

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Chapter 11
)
NVN Liquidation, Inc., et al.,) Case No. 23-10937 (LSS)
f/k/a NOVAN, INC.,¹) Jointly Administered
)
Debtors.) Bar Date for Administrative Expense Claims, Fee Claims and
) Rejection Claims: Thursday, May 30, 2024, at 5:00 p.m. (ET)
)
) **Re: D.I. 522, 543, 568**

**NOTICE OF (I) CONFIRMATION ORDER; (II) EFFECTIVE DATE;
(III) APPLICABLE BAR DATES FOR FILING CERTAIN
CLAIMS; AND (IV) RELATED INFORMATION**

PLEASE READ THIS NOTICE CAREFULLY. IT CONTAINS DEADLINES TO ASSERT (I) ADMINISTRATIVE EXPENSE CLAIMS THAT AROSE ON OR AFTER JULY 17, 2023, THROUGH AND INCLUDING THE EFFECTIVE DATE, (II) FEE CLAIMS, AND (III) CLAIMS FOR DAMAGES BASED ON REJECTION OF CONTRACTS OR LEASES BY THE PLAN. THIS NOTICE ALSO CONTAINS ADDITIONAL INFORMATION THAT MAY AFFECT YOUR RIGHTS.

PLEASE TAKE NOTICE THAT:

1. **Entry of Confirmation Order.** On January 26, 2024 (the “Confirmation Date”), the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) entered the *Order (I) Approving Amended Combined Disclosure Statement and Chapter 11 Plan of Liquidation Proposed by the Debtors as Containing Adequate Information on a Final Basis and (II) Confirming Combined Disclosure Statement and Chapter 11 Plan of Liquidation Proposed by the Debtors* (D.I. 568) (the “Confirmation Order”), thereby confirming the *Amended Combined Disclosure Statement and Chapter 11 Plan of Liquidation Proposed by the Debtors*, dated January 26, 2024 (D.I. 568-1) (together with the Plan Supplement (D.I. 522) including the amendment thereto (D.I. 543), the “Plan”).²

2. **Effective Date.** Each of the conditions precedent to the effectiveness of the Plan have occurred or have been waived in accordance with sections 13.2 of the Plan, and the Plan became effective and was substantially consummated on April 30, 2024 (the “Effective Date”). The Plan and its provisions are binding on the Debtors, any Holder of a Claim or Interest, and such

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).

² Capitalized terms used but not defined herein are defined in the Plan or the Confirmation Order, as applicable.



Holder's respective successors and assigns, whether or not the Claim or Interest of such Holder is Impaired under the Plan, and whether or not such Holder voted to accept the Plan.

3. **Bar Date for Administrative Expense Claims.** In accordance with section 6.1 of the Plan and paragraph 17 of the Confirmation Order, any and all requests for allowance and/or payment of Administrative Expense Claims incurred on or after the Petition Date (which was July 17, 2023), through and including the Effective Date, must be filed with the Debtors' claims agent, Kurtzman Carson Consultants LLC (<https://www.kccellc.net/novan>) and served on the Liquidating Trustee, Alan D. Halperin of Halperin Battaglia Benzija, LLP, (ahalperin@halperinlaw.net), 40 Wall Street, 37th Floor, New York, New York 10005, and counsel for the Liquidating Trust, Halperin Battaglia Benzija, LLP, Attn: Debra J. Cohen (dcohen@halperinlaw.net), 40 Wall Street, 37th Floor, New York, New York 10005, so as to be actually received on or before **May 30, 2024, at 5:00 p.m. (prevailing Eastern Time)** (the "**Administrative Expense Claims Bar Date**").³ Any such request must be in writing and include, at a minimum, (i) the name of the applicable Debtor that is purported to be liable for the Administrative Expense Claim; (ii) the name of the holder of the Administrative Expense Claim; (iii) the amount of the Administrative Expense Claim; (iv) the basis of the Administrative Expense Claim; and (v) supporting documentation for the Administrative Expense Claim substantially complying with the Bankruptcy Code, the Bankruptcy Rules and the Local Rules of the Bankruptcy Court.

