, if applicable, and related information; and
- e. a description of how copies of Proofs of Claim, the Omnibus Objection, and other pleadings filed in the Chapter 11 cases may be obtained.

6. Notice and Service. Each Omnibus Objection will be filed with the Court and served upon (a) the affected claimant party set forth on the Proof of Claim or their respective attorney of record, (b) the U.S. Trustee, and (c) the Committee, and (d) parties that have filed a request for service of papers under Bankruptcy Rule 2002.

7. Omnibus Hearings. Each Omnibus Objection shall be set for hearing no less than thirty (30) days after service of the Omnibus Objection (the “Hearing”). The Plan Administrator may request at the Hearing that the Court enter an order granting the Omnibus Objection with respect to each Claim subject to the Omnibus Objection when either (a) no Response has been filed in accordance with the proposed response procedures with respect to the Claim(s) or (b) a Response has been filed in accordance with the proposed response procedures with respect to the Claim(s), but such Response has been resolved prior to the Hearing. If a Response to an objection to a Claim cannot be resolved and a hearing is determined to be necessary, the Plan Administrator shall file with the Court and serve on the affected claimant(s) a notice of the hearing to the extent the Debtors did not file a notice of hearing previously. The Plan Administrator may adjourn Hearings regarding Omnibus Objections to subsequent hearing dates without further order of the Court in the Plan Administrator’s sole discretion so long as notice is provided to the affected claimant(s).

8. Contested Matter. Each Claim subject to an Omnibus Objection along with any Responses thereto shall constitute a separate contested matter as contemplated in Bankruptcy Rule 9014, and any order that the Court may enter with respect to an Omnibus Objection will be deemed a separate order with respect to such Claim. The Plan Administrator may, in his discretion and in accordance with other orders of this Court or the provisions of the Bankruptcy Code and the Bankruptcy Rules, settle the priority, amount, and validity of such contested Claims without any further notice to or action, order, or approval of the Court.

Responses to Omnibus Objections

9. Resolving Objections. Certain of the Plan Administrator’s advisors will be

available to work with you to discuss and resolve consensually the Objection to your Claim(s) without the need for filing a formal response or attending a hearing. Please contact Felice R. Yudkin, Daniel J. Harris, and Andreas Milliaressis at Cole Schotz P.C., the Plan Administrator's counsel, via e-mail at fyudkin@coleschotz.com, dharris@coleschotz.com, and amilliaressis@coleschotz.com, respectively, within ten (10) calendar days after the date of this notice or such other date as the Debtors may agree in writing. Please have your Proof(s) of Claim and any related material available for any such discussions.

10. Parties Required to File a Response. Any party who disagrees with an Omnibus Objection is required to file a Response in accordance with the procedures set forth herein. If a claimant whose Claim is subject to an Omnibus Objection does not file and serve a Response in compliance with the procedures below, the Court may grant the Omnibus Objection with respect to such Claim without further notice to the claimants.

11. Response Contents. Each Response must contain the following (at a minimum):

- a. a caption stating the name of the Court, the name of the Debtors, the case number, the title of the Omnibus Objection to which the Response is directed, and, if applicable, the Proof of Claim number(s) related thereto from the Claims Register;
- b. a concise statement setting forth the reasons why the Court should not grant the Omnibus Objection with respect to such Claim, including the factual and legal bases upon which the claimant will rely in opposing the Omnibus Objection;
- c. a copy of any other documentation or other evidence of the Claim, to the extent not already included with the Proof of Claim (if applicable), upon which the claimant will rely in opposing the Omnibus Objection; *provided, however,* that the claimant need not disclose confidential, proprietary, or otherwise protected information in the Response; *provided further, however,* that the claimant shall disclose to the Plan Administrator all information and provide copies of all documents that the claimant believes to be confidential, proprietary, or otherwise protected and upon which the claimant intends to rely in support of its Claim, subject to appropriate confidentiality constraints; and
- d. the following contact information for the responding party:
 - i. the name, address, telephone number, and email address of the responding claimant or the claimant's attorney or designated representative to whom the attorneys for the Plan Administrator should serve a reply to the Response, if any; or
 - ii. the name, address, telephone number, and email address of the party with authority to reconcile, settle, or otherwise resolve the Omnibus Objection on the claimant's behalf.

12. Filing and Serving the Response. A Response will be deemed timely only if it is filed with the Court and served on all of the following parties (the “Notice Parties”) so as to be actually received **by or before 4:00 p.m. (prevailing Eastern Time) on the day that is seven (7) calendar days before the Hearing on the Objection(s) and Response(s)** (the “Response Deadline”), unless the Plan Administrator consents to an extension in writing:

