

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

TRICIDA, INC.,<sup>1</sup>

Debtor.

Chapter 11

Case No. 23-10024 (\_\_\_)

**DEBTOR’S MOTION FOR ENTRY OF AN  
ORDER (I) AUTHORIZING DEBTOR TO REDACT CERTAIN  
PERSONALLY IDENTIFIABLE INFORMATION IN THE CREDITOR MATRIX  
AND CERTAIN OTHER DOCUMENTS, (II) MODIFYING THE REQUIREMENT TO  
FILE A LIST OF ALL EQUITY SECURITY HOLDERS AND MODIFYING NOTICE  
THERE TO, AND (III) GRANTING RELATED RELIEF**

Tricida, Inc., as the debtor in possession in the above-captioned chapter 11 case (the “Debtor”), hereby submits this motion (this “Motion”), under sections 105(a), 107(b) and 521 of title 11 of the United States Code (the “Bankruptcy Code”) and rules 1007(a)(1) and (d), 2002(a) and (b), and 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), for entry of an order, (i) authorizing the Debtor to redact in its creditor matrix and other documents filed in this chapter 11 case certain personally identifiable information of the Debtor’s individual creditors and interest holders (the “Personally Identifiable Information”), (ii) modifying the requirement to file a list of all equity security holders of the Debtor and modifying notice thereto, and (iii) granting related relief. In support of this Motion, the Debtor submits the *Declaration of Lawrence Perkins in Support of the Debtor’s Chapter 11 Petition and First Day Pleadings*

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<sup>1</sup> The Debtor in this chapter 11 case, together with the last four digits of the Debtor’s federal tax identification number, is Tricida, Inc. (2526). The Debtor’s service address is 7000 Shoreline Court, Suite 201, South San Francisco, CA 94080.



(the “First Day Declaration”), filed contemporaneously herewith and incorporated herein by reference.<sup>2</sup> In further support of this Motion, the Debtor respectfully states as follows:

**STATUS OF THE CASE AND JURISDICTION**

1. On the date hereof (the “Petition Date”), the Debtor filed a voluntary petition for relief under sections 101–1532 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware (the “Court”). The Debtor continues to operate its business as debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No party has requested the appointment of a trustee or examiner in this case, and no statutory committee has been appointed.

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012 (Sleet, C.J.). This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and the Debtor confirms its consent, pursuant to rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Local Rules”), to the entry of a final order or judgment by the Court in connection with this Motion if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The statutory and other bases for the relief requested in this Motion are sections 105(a), 107(b) and 521 of the Bankruptcy Code, rules 1007(a)(1) and (d), 2002(a) and (b),

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to such terms in the First Day Declaration.

and 9018 of the Bankruptcy Rules, and rules 1001-1(c), 1007-2, 2002-1, 9013-1(m), and 9018-1 of the Bankruptcy Local Rules.

### **BACKGROUND OF THE DEBTOR**

5. Founded in 2013, the Debtor is a clinical-stage pharmaceutical company focused on the development and commercialization of veverimer, a drug meant to slow the progression of CKD through the treatment of chronic metabolic acidosis. Veverimer is a new chemical entity discovered by the Debtor using its own proprietary technology. In addition to veverimer, the Debtor's intellectual property portfolio includes 233 patents in 52 different countries, including compositions-of-matter, dosage unit forms, methods-of-treatment, medical use, and methods of manufacture.

6. Additional information regarding the Debtor's business, capital structure and the circumstances preceding the Petition Date may be found in the First Day Declaration.

### **RELIEF REQUESTED**

7. By this Motion, the Debtor seeks entry of an order, substantially in the form attached hereto as **Exhibit A**, granting, among other things, the following relief:

- a. authorizing the Debtor to redact in its creditor matrix and other documents filed in this chapter 11 case certain personally identifiable information of the Debtor's individual creditors and interest holders (the "Personally Identifiable Information"),
- b. modifying the requirement to file a list of all equity security holders of the Debtor and modifying notice thereto, and;
- c. granting related relief, including scheduling a final hearing to consider approval of the Motion on a final basis.

