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**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

In re: PolarityTE, Inc., a Delaware corporation Debtor	Case No. 23-bk-22358-KRA Case No. 23-bk-22360-KRA Case No. 23-bk-22361-KRA
In re: PolarityTE, MD Inc., a Nevada corporation Debtor	Chapter 11 Judge Kevin R. Anderson
In re: PolarityTE, Inc., a Nevada corporation Debtor	THIS FILING RELATES TO ALL DEBTORS¹

OBJECTION TO PROOF OF CLAIM NO. 16-1 OF COURTNEY LISA CUSHNIR

By this Objection (the “**Objection**”), John Curtis, as the Liquidating Trustee of the
bankruptcy estate for debtors PolarityTE, Inc. (“**PTE**”), PolarityTE, MD Inc. (“**PTE MD**”), and

¹ The Debtors in these jointly administered chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are PolarityTE, Inc. (9524); PolarityTE MD, Inc. (1555); and PolarityTE, Inc. (6882). The location of the Debtors’ service address is 1960 S. 4250 W., Salt Lake City, UT 84104.



PolarityTE, Inc. (“**PTE NV**”) (together, the “**Debtors**”), hereby move the Court for entry of an order disallowing and reducing to \$0 proof of claim no. 16-1 filed by Courtney Lisa Cushnir (the “**Claimant**”) in Case No. 23-22358 as duplicative.

I. JURISDICTION

1. The Bankruptcy Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

2. The Debtors’ principal offices and principal place of business are in Salt Lake City, Utah, within the District of Utah, and, therefore, venue is proper in this District under 28 U.S.C. § 1408(1).

3. The bases for the relief requested herein are sections 105 and 502 of title 11 of the United States Code (the “**Bankruptcy Code**”) and rules 3001 and 3007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”).

II. GENERAL BACKGROUND

4. The Debtors were a clinical stage biotechnology company that marketed and sold a product to treat complex wounds.

5. Due to U.S. Food and Drug Administration’s (“**FDA**”) guidance, the Debtors were no longer able to sell their product without FDA approval which required expensive clinical trials.

6. The Debtors were unable to continue to fund the clinical trials.

7. Rather than abandon the clinical trials and their promising product, on June 6, 2023 (the “**Petition Date**”), each Debtor filed a petition for relief under its Chapter 11 Case in the Bankruptcy Court.

8. After the Petition Date, the Debtors sought and obtained approval from the Bankruptcy Court to run a sale process for the sale of substantially all their assets. On July 31,

2023, the Court approved the sale of substantially all the Debtors' operating assets to Grander Acquisition LLC ("**Grander**" and the "**Grander Sale**") (ECF 107) for the price of \$6,500,000.

9. On January 27, 2025, the Court confirmed (the "**Confirmation Order**") (ECF 190) Debtors' liquidating plan of reorganization (the "**Plan**").

10. Under the Plan the Effective Date occurred on February 26, 2025, at which time John Curtis was appointed as the Liquidating Trustee.

III. THIS MOTION

11. Claimant filed proof of claim no. 8-2 in Case No. 23-22358, asserting an unsecured claim in the amount of \$17,580.94 based on "PTO payout," of which \$15,150 was asserted as a priority unsecured claim.

12. Claimant also a duplicate filed proof of claim no. 16-1 in the same case for the same amount and basis as claim no. 8-2.

13. Proof of claim no. 16-1 is duplicative.

IV. NOTICE

The Debtor has provided 30 days' notice of this Objection in accordance with Bankruptcy Rule 3007(a) and Local Bankruptcy Rule 3007-1(b) to (a) the Office of the United States Trustee; and (b) all ECF notice parties in this case; and (c) all parties on the Court's official mailing matrix. The Liquidating Trustee respectfully submits that no further notice is necessary and that the notice satisfies Bankruptcy Rule 3007(a).

V. CONCLUSION

WHEREFORE, for the reasons set forth herein, the Liquidating Trustee requests that the Court enter an Order disallowing and reducing to \$0 proof of claim no. 7-2 in Case No. 23-22360 as duplicative, and granting such other further relief as is just and proper.

DATED May 21, 2025.

PARSONS BEHLE & LATIMER

/s/ Darren Neilson

Darren Neilson

Attorneys for the Liquidating Trustee

CERTIFICATE OF SERVICE BY ELECTRONIC NOTICE (CM/ECF)

I hereby certify that on May 21, 2025, I electronically filed the foregoing *Objection to Proof of Claim* with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users.

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CERTIFICATE OF SERVICE BY MAIL OR OTHER MEANS

I hereby certify that on May 21, 2025, I caused to be served a true and correct copy of the foregoing *Objection to Proof of Claim* as follows:

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Mail Service to All Parties in Interest: First-class U.S. mail, postage pre-paid, addressed to all parties who did not receive electronic service as set for the herein listed on the Official Court Mailing Matrix dated May 21, 2025 attached hereto.

/s/ Darren Nielson
Darren Nielson

Label Matrix for local noticing
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Case 23-22358
District of Utah
Salt Lake City
Wed May 21 14:28:39 MDT 2025

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Fort Wayne, IN 46802-3506

Lincoln Financial Employee Assistance Progra
1300 S Clinton Street
Fort Wayne, IN 46802-3506

Lincoln Financial Life Insurance and Acciden
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Transamerica Group Hospital Indemnity Insura
Document Page 22 of 25
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Transamerica Life Insurance Company
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1 OPTUM CIR
EDEN PRAIRIE MN 55344-2956

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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

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