- a. Plan Administrator and Debtors’ Counsel. (1) Kirkland & Ellis LLP, 601 Lexington Avenue, New York, New York 10022, Attn: Nicole L. Greenblatt, P.C. (nicole.greenblatt@kirkland.com), Francis Petrie (francis.petrie@kirkland.com), Nikki Gavey (nikki.gavey@kirkland.com), and Olivia Acuna (olivia.acuna@kirkland.com); (2) Kirkland & Ellis LLP, 333 West Wolf Point Plaza, Chicago, Illinois 60654, Attn: Spencer A. Winters, P.C. (spencer.winters@kirkland.com) and William E. Arnault, P.C. (william.arnault@kirkland.com); and (3) Cole Schotz, P.C., Court Plaza North, 25 Main Street, Hackensack, New Jersey 07601, Attn: Felice R. Yudkin, Esq. (fyudkin@coleschotz.com), Daniel J. Harris, Esq. (dharris@coleschotz.com), and Andreas Milliaressis, Esq. (amilliaressis@coleschotz.com);
- b. Committee Counsel. (1) White & Case LLP, 1221 Avenue of the Americas, New York, New York 10020, Attn: J. Christopher Shore, Esq. (cshore@whitecase.com), Harrison Denman, Esq. (harrison.denman@whitecase.com), Andrew Zatz, Esq. (azatz@whitecase.com), Samuel P. Hershey, Esq. (sam.hershey@whitecase.com), Ashley Chase, Esq. (ashley.chase@whitecase.com), and Brett Bakemeyer, Esq. (brett.bakemeyer@whitecase.com); and (2) Porzio, Bromberg & Newman, P.C., 100 Southgate Parkway, P.O. Box 1997, Morristown, New Jersey 07962, Attn: Warren J. Martin Jr., Esq. (wjmartin@pbnlaw.com), John S. Mairo, Esq. (jsmairo@pbnlaw.com), and Christopher P. Mazza, Esq. (cpmazza@pbnlaw.com); and
- c. U.S. Trustee. Office of the United States Trustee for the District of New Jersey, One Newark Center, Suite 2100, Newark, NJ 07102, Attn: Jeffrey Sponder, Esq. (Jeffrey.M.Sponder@usdoj.gov) and Lauren Bielskie, Esq. (Lauren.Bielskie@usdoj.gov).

13. Discovery. If the Plan Administrator determines that discovery is necessary in advance of a hearing on an Omnibus Objection, the Plan Administrator will serve notice on the affected claimant and its counsel of record that the scheduled hearing will be treated as a status conference during which the parties will request that the Court issue a scheduling order to facilitate dismissal or resolution of the litigation. Such notice may be incorporated into the initial agenda letter for the hearing or may be provided in a separate notice.

14. Failure to Respond. A Response that is not filed with the Court and served on the Notice Parties or before the Response Deadline or such other date as agreed with the Plan Administrator, in accordance with the procedures set forth herein, may not be considered at the Hearing before the Court. **Absent reaching an agreement with the Plan Administrator resolving the Omnibus Objection to a Claim, failure to both file and serve a Response timely as set forth herein may result in the Court granting the Omnibus Objection without further**

notice or hearing. Affected creditors will be served with such order once it has been entered.

15. Reply to a Response. The Plan Administrator shall be permitted to file a reply or omnibus reply to any Response or multiple responses, as applicable, no later than two (2) business days before the hearing with respect to the relevant Omnibus Objection.

Miscellaneous

16. Additional Information. Copies of these procedures, the Order, the Motion, or any other pleadings filed in the Debtors' Chapter 11 Cases are available for free online at <https://veritaglobal.net/invitae>. Copies of these documents may also be obtained upon written request to Verita Global, the Debtors' Claims and Noticing Agent by online inquiry via <https://veritaglobal.net/invitae>. You may also obtain copies of any of the documents filed in the Debtors' Chapter 11 cases for a fee via PACER at www.njb.uscourts.gov.

17. Reservation of Rights. NOTHING IN ANY NOTICE SHALL BE DEEMED TO CONSTITUTE A WAIVER OF ANY RIGHTS OF THE PLAN ADMINISTRATOR OR ANY OTHER PARTY IN INTEREST TO DISPUTE ANY CLAIMS, ASSERT COUNTERCLAIMS, RIGHTS OF OFFSET OR RECOUPMENT, DEFENSES, OBJECT TO ANY CLAIMS ON ANY GROUNDS NOT PREVIOUSLY RAISED IN AN OBJECTION (UNLESS THE COURT HAS ALLOWED THE CLAIM OR ORDERED OTHERWISE), OR SEEK TO ESTIMATE ANY CLAIM AT A LATER DATE. AFFECTED PARTIES WILL BE PROVIDED APPROPRIATE NOTICE THEREOF AT SUCH TIME.

[Remainder of page intentionally left blank]

Exhibit 2

Objection Notice

**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)

Hearing Date and Time:

_____, 2024 at __:00 _m. (ET)

Chief Judge Michael B. Kaplan

NOTICE OF OBJECTION TO YOUR CLAIM

PLEASE TAKE NOTICE that Plan Administrator for the above-captioned wind-down debtors (collectively, the “Debtors”) are objecting to your Claim(s)² pursuant to the attached objection (the “Objection”).

YOU SHOULD LOCATE YOUR REFERENCE NUMBER OR CLAIM NUMBER AND YOUR CLAIM(S) ON THE SCHEDULES ATTACHED HERETO. PLEASE TAKE NOTICE THAT YOUR CLAIM(S) MAY BE DISALLOWED, EXPUNGED, RECLASSIFIED, REDUCED, OR OTHERWISE AFFECTED AS A RESULT OF THE OBJECTION. THEREFORE, PLEASE READ THIS NOTICE AND THE ACCOMPANYING OBJECTION VERY CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.

