

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re:

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

Chapter 11

Case No. 23-10937 (LSS)

(Jointly Administered)

Re: Docket No. 785

**ORDER GRANTING TRUSTEE'S FOURTH OMNIBUS OBJECTION TO CLAIMS
(SUBSTANTIVE)
(Equity Claims, Misclassified Claims, and Satisfied Claims)**

Upon the *Trustee's Fourth Omnibus Objection to Claims* (the "Objection") seeking entry of an order reclassifying, disallowing and/or expunging the claims (collectively, the "Subject Claims") set forth on Schedules 1, 2, and 3 attached hereto and made a part hereof (the "Schedules"), all as more fully set forth in the Objection; and upon the *Declaration of Alan D. Halperin Pursuant to 28 U.S.C. § 1746 and Local Rule 3007-1 in Support of Trustee's Fourth Omnibus Objection to Claims (Substantive)* filed contemporaneously with the Objection and in support thereof; and this Court having jurisdiction to consider the Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Objection having been provided, and no other or further notice being required; and the Court having considered all responses to the Objection, if any, and all such responses having been either overruled or withdrawn; and upon all proceedings had before the Court; and the Court having

¹ The Debtors in these chapter 11 cases, along with the last four digits of the Debtors' federal tax identification number, are: NVN Liquidation, Inc. (f/k/a Novan, Inc.) (7682) and EPI Health, LLC (9118).



determined that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and

This Court having **FOUND AND DETERMINED THAT:**

A. The holders of the Subject Claims listed on the Schedules were properly and timely served with a copy of the Objection and all of its accompanying exhibits, schedules and notice of hearing on the Objection and response deadline.

B. Any entity known to have an interest in the Subject Claims has been afforded reasonable opportunity to respond to, or being heard regarding, the relief requested in the Objection, and

C. The relief requested in the Objection is the in the best interests of the Debtors, their estates, the Trust² and its beneficiaries, and other parties in interest;

And after due deliberation and sufficient cause appearing therefor,

IT IS THEREFORE ORDERED THAT:

1. The Objection is GRANTED.
2. The Equity Claims listed on **Schedule 1** are hereby reclassified as class 6 Equity Interests and are hereby disallowed and expunged in their entirety.
3. The Misclassified Claim listed on **Schedule 2** is hereby reclassified as a general unsecured claim as reflected on the schedule.
4. The Satisfied Claims listed on **Schedule 3** are hereby disallowed and expunged in their entirety.

² Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Objection.

5. The Claims Agent is hereby authorized and directed to reclassify, disallow and/or expunge the Subject Claims on the Claims Register as reflected in and consistent with this Order and to make other changes to the Claims Register as necessary to effectuate the terms of this Order.

6. The Objection to each of the Subject Claims constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate Order with respect to each of the Subject Claims. Any stay of this Order pending appeal by any holder of any of the Subject Claims shall apply only to the contested matter which involves such claimant and shall not act to stay the applicability and/or finality of this Order with respect to other contested matters covered hereby.

7. Nothing in the Objection or this Order shall be construed as an allowance of any of the Subject Claims or any other claims.

8. The Trustee's right to amend, modify, or supplement the Objection, to file additional objections to the Subject Claims or any other claims (filed or not) which have or may be asserted against the Debtors, and to seek further reduction of any of the Subject Claims, are fully preserved. Additionally, should one or more of the grounds of objection stated in the Objection be dismissed, the Trustee's right to object on other stated grounds or any other grounds that the Trustee discovers during the pendency of these Cases are further preserved.

9. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, and/or enforcement of this Order.

Dated: March 24th, 2025
Wilmington, Delaware


3 **LAURIE SELBER SILVERSTEIN**
UNITED STATES BANKRUPTCY JUDGE

SCHEDULE 1

Schedule 1 - Equity Claims

| Claimant | Claim Number | Debtor | Asserted Claim Amount and Classification | Reason for Reclassification and Disallowance |
|---------------------|---------------------|---------------|---|--|
| Ahmed, Nazir Ali | 331 | Novan, Inc. | \$4,140.36 General Unsecured | Claimant asserts an Equity Interest in one or more of the Debtors. As of the Effective Date, all Equity Interests were cancelled under the Plan. |
| Dao, Thi Minh Hong | 342 | Novan, Inc. | \$4,874.20 General Unsecured | Claimant asserts an Equity Interest in one or more of the Debtors. As of the Effective Date, all Equity Interests were cancelled under the Plan. |
| Edmond, John | 334 | Novan, Inc. | \$300,000.00 General Unsecured | Claimant asserts an Equity Interest in one or more of the Debtors. As of the Effective Date, all Equity Interests were cancelled under the Plan. |
| Elfaki, Salma | 335 | Novan, Inc. | \$4,000.00 General Unsecured | Claimant asserts an Equity Interest in one or more of the Debtors. As of the Effective Date, all Equity Interests were cancelled under the Plan. |
| Lalani, Fiyza A. | 332 | Novan, Inc. | \$2,239.95 General Unsecured | Claimant asserts an Equity Interest in one or more of the Debtors. As of the Effective Date, all Equity Interests were cancelled under the Plan. |
| Richards, Johnathan | 327 | Novan, Inc. | \$919.00 General Unsecured | Claimant asserts an Equity Interest in one or more of the Debtors. As of the Effective Date, all Equity Interests were cancelled under the Plan. |
| Wu, Ming-Ru | 337 | Novan, Inc. | \$6,873.11 General Unsecured | Claimant asserts an Equity Interest in one or more of the Debtors. As of the Effective Date, all Equity Interests were cancelled under the Plan. |

SCHEDULE 2

Schedule 2 - Misclassified Claims

| Name of Claimant | Claim No. | Debtor | Asserted Claim Amount and Classification | Modified Amount and Classification | Reason for Modification |
|-------------------------|------------------|-----------------|---|---|--|
| Oregon DHS | 361 | EPI Health, LLC | 405.92 Administrative | \$405.92 General Unsecured | Claimant asserts an administrative expense claim for rebates and fails to establish a post-petition transaction and a benefit to the estate. Therefore, there is no basis for an administrative expense claim. |

SCHEDULE 3

Schedule 3 – Satisfied Claims

| Claimant | Scheduled Amount & Classification | Claim No. | Asserted Claim Amount & Classification | Debtor | Reason |
|------------------------|-----------------------------------|-----------|--|-------------|--|
| AirGas USA LLC | \$9,007.89 General Unsecured | 116 | \$12,684.72 General Unsecured | Novan, Inc. | Pursuant to <i>Notice of Revised Assumed Contracts List</i> [D.N. 321], the claimant's contract was assumed and upon information and belief, fully cured.. Therefore, these claims are satisfied and should be expunged. |
| Level 3 Communications | \$708.70 General Unsecured | 25 | \$1,110.30 General Unsecured | Novan, Inc. | Pursuant to <i>Notice of Revised Assumed Contracts List</i> [D.N. 321], the claimant's contract was assumed and upon information and belief, fully cured.. Therefore, these claims are satisfied and should be expunged. |