

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

In re:	)	Chapter 11
	)	
Tricida, Inc., <sup>1</sup>	)	Case No. 23-10024 (JTD)
Debtor.	)	
	)	<b>Obj. Deadline: November 7, 2023 at 4:00 p.m.</b>
	)	<b>Hearing Date: November 14, 2023 at 11:00 a.m.</b>

**LIQUIDATING TRUSTEE’S MOTION PURSUANT TO 28 U.S.C. § 1452 AND  
BANKRUPTCY RULES 9006(b) AND 9027 FOR ENTRY OF AN ORDER  
EXTENDING THE TIME TO FILE NOTICES OF REMOVAL  
OF CLAIMS AND CAUSES OF ACTION IN CIVIL ACTIONS**

Jackson Square Advisors, solely in its capacity as liquidating trustee of the Tricida Liquidating Trust (the “Liquidating Trustee”) in the above-captioned case, by and through its undersigned counsel, respectfully states as follows:

**RELIEF REQUESTED**

1. By this Motion, the Liquidating Trustee seeks the entry of an order, pursuant to Rule 9006(b) of the Bankruptcy Rules, extending the Liquidating Trustee’s time to file notices of removal of claims and causes of action in civil actions pending as of the Petition Date (the “Removal Deadline”) by one hundred-twenty (120) days from November 7, 2023, the Liquidating Trustee’s current deadline to file notices of removal, through and including March 6, 2024. The Liquidating Trustee requests that the extended Removal Deadline apply to all matters subject to Bankruptcy Rule 9027(a)(2). The Liquidating Trustee further requests that the relief requested herein be granted without prejudice to the Liquidating Trustee’s right to seek further extensions of the Removal Deadline.

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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 2108 N Street, Suite 4935, Sacramento, CA 95816.



**JURISDICTION AND VENUE**

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated February 29, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). The Liquidating Trustee confirms its consent, pursuant to Bankruptcy Rule 7008 and Local Rule 9013-1(f), to the entry of a final order by the Court in connection with this Motion to the extent that it is later 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 in the Court pursuant to 28 U.S.C. § 1408.

4. The predicates for the relief requested in this Motion are 28 U.S.C. § 1452, Bankruptcy Rules 9006(b) and 9027, and Local Rule 9006-2

**BACKGROUND**

5. On January 11, 2023 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware. After the Petition Date, the Debtor’s management and professionals devoted substantial effort to (i) marketing the Debtor’s assets to maximize the value through a sale for the benefit of all stakeholders and (ii) formulating and confirming the Plan (defined below).

6. On February 22, 2023, the Court entered two orders [Docket Nos. 230 and 232] approving the sale of the Debtor’s assets. On May 22, 2023, Tricida, Inc. filed its *Fifth Amended Chapter 11 Plan of Liquidation* [Docket No. 509] (the “Plan”). On May 23, 2023, this Court entered its *Findings of Fact, Conclusions of Law, and Order Confirming the Fifth Amended Chapter 11 Plan of Liquidation for Tricida, Inc.* [Docket No. 515].

7. The effective date of the Plan occurred on June 12, 2023 (the “Effective Date”). [See Docket No. 550]. Upon the Effective Date, the Liquidating Trust was established pursuant to the Plan for the purpose of, among other things, administering, disputing, objecting to, compromising, or otherwise resolving all General Unsecured Claims. See Plan, § IV. C. 5 and 6.

8. On July 14, 2023, this Court entered its order extending the removal deadline to November 7, 2023. By this Motion, the Liquidating Trustee’s requests that the Court extend the Removal Deadline by an additional one hundred-twenty (120) days through March 6, 2024.

**LEGAL STANDARD**

9. The removal of claims and causes of action in civil actions pending as of the Petition Date is governed by Bankruptcy Rule 9027 and 28 U.S.C. § 1452(a), which provides:

A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit’s police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

28 U.S.C. § 1452(a).

10. The time period by which a debtor may file notices to remove claims or causes of action is set forth in Bankruptcy Rule 9027(a)(2), which provides:

If the claim or cause of action in a civil action is pending when a case under the Code is commenced, a notice of removal may be filed only within the longest of (A) 90 days after the order for relief in the case under the Code, (B) 30 days after entry of an order terminating a stay, if the claim or cause of action in a civil action has been stayed under § 362 of the Code, or (C) 30 days after a trustee qualifies in a chapter 11 reorganization case but not later than 180 days after the order for relief.

Fed. R. Bankr. P. 9027(a)(2).

11. Bankruptcy Rule 9006(b)(1) permits the Court to extend the Removal Deadline as follows:

Except as provided in paragraphs (2) and (3) of this subdivision, when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order....

Fed. R. Bankr. P. 9006(b)(1). It is well established that this Court has authority to grant the relief requested herein and extend the Removal Deadline. *See, e.g., Pacor, Inc. v. Higgins*, 743 F.2d 984, 996, FN 17 (3d Cir. 1984) (holding that the deadline for removal of actions may be extended pursuant to Bankruptcy Rule 9006(b)).

### **BASIS FOR RELIEF**

12. During the first five months of this case, the Debtor's management and professionals devoted their time to selling substantially all of the Debtor's assets and confirming a plan of liquidation. As a result, the Debtor was unable to devote sufficient time to reviewing pending causes of action.

13. The Liquidating Trustee was appointed on June 12, 2023, and given the task of administering the assets of the Liquidating Trust. Since that time, the Liquidating Trustee has devoted substantial time administrating the Trust and reconciling and objecting to claims. The Liquidating Trustee has a legitimate need for additional time to review pending litigation matters and evaluate whether those matters should properly be removed pursuant to Bankruptcy Rule 9027. In the absence of such relief, the Liquidating Trust would lose a potentially important part of its overall ability to manage litigation during this chapter 11 case even before that litigation is reasonably evaluated, to the detriment of the Liquidating Trust.

