

Order Filed on February 25, 2025
by Clerk
U.S. Bankruptcy Court
District of New Jersey

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

In re:

INVITAE CORPORATION, *et al.*,

Debtors.¹

Chapter 11

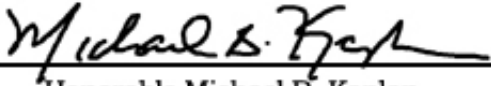
Case No. 24-11362 (MBK) (Jointly Administered)

**ORDER SUSTAINING PLAN ADMINISTRATOR'S
FOURTH OMNIBUS OBJECTION TO CERTAIN PROOFS
OF CLAIM PURSUANT TO SECTIONS 502(B) AND 503(B) OF THE BANKRUPTCY
CODE, BANKRUPTCY RULE 3007, AND LOCAL RULES 3007-1 AND 3007-2**

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

ORDERED.

DATED: February 25, 2025


Honorable Michael B. Kaplan
United States Bankruptcy Judge



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

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Debtors: Invitae Corporation, *et al.*

Case No. 24-11362 (MBK)

Caption of Order: ORDER SUSTAINING PLAN ADMINISTRATOR'S FOURTH OMNIBUS OBJECTION TO CERTAIN PROOFS OF CLAIM PURSUANT TO SECTIONS 502(B) AND 503(B) OF THE BANKRUPTCY CODE, BANKRUPTCY RULE 3007, AND LOCAL RULES 3007-1 AND 3007-2

Upon consideration of the *Plan Administrator's Fourth Omnibus Objection to Certain Proofs of Claim Pursuant to Sections 502(B) And 503(B) of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rules 3007-1 And 3007-2* (the "Objection")¹ on behalf of Andrew Spirito, as the plan administrator (the "Plan Administrator") for the above-captioned wind-down debtors (collectively, the "Wind-Down Debtors"), for entry of an order (this "Order"), disallowing and expunging the claims set forth in **Schedules 1, 2, 3, 4 and 5** attached hereto, all as more fully set forth in the Objection; and the Court having jurisdiction to consider the Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* from the United States District Court for the District of New Jersey, entered July 23, 1984, and amended on September 18, 2012 (Simandle, C.J.); and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Objection in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Objection is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Objection and opportunity for a hearing on the Objection were appropriate and no other notice need be provided; and this Court having reviewed the Objection and having heard the

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Objection.

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Debtors: Invitae Corporation, *et al.*

Case No. 24-11362 (MBK)

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statements in support of the relief requested therein at a hearing before this Court (the "Hearing"), if any; and this Court having determined that the legal and factual bases set forth in the Objection and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Objection is sustained as set forth herein.
2. Each Fourth Omnibus Claim identified on **Schedule 1 and Schedule 2** attached to this Order is hereby disallowed and expunged in its entirety.
3. Each Fourth Omnibus Claim identified on **Schedule 3, Schedule 4 and Schedule 5** attached to this Order is hereby modified as set forth thereon (the "Modified Claims"). The Modified Claims will remain on the Claims Register and such claims are neither allowed nor disallowed at this time, and may be subject to any future objection on any basis. Nothing herein shall constitute, nor shall it be deemed to constitute, the allowance of any of the Modified Claims.
4. Kurtzman Carson Consultants, LLC (the "Claims Agent") is authorized and directed to modify the Claims Register in accordance with entry of the relief granted in this Order.
5. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed: (a) an implication or admission as to the amount of, basis for, or validity of any particular claim against the Wind-Down Debtors under

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Debtors: Invitae Corporation, *et al.*

Case No. 24-11362 (MBK)

