Case 22-10506-JKS Doc 260 Filed 11/03/22 Page 1 of 13 Docket #0260 Date Filed: 11/3/2022

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re:

Zosano Pharma Corporation,¹

Debtor.

Chapter 11

Case No. 22-10506 (JKS)

Objection Deadline: November 28, 2022 at 4:00 p.m. (ET) Hearing Date: December 7, 2022 at 1:00 p.m. (ET)

COVER SHEET FOR: FIRST INTERIM FEE APPLICATION OF GREENBERG TRAURIG, LLP FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES INCURRED AS COUNSEL TO DEBTOR AND DEBTOR IN POSSESSION FOR THE PERIOD FROM JUNE 1, 2022 THROUGH AND INCLUDING AUGUST 31, 2022

Greenberg Traurig, LLP
Debtor and debtor in possession
Retention Order Entered July 7, 2022, <i>Nunc Pro Tunc</i> to June 1, 2022
June 1, 2022 – August 31, 2022
\$564,593.50
\$6,488.30
\$866.47
17 (15 attorneys and 2 paraprofessionals)

This is a(n): <u>X</u> interim <u>monthly</u> final fee application.

¹ The business address and the last four (4) digits of the Debtor's federal tax identification number is Zosano Pharma Corporation, 34790 Ardentech Court, Fremont, California 94555 (8360).

SUMMARY OF MONTHLY FEE APPLICATIONS FOR INTERIM FEE PERIOD²

Date Filed	Doniod	Requested		Approved		Holdback	
and Docket	Period Covered	Fees	Expenses	Fees (80%)	Expenses (100%)	Fees Requested (20%)	
September 19, 2022 Docket No. 200	June 1, 2022– June 30, 2022	\$353,667.00	\$1,924.60	\$282,933.60	\$1,924.60	\$70,733.40	
September 19, 2022 Docket No. 201	July 1, 2022– July 31, 2022	\$122,303.50	\$2,780.50	\$97,842.80	\$2,780.50	\$24,460.70	
September 19, 2022 Docket No. 202	August 1, 2022– August 31, 2022	\$86,623.00	\$1,783.20	\$70,898.40	\$1,783.20	\$17,724.60	
	TOTALS:	\$564,593.50	\$6,488.30	\$451,674.8	\$6,488.30	\$112,918.70	

SUMMARY OF ANY OBJECTIONS TO MONTHLY FEE APPLICATIONS

None.

² No time expended for preparation of this Application is requested herein but will be requested in future applications. Greenberg Traurig reserves the right to include in a subsequent fee application any time expended, or expenses incurred: (a) during the time period indicated above if not included herein; (b) in preparing this Application and reviewing the fee applications of other professionals during the same periods; and (c) in attending the hearing on this Application.

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Name of Professional Person	Position	Practice Group	Date of First Admission	Hourly Billing Rate	Total Billed Hours	Total Compensation
Meloro, Dennis A.	Shareholder	Bankruptcy	2003	\$1,255.00	121.30	\$152,231.50
Elrod, John D.	Shareholder	Bankruptcy	2002	\$895.00	157.30	\$140,783.50
Burrer, Karl D.	Shareholder	Bankruptcy	2003	\$925.00	25.10	\$23,217.50
Zuckerbrot, Kenneth	Shareholder	Tax	1968	\$1,600.00	10.70	\$17,120.00
Newman, Ari	Shareholder	Bankruptcy	2008	\$925.00	136.80	\$126,540.00
Franklin, Alison	Shareholder	Bankruptcy	2003	\$995.00	34.60	\$34,427.00
Pinkas, Oscar	Shareholder	Bankruptcy	2006	