14. Accordingly, the Liquidating Trustee seeks an extension of the current deadline to remove civil actions under Bankruptcy Rule 9027(a) to protect its right to remove those civil actions for which it may determine that removal is appropriate. The extension sought will afford

the Liquidating Trustee additional time to determine whether to remove any pending civil action and will ensure that the Liquidating Trust does not forfeit valuable rights under 28 U.S.C. § 1452. Critically, the rights of other parties to the relevant litigation will not be prejudiced by the extension, because any party to an action that is removed may seek to have it remanded to the state court pursuant to 28 U.S.C. § 1452(b).

15. The Liquidating Trustee further requests that the order approving this Motion be without prejudice to the Liquidating Trustee's right to seek further extensions of the period in which it may remove civil actions pursuant to Bankruptcy Rule 9027.

16. For the reasons stated above, the Liquidating Trustee submits that the relief requested herein is in the best interests of the Liquidating Trust and the beneficiaries thereof.

#### **NOTICE**

17. The Liquidating Trustee shall provide notice of this Motion to all parties that have requested notice after the Effective Date pursuant to Bankruptcy Rule 2002. Due to the nature of the relief requested herein, the Liquidating Trustee respectfully submits that no further notice is necessary.

**CONCLUSION**

WHEREFORE, the Liquidating Trustee respectfully requests that the Court enter an Order, substantially in the form attached hereto, (i) extending the Removal Deadline by an additional one hundred-twenty (120) days through and including March 6, 2024 and (ii) granting to the Liquidating Trustee such other relief as the Court deems just and proper.

Date: October 17, 2023  
Wilmington, Delaware

**SULLIVAN • HAZELTINE • ALLINSON LLC**

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

In re: ) Chapter 11  
)  
Tricida, Inc.,<sup>1</sup> ) Case No. 23-10024 (JTD)  
Debtor. )  
) **Objection Deadline: November 7, 2023 at 4:00 p.m.**  
) **Hearing Date: November 14, 2023 at 11:00 a.m.**

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that on October 17, 2023 Jackson Square Advisors, solely in its capacity as liquidating trustee of the Tricida Liquidating Trust (the “Liquidating Trustee”), filed its *Second Motion Pursuant to 28 U.S.C. § 1452 and Bankruptcy Rules 9006(B) and 9027 for Entry of an Order Extending the Time to File Notices of Removal of Claims and Causes of Action in Civil Actions* (the “Motion”) with the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”).

**PLEASE TAKE FURTHER NOTICE** that responses to the Motion, if any, must be filed on or before **November 7, 2023 at 4:00 p.m.** (“Response Deadline”) with the United States Bankruptcy Court for the District of Delaware, Clerk’s Office, 824 North Market Street, Third Floor, Wilmington, Delaware 19081 and served on the undersigned counsel to the Liquidating Trustee so as to be received on or before the Response Deadline.

**PLEASE TAKE FURTHER NOTICE**, that a hearing with respect to the Motion, if required, is scheduled before the Honorable John T. Dorsey at the Bankruptcy Court, 5<sup>th</sup> Floor, Courtroom 5, on **November 14, 2023 at 11:00 a.m.**

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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 2108 N Street, Suite 4935, Sacramento, CA 95816.

**PLEASE TAKE FURTHER NOTICE THAT IF NO OBJECTION OR OTHER RESPONSE TO THE APPLICATION IS TIMELY FILED IN ACCORDANCE WITH THE PROCEDURES SET FORTH ABOVE, THE BANKRUPTCY COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT IN THE MOTION WITHOUT FURTHER NOTICE OR A HEARING.**

Dated: October 17, 2023  
Wilmington, Delaware

**SULLIVAN • HAZELTINE • ALLINSON LLC**

*/s/ William A. Hazeltine*

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*Attorneys for Jackson Square Advisors*



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

In re:	)	Chapter 11
	)	
Tricida, Inc., <sup>1</sup>	)	Case No. 23-10024 (JTD)
	)	
Debtor.	)	<b>Related Docket No. _____</b>
	)	

**ORDER PURSUANT TO 28 U.S.C. § 1452 AND BANKRUPTCY RULES 9006(b) AND 9027 EXTENDING THE LIQUIDATING TRUSTEE’S TIME TO FILE NOTICES OF REMOVAL OF CLAIMS AND CAUSES OF ACTION IN CIVIL ACTIONS**

Upon the *Liquidating Trustee’s Second Motion Pursuant to 28 U.S.C. § 1452 and Bankruptcy Rules 9006(b) and 9027 for Entry of an Order Extending the Time to File Notices of Removal of Claims and Causes of Action in Civil Actions* (the “Motion”);<sup>2</sup> finding that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(b) and 1334; and finding that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and finding that the Court has authority to enter a final order in this matter in accordance with Article III of the United States Constitution; and finding that venue of this proceeding and the Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been given; and after due deliberation and it appearing that sufficient cause exists for granting the requested relief;

IT IS HEREBY ORDERED as follows:

1. The Motion is granted as set forth herein.

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

2. The time period provided by Bankruptcy Rule 9027 within which the Liquidating Trustee may file notices of removal of civil actions is extended through and including March 6, 2024.

3. The March 6, 2024 deadline to file notices of removal applies to all matters specified in Bankruptcy Rule 9027(a)(2).

4. This Order is without prejudice to the Liquidating Trustee's right to seek further extensions of the time to file notices of removal of any civil actions under Bankruptcy Rule 9027(a).

5. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

Dated: \_\_\_\_\_, 2023  
Wilmington, Delaware

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The Honorable John T. Dorsey  
United States Bankruptcy Judge