IF YOU HAVE QUESTIONS OR WISH TO RESPOND TO THIS NOTICE, PLEASE CONTACT DEBTORS’ COUNSEL:

**FELICE R. YUDKIN, ESQ.
(201) 525-6261
FYUDKIN@COLESCHOTZ.COM**

**DANIEL J. HARRIS, ESQ.
(201) 525-6202
DHARRIS@COLESCHOTZ.COM**

**ANDREAS MILLIARESSIS, ESQ.
(201) 525-6257
AMILLIARESSIS@COLESCHOTZ.COM**

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 <https://www.veritaglobal.net/invitae>. The Debtors’ service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Objection Procedures.

Important Information Regarding the Objection

Grounds for the Objection. Pursuant to the Objection, the Plan Administrator is seeking to [disallow/expunge/reclassify/reduce] your Claim(s) listed in the table at the end of this notice on the grounds that your Claim(s) [is/are] [____]. The Claim(s) subject to the Objection may also be found on the schedules attached to the Objection, a copy of which has been provided with this notice.

Objection Procedures. On [____], 2024, the United States Bankruptcy Court for the District of New Jersey (the “Court”) entered an order [Docket No. ____] (the “Order”) approving procedures for filing and resolving objections to Claims asserted against the Debtors in the Chapter 11 Cases (the “**Objection Procedures**”), which are attached to the Order at **Exhibit 1**. ***Please review the Objection Procedures carefully to ensure your response to the Objection, if any, is filed and served timely and correctly. You may obtain a copy of the Order as set forth in the Additional Information section below.***

Resolving the Objection(s) to Your Claim(s)

1. **Resolving Objections.** Certain of the Plan Administrator’s advisors will be available to discuss and resolve consensually the Objection to your Claim(s) without the need for filing a formal response or attending a hearing. Please contact Felice R. Yudkin, Daniel J. Harris, and Andreas Milliaressis at Cole Schotz P.C., the Plan Administrator’s counsel, via (a) e-mail at fyudkin@coleschotz.com, dharris@coleschotz.com, and amilliaressis@coleschotz.com, respectively, or (b) telephone at (201) 525-6261 or (201) 525-6202, respectively, within ten (10) calendar days after the date of this notice or such other date as the Debtors may agree in writing. Please have your Proof(s) of Claim and any related material available for any such discussions.

2. **Parties Required to File a Response.** If you are not able to resolve the Objection filed with respect to your Claim(s) as set forth above consensually, you must file a response (each, a “**Response**”) with the Court in accordance with the following procedures:

3. **Response Contents.** Each Response must contain the following (at a minimum):

- a. a caption stating the name of the Court, the name of the Debtors, the case number, the title of the Omnibus Objection to which the Response is directed, and, if applicable, the Proof of Claim number(s) related thereto from the Claims Register;
- b. a concise statement setting forth the reasons why the Court should not grant the Omnibus Objection with respect to such Claim, including the factual and legal bases upon which the claimant will rely in opposing the Omnibus Objection;
- c. a copy of any other documentation or other evidence of the Claim, to the extent not already included with the Proof of Claim (if applicable), upon which the claimant will rely in opposing the Omnibus Objection; *provided, however*, that the claimant need not disclose confidential, proprietary, or

otherwise protected information in the Response; *provided further, however*, that the claimant shall disclose to the Plan Administrator all information and provide copies of all documents that the claimant believes to be confidential, proprietary, or otherwise protected and upon which the claimant intends to rely in support of its Claim, subject to appropriate confidentiality constraints; and

- d. the following contact information for the responding party:
 - i. the name, address, telephone number, and email address of the responding claimant or the claimant's attorney or designated representative to whom the attorneys for the Plan Administrator should serve a reply to the Response, if any; or
 - ii. the name, address, telephone number, and email address of the party with authority to reconcile, settle, or otherwise resolve the Omnibus Objection on the claimant's behalf.

4. Filing and Serving the Response. A Response will be deemed timely only if it is filed with the Court and served on all of the following parties (the "Notice Parties") so as to be actually received **by or before 4:00 p.m. (prevailing Eastern Time) on the day that is seven (7) calendar days before the Hearing (defined below) on the Objection(s) and Response(s)** (the "Response Deadline"), unless the Plan Administrator consents to an extension in writing:

- a. Plan Administrator and Debtors' Counsel. (1) Kirkland & Ellis LLP, 601 Lexington Avenue, New York, New York 10022, Attn: Nicole L. Greenblatt, P.C. (nicole.greenblatt@kirkland.com), Francis Petrie (francis.petrie@kirkland.com), Nikki Gavey (nikki.gavey@kirkland.com), and Olivia Acuna (olivia.acuna@kirkland.com); (2) Kirkland & Ellis LLP, 333 West Wolf Point Plaza, Chicago, Illinois 60654, Attn: Spencer A. Winters, P.C. (spencer.winters@kirkland.com) and William E. Arnault, P.C. (william.arnault@kirkland.com); and (3) Cole Schotz, P.C., Court Plaza North, 25 Main Street, Hackensack, New Jersey 07601, Attn: Felice R. Yudkin, Esq. (fyudkin@coleschotz.com), Daniel J. Harris, Esq. (dharris@coleschotz.com), and Andreas Milliaressis, Esq. (amilliaressis@coleschotz.com);
- b. Committee Counsel. (1) White & Case LLP, 1221 Avenue of the Americas, New York, New York 10020, Attn: J. Christopher Shore, Esq. (cshore@whitecase.com), Harrison Denman, Esq. (harrison.denman@whitecase.com), Andrew Zatz, Esq. (azatz@whitecase.com), Samuel P. Hershey, Esq. (sam.hershey@whitecase.com), Ashley Chase, Esq. (ashley.chase@whitecase.com), and Brett Bakemeyer, Esq. (brett.bakemeyer@whitecase.com); and (2) Porzio, Bromberg & Newman, P.C., 100 Southgate Parkway, P.O. Box 1997, Morristown, New Jersey 07962, Attn: Warren J. Martin Jr., Esq. (wjmartin@pbnlaw.com), John S. Mairo, Esq. (jsmairo@pbnlaw.com), and Christopher P. Mazza, Esq. (cpmazza@pbnlaw.com); and

