

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
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
joshua.sussberg@kirkland.com
nicole.greenblatt@kirkland.com
francis.petrie@kirkland.com
jeffrey.goldfine@kirkland.com

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
msirota@coleschotz.com
wusatine@coleschotz.com
fyudkin@coleschotz.com
dharris@coleschotz.com

-and-

KIRKLAND & ELLIS LLP
KIRKLAND & ELLIS INTERNATIONAL LLP
Spencer A. Winters, P.C. (admitted *pro hac vice*)
333 West Wolf Point Plaza
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
spencer.winters@kirkland.com

*Proposed Co-Counsel to the Debtors and
Debtors in Possession*

*Co-Counsel to the Debtors and
Debtors in Possession*

**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)

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



**NOTICE OF *AMENDED*² AGENDA OF MATTERS
SCHEDULED TO BE HEARD ON MAY 7, 2024, AT 10:00 A.M. (ET)**

To: All Parties Receiving Electronic Notification of Filing
via the Court's CM/ECF System

PLEASE TAKE NOTICE that the matters listed below are currently scheduled to be heard on **May 7, 2024, at 10:00 a.m. (prevailing Eastern Time)** before the Honorable Chief Judge Michael B. Kaplan.

PLEASE TAKE FURTHER NOTICE that this hearing will be a hybrid hearing. Instructions to attend the hearing virtually and **listen only**, will be posted on the website of the Debtors' claims and noticing agent (www.kccllc.net/invitae) prior to the hearing.

PLEASE TAKE FURTHER NOTICE that Parties wishing to attend virtually via Zoom and be heard must submit a presenter request to Chambers_of_MBK@njb.uscourts.gov.

UNCONTESTED MATTERS GOING FORWARD

1. Notice of (I) Filing of the Asset Purchase Agreement and Proposed Sale Order with Respect to the LabCorp Sale Transaction, (II) Modified Cure Objection Deadline, and (III) Rescheduled Sale Hearing [Docket No. 364]

Related Documents:

- A. Notice of Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 365]
- B. **Application For Order Shortening Time [Docket No. 428]**
- C. **Declaration of Anil Asnani in Support of the Debtors' Motion for Order (I) Approving the Sale of the Debtors' Assets Free and Clear of all Liens, Claims, Encumbrances, and Interests, (II) Authorizing the Assumption and Assignment of Executory Contracts and Unexpired Leases, (III) Approving Cure Amounts, and (IV) Granting Other and Further Related Relief [Docket No. 435]**

² Changes to the agenda are noted in **bold**.

D. Declaration of Andrew Swift in Support of Entry of the Order (I) Approving the Sale of Acquired Assets Free and Clear of All Liens, Claims, and Encumbrances and (II) Authorizing the Debtors to Enter into and Perform Their Obligations Under the LabCorp Asset Purchase Agreement [Docket No. 437]

Responses/Objections:

- A. Natera Inc.'s Objection to the Proposed Sale Transaction [Docket No. 262]
- B. Limited Objection of the Chubb Companies to Debtors' Motion for Entry of an Order (I) Approving Bidding Procedures and Bid Protections, (II) Scheduling Certain Dates and Deadlines with Respect Thereto, (III) Approving the Form and Manner of Notice Thereof, (IV) Establishing Notice and Procedures for the Assumption and Assignment of Contracts and Leases, (V) Authorizing the Assumption and Assignment of Assumed Contracts, and (VI) Authorizing the Sale of Assets [Docket No. 279]
- C. Oracle's Limited Objection to and Reservation of Rights Regarding: (1) Debtors' Sale Motion and Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 378]
- D. The Official Committee of Unsecured Creditors' Reservation of Rights with Respect to Debtors' Proposed Sale Transaction [Docket No. 379]
- E. Workday, Inc.'s Objection and Reservation of Rights Related to the Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 382]
- F. Objection of California Physicians' Service D/B/A Blue Shield of California to Proposed Assumption and Assignment of Provider Agreement [Docket No. 365] [Docket No. 399]
- G. CSC Leasing Co.'s Limited Objection and Reservation of Rights in Response to Debtors' Proposed Cure Amount [Docket No. 401]
- H. Objection and Reservation of Rights Regarding Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 402]
- I. Objection of Integrated DNA Technologies, Inc. to Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases in Connection with Motion or Entry of an Order Authorizing Assumption and Assignment of Assumed Contracts and Authorizing the Sale of Assets [Docket No. 403]