### **BASIS FOR RELIEF REQUESTED**

#### **I. The Debtor Should Be Authorized to Redact the Personally Identifiable Information from Its Creditor Matrix and Other Documents Filed in This Chapter 11 Case**

8. Section 107(c)(1) of the Bankruptcy Code provides that:

The bankruptcy court, for cause, may protect an individual, with respect to the following types of information to the extent the court finds that disclosure of such information would create **undue risk of identity theft or other unlawful injury** to the individual or the individual's property:

(A) **Any** means of identification (as defined in section 1028(d) of title 18) contained in a paper filed, or to be filed, in a case under this title.

(B) **Other information** contained in a paper described in subparagraph (A).<sup>3</sup>

Thus, if a debtor can show that disclosure of any "means of identification," or some "other information," creates "undue risk of identity theft" or "other unlawful injury," courts may intervene to curtail disclosure of that information.

9. Here, the Debtor submits that the personal mailing addresses of its individual creditors and equity holders fit squarely within section 1028(d)(7)(A) and that disclosure of the personal addresses of such individual creditors and interest holders (i) would create an undue risk of identity theft contemplated by section 107(c) and (ii) would potentially cause other types of unlawful injury to these individuals, including potential future harassment from the Debtor's creditors or abusive former intimate partners.

10. Section 1028(d)(7)(A) defines "means of identification" as:

any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any—(A) name, social security number, date of birth, official State or government issued driver's licenses or identification number, alien registration number, government passport number, employer or taxpayer identification number . . . .<sup>4</sup>

Although personal addresses are not specifically enumerated in this definition, this list is inclusive, rather than exclusive, and should not be read as an exhaustive list of "means of identification."

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<sup>3</sup> 11 U.S.C. § 107(c)(1)(A)–(B) (emphasis added).

<sup>4</sup> 18 U.S.C. § 1028(d)(7)(A) (emphasis added).

Accordingly, the fact that personal addresses are not listed in section 1028(d)(7)(A) does not prohibit their redaction in bankruptcy court documents pursuant to section 107(c) of the Bankruptcy Code. Indeed, had Congress intended to exclude personal mailing addresses from this list, it would have done so. As suggested in *In re Promise Healthcare Grp., LLC*, Congress has already acted, as “they’ve provided an ability for the Court to protect people when necessary” via section 107(c)(1) of the Bankruptcy Code.<sup>5</sup>

11. Moreover, as noted above, section 1028(d)(7)(A) contemplates as a “means of identification” any “name or number . . . used alone or in conjunction with any other information” to identify a specific individual.<sup>6</sup> A personal address is precisely that: a combination of names and numbers used to identify a specific individual. Therefore, although not specifically enumerated, a personal address fits squarely within the types of “means of identification” set forth by section 1028(d)(7)(A).

12. Section 1028(d)(7) is not exhaustive, and personal mailing addresses are a means of identification.<sup>7</sup> Courts in this district have recognized that permitting debtors to redact the personally identifiable information, including personal mailing addresses, of individual creditors

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<sup>5</sup> *In re Promise Healthcare Grp., LLC*, No. 18-12491 (CSS) (Bankr. D. Del. Dec. 4, 2018) [Docket No. 228 at 18:18-20, 19:3-6] (noting that “to the extent Congress hasn’t acted specifically to deal with this, I think it should” but that Congress has already acted “because there’s a mechanism for protecting this information”).

<sup>6</sup> 11 U.S.C. § 1028(d)(7).