- c. U.S. Trustee. Office of the United States Trustee for the District of New Jersey, One Newark Center, Suite 2100, Newark, NJ 07102, Attn: Jeffrey Sponder, Esq. (Jeffrey.M.Sponder@usdoj.gov) and Lauren Bielskie, Esq. (Lauren.Bielskie@usdoj.gov).

5. Failure to Respond. A Response that is not filed and served on or before the Response Deadline or such other date as agreed with the Plan Administrator, in accordance with the procedures set forth herein, may not be considered at the Hearing before the Court. **Absent reaching an agreement with the Plan Administrator resolving the Omnibus Objection to a Claim, failure to both file and serve a Response timely as set forth herein may result in the Court granting the Omnibus Objection without further notice or hearing.** Affected creditors will be served with such order once it has been entered.

Hearing on the Objection

6. Date, Time and Location. A hearing (the “Hearing”) on the Objection will be held on [], 2024, at [], prevailing Eastern Time, before the Honorable Michael B. Kaplan, United States Bankruptcy Judge for the District of New Jersey. The Hearing may be conducted virtually using Zoom for Government. To the extent parties wish to present their argument at the hearing conducted using Zoom for Government, a request for “Presenter Status” must be submitted to the Court at least one (1) business day prior to the hearing by emailing Chambers (chambers_of_mbk@njb.uscourts.gov) and providing the following information: (a) name of Presenter, (b) email address of Presenter, (c) Presenter’s affiliation with the case and/or (d) what party or interest the Presenter represents. If the request is approved, the Presenter will receive appropriate Zoom credentials and further instructions via email. The hearing may be adjourned to a subsequent date in these cases in the Court’s or Plan Administrator’s discretion. You must attend the Hearing if you disagree with the Objection and have filed a Response that remains unresolved prior to the Hearing. If such Claims cannot be resolved and a hearing is determined to be necessary, the Plan Administrator shall file with the Court and serve on the affected claimants a notice of the hearing to the extent the Plan Administrator did not file a notice of hearing previously.

7. Discovery. If the Plan Administrator determines that discovery is necessary in advance of a hearing on an Omnibus Objection, the Plan Administrator will serve notice on the affected claimant and its counsel of record that the scheduled hearing will be treated as a status conference during which the parties will request that the Court issue a scheduling order to facilitate dismissal or resolution of the litigation. Such notice may be incorporated into the initial agenda letter for the hearing or may be provided in a separate notice.

Additional Information

8. Copies of these procedures, the Order, the Motion, or any other pleadings filed in the Debtors’ Chapter 11 cases are available for free online at <https://veritaglobal.net/invitae>. Copies of these documents may also be obtained upon written request to Verita Global by online inquiry via <https://veritaglobal.net/invitae>. You may also obtain copies of any of the documents filed in the Debtors’ Chapter 11 cases for a fee via PACER at www.njb.uscourts.gov.

Reservation of Rights

9. NOTHING IN ANY NOTICE SHALL BE DEEMED TO CONSTITUTE A WAIVER OF ANY RIGHTS OF THE PLAN ADMINISTRATOR OR ANY OTHER PARTY IN INTEREST TO DISPUTE ANY CLAIMS, ASSERT COUNTERCLAIMS, RIGHTS OF OFFSET OR RECOUPMENT, DEFENSES, OBJECT TO ANY CLAIMS ON ANY GROUNDS NOT PREVIOUSLY RAISED IN AN OBJECTION (UNLESS THE COURT HAS ALLOWED THE CLAIM OR ORDERED OTHERWISE), OR SEEK TO ESTIMATE ANY CLAIM AT A LATER DATE. AFFECTED PARTIES WILL BE PROVIDED APPROPRIATE NOTICE THEREOF AT SUCH TIME.

[Remainder of page intentionally left blank]

Dated: [____], 2024

/s/

COLE SCHOTZ P.C.

