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Co-Counsel to the Plan Administrator and Wind-Down Debtors

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

INVITAE CORPORATION, *et al.*,

Debtors.¹

NATERA INC.,

Plaintiff,

v.

INVITAE CORPORATION, *et al.*,

Defendants.

Chapter 11

Case No. 24-11362 (MBK)

(Jointly Administered)

Adv. Pro. No. 25-01015 (MBK)

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.



**DEBTORS' AMENDED COUNTER-STATEMENT OF ISSUES TO BE
PRESENTED AND DESIGNATION OF ADDITIONAL ITEMS
TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellee Invitae Corporation (“Invitae”) and its debtor affiliates (together, the “Debtors”), by and through their undersigned counsel and Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, hereby respectfully submit the following amended counter-statement of the issues to be presented on appeal and designation of additional items to be included in the record on appeal in Natera Inc.’s appeal, pending before the United States District Court for the District of New Jersey, Case No. 3:25-cv-13394-RK.

**AMENDED COUNTER-STATEMENT OF
THE ISSUES TO BE PRESENTED ON APPEAL**

The Debtors hereby submits the following amended counter-statement of the issues on appeal:

1. Whether the Bankruptcy Court properly exercised its broad discretion to abstain, consistent with the interests of justice or comity with State courts or with respect for State law, as permitted under 28 U.S.C. § 1334(c)(1).²
2. Whether the Bankruptcy Court based its discretion under 28 U.S.C. § 1334(c)(1) by abstaining *sua sponte* without first providing the parties notice and an opportunity to be heard.
3. Whether the Bankruptcy Court’s finding that Natera was barred by quasi-estoppel from asserting that Invitae could not litigate the parties’ dispute in Delaware state court was supported by the record and not clearly erroneous.”

² *Natera v. Invitae Corp. (In re Invitae Corp.)*, No. 24-11362 (MBK), 2025 WL 1833385, at *7 (Bankr. D.N.J. July 2, 2025).

**DESIGNATION OF ADDITIONAL ITEMS
TO BE INCLUDED IN THE RECORD ON APPEAL**

The Debtors hereby designates the following additional items to be included in the record on appeal:

	Description Main Case No. 24-11362 (MBK)	Date Filed / Entered	Docket No.
	Transcript of Confirmation Hearing Before the Honorable Michael B. Kaplan, United States Bankruptcy Court Chief Judge	July 25, 2024	ECF No. 877
	Asset Purchase Agreement between Natera, Inc. and Invitae Corporation, dated as of January 17, 2024 (the “ <u>APA</u> ”) ³		

The Debtors reserve the right to supplement or amend the counter-statement of the issues to be presented on appeal and the right to designate additional items to be included in the record on appeal in the above-captioned cases.

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³ In the Adversary Case, No. 25-01015 (MBK), Natera noted that it would provide the APA, pursuant to a Motion Under Seal, should the Court enter a scheduling or briefing order in the case. However, this matter was disposed prior to submission of the APA.

Dated: September 29, 2025

By: /s/ Michael D. Sirota

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