Page 1 of *A* Docket #0162 Date Filed: 06/18/2024 Filed 06/18/2/ Case 24-10972-JTD Doc 162

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re:

PROSOMNUS, INC., et al.,¹

Debtors.

Chapter 11

Case No. 24-10972 (JTD) (Jointly Administered)

AFFIDAVIT OF PUBLICATION OF THE NOTICE OF ENTRY OF INTERIM **ORDER ESTABLISHING NOTIFICATION PROCEDURES AND APPROVING RESTRICTIONS ON CERTAIN TRANSFERS OF, OR WORTHLESSNESS DEDUCTIONS** WITH RESPECT TO, STOCK OF THE DEBTORS IN THE WALL STREET JOURNAL

This Affidavit of Publication includes the sworn statements verifying that the Notice of Entry of Interim Order Establishing Notification Procedures and Approving Restrictions on Certain Transfers of, or Worthlessness Deductions with Respect to, Stock of the Debtors was published and incorporated by reference herein as follows:

1. In *The Wall Street Journal* on June 13, 2024, attached hereto as **Exhibit A**.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number are: ProSomnus, Inc. (8216), ProSomnus Holdings, Inc. (3855), and ProSomnus Sleep Technologies, Inc. (0766). The location of the Debtors' principal place of business and the Debtors' mailing address is 5675 Gibraltar Dr., Pleasanton, California 94588.



Exhibit A

AFFIDAVIT

STATE OF NEW JERSEY

)) ss:

CITY OF MONMOUTH JUNCTION, in the COUNTY OF MIDDLESEX)

I, Ian Martin, being duly sworn, depose and say that I am the Advertising Clerk of the Publisher

of THE WALL STREET JOURNAL, a daily national newspaper of general circulation throughout

the United States, and that the notice attached to this Affidavit has been regularly

published in THE WALL STREET JOURNAL for National distribution for

1 insertion(s) on the following date(s):

JUN-13-2024;

ADVERTISER: ProSomnus, Inc.;

and that the foregoing statements are true and correct to the best of my knowledge.

- 1 What

Sworn to before me this 13 day of June 2024

Notary Public



Keith Oechsner NOTARY PUBLIC State of New Jersey ID # 50106528 My Commission Expires June 10, 2024

BANKING & FINANCE

Brands Try To Refresh Gum Sales

Continued from page B1 dreaming up potential gum subscription products.

"The category is vibrant and growing again," said Rankin Carroll, Mars Wrigley's chief brand officer.

Rebranding such a familiar product isn't easy, however, industry observers say.

'No one's found a way to kind of engage people with gum and make it relevant in the way that it was before," said Nicholas Fereday, a food and consumer trends analyst at Dutch bank Rabobank. "Often in food, startups will jump on a declining category and reinvent it. With gum, that never happened."

Theories abound to explain

The IEA Predicts an Oil Glut

Continued from page B1 to its demand forecast, including economic-growth estimates, the trajectory of oil prices and the pace of adoption of electric vehicles worldwide.

In the short term, the agency cut its forecast for global oil-demand growth to 960,000 barrels a day this year from previous estimates of 1.1 million barrels a day, as weak deliveries in Organiza-



Mars Wrigley is promoting Extra and Orbit gum as a product that can improve one's focus.

gum's shrinking bubble.

Crude-oil futures prices

Brent

WTI

\$95 a barrel

90

85

Jan. 2024

KALYANASUNDARAM

Source: Dow Jones Market Data

Some say it has simply fallen out of fashion, no longer associated with youthful rebellion any more than visible tattoos and pantyhose-less legs. Some cite the declining popularity of cigarettes, undermining gum's use to disguise the smell of tobacco. There are other conjec-

tures. "Younger people are breath fresheners, such as inconcerned more about artificial sweeteners and ingredients that often feature in gum," said Lynn Dornblaser, director of innovation and insight at market research firm Mintel Group.

The pandemic also curtailed certain consumer behaviors that seemed to call for

narrow contraction in March.

Oil-demand growth for next vear is now forecast at one million barrels a day, down from 1.2 million barrels a day previously, on lackluster economic growth, the increasing use of electric vehicles and efficiency gains. Total demand is expected to reach an average of 103.2 million barrels a day in 2024 and 104.2 million barrels a day in 2025.

Wednesday's reports came as Brent crude trades around \$82 a barrel, while West Texas Intermediate is around \$78 a barrel. Both benchmarks rallied about 3% earlier this week as traders seem to be buying on the back of a dip following an oil selloff sparked by OPEC+'s plan to pushed global demand in a unwind some of its production

the behavior of picking up a pack of gum at corner and grocery stores, according to

person dating and social gath-

Covid-19 also interrupted

erings, Dornblaser said.