Michael D. Sirota, Esq.
Warren A. Usatine, Esq.
Felice R. Yudkin, Esq.
Daniel J. Harris, Esq.
Court Plaza North, 25 Main Street
Hackensack, New Jersey 07601
Telephone: (201) 489-3000
Email: msirota@coleschotz.com
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KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

Joshua A. Sussberg, P.C. (admitted *pro hac vice*)
Nicole L. Greenblatt, P.C. (admitted *pro hac vice*)
Francis Petrie (admitted *pro hac vice*)
Jeffrey Goldfine (admitted *pro hac vice*)
601 Lexington Avenue
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Telephone: (212) 446-4800
Facsimile: (212) 446-4900
Email: joshua.sussberg@kirkland.com
nicole.greenblatt@kirkland.com
francis.petrie@kirkland.com
jeffrey.goldfine@kirkland.com

-and-

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

Spencer A. Winters, P.C. (admitted *pro hac vice*)
William E. Arnault, P.C. (admitted *pro hac vice*)
333 West Wolf Point Plaza
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
Email: spencer.winters@kirkland.com
william.arnault@kirkland.com

Co-Counsel to the Plan Administrator and Debtors

Claimant Name or Identifier	Debtor	Claim Number	Date Filed	Asserted Claim Amount	Basis for Objection	Surviving Claim No.

Exhibit 3

Satisfaction Procedures

**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)

**PROCEDURES FOR FILING AND SERVING
NOTICES OF SATISFACTION OF CLAIMS**

On [], 2024, the Plan Administrator for the above-captioned wind-down debtors (collectively, the “Debtors”) in the Chapter 11 cases filed the *Debtors’ Motion for Entry of an Order (A) Approving (I) Omnibus Claims Objection Procedures and Form of Notice, (II) Omnibus Substantive Claims Objections, and (III) Satisfaction Procedures and Form of Notice and (B) Waiving Bankruptcy Rule 3007(e)* [Docket No. []] (the “Motion”)² with the United States Bankruptcy Court for the District of New Jersey (the “Court”). On [], 2024, the Court entered an order [Docket No. []] (the “Order”) approving these procedures for serving notices of satisfaction of Claims (the “Satisfaction Procedures”).

Satisfaction Procedures

1. Grounds for Satisfaction Procedures. The Plan Administrator may file and serve notices of satisfaction in the form attached hereto (each, a “Notice of Satisfaction”) with respect to Claims subject to Proofs of Claims or on the Schedules. A Notice of Satisfaction may be sent on the grounds that such Claims have been satisfied in full according to the Debtors books and records, including pursuant to any confirmed Chapter 11 plan or an order of the Court.

Responses to Notices of Satisfaction

2. Parties Required to File a Response. Any party who disagrees with a Notice of Satisfaction is required to file a response (each, a “Response”) in accordance with the procedures set forth herein; *provided, however*, that such party may not object to any amount that the Court has approved pursuant to an order. **If a claimant whose Claim is subject to a Notice of Satisfaction does not file and serve a Response in compliance with the procedures below, the Plan Administrator is authorized to instruct the Claims and Noticing Agent to expunge such Claim from the Claims Register without further notice to the claimant.**

3. Response Contents. Each Response to a Notice of Satisfaction must contain the

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 <https://www.veritaglobal.net/invitae>. The Debtors’ service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

following (at a minimum):

- a. a caption stating the name of the Court, the name of the Debtors, the case number, the Notice of Satisfaction to which the Response is directed, and, if applicable, the Proof of Claim number(s) related thereto from the Claims Register;
- b. a concise statement setting forth the reasons why the Court should not enter the order with respect to the Notice of Satisfaction regarding such Claim, including the specific factual and legal bases upon which the claimant will rely in opposing the Notice of Satisfaction;
- c. a copy of any other documentation or other evidence of the Claim, to the extent not already included with the Proof of Claim (if applicable), upon which the claimant will rely in opposing the Notice of Satisfaction; *provided, however*, that the claimant need not disclose confidential, proprietary, or otherwise protected information in the Response; *provided further, however*, that the claimant shall disclose to the Plan Administrator all information and provide copies of all documents that the claimant believes to be confidential, proprietary, or otherwise protected and upon which the claimant intends to rely in support of its Claim, subject to appropriate confidentiality constraints; and
- d. the following contact information for the responding party:
 - i. the name, address, telephone number, and email address of the responding claimant or the claimant's attorney or designated representative to whom the attorneys for the Plan Administrator should serve a reply to the Response, if any; or
 - ii. the name, address, telephone number, and email address of the party with authority to reconcile, settle, or otherwise resolve the Notice of Satisfaction on the claimant's behalf.

4. Filing and Serving the Response. A Response will be deemed timely only if it is filed with the Court and served on all of the following parties (the "Notice Parties") so as to be actually received **by or before 4:00 p.m. (prevailing Eastern Time) on the day that is seven (7) calendar days before the Hearing on the Notice of Satisfaction** (the "Response Deadline"), unless the Plan Administrator consents to an extension in writing:

- a. Plan Administrator and Debtors' Counsel. (1) Kirkland & Ellis LLP, 601 Lexington Avenue, New York, New York 10022, Attn: Nicole L. Greenblatt, P.C. (nicole.greenblatt@kirkland.com), Francis Petrie (francis.petrie@kirkland.com), Nikki Gavey (nikki.gavey@kirkland.com), and Olivia Acuna (olivia.acuna@kirkland.com); (2) Kirkland & Ellis LLP, 333 West Wolf Point Plaza, Chicago, Illinois 60654, Attn: Spencer A. Winters, P.C. (spencer.winters@kirkland.com) and William E. Arnault, P.C.