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the Bankruptcy Code or other applicable nonbankruptcy law; (b) a waiver of the Wind-Down Debtors', Plan Administrator's, or any other party in interest's rights to dispute any claim (or portion thereof) identified on **Schedule 1, Schedule 2, Schedule 3, Schedule 4 and Schedule 5** on any grounds; (c) a promise or requirement to pay any particular claim; (d) an implication, admission, or finding that any particular claim is an administrative expense claim, other priority claim or otherwise of a type specified or defined in the Objection or this Order; (e) a request or authorization to assume, adopt, or reject any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; (f) an admission by the Plan Administrator as to the validity, priority, enforceability, or perfection of any lien on, security interest in, or other encumbrance on property of the Wind-Down Debtors' estates; (g) a waiver or limitation of the Plan Administrator's, the Wind-Down Debtors', or any other party in interest's, claims, causes of action, or other rights under the Bankruptcy Code or any other applicable law; (h) an approval, assumption, adoption, or rejection of any agreement, contract, lease, program, or policy under section 365 of the Bankruptcy Code; (i) a concession by the Plan Administrator or Wind-Down Debtors that any liens (contractual, common law, statutory, or otherwise) that may be satisfied pursuant to the relief requested in the Objection are valid, and the rights of all parties in interest are expressly reserved to contest the extent, validity, or perfection or seek avoidance of all such liens; or (j) otherwise affecting the Plan Administrator's or Wind-Down Debtors' rights under section 365 of the Bankruptcy Code to assume or reject any executory contract or unexpired lease.

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Debtors: Invitae Corporation, *et al.*

Case No. 24-11362 (MBK)

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6. Notice of the Objection as provided therein shall be deemed good and sufficient notice of such Objection and the requirements of the Bankruptcy Rules and the Local Rules are satisfied by such notice.

7. The Plan Administrator is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Objection.

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

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					Modified Claim		Objection Reference
		Claim No.	Schedule	Date Filed	Debtor	Asserted Claim Amount	Claim Priority	Grounds for Modification	
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.	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.	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.	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.	Section IV, Paragraphs 25-27
	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, and \$961.44 payment made on 6/06/24, and \$3,579.87 payment made on 6/20/24.	
6	449 Broadway LLC ¹	695		04/11/2024	Invitae Corporation	UNLIQUIDATED (\$660,508.14)	Secured	Claim reduced by 3 months of post-petition rent and the drawn letter of credit included in the asserted claim amount.	Section IV, Paragraphs 25-27
7	Illumina, Inc.	763		04/11/2024	Invitae Corporation	\$ 38,694.29	General Unsecured	Partially satisfied by \$36,451.18 payment made on 3/11/24.	Section IV, Paragraphs 25-27
	Weil, Gotshal and Manges LLP	800		04/12/2024	Invitae Corporation	\$ 92,775.80	Admin Priority	Claim reduced by payments made. Remaining claim amount confirmed by creditor on 9/04/24 and includes 2 outstanding invoices.	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.	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.	Section IV, Paragraphs 25-27
	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.	Section IV, Paragraphs 25-27
	Sky Lakes Medical Center Inc. - Laboratory	875		04/12/2024	Invitae Corporation	\$ 3,290.00	Secured		
13	Cox Communications, Inc.		F		Invitae Corporation	\$ 2,044.36	General Unsecured	Partially satisfied by \$1,965.00 payment made on 6/19/24 and \$690.00 payment made on 9/19/24.	Section IV, Paragraphs 25-27
	ExamOne World Wide		F		Invitae Corporation	\$ 105,287.84	General Unsecured	Partially satisfied by \$891.13 payment made on 3/18/24.	Section IV, Paragraphs 25-27
						\$ 1,153.23	General Unsecured	Partially satisfied by \$118.92 payment made on 3/28/24 and \$30,894.82 payment made on 4/04/24.	Section IV, Paragraphs 25-27
						\$ 74,274.10	General Unsecured		Section IV, Paragraphs 25-27

¹ 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	4/5/97	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					Modified Claim		
		Claim No.	Date Filed	Debtor	Asserted Priority Amount	Asserted Admin Priority Amount	Asserted General Unsecured Amount	General Unsecured Amount	Objection Reference
1	Proseur Services Group, Inc	11	2/18/2024	Invitae Corporation	\$ -	\$ 107,011.36	\$ 349,007.86	\$ 94,306.37	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.
2	Cablevision Lightpath LLC	41	3/1/2024	Genosity, LLC	\$ -	\$ 2,300.00	\$ -	\$ 1,625.86	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 \$1,625.86 based on a payment of \$674.14 made on 3/07/24.
3	Zatzkin LLC	174	03/27/2024	Invitae Corporation	\$ 17,068.97	\$ -	\$ -	\$ 2,068.97	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.
4	Western Disposal Services	993	4/15/2024	ArcherDX, LLC	\$ -	\$ 1,830.07	\$ -	\$ 1,521.53	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.