<sup>7</sup> *See, e.g., In re Quorum Health Corp.*, No. 20-10766 (KBO) (Bankr. D. Del. May 6, 2020) [Docket No. 296 at 28:10-12] (holding that “the combination of the names and addresses is a means of identification under 28 U.S.C. 1028(d)(7)(a)” and that “[t]he enumerating list in [1028(d)(7)(a) is not exclusive”); *In re Clover Techs. Grp., LLC*, No. 19-12680 (KBO) (Bankr. D. Del. Jan. 22, 2020) [Docket No. 146 at 24:15-20] (“As I have held before[,] I do find that names and/or addresses are a means of identification. The combination of a name and address to me is a means of identification under . . . 28 U.S.C. § 1028(d)(7).”); *In re THG Holdings LLC*, No. 19-11689 (JTD) (Bankr. D. Del. Aug. 22, 2019) [Docket No. 180 at 37:25-38:5] (“And in terms of 1028(d) not including address[es], I agree. I think that’s an inclusive list. It wouldn’t seem to make much sense that I could order the names not to be disclosed, but the addresses had to be; that wouldn’t make any sense to me.”); *In re L.K. Bennett U.S.A., Inc.*, No. 19-10760 (KG) (Bankr. D. Del. Apr. 9, 2019) [Docket No. 58 at 17:15- 17] (“[I] do think that the list of matters to be considered personally identifiable is not exclusive . . .”).

and interest holders significantly reduces the risk that such individuals will become victims of identity theft and/or unlawful injury.<sup>8</sup>

13. Thus, the Debtor respectfully submits that it is appropriate to authorize the Debtor to redact from any paper filed or to be filed with the Court in this chapter 11 case, including the Debtor’s creditor matrix, the Personally Identifiable Information of the Debtor’s individual interest holders and individual creditors—including the Debtor’s current and former employees and other potential creditors—because the disclosure of such information (i) would create an undue risk of identity theft contemplated by section 107(c) and (ii) would potentially cause other types of unlawful injury to these individuals, including potential future harassment from the Debtor’s creditors or abusive former intimate partners.

14. This risk is not merely speculative. In at least one chapter 11 case, the abusive former partner of a debtor’s employee used the publicly accessible creditor and employee information filed in that chapter 11 case to track the employee at her new address that had not been publicly available until then, forcing the employee to change addresses again.<sup>9</sup> Due to the large number of potential individual creditors and interest holders, the Debtor cannot reasonably know

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<sup>8</sup> See, e.g., *In re Quorum Health Corp.*, No. 20-10766 (KBO) (Bankr. D. Del. May 6, 2020) [Docket No. 296 at 29:13–14, 29:19–20] (overruling the U.S. Trustee’s objection to similar redaction relief, noting that the “association [of address information] with an employee makes the risk of identity theft even worse” and that “[t]he court can completely avoid contributing to this existing risk by redacting the addresses”); *In re Clover Techs. Grp., LLC*, Case No. 19-12680 (KBO) (Bankr. D. Del. Jan. 22, 2020) [Docket No. 146 at 24:21–25:10] (overruling the U.S. Trustee’s objection to similar redaction relief, noting that redaction of personal mailing addresses of individuals “is common sense. I don’t need evidence that there is, at best, a risk of identity theft and worse a risk of personal injury from listing someone’s name and address on the internet by way of the court’s electronic case filing system and, of course, the claims agent’s website. . . . The court can completely avoid contributing to the risk by redacting the addresses”); *In re Forever 21, Inc.*, Case No. 19-12122 (KG) (Bankr. D. Del. Dec. 19, 2019) [Docket No. 605 at 60:22–25] (overruling the U.S. Trustee’s objection to similar redaction relief, noting that “[w]e live in a new age in which the theft of personal identification is a real risk, as is injury to persons who, for personal reasons, seek to have their addresses withheld”).

<sup>9</sup> The incident, which took place during the first Charming Charlie chapter 11 proceedings in 2017, is described in the “creditor matrix motion” filed in *In re Charming Charlie Holdings, Inc.*, No. 19-11534 (CSS) (Bankr. D. Del. Jul. 11, 2019) [Docket No. 4].

with sufficient certainty whether a release of such individual creditors' and interest holders' Personally Identifiable Information could potentially jeopardize their safety.

