

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

In re:

INVITAE CORPORATION, *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 24-11362 (MBK)

(Jointly Administered)

**Hearing Date and Time:**

**February 27, 2025 at 10:00 a.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”) is objecting to your Claim(s)<sup>2</sup> 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:**

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

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

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

<sup>2</sup> 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, reduce and/or reclassify your Claim(s) listed on **Schedules 1, 2, 3, 4 and 5** at the end of this notice on the grounds set forth in the Objection. 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 September 26, 2024, the United States Bankruptcy Court for the District of New Jersey (the “Court”) entered an order [Docket No. 1057] (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 Daniel J. Harris and Andreas Milliaressis at Cole Schotz P.C., the Plan Administrator’s counsel, via (a) e-mail at 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 **February 27, 2025, at 10:00 a.m., 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/inquiry>. 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](http://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: January 28, 2025

/s/ Michael D. Sirota

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**COLE SCHOTZ P.C.**

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*Co-Counsel to the Plan Administrator and Debtors*

**Schedule 1**

**Late-Filed Claims**

**Late-Filed Claims**

#	Creditor	Claim No.	Date Filed	Debtor	Claim Amount	Claim Category	Grounds for Objection	Objection Reference
1	Cision US Inc.	1327	10/28/2024	Invitae Corporation	\$ 4,990.68	General Unsecured	Claim filed after April 15th, 2024 general claims bar date.	Section II, Paragraphs 20-22
2	Name on File	1328	10/31/2024	Invitae Corporation	\$ 6,200.00	General Unsecured	Claim filed after April 15th, 2024 general claims bar date.	Section II, Paragraphs 20-22
3	Aspira Womens Health Inc	1329	11/14/2024	Invitae Corporation	\$ 9,783.97	General Unsecured	Claim filed after April 15th, 2024 general claims bar date.	Section II, Paragraphs 20-22
4	Name on File	1330	12/16/2024	Invitae Corporation	\$ 4,527.50	General Unsecured	Claim filed after April 15th, 2024 general claims bar date.	Section II, Paragraphs 20-22
5	Name on File	1331	12/16/2024	Invitae Corporation	\$ 2,477.50	General Unsecured	Claim filed after April 15th, 2024 general claims bar date.	Section II, Paragraphs 20-22
6	Name on File	1332	12/16/2024	Invitae Corporation	\$ 8,205.00	General Unsecured	Claim filed after April 15th, 2024 general claims bar date.	Section II, Paragraphs 20-22



**Schedule 2**

**Equity Reclassified Claims**

Equity Reclassified Claims

#	Creditor	Claim No.	Date Filed	Debtor	Asserted Secured Amount	Asserted Admin Priority Amount	Asserted Priority Amount	Asserted General Unsecured Amount	Total Asserted Amount	Grounds for Disallowance	Objection Reference
1	Name on File	172	03/27/2024	Invitae Corporation	\$ -	\$ -	\$ -	\$ 1,111.44	\$ 1,111.44	Claim relates to equity ownership.	Section III, Paragraphs 23-24
2	Name on File	630	04/09/2024	Invitae Corporation	\$ -	\$ -	\$ -	\$ 550.00	\$ 550.00	Claim relates to equity ownership.	Section III, Paragraphs 23-24
3	Name on File	655	04/10/2024	Invitae Corporation	\$ -	\$ -	\$ 58,000.00	\$ -	\$ 58,000.00	Claim relates to equity ownership.	Section III, Paragraphs 23-24