(william.arnault@kirkland.com); and (3) Cole Schotz, P.C., Court Plaza North, 25 Main Street, Hackensack, New Jersey 07601, Attn: Felice R. Yudkin, Esq. (fyudkin@coleschotz.com), Daniel J. Harris, Esq. (dharris@coleschotz.com), and Andreas Milliaressis, Esq. (amilliaressis@coleschotz.com);

- b. Committee Counsel. (1) White & Case LLP, 1221 Avenue of the Americas, New York, New York 10020, Attn: J. Christopher Shore, Esq. (cshore@whitecase.com), Harrison Denman, Esq. (harrison.denman@whitecase.com), Andrew Zatz, Esq. (azatz@whitecase.com), Samuel P. Hershey, Esq. (sam.hershey@whitecase.com), Ashley Chase, Esq. (ashley.chase@whitecase.com), and Brett Bakemeyer, Esq. (brett.bakemeyer@whitecase.com); and (2) Porzio, Bromberg & Newman, P.C., 100 Southgate Parkway, P.O. Box 1997, Morristown, New Jersey 07962, Attn: Warren J. Martin Jr., Esq. (wjmartin@pbnlaw.com), John S. Mairo, Esq. (jsmairo@pbnlaw.com), and Christopher P. Mazza, Esq. (cpmazza@pbnlaw.com); and
- c. U.S. Trustee. Office of the United States Trustee for the District of New Jersey, One Newark Center, Suite 2100, Newark, NJ 07102, Attn: Jeffrey Sponder, Esq. (Jeffrey.M.Sponder@usdoj.gov) and Lauren Bielskie, Esq. (Lauren.Bielskie@usdoj.gov).

5. Failure to Respond. A Response that is not filed and served in accordance with the procedures set forth herein may not be considered at the Hearing before the Court. **Absent reaching an agreement with the Plan Administrator resolving the Response to the Notice of Satisfaction, failure to file and serve a Response timely as set forth herein may result in the Debtors causing its Claims and Noticing Agent to expunge such Claims from the Claims Register without further notice or hearing, and such claimant shall not be treated as a creditor with respect to the Claim for purposes of distribution.**

Hearing on the Response

6. Date, Time and Location. A hearing (the “Hearing”) on the Objection will be held on [___], 2024, at [___], prevailing Eastern Time, before the Honorable Michael B. Kaplan, United States Bankruptcy Judge for the District of New Jersey. The Hearing may be conducted virtually using Zoom for Government. To the extent parties wish to present their argument at the hearing conducted by Zoom for Government, a request for “Presenter Status” must be submitted to the Court at least one (1) business day prior to the hearing by emailing Chambers (chambers_of_mbk@njb.uscourts.gov) and providing the following information: (a) name of Presenter, (b) email address of Presenter, (c) Presenter’s affiliation with the case and/or (d) what party or interest the Presenter represents. If the request is approved, the Presenter will receive appropriate Zoom credentials and further instructions via email. The hearing may be adjourned to a subsequent date in these cases in the Court’s or Plan Administrator’s discretion. You must attend the Hearing if you disagree with the Objection and have filed a Response that remains unresolved prior to the Hearing. If such Claims cannot be resolved and a hearing is determined to be necessary, the Plan Administrator shall file with the Court and serve on the affected claimants a notice of the hearing to the extent the Plan Administrator did not file a notice of hearing previously.

7. Reply to a Response. The Plan Administrator shall be permitted to file a reply to any Response no later than one (1) business day before the Hearing with respect to the relevant Notice of Satisfaction.

Miscellaneous

8. Additional Information. Copies of these procedures, the Order, the Motion, or any other pleadings filed in the Debtors' Chapter 11 cases are available for free online at <https://veritaglobal.net/invitae>. Copies of these documents may also be obtained upon written request to Verita Global by online inquiry via <https://veritaglobal.net/invitae>. You may also obtain copies of any of the documents filed in the Debtors' Chapter 11 cases for a fee via PACER at www.njb.uscourts.gov.

9. Reservation of Rights. NOTHING IN ANY NOTICE SHALL BE DEEMED TO CONSTITUTE A WAIVER OF ANY RIGHTS OF THE PLAN ADMINISTRATOR OR ANY OTHER PARTY IN INTEREST TO DISPUTE ANY CLAIMS, ASSERT COUNTERCLAIMS, RIGHTS OF OFFSET OR RECOUPMENT, DEFENSES, OBJECT TO ANY CLAIMS ON ANY GROUNDS NOT PREVIOUSLY RAISED IN AN OBJECTION (UNLESS THE COURT HAS ALLOWED THE CLAIM OR ORDERED OTHERWISE), OR SEEK TO ESTIMATE ANY CLAIM AT A LATER DATE. AFFECTED PARTIES WILL BE PROVIDED APPROPRIATE NOTICE THEREOF AT SUCH TIME.