UNLESS OTHERWISE ORDERED BY THE BANKRUPTCY COURT, ANY REQUEST FOR ALLOWANCE AND/OR PAYMENT OF AN ADMINISTRATIVE EXPENSE CLAIM ARISING ON OR AFTER JULY 17, 2023, THROUGH AND INCLUDING THE EFFECTIVE DATE, THAT IS NOT PROPERLY FILED AND SERVED BY THE ADMINISTRATIVE EXPENSE CLAIMS BAR DATE IS TIME BARRED, SHALL NOT APPEAR ON THE REGISTER OF CLAIMS MAINTAINED BY THE CLAIMS AGENT AND SHALL BE FOREVER BARRED FROM RECEIVING A DISTRIBUTION FROM THE LIQUIDATION TRUST, THE DEBTORS, OR THEIR ESTATES.

4. **Bar Date for Fee Claims.** In accordance with section 6.2 of the Plan and paragraph 18 of the Confirmation Order, all final requests for payment of Fee Claims pursuant to sections 327, 328, 329, 330, 331, or 503(b) of the Bankruptcy Code for services rendered prior to the Effective Date (each a "**Final Fee Application**") shall be filed and simultaneously noticed and served in accordance with the Bankruptcy Court's *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals* (D.I. 218) no later than **May 30, 2024 (prevailing Eastern Time)**.

5. **Procedures Relating to Rejection of Executory Contracts and Unexpired Leases.** Pursuant to section 11.1 of the Plan and paragraph 15 of the Confirmation Order, on the Effective Date, all of the Debtors' Executory Contracts will be deemed rejected as of the Effective Date in accordance with, and subject to, the provisions and requirements of sections 365 and 1123 of the Bankruptcy Code, except with respect to any Executory Contract that: (a) the Debtors previously assumed, assumed and assigned or rejected, or (b) for which, prior to the Effective

³ The Administrative Expense Claims Bar Date does not apply to the following: (a) Fee Claims addressed in section 6.2 of the Plan or (b) Claims for U.S. Trustee Fees.

Date, the Debtors, Filed a motion to assume, assume and assign, or reject on which the Bankruptcy Court has not ruled.

6. **Bar Date for Rejection Claims.** Pursuant to section 11.2 of the Plan, unless otherwise provided by a Bankruptcy Court order, any Proofs of Claim based on the rejection of the Debtors' Executory Contracts pursuant to the Plan must be: (a) filed with the Claims Agent (i) electronically at (<https://www.kccllc.net/novan>) using the interface available after clicking the link entitled "Submit Electronic Proof of Claim (ePOC)," or (ii) by hardcopy via first class mail or overnight mail an original, signed copy of the proof of claim sent to Novan Claims Processing Center, c/o KCC 222 N. Pacific Coast Hwy., Ste 300, El Segundo, CA 90245; and (b) served on the Liquidating Trustee on or before **May 30, 2024 at 5:00 p.m. (prevailing Eastern Time)**. **Any Claims arising from the rejection of the Debtors' Executory Contracts that are not filed within such time shall be forever barred, disallowed and shall not be enforceable against the Debtors, the Liquidating Trust, their successors or properties.**

7. **Claims Objection Deadline:** Unless otherwise provided by a court order, any party in interest shall have standing to file an objection to any Claims or otherwise formally challenge any Claims so long as such objection or challenge is filed in the Bankruptcy Court within ninety (90) days of the Effective Date. The Liquidating Trustee shall have one (1) year from the Effective Date to object to or otherwise formally challenge any Claims, provided that the Liquidating Trustee may seek extension of this date from the Bankruptcy Court.

8. **Copies of the Confirmation Order and the Plan.** Copies of the Confirmation Order and the Plan are available for review: (i) without charge at the Claims Agent's website, <https://www.kccllc.net/novan> or by email at NovanInfo@kccllc.com; and (ii) on the Court's electronic docket of these chapter 11 cases at the address <http://ecf.deb.uscourts.gov>.

Dated: April 30, 2024
Wilmington, Delaware

Respectfully submitted,

/s/ Daniel B. Butz

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