**Schedule 3**

**Reduced Claims**

Reduced Claims

#	Creditor	Overstated Claim						Grounds for Modification	Modified Claim	Objection Reference
		Claim No.	Schedule	Date Filed	Debtor	Asserted Claim Amount	Claim Priority		Claim Amount	
1	Datasite LLC	74		03/14/2024	Invitae Corporation	\$ 71,894.66	General Unsecured	Partially satisfied by \$41,904.48 payment made on 4/11/24.	\$ 29,990.18	Section IV, Paragraphs 25-27
2	Eagle Graphics LLC	76		03/15/2024	Invitae Corporation	\$ 2,478.61	General Unsecured	Partially satisfied by \$52.17 payment made on 3/11/24 and \$1,346.22 payment made on 5/23/24.	\$ 1,821.61	Section IV, Paragraphs 25-27
						\$ 689.22	Admin Priority		\$ -	
3	Human Potential LLC	86		03/20/2024	Invitae Corporation	\$ 11,000.00	General Unsecured	Claim reduced to supporting invoice amount of \$1,000. Subsequently, invoice was fully satisfied by \$1,000.00 payment made on 6/30/22.	\$ 1,000.00	Section IV, Paragraphs 25-27
4	Hamilton Robotics	333		04/02/2024	Invitae Corporation	\$ 54,646.84	General Unsecured	Partially satisfied by \$47,095.79 payment made on 3/28/24.	\$ 7,551.05	Section IV, Paragraphs 25-27
5	Iron Mountain Information Management, LLC	596		04/09/2024	Invitae Corporation	\$ 10,121.40	General Unsecured	Partially satisfied by \$2,671.26 payment made on 4/04/24, \$3,993.43 payment made on 5/16/24, \$961.44 payment made on 6/06/24, and \$3,579.87 payment made on 6/20/24.	\$ 629.40	Section IV, Paragraphs 25-27
						\$ 1,714.00	Secured		\$ -	
6	449 Broadway LLC <sup>1</sup>	695		04/11/2024	Invitae Corporation	UNLIQUIDATED (\$660,508.14)	General Unsecured	Clam reduced by 3 months of post-petition rent and the drawn letter of credit included in the asserted claim amount.	\$ 370,765.14	Section IV, Paragraphs 25-27
7	Illumina, Inc.	763		04/11/2024	Invitae Corporation	\$ 38,694.29	Admin Priority	Partially satisfied by \$36,451.18 payment made on 3/11/24.	\$ 2,243.11	Section IV, Paragraphs 25-27
8	Weil, Gotshal and Manges LLP	800		04/12/2024	Invitae Corporation	\$ 92,775.80	General Unsecured	Claim reduced by payments made. Remaining claim amount confirmed by creditor on 9/04/24 and includes 2 outstanding invoices.	\$ 41,535.90	Section IV, Paragraphs 25-27
9	Oracle America, Inc. SII to Cerner Corporation	817		04/12/2024	Invitae Corporation	\$ 12,489.00	General Unsecured	Claim reduced by invoice incurred post-January 2024 termination date. The remaining claim amount was satisfied by \$9,605.00 payment made on 8/02/24.	\$ 9,605.00	Section IV, Paragraphs 25-27
10	DynaLIFEDX	829		04/12/2024	Invitae Corporation	\$ 65,719.78	General Unsecured	Partially satisfied by \$34,563.46 payment made on 8/02/24.	\$ 31,156.32	Section IV, Paragraphs 25-27
11	RREEF America REIT II Corp. PPP	855		04/12/2024	Invitae Corporation	\$ 1,033,116.62	General Unsecured	The landlord has already drawn down \$750,000 on the letter of credit and currently holds the entirety of the funds.	\$ 1,033,116.62	Section IV, Paragraphs 25-27
						\$ 750,000.00	Secured		\$ -	
12	Sky Lakes Medical Center Inc. - Laboratory	875		04/12/2024	Invitae Corporation	\$ 3,290.00	General Unsecured	Partially satisfied by \$1,965.00 payment made on 6/19/24 and \$690.00 payment made on 9/19/24.	\$ 635.00	Section IV, Paragraphs 25-27
13	Cox Communications, Inc.		F		Invitae Corporation	\$ 2,044.36	General Unsecured	Partially satisfied by \$891.13 payment made on 3/18/24.	\$ 1,153.23	Section IV, Paragraphs 25-27
14	ExamOne World Wide		F		Invitae Corporation	\$ 105,287.84	General Unsecured	Partially satisfied by \$118.92 payment made on 3/28/24 and \$30,894.82 payment made on 4/04/24.	\$ 74,274.10	Section IV, Paragraphs 25-27

<sup>1</sup> Proof of Claim No. 695 filed by 449 Broadway LLC does not state an amount on the form; however, the referenced attachment provides for a claim in the amount of \$660,508.14. The Plan Administrator therefore seeks to reduce the amount set forth in the Proof of Claim as provided in this Schedule 3. Entry of the Order sustaining the Objection shall authorize the Plan Administrator to update the Claims Register with respect to Proof of Claim No. 695 in the liquidated amount set forth in the corresponding "Modified Claim" column.

**Schedule 4**

**GUC Reclassified Claims**

**GUC Reclassified Claims**

#	Creditor	Misclassified Claim				Modified Claim	Grounds for Modification	Objection Reference
		Claim No.	Date Filed	Debtor	Asserted Admin Priority Amount	General Unsecured Amount		
1	RISE Legal	1050	45397	Invitae Corporation	\$ 1,646.37	\$ 1,646.37	A 503(b)(9) claim pertains to goods received within 20 days. Creditor provided a service and does not have a valid 503(b)(9) claim.	Section V, Paragraphs 28-29

**Schedule 5**

**Reduced and Reclassified Claims**

Reduced and Reclassified Claims

#	Creditor	Overstated and/or Misclassified Claim						Grounds for Modification	Modified Claim	Objection Reference
		Claim No.	Date Filed	Debtor	Asserted Priority Amount	Asserted Admin Priority Amount	Asserted General Unsecured Amount		General Unsecured Amount	
1	Prosecur Services Group, Inc	11	2/18/2024	Invitae Corporation	\$ -	\$ 107,011.36	\$ 349,007.86	Claim reclassified because a 503(b)(9) claim pertains to physical goods received within 20 days. Creditor provided a service and does not have a valid 503(b)(9) claim.. Claim amount is also reduced to \$91,138.55 based on \$4,786.94 payment made on 3/28/24, \$285.72 payment made on 4/11/24, and \$356,640.19 payment made on 9/20/24.	\$ 94,306.37	Section VI, Paragraphs 30-32
2	Cablevision Lightpath LLC	41	3/1/2024	Genosity, LLC	\$ -	\$ 2,300.00	\$ -	Claim reclassified because a 503(b)(9) claim pertains to physical goods received within 20 days. Creditor provided a service and does not have a valid 503(b)(9) claim. Claim amount is also reduced to \$1,625.86 based on a payment of \$674.14 made on 3/07/24.	\$ 1,625.86	Section VI, Paragraphs 30-32
3	Zatzkin LLC	174	03/27/2024	Invitae Corporation	\$ 17,068.97	\$ -	\$ -	Claim reclassified because vendors do not receive priority treatment under section 507(a)(4) of the bankruptcy code. Claim amount is also reduced to \$2,068.97 based on \$5,000 payment made on 1/15/24 and \$10,000 payment made on 8/02/24.	\$ 2,068.97	Section VI, Paragraphs 30-32
4	Western Disposal Services	993	4/15/2024	ArcherDX, LLC	\$ -	\$ 1,830.07	\$ -	Claim reclassified because a 503(b)(9) claim pertains to physical goods received within 20 days. Creditor provided a service and does not have a valid 503(b)(9) claim. Claim amount is also reduced to \$1,521.53 based on a payment of \$308.54 made on 3/29/24.	\$ 1,521.53	Section VI, Paragraphs 30-32