

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

NVN Liquidation, Inc., *et al.*,
f/k/a NOVAN, INC.,¹

Debtors.

Chapter 11

Case No. 23-10937 (LSS)

Re: D.I. 533

**ORDER PURSUANT TO 11 U.S.C. §§ 105(a) AND 554 AND
FEDERAL RULE OF BANKRUPTCY PROCEDURE 6007
AUTHORIZING THE ABANDONMENT OF CERTAIN UNSELLABLE
PRODUCTS SUBJECT TO CERTAIN REGULATORY OBLIGATIONS**

Upon consideration of the motion (the “Motion”)² of the Debtors for entry of an order (this “Order”) authorizing the abandonment of certain of the debtors’ property; and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of these Chapter 11 Cases and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having found that proper and adequate notice of the Motion and the relief requested therein has been provided in accordance with the Bankruptcy Rules and the Local Rules, and that, except as otherwise ordered herein, no other or further notice is necessary; and objections to the Motion having been resolved as set forth herein;

¹ The Debtors in these chapter 11 cases, along with the last four digitals of the Debtors’ federal tax identification number (if applicable), are: NVN Liquidation, Inc., (f/k/a Novan, Inc.) (7682) and EPI Health, LLC (9118). The corporate headquarters and the mailing address for the Debtors is P.O. Box 64, Pittsboro, NC 27312.

² Capitalized terms not otherwise defined herein are to be given the meanings ascribed to them in the Motion.



and a hearing having been held to consider the relief requested in the Motion and upon the record of the hearing and all of the proceedings had before this Court; and this Court having found and determined that the relief sought in the Motion is in the best interests of the Debtors, their estates, their creditors and all other parties-in-interest; and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Debtors are authorized to abandon, and are hereby deemed to have abandoned, the Unsellable Products as described in the Motion.
3. Integrated Commercialization Solutions, Inc. (“ICS”) is authorized to dispose of all any and all inventory of the Debtors in their possession, including, but not limited to, the Unsellable Products, without liability to the Debtors, their estates, the Liquidating Trust or the Liquidating Trustee.
4. Nothing contained in this Order shall affect ICS’s rights to assert claims against the Debtors relating to their contractual relationship, inventory in ICS’s possession or the destruction thereof, or services provided to the Debtors, and nothing contained in this Order shall affect the Debtors’, the Liquidating Trust’s, the Liquidating Trustee’s, or other parties’ rights to object to such claims.
5. Notwithstanding any provision in the Motion or this Order (collectively, “Documents”), the Debtors and any other party in possession of, or otherwise responsible for, the Unsellable Products, the Prescription Products, or any non-expired drugs, may dispose of such property, free and clear of all liens, claims, encumbrances, and interests, provided that they have

complied with (and continue to comply if relevant) all federal regulatory obligations and non-bankruptcy law. For the avoidance of doubt and without limiting the foregoing, notwithstanding any provision in the Documents, nothing in the Documents shall impair, affect, alter, or modify any statutes (including but not limited to the Federal Food, Drug, and Cosmetic Act), regulations, rules, guidelines, standards, policies and procedures of the United States, including but not limited to the Department of Health and Human Services and the Food and Drug Administration.

6. The Debtors are authorized and empowered to execute and deliver such documents, and to take and perform all actions necessary to implement and effectuate the relief granted in this Order.

7. This Court shall retain jurisdiction over any matter or dispute arising from or relating to the implementation of this Order.

Dated: April 10th, 2024
Wilmington, Delaware


LAURIE SELBER SILVERSTEIN
UNITED STATES BANKRUPTCY JUDGE