## **II. The Requirement to File a List of All Equity Security Holders of the Debtor Should Be Modified and Notice Thereto Should Be Modified**

15. The Bankruptcy Rules also contain certain requirements with respect to a debtor's equity security holders. Bankruptcy Rule 1007(a)(3) requires a debtor to file, within fourteen (14) days after the petition date, a list of the debtor's equity security holders.<sup>10</sup> Bankruptcy Rule 2002(d), in turn, requires that equity security holders be provided notice of, among other things, the commencement of the bankruptcy case (the "Notice of Commencement") and the confirmation hearing.<sup>11</sup> Bankruptcy courts have authority to modify or waive the requirements under both rules.<sup>12</sup>

16. The Debtor submits that the requirements to file a list of, and to provide the Notice of Commencement directly to, equity security holders should be modified. As an initial matter, the Debtor is a publicly-traded company with approximately 216 record holders as of March 2022 and 58,028,254 outstanding shares of common stock as of December 12, 2022. The Debtor does not maintain a complete list of its equity security holders and therefore must obtain the names and addresses of its shareholders from a securities agent. Preparing and submitting such a list with last known addresses for each such equity security holder and providing the Notice of Commencement to all such parties will be expensive and time consuming and will serve little or no beneficial

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<sup>10</sup> Fed. R. Bankr. P. 1007(a)(3).

<sup>11</sup> Fed. R. Bankr. P. 2002(d).

<sup>12</sup> Fed. R. Bankr. P. 1007(a)(3) ("[U]nless the court orders otherwise, the debtor shall file . . . a list of the debtor's equity security holders . . ."); Fed. R. Bankr. P. 2002(d) ("[U]nless the court orders otherwise, the clerk . . . shall in the manner and form directed by the court . . . give notice to all equity security holders . . ."); *see also* 11 U.S.C. § 105(a) ("The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title."); Fed. R. Bankr. P. 9007 ("When notice is to be given under these rules, the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given.").

purpose. Instead, the Debtor proposes that, on the Petition Date, the Debtor will file a list of all known registered holders of the Debtor's common stock ("Tricida Stock") as of the Petition Date.

17. Further, the Debtor proposes to provide such notice on its equity security holders by: (i) publishing the Notice of Commencement on the Debtor's case website located at [www.kcellc.net/Tricida](http://www.kcellc.net/Tricida); (ii) filing a Form 8-K with the Securities and Exchange Commission (the "SEC") within four (4) business days following the Petition Date, notifying their investors and other parties of the commencement of this chapter 11 case, as well as any other filings with the SEC, as necessary, and other public announcements; and (iii) serving by first class mail, the Notice of Commencement on all known registered holders of Tricida Stock as soon as practicable after the entry of the order granting this Motion. Further, to the extent equity security holders of the Debtor are entitled to vote on a chapter 11 plan, the Debtor intends to provide them notice of the bar date and the opportunity to assert their interests. The Debtor submits that these efforts provide adequate notice to the Debtor's equity security holders.

18. Accordingly, the Debtor respectfully requests that the requirements to file a list of and to provide notice directly to its equity security holders be modified.

**COMPLIANCE WITH LOCAL BANKRUPTCY RULE 9018-1(d)(iv)**

19. To the best of the knowledge, information, and belief of the undersigned proposed counsel to the Debtor, the information that the Debtor is requesting to seal pursuant to the relief requested in this Motion do not contain information subject to the Confidentiality Rights of another Holder of Confidentiality Rights (each as defined in Local Rule 9018-1(d)(iii)). Notwithstanding the foregoing, if there are any such Confidentiality Rights, then undersigned counsel respectfully certifies that they are unable to confer with all Holders of such Confidentiality Rights and that



attempting to confer with all known or potential Holders of Confidentiality Rights would be futile due to the significant number of such Holders with respect to this Motion.

**THE REQUIREMENTS OF BANKRUPTCY RULE 6003 ARE SATISFIED**

20. The Debtor asserts that immediate relief is necessary to avoid immediate and irreparable harm. Bankruptcy Rule 6003 empowers a court to grant relief within the first 21 days after the commencement of a chapter 11 case “to the extent that relief is necessary to avoid immediate and irreparable harm.” For the reasons discussed above, entry of the proposed interim order is integral to the Debtor’s ability to successfully transition into chapter 11 and run an orderly sale. Specifically, the relief requested is necessary to avoid disclosing the Personally Identifying Information and allow the Debtor to focus on its sale process. Accordingly, the Debtor submits that it has satisfied the “immediate and irreparable harm” standard of Bankruptcy Rule 6003 and, therefore, respectfully requests that the Court approve the relief requested in this Motion.