Carroll, the Mars brand chief. "Fifty percent of gum is purchased on impulse, so when you have a good portion of your

cuts.

Prices are supported by expectations that summer fuel demand and output curbs from OPEC+ will lead to a sizable deficit in the third quarter. Bearish sentiment continues to dominate the market, with prospects of higher-forlonger interest rates in the U.S. damping the commodity's demand outlook.

The agency's projections remain well below OPEC's. The cartel forecasts global oildemand growth of 2.2 million barrels a day this year and 1.8 million barrels a day in 2025.

Total oil supply is now expected to be higher, reaching an average of 102.9 million barrels a day this year and distribution outlets closed, gum really suffers," he said.

Mars, which isn't a publicly traded company and declined to share sales figures for its gum business, will spend around \$50 million on the latest campaign and will reach consumers in around 70 countries, with investment particularly concentrated in Europe, Carroll said.

Previous marketing for Orbit and Extra centered on the confidence-boosting properties of gum, particularly after the pandemic, when people were disoriented after spending months apart. The new ads that rolled out to the U.S. last month continue in this vein, but commercials in other countries lean more obviously into the idea of mental wellness with surrealist images of mouths in the middle of people's foreheads.

"This is probably the biggest shift for us, positioningwise, in the history of the brand," Carroll said. Gum has occasionally been

104.7 million barrels a day the

next from previous expecta-

tions of 102.7 million barrels a

day and 104.5 million barrels

a day, respectively, the IEA

said. Non-OPEC+ countries are

still set to lead global supply.

the agency said, with produc-

tion expected to grow by 1.4

million barrels a day in 2024

and 1.5 million barrels a day

cast to fall 740,000 barrels a

day this year if the group

keeps its voluntary output

cuts in place and to flip to a

growth of 320,000 barrels a

agreed to extend voluntary

The cartel and its allies

OPEC+ production is fore-

in 2025.

day the next.

pitched as a sort of tonic before. Ads from Wrigley, which was acquired by Mars in 2008, first dabbled in the idea that chewing is a stress reliever in the early 1900s, for example, and Trident in February 2020 released a campaign that encouraged people to "chew through" life's problems.

Trident's owner at the time, Mondelez International, had been struggling to keep gum sales climbing, especially in developed markets including North America.

By 2022, Mondelez announced it would unload its gum business, including Trident and Bubblicious, to Dutch gum and confectionery maker Perfetti Van Melle for \$1.35 billion.

Perfetti Van Melle, a private company that already owned the candy brands Mentos and Chupa Chups, said then that the acquisition would help the company become the global leader in gum. A spokeswoman declined to comment on the potential it sees in the category.

day to the end of September and said they aim to gradually unwind them from October 2024 to September 2025, contingent on market conditions. Meanwhile, Russian crude

exports rose by 100,000 barrels a day in May to 7.7 million barrels a day, while export revenue fell 0.6% compared with the previous month to \$16.8 billion, the IEA said. Russia's oil production is expected to decrease by 260,000 barrels a day this year to 10.7 million barrels a day as the country carries out deeper OPEC+ production cuts, but supply is forecast to remain broadly steady through 2030 supported by the Vostok Oil project in the Arctic.

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CLASS ACTION

LEGAL NOTICE

A MONETARY PAYMENT. If you have not yet received a full Notice and Claim Form, you may obtain copies of these documents by visiting the website for the Settlement, www.TaroSecuritiesLitigation.com, or by contacting the Claims Administrator at:

Taro Pharmaceutical Industries Ltd. Securities Litigation c/o JND Legal Administration P.O. Box 91388

Seattle, WA 98111 www.TaroSecuritiesLitigation.com (855) 208-4121

Inquiries, other than requests for information about the status of a claim, may also be made to Lead Counsel:

BERNSTEIN LIEBHARD LLP



Oil-demand growth is set to peak by 2029 and start to contract the next year, the IEA says.

To: All persons who purchased Taro common stock on the open market on a United States stock exchange from July 2, 2014 through November 3, 2016, both dates inclusive, and who were damaged thereby (the "Class").

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK CHRISTOPHER SPEAKES, Individually and on Behalf of

TARO PHARMACEUTICAL INDUSTRIES, LTD.,

Case No. 16-cv-08318-ALC-OTW

Hon. Andrew L. Carter Jr., U.S.D.J.

Hon. Ona T. Wang, U.S.M.J.

SUMMARY NOTICE OF PENDENCY AND

PROPOSED SETTLEMENT OF CLASS ACTION AND

MOTION FOR ATTORNEYS' FEES AND EXPENSES

All Others Similarly Situated, Plaintiff, vs.