[Remainder of page intentionally left blank]

Exhibit 4

Notice of Satisfaction of Claims

**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)

Hearing Date and Time:

_____, 2024 at __:00 __.m. (ET)

Chief Judge Michael B. Kaplan

NOTICE OF SATISFACTION OF CLAIMS

PLEASE TAKE NOTICE that the Plan Administrator for the above-captioned wind-down debtors (collectively, the “Debtors”) have identified you as holding certain Claim(s)²

YOU SHOULD LOCATE YOUR REFERENCE NUMBER OR CLAIM NUMBER AND YOUR CLAIM(S) ON THE SCHEDULE ATTACHED HERETO. PLEASE TAKE NOTICE THAT YOUR CLAIM(S) MAY BE EXPUNGED FROM THE CLAIMS REGISTER AND YOU SHALL NOT BE TREATED AS A CREDITOR WITH RESPECT TO THE CLAIM FOR PURPOSES OF DISTRIBUTION AS A RESULT OF THE NOTICE OF SATISFACTION. THEREFORE, PLEASE READ THIS NOTICE VERY CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.

IF YOU HAVE QUESTIONS OR WISH TO RESPOND TO THIS NOTICE, PLEASE CONTACT DEBTORS’ COUNSEL:

FELICE R. YUDKIN, ESQ.
(201) 525-6261
FYUDKIN@COLESCHOTZ.COM

DANIEL J. HARRIS, ESQ.
(201) 525-6202
DHARRIS@COLESCHOTZ.COM

ANDREAS MILLIARESSIS, ESQ.
(201) 525-6257
AMILLIARESSIS@COLESCHOTZ.COM

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 <https://www.veritaglobal.net/invitae>. The Debtors’ service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Objection Procedures.

against the Debtors listed in the table at the end of this notice, which have been satisfied in full according to the Debtors' books and records.

Important Information Regarding the Notice of Satisfaction

Grounds for the Notice of Satisfaction. The Plan Administrator is seeking to expunge your Claim(s) listed in the table at the end of this notice on the grounds that such Claim(s), have been satisfied in full according to the Debtors' books and records.

Satisfaction Procedures. On [], 2024, the United States Bankruptcy Court for the District of New Jersey (the "Court") entered an order [Docket No.] (the "Order") approving procedures for serving Notices of Satisfaction of Claims asserted against the Debtors in the Chapter 11 cases (the "Satisfaction Procedures"), which are attached to the Order at Exhibit 3. ***Please review the Satisfaction Procedures carefully to ensure your response, if any, is filed and served timely and correctly. You may obtain a copy of the Order as set forth in the Additional Information section below.***

Resolving the Notice of Satisfaction Regarding Your Claim(s)

1. Resolving Objections. Certain of the Plan Administrator's advisors will be available to discuss and resolve consensually the Objection to your Claim(s) without the need for filing a formal response or attending a hearing. Please contact Felice R. Yudkin, Daniel J. Harris, and Andreas Milliaressis at Cole Schotz P.C., the Debtors' counsel, via (a) e-mail at fyudkin@coleschotz.com, dharris@coleschotz.com, and amilliaressis@coleschotz.com, respectively, or (b) telephone at (201) 525-6261 or (201) 525-6202, respectively, within ten (10) calendar days after the date of this notice or such other date as the Debtors may agree in writing. Please have your Proof(s) of Claim and any related material available for any such discussions.

2. Response Contents. Each Response to a Notice of Satisfaction must contain the following (at a minimum):

- a. a caption stating the name of the Court, the name of the Debtors, the case number, the Notice of Satisfaction to which the Response is directed, and, if applicable, the Proof of Claim number(s) related thereto from the Claims Register;
- b. a concise statement setting forth the reasons why the Court should not enter the order with respect to the Notice of Satisfaction regarding such Claim, including the specific factual and legal bases upon which the claimant will rely in opposing the Notice of Satisfaction;
- c. a copy of any other documentation or other evidence of the Claim, to the extent not already included with the Proof of Claim (if applicable), upon which the claimant will rely in opposing the Notice of Satisfaction; *provided, however*, that the claimant need not disclose confidential, proprietary, or otherwise protected information in the Response; *provided further, however*, that the claimant shall disclose to the Plan Administrator

all information and provide copies of all documents that the claimant believes to be confidential, proprietary, or otherwise protected and upon which the claimant intends to rely in support of its Claim, subject to appropriate confidentiality constraints; and

- d. the following contact information for the responding party:
 - i. the name, address, telephone number, and email address of the responding claimant or the claimant's attorney or designated representative to whom the attorneys for the Plan Administrator should serve a reply to the Response, if any; or
 - ii. the name, address, telephone number, and email address of the party with authority to reconcile, settle, or otherwise resolve the Notice of Satisfaction on the claimant's behalf.

3. Filing and Serving the Response. A Response will be deemed timely only if it is filed with the Court and served on all of the following parties (the "Notice Parties") so as to be actually received **by or before 4:00 p.m. (prevailing Eastern Time) on the day that is seven (7) calendar days before the Hearing (defined below) on the Notice of Satisfaction** (the "Response Deadline"), unless the Plan Administrator consents to an extension in writing:

