

ID: 24294267

PIN: M5SMEfwK

**Fill in this information to identify the case:**

Debtor Orexigen Therapeutics, Inc.

United States Bankruptcy Court for the District of Delaware

Case number 18-10518

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Official Form 410  
Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Other than a claim under 11 U.S.C. § 503(b)(9), this form should not be used to make a claim for an administrative expense arising after the commencement of the case.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed.

**Part 1: Identify the Claim** NameID: 13268961

1. **Who is the current creditor?** Edmund McGarey  
Name of the current creditor (the person or entity to be paid for this claim)  
Other names the creditor used with the debtor DOC MCGAREY

2. **Has this claim been acquired from someone else?**  No  
 Yes. From whom? \_\_\_\_\_

3. **Where should notices and payments to the creditor be sent?** Edmund McGarey  
7052 Whitmarsh Cir  
Lakewood Ranch, FL 34202  
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

**Where should payments to the creditor be sent? (if different)**

Name \_\_\_\_\_  
Number \_\_\_\_\_ Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_  
Country \_\_\_\_\_  
Contact phone 407-967-1911  
Contact email docmcfarey@gmail.com  
Uniform claim identifier for electronic payments in chapter 13 (if you use one): \_\_\_\_\_

4. **Does this claim amend one already filed?**  No  
 Yes. Claim number on court claims registry (if known) \_\_\_\_\_ Filed on \_\_\_\_\_ MM / DD / YYYY

5. **Do you know if anyone else has filed a proof of claim for this claim?**  No  
 Yes. Who made the earlier filing? \_\_\_\_\_



**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$ 6,147.00 Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
 Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
 Limit disclosing information that is entitled to privacy, such as health care information.

*I worked Jan 1 - Feb. 2, 2018 achieving 100% payout for bonus during that time. According to bonus documents @ 100% achievement and \$68,000.00 target bonus, that amount of time worked, earned and achieved = 6,147.00. OREXIGN refused to provide in writing our 100% goal achievement, but promised among many witnesses, to pay us out @ 100%.*

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.

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**Nature of property:**

- Real estate: If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
- Motor vehicle
- Other. Describe: \_\_\_\_\_

**Basis for perfection:** \_\_\_\_\_

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ \_\_\_\_\_

Amount of the claim that is secured: \$ \_\_\_\_\_

Amount of the claim that is unsecured: \$ \_\_\_\_\_ (The sum of the secured and unsecured amount should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ \_\_\_\_\_

Annual Interest Rate (when case was filed) \_\_\_\_\_%

- Fixed
- Variable

10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: \_\_\_\_\_



12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. Check all that apply:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ \_\_\_\_\_

Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ \_\_\_\_\_

Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ 6147.00

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ \_\_\_\_\_

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ \_\_\_\_\_

Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies. \$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim pursuant to 11 U.S.C. § 503(b)(9)?

No

Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ \_\_\_\_\_

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**Part 3: Sign Below**

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

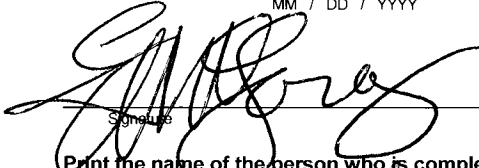
I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 5 24 2018

MM / DD / YYYY



Print the name of the person who is completing and signing this claim:

Name

Edmund

Harrison

McGarey

First name

Middle name

Last name

Title

Senior Regional Sales Manager

Company

Orexigen Therapeutics Inc

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

7052 Whitmarsh Circle

Number

Street

Lakewood Ranch FL

34202

City

State

ZIP Code

Country

Contact phone

407-967-1911

Email

docmcgarey@gmail.com



May 31, 2018

Memorandum

TO: Orexigen Therapeutics Inc. Bankruptcy Proceedings

FROM: Edmund H. Doc McGarey, Senior Region Sales Manager (SRSM), OREX

RE: OREX Renege on Promised Incentive Compensation Bonus for Jan. 1-Feb. 2, 2018



In January of 2018, during a calls with OREX Leaders Elizabeth Eastland and Amy Fox, OREX promised to pay the "SRSM's" – all of us were communicated this same information—their target bonus for the Jan. 1-Feb.2 timeframe which we earned and were owed, per the Incentive Compensation Guidelines published by the company. The promise for payment was widely distributed.

Now per the attached eMail from Amy Fox, OREX has reneged on that owed and earned bonus. I am requested to be paid that bonus. Our target bonus for the year was \$68,000.  $\$68,000 / 365 \text{ days in the year} \times 33 \text{ days worked} = \text{an earned gross bonus of } \$6147.$

CC: File

BakerHostetler, Orlando



Edmund McGarey &lt;docmcgarey@gmail.com&gt;

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**Print. Fwd: 2018 Incentive Compensation - update**

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Edmund McGarey &lt;docmcgarey@gmail.com&gt;

Fri, May 25, 2018 at 4:12 PM

To: Edmund McGarey &lt;docmcgarey@gmail.com&gt;

Renege on previous commitment published to all displace managers.

----- Forwarded message -----

From: Amy Fox <afox@orexigen.com>

Date: Fri, May 18, 2018 at 12:20 PM

Subject: 2018 Incentive Compensation - update

To: susanmacleman@gmail.com <susanmacleman@gmail.com>, Brian Scott <brianalanscott@gmail.com>, Jon S Evans <jonscottevans@gmail.com>, Jon <jwctm1224@yahoo.com>, Edmund McGarey <docmcgarey@gmail.com>, pcjhl@charter.net <pcjhl@charter.net>, Rebecca Maldonado <maldonar@icloud.com>, Kay Gerhardt <kaygerhardt5@gmail.com>, Julie Miller <millerjuliem@gmail.com>, Angelita Horton <angelitahorton@gmail.com>

Hi All,

I hope this email finds you well. We have had a few questions concerning payout of 1Q IC so I wanted to update the group. Orexigen's filing for chpt 11 bankruptcy protection has impacted our compensation plans. All 2018 bonus and incentive compensation plans and programs are terminated during the bankruptcy process. As a result, no 1Q IC bonuses will be paid.

Please let me know if you have questions.

Best,

Amy

Amy M. Fox

Senior Director, Human Resources

OREXIGEN® THERAPEUTICS, INC.

3344 North Torrey Pines Ct., Ste. 200

La Jolla, CA 92037

P-858.875.8611

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Doc McGarey  
Founder, Coastal Lighthouse Group  
Chairman, A Voice For Those Without One  
Greater Sarasota  
407.967.1911 docmcgarey@gmail.com