- J. BrainDo LLC's Limited Objection to and Reservation of Rights Regarding Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 404]
- E. Declaration of Ross Allen in Support of the Objection of Integrated DNA Technologies, Inc. to Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases in Connection with Motion for Entry of an Order Authorizing Assumption and Assignment of Assumed Contracts and Authorizing the Sale of Assets [Docket No. 405]
- F. Integrated DNA Technologies, Inc.'s Motion to File Under Seal Exhibit A to the Declaration of Ross Allen in Support of the Objection of Integrated DNA Technologies, Inc. to Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases in Connection with Motion for Entry of an Order Authorizing Assumption and Assignment of Assumed Contracts and Authorizing the Sale of Assets [Docket No. 406]
- K. Objection and Reservation of Rights of Pacific Biosciences of California, Inc. to Notice to Contract Parties to Potentially Assumed Contracts and Unexpired Leases [Docket No. 408].**
- L. Objection of Vaco LLC to Cure Notice and Proposed Sale [Docket No. 409]
- M. Limited Objection to Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 410]
- N. Limited Objection And Reservation of Rights of MassMutual Asset Finance, LLC with Respect to Debtors' Motion for Entry of an Order (I) Approving Bidding Procedures and Bid Protections, (II) Scheduling Certain Dates and Deadlines With Respect Thereto, (III) Approving the Form and Manner of Notice Thereof, (IV) Establishing Notice and Procedures for the Assumption and Assignment of Contracts and Leases, (V) Authorizing the Assumption and Assignment of Assumed Contracts, and (VI) Authorizing the Sale of Assets And Limited Objection of MassMutual Asset Finance, LLC to Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 413]
- O. Objection of United States of America to Notice to Contract Parties to Potentially Assumed Contracts and Unexpired Leases [Docket No. 421]
- P. Objection and Reservation of Right of GBF, Inc. to Cure Notice and Proposed Sale [Docket No. 422]
- G. Supplemental Declaration of Ross Allen in Support of the Objection of Integrated DNA Technologies, Inc. to Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases in Connection

with Motion for Entry of an Order Authorizing Assumption and Assignment of Assumed Contracts and Authorizing the Sale of Assets [Docket No. 423]

Status: This matter is going forward **on an uncontested basis**. The objections filed by Natera Inc. [Docket No. 262], the Chubb Companies [Docket No. 279], MassMutual Asset Finance [Docket No. 413], and GBF, Inc. [Docket No. 422] are resolved. All others matters have been adjourned.

MATTERS GOING FORWARD AS STATUS CONFERENCE

2. **The Official Committee of Unsecured Creditors' Motion to Extend the Challenge Period Through June 15, 2024 [Docket No. 438]**

Related Documents

- A. **The Official Committee of Unsecured Creditors' Motion to File Under Seal Emergency Motion to Extend the Challenge Period Through June 15, 2024 [Docket No. 439]**
- B. **Application for Order Shortening Time [Docket No. 440]**
- C. **Order Shortening Time Period for Notice and Setting Hearing [Docket No. 447]**

Responses/Objections:

- A. **Debtors' Objection to the Application of the Official Committee of Unsecured Creditors to Shorten Notice and Schedule Expedited Hearing on Emergency Motion of the Official Committee of Unsecured Creditors to Extend the Challenge Period Through June 15, 2024 [Docket No. 448]**
- B. **Deerfield Partners L.P.'s Objection and Joinder to the Debtors' Objection to The Committee's Motion to Shorten Notice on Emergency Motion to Extend the Challenge Period [Docket No. 449]**

Status: Pursuant to the Court's May 6, 2024 Text Order, the Motion will be going forward as a conference in advance of scheduling it for substantive argument on a later date.

CONTESTED MATTERS

3. Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis International LLP as Attorneys for the Debtors and Debtors in Possession Effective as of February 13, 2024 [Docket No. 158]

Related Documents:

- A. Adjournment Request [Docket No. 374]
- B. **The Debtors', the Official Committee of Unsecured Creditors', and the United States Trustee's Joint Stipulation of Undisputed Facts Related to the Debtors' Application to Retain Kirkland & Ellis LLP and Kirkland & Ellis International LLP as Attorneys for the Debtors and Debtors-in-Possession [Docket No. 454]**

Responses/Objections:

- A. The Official Committee of Unsecured Creditors' Limited Objection to Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis International LLP as Attorneys for the Debtors and Debtors-in-Possession Effective as of February 13, 2024 [Docket No. 283]
- B. Declaration of Ashley Chase in Support of the Official Committee of Unsecured Creditors' Limited Objection to Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis International LLC as Attorneys for the Debtors and Debtors-in-Possession Effective as of February 13, 2024 [Docket No. 285]
- C. The Official Committee of Unsecured Creditors' Motion to File Under Seal the Limited Objection to Debtors' Retention Application Concerning Kirkland & Ellis [Docket No. 286]
- D. Objection of the United States Trustee to Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis International LLP as Attorneys for the Debtors and Debtors-in-Possession Effective as of February 13, 2024 [Docket No. 322]
- E. Statement in Response to Committee's Objection to the Debtors' Retention of Kirkland & Ellis [Docket No. 336]

- F. Debtors' Reply in Support of the Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis International LLP as Attorneys for the Debtors and Debtors in Possession Effective as of February 13, 2024 [Docket No. 363]

Status: This matter is going forward.

OTHER MATTERS

- 4. Motion for Relief from Automatic Stay in Order to Offset Security Deposit and Letter of Credit [Docket No. 296]

Related Documents:

- A. Adjournment Request re: Motion for Relief from Automatic Stay in Order to Offset Security Deposit and Letter of Credit [Docket No. 377]
- B. **Certification of Consent Regarding Consent Order [Docket No 456]**

Status: This matter is resolved and the Debtors have submitted a stipulation and consent order to Chambers prior to the hearing.

Dated: May 7, 2024

/s/ Michael D. Sirota

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
wusatine@coleschotz.com
fyudkin@coleschotz.com
dharris@coleschotz.com

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Francis Petrie (admitted *pro hac vice*)
Jeffrey Goldfine (admitted *pro hac vice*)
601 Lexington Avenue
New York, New York 10022
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

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Spencer A. Winters, 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

*Proposed Co-Counsel to the Debtors and
Debtors in Possession*