- a. Plan Administrator and Debtors' Counsel. (1) Kirkland & Ellis LLP, 601 Lexington Avenue, New York, New York 10022, Attn: Nicole L. Greenblatt, P.C. (nicole.greenblatt@kirkland.com), Francis Petrie (francis.petrie@kirkland.com), Nikki Gavey (nikki.gavey@kirkland.com), and Olivia Acuna (olivia.acuna@kirkland.com); (2) Kirkland & Ellis LLP, 333 West Wolf Point Plaza, Chicago, Illinois 60654, Attn: Spencer A. Winters, P.C. (spencer.winters@kirkland.com) and William E. Arnault, P.C. (william.arnault@kirkland.com); and (3) Cole Schotz, P.C., Court Plaza North, 25 Main Street, Hackensack, New Jersey 07601, Attn: Felice R. Yudkin, Esq. (fyudkin@coleschotz.com), Daniel J. Harris, Esq. (dharris@coleschotz.com), and Andreas Milliaressis, Esq. (amilliaressis@coleschotz.com);
- b. Committee Counsel. (1) White & Case LLP, 1221 Avenue of the Americas, New York, New York 10020, Attn: J. Christopher Shore, Esq. (cshore@whitecase.com), Harrison Denman, Esq. (harrison.denman@whitecase.com), Andrew Zatz, Esq. (azatz@whitecase.com), Samuel P. Hershey, Esq. (sam.hershey@whitecase.com), Ashley Chase, Esq. (ashley.chase@whitecase.com), and Brett Bakemeyer, Esq. (brett.bakemeyer@whitecase.com); and (2) Porzio, Bromberg & Newman, P.C., 100 Southgate Parkway, P.O. Box 1997, Morristown, New Jersey 07962, Attn: Warren J. Martin Jr., Esq. (wjmartin@pbnlaw.com), John S. Mairo, Esq. (jsmairo@pbnlaw.com), and Christopher P. Mazza, Esq. (cpmazza@pbnlaw.com); and
- c. U.S. Trustee. Office of the United States Trustee for the District of New Jersey, One Newark Center, Suite 2100, Newark, NJ 07102, Attn: Jeffrey Sponder, Esq.

(Jeffrey.M.Sponder@usdoj.gov) and Lauren Bielskie, Esq.
(Lauren.Bielskie@usdoj.gov).

4. **Failure to Respond.** A Response that is not filed and served in accordance with the procedures set forth herein may not be considered at the Hearing before the Court. **Absent reaching an agreement with the Plan Administrator resolving the Response to the Notice of Satisfaction, failure to file and serve a Response timely as set forth herein may result in the Plan Administrator causing its Claims and Noticing Agent to expunge such Claims from the Claims Register without further notice or hearing, and such claimant shall not be treated as a creditor with respect to the Claim for purposes of distribution.**

Hearing on the Response

5. **Date, Time and Location.** A hearing (the “Hearing”) on the Objection will be held on [____], 2024, at [____], prevailing Eastern Time, before the Honorable Michael B. Kaplan, United States Bankruptcy Judge for the District of New Jersey. The Hearing may be conducted virtually using Zoom for Government. To the extent parties wish to present their argument at the hearing conducted using Zoom for Government, a request for “Presenter Status” must be submitted to the Court at least one (1) business day prior to the hearing by emailing Chambers (chambers_of_mbk@nj.uscourts.gov) and providing the following information: (a) name of Presenter, (b) email address of Presenter, (c) Presenter’s affiliation with the case and/or (d) what party or interest the Presenter represents. If the request is approved, the Presenter will receive appropriate Zoom credentials and further instructions via email. The hearing may be adjourned to a subsequent date in these cases in the Court’s or Plan Administrator’s discretion. You must attend the Hearing if you disagree with the Objection and have filed a Response that remains unresolved prior to the Hearing. If such Claims cannot be resolved and a hearing is determined to be necessary, the Plan Administrator shall file with the Court and serve on the affected claimants a notice of the hearing to the extent the Plan Administrator did not file a notice of hearing previously.

6. **Reply to a Response.** The Plan Administrator shall be permitted to file a reply to any Response no later than one (1) business day before the Hearing with respect to the relevant Notice of Satisfaction.

Additional Information

7. Copies of these procedures, the Order, the Motion, or any other pleadings filed in the Debtors’ Chapter 11 cases are available for free online at <https://veritaglobal.net/invitae>. Copies of these documents may also be obtained upon written request to Verita Global, the Debtors’ Claims and Noticing Agent by online inquiry via <https://veritaglobal.net/invitae>. You may also obtain copies of any of the documents filed in the Debtors’ Chapter 11 cases for a fee via PACER at www.njb.uscourts.gov.

Reservation of Rights

8. NOTHING IN ANY NOTICE SHALL BE DEEMED TO CONSTITUTE A WAIVER OF ANY RIGHTS OF THE PLAN ADMINISTRATOR OR ANY OTHER PARTY IN INTEREST TO DISPUTE ANY CLAIMS, ASSERT COUNTERCLAIMS, RIGHTS OF OFFSET OR RECOUPMENT, DEFENSES, OBJECT TO ANY CLAIMS ON ANY GROUNDS

NOT PREVIOUSLY RAISED IN AN OBJECTION (UNLESS THE COURT HAS ALLOWED THE CLAIM OR ORDERED OTHERWISE), OR SEEK TO ESTIMATE ANY CLAIM AT A LATER DATE. AFFECTED PARTIES WILL BE PROVIDED APPROPRIATE NOTICE THEREOF AT SUCH TIME.

Dated: [____], 2024

/s/

COLE SCHOTZ P.C.

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Co-Counsel to the Plan Administrator and Debtors

Claimant Name or Identifier	Claim / Schedule No.	Total Claim Value