MICHAEL KALB, AND SUBRAMANIAN, Defendants.

PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED BY A PENDING CLASS ACTION LAWSUIT.

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the Southern District of New York. that Lead Plaintiff City of Atlanta Firefighters' Pension Fund ("Lead Plaintiff" or "Atlanta Firefighters"), on behalf of itself and all members of the Class, and Taro Pharmaceutical Industries Ltd. ("Taro" or the "Company"), Michael Kalb, and Kalyanasundaram Subramanian (collectively, "Individual Defendants," and, together with Taro, "Defendants," and, together with both Taro and Lead Plaintiff, the "Parties"), have reached a proposed settlement of the claims in the abovecaptioned class action (the "Action") and related claims in the amount of \$36,000,000 (the "Settlement").

A hearing will be held before the Honorable Andrew L. Carter Jr., either in person or remotely in the Court's discretion, on August 23, 2024, at 11 a.m. in Courtroom 1306 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007 (the "Settlement Hearing") to determine: (i) whether the Court should approve the proposed Settlement as fair, reasonable, and adequate; (ii) whether the Action should be dismissed with prejudice as against Defendants, and the releases specified in the Stipulation and Agreement of Settlement, dated April 10, 2024 (and in the Notice), should be granted; and (iii) whether Lead Counsel's Fee and Expense Application should be approved. The Court may change the date of the Settlement Hearing, or hold it remotely, without providing another notice. You do NOT need to attend the Settlement Hearing to receive a distribution from the Net Settlement Fund.

IF YOU ARE A MEMBER OF THE CLASS, YOUR RIGHTS WILL BE AFFECTED BY THE PROPOSED SETTLEMENT AND YOU MAY BE ENTITLED TO

www.TaroSecuritiesLitigation.com

Michael S. Bigin, Esq. 10 East 40th Street New York, NY 10006 www.bernlieb.com 212-779-1414

If you are a Class Member, to be eligible to share in the distribution of the Net Settlement Fund, you must submit a Claim Form postmarked or submitted online no later than August 16, 2024. If you are a Class Member and do not timely submit a valid Claim Form, you will not be eligible to share in the distribution of the Net Settlement Fund, but you will nevertheless be bound by all judgments or orders entered by the Court, whether favorable or unfavorable.

If you are a Class Member and wish to exclude yourself from the Class, you must submit a written request for exclusion in accordance with the instructions set forth in the Notice so that it is received no later than August 2, 2024. If you properly exclude yourself from the Class, you will not be bound by any judgments or orders entered by the Court, whether favorable or unfavorable, and you will not be eligible to share in the distribution of the Net Settlement Fund.

Any objections to the proposed Settlement, Lead Counsel's Fee and Expense Application, and/or the proposed Plan of Allocation must be filed with the Court either by mail or in person, and be mailed to counsel for the Parties in accordance with the instructions in the Notice, such that they are *received* no later than August 2, 2024.

PLEASE DO NOT CONTACT THE COURT. **DEFENDANTS, OR DEFENDANTS' COUNSEL REGARDING THIS NOTICE. ALL QUESTIONS** ABOUT THE PROPOSED SETTLEMENT OR YOUR ELIGIBILITY TO PARTICIPATE IN THE SETTLEMENT SHOULD BE DIRECTED TO LEAD COUNSEL OR THE CLAIMS ADMINISTRATOR USING THE CONTACT INFORMATION ABOVE.

> BY ORDER OF THE COURT UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

BANKRUPTCIES

ATTENTION DIRECT AND INDIRECT HOLDERS OF, AND PROSPECTIVE HOLDERS OF, STOCK ISSUED BY PROSOMNUS, INC.

And Proof the second se

of, and claiming a worthless stock deduction with respect to, common and prefered stock of ProSommus (collectively, ProSommus Stock that may be or become a Substantial ProSommus Stock'), including potions to acquire ProSommus Stockholer or a So-percent Shareholder should consult Stock, and scheduling a hearing on a final order with respect to the Procedures.