**REQUEST FOR BANKRUPTCY RULE 6004 WAIVERS**

21. The Debtor requests a waiver of any applicable notice requirements under Bankruptcy Rule 6004(a) and any stay of the order granting the relief requested herein pursuant to Bankruptcy Rule 6004(h). As explained above and in the First Day Declaration, the relief requested herein is necessary to avoid immediate and irreparable harm to the Debtor’s sale process and to preserve and maximize the value of the Debtor’s estate for all stakeholders. Accordingly, ample cause exists to justify the waiver of the notice requirements under Bankruptcy Rule 6004(a) and the 14-day stay imposed by Bankruptcy Rule 6004(h), to the extent such notice requirements and such stay apply.

**RESERVATION OF RIGHTS**

22. Nothing contained herein or any action taken pursuant to relief requested is intended to be or shall be construed as (a) an admission as to the validity of any claim against the

Debtor; (b) a waiver of the Debtor's or any party in interest's rights to dispute the amount of, basis for, or validity of any claim or interest under applicable law or nonbankruptcy law; (c) a promise or requirement to pay any claim; (d) a waiver of the Debtor's or any other party in interest's rights under the Bankruptcy Code or any other applicable law; or (e) a request for or granting of approval for assumption of any agreement, contract, program, policy, or lease under section 365 of the Bankruptcy Code. Likewise, if the Court grants the relief sought herein, any payment made pursuant to the Court's order is not intended to be and should not be construed as an admission to the validity of any claim or a waiver of the Debtor's or any party in interest's rights to subsequently dispute such claim.

#### **NOTICE**

23. Notice of this Motion has been provided to: (a) the Office of the United States Trustee for the District of Delaware; (b) the holders of the 20 largest unsecured claims against the Debtor; (c) counsel to the *ad hoc* group of holders of the 3.50% Convertible Senior Notes Due 2027; (d) Davis Polk & Wardwell LLP and Greenberg Traurig, LLP counsel to (1) U.S. Bank, the indenture trustee to the 3.50% Convertible Senior Notes Due 2027 and (2) certain holders of 3.50% Convertible Senior Notes Due 2027; (e) the United States Attorney's Office for the District of Delaware; (f) the Internal Revenue Service; (g) the Securities and Exchange Commission; (h) the United States Food and Drug Administration; and (i) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtor respectfully requests entry of an order, substantially in the form attached hereto as Exhibit A, granting the relief requested herein and granting such other relief as is just and proper.

Dated: January 11, 2023  
Wilmington, Delaware

*/s/ Sean M. Beach*

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**Exhibit A**

**Proposed Order**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

TRICIDA, INC.,<sup>1</sup>

Debtor.

Chapter 11

Case No. 23-10024 (\_\_\_)

**Re: Docket No.** \_\_\_

**ORDER (I) AUTHORIZING DEBTOR TO REDACT  
CERTAIN PERSONALLY IDENTIFIABLE INFORMATION IN THE CREDITOR  
MATRIX AND CERTAIN OTHER DOCUMENTS, (II) MODIFYING THE  
REQUIREMENT TO FILE A LIST OF ALL EQUITY SECURITY HOLDERS AND  
MODIFYING NOTICE THERETO, AND (III) GRANTING RELATED RELIEF**

Upon consideration of the motion (the “Motion”)<sup>2</sup> of Tricida, Inc., as debtor and debtor in possession in the above-captioned chapter 11 case (the “Debtor”), for entry of an order (i) authorizing the Debtor to redact certain Personally Identifiable Information of the Debtor’s individual creditors and interest holders, (ii) modifying the requirement to file a list of all equity security holders of the Debtor and modifying notice thereto, (iii) granting related relief, all as more fully set forth in the Motion; and upon consideration of the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and the Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of this proceeding and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and appropriate notice of and opportunity for hearing on the Motion

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<sup>1</sup> The Debtor in this chapter 11 case, together with the last four digits of the Debtor’s federal tax identification number, is Tricida, Inc. (2526). The Debtor’s service address is 7000 Shoreline Court, Suite 201, South San Francisco, CA 94080.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Motion.

having been given; and the Court having determined that the relief requested in the Motion is necessary to avoid immediate and irreparable harm to the Debtor and its estate, as contemplated by Bankruptcy Rule 6003; and the relief requested in the Motion being in the best interests of the Debtor's estate, its creditors, and other parties in interest; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The relief requested in this Motion is GRANTED as set forth herein.
2. The Debtor is authorized to redact in its creditor matrix and other documents filed with the Court in this chapter 11 case the following Personally Identifiable Information: the personal mailing addresses of individual creditors and interest holders.
3. The Debtor shall provide an unredacted version of the creditor matrix and any other applicable document to the U.S. Trustee, any trustee or official committee of unsecured creditors subsequently appointed in this chapter 11 case, the Court, the Debtor's claims and noticing agent, and any party in interest upon reasonable request. Any party in interest that is not provided with an unredacted version of the applicable document upon request may file a motion with the Court to obtain such document. Each party receiving an unredacted copy of the creditor matrix or any other applicable document shall keep such Personally Identifiable Information confidential unless otherwise required to be disclosed by law or court order.
4. When serving any notice in this case on the Debtor's current or former employees, individual interest holders, or other individual creditors, the Debtor's claims agent, and, where applicable, the Clerk of the Court and any other party in interest, shall use such individual creditor's or interest holder's personal mailing address.

5. Nothing in this order shall waive or otherwise limit the service of any document upon or the provision of any notice to any individual whose Personally Identifiable Information is sealed or redacted pursuant to this order. Service of all documents and notices upon individuals whose Personally Identifiable Information is sealed or redacted pursuant to this order shall be confirmed in the corresponding certificate of service.

6. The requirement under Bankruptcy Rule 1007(a)(3) to file a list of all equity security holders of the Debtor is hereby modified such that on the Petition Date, the Debtor shall file a list of all known registered holders of the Debtor as of January 11, 2023.

7. The requirement under Bankruptcy Rule 2002(d) to provide the Notice of Commencement to all of the equity security holders of the Debtor is hereby modified such that the Debtor shall (i) publish the Notice of Commencement on the Debtor's case website; (ii) file a Form 8-K with the SEC within four (4) business days following the Petition Date, notifying their investors and other parties of the commencement of this chapter 11 case, as well as any other filings with the SEC, as necessary, and other public announcements and (iii) serve by first class mail, the Notice of Commencement on all known registered holders of Tricida Stock as soon as practicable after the entry of this order. All registered holders of Tricida Stock, served with the Notice of Commencement shall be required to serve such Notice of Commencement on any holder for whose benefit such registered holders acts, to the extent it has not already done so.

8. Nothing in this order (a) an admission as to the validity of any claim against the Debtor; (b) a waiver of the Debtor's or any party in interest's rights to dispute the amount of, basis for, or validity of any claim or interest under applicable law or nonbankruptcy law; (c) a promise or requirement to pay any claim; (d) a waiver of the Debtor's or any other party in interest's rights under the Bankruptcy Code or any other applicable law; or (e) a request for or granting of approval

for assumption of any agreement, contract, program, policy, or lease under section 365 of the Bankruptcy Code. Any payment made pursuant to this order is not intended to be nor should it be construed as an admission as to the validity of any claim or a waiver of the Debtor's rights to subsequently dispute such claim.

9. The contents of the Motion satisfy the requirements of Bankruptcy Rule 6003(b) because the relief granted in this order is necessary to avoid immediate and irreparable harm to the Debtor's estates.

10. Notice of the Motion shall be deemed good and sufficient notice of such Motion, and the requirements of Bankruptcy Rule 6004(a) and the Bankruptcy Local Rules are waived by such notice.

11. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this order are immediately effective and enforceable upon its entry.

12. The Debtor is authorized to take all actions necessary to effectuate the relief granted in this order in accordance with the Motion.

13. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation and enforcement of this order.