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Prosomnus Stock"), including options to acquire ProSomnus
Stock, and scheduling a hearing on a final order with respect to the Procedures.
In certain circumstances, the Procedures restrict (i) transactions involving, and require notices of the holdings of and proposed transactions by any person that is or, as a result of substantial Stockholder of the Motion shall be held on June 24, 2024, at 1:00 p.m. (prevailing Eastern Time), and and proposed transactions by any person that is or, as a result of substantial Stockholder of the holdings of and proposed transactions by any person that is or, as a result of substantial Stockholder of the holdings of and (i) claims by any 50-percent Shareholder (i), (i) coursel to the prosomus Stock and (ii) claims by any 50-percent Shareholder (ii), (ii) coursel to the prosomus stock deduction"). For purposes of the Procedures, and "Substantial Stockholder" is any Person that Beneficial (iii) claums to the Sponsoning Noteholder's and a "Substantial Stockholder" is any Person that Beneficial (iii) claums to subck error BAD (as the stock stock and ustanding shares of ProSomnus. Stock (reperted Stock equal to urg terater that 4.5 percent Shareholder Stock production of is any erros on that Beneficial (phraines). The John Stock (repertent Shareholder' is any person that Beneficial (phraines). The John Stock (repertent Shareholder' is any person that Beneficial (phraines). The John Stock (repertent Shareholder') is any person that Beneficial (phraines). The John Stock (repertent Shareholder') is any person that Beneficial (phraines). The John Stock (repertent Shareholder') is any person that Beneficial (phraines). The John Stock (repertent Shareholder') is any person and Brya M. Keilson (Netwins). Network, New York, New York, New York, New York, New York 10036, Attm. Stehl, Lieberman (Silbermane) and Weilson (Netwins). Network (New York, New York,

PUBLIC NOTICES

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ADVERTISEMENT IN THE MATTER OF THE COMPANIES ACT 1981 OF BERMUDA and IN THE MATTER OF BW LPG LIMITED (the "Company")

NOTICE IS HEREBY GIVEN pursuant to Section 132G(2) (d) of the Companies Act 1981 that the Company intends to discontinue under the laws of Bermuda and continue in Singapore as if the Company had been incorporated under the laws of Singapore.

Dated: 13 June 2024 at Hamilton, Bermuda. **BW LPG LIMITED**





- South Pole Vehicle Expedition SUPERB LIFETIME OPPORTUNITY, up to adventurers. Fully participatory, professionall juided, driving expedition from Antarctic inner coastline to South Pole and return. Fly in/ou rom Chile. November/December 2024. Interested? expeditions@arctictrucks.

Foresite Capital Closes \$900 Million Venture Fund Targeting Life Sciences

BY BRIAN GORMLEY

Foresite Capital raised \$900 million for a venture fund targeting companies applying tools such as artificial intelligence to healthcare and life sciences.

Foresite, based in the San Francisco Bay Area, Los Angeles and New York, formed in 2011 with a view that technologies including genomics and machine learning would enable better healthcare. Since then it has backed developers of tools for biomedical research, such as 10X Genomics, which went public in 2019, but one theme in recent years has been using AI to better understand biology and develop new treatments.

"We feel that machine learning and AI is every bit as big as the internet was," Foresite founder and Chief Executive Dr. Jim Tananbaum said.

Foresite's new fund, its sixth, comes as life sciences fundraising has slowed recently.

North American and European firms raised \$29.2 bil-



Foresite founder and CEO Jim Tananbaum is bullish on AI.

only venture funds in 2021, according to market tracker PitchBook Data. Life sciences venture fundraising has declined since: Venture firms raised \$16.3 billion across 79 funds in 2022 and \$15.8 billion through 46 pools in 2023. according to PitchBook.

This year through May 21, activity has retreated further, with \$3.4 billion rounded up for 11 life sciences venture funds, according to Pitch-Book.

Many firms are still looking for the big investment success that propels their next fundraising, said Kazi Helal, a senior analyst with PitchBook.

Life sciences experienced a gold rush in 2021, said Sterling Snead, a principal with S&S Global Family Office, which invests in industries including healthcare.

Today, the gold rush is in artificial intelligence, but many investors seek to tap its potential for life sciences, he added.

Foresite, for example, joined with venture firm

lion across 128 life-sciences- ARCH Venture Partners and other investors to fund biotechnology company Xaira Therapeutics, which said in April that it had secured more than \$1 billion in committed capital to apply machine learning to uncover new medications.

Foresite also has invested in several other biotech companies, including in CG Oncology, which develops immunotherapies for bladder cancer and went public in January. and Alumis, which in March disclosed a \$259 million venture financing to advance treatments for diseases stemming from immune-system dysfunction.

Foresite's new investment pool follows its \$775 million 2020 vintage fund. The firm deployed part of that fund in 2021 as startup valuations climbed. But the firm backed some strong companies that year, he said.

In January 2021, for example, Foresite invested in vaccines developer Affinivax, which was acquired the following year, for up to \$3.3 billion, by drugmaker GSK.

In addition to Xaira, its biotech investments include Latigo Biotherapeutics, which is developing non-opioid painkillers.

Limited partners in Foresite's new fund include university endowments, pensions, private banks and insurance companies, according to the firm.

Hadi Tabbaa, managing director and head of investor relations and business development for Foresite, declined to discuss the firm's fundraising goal or target for the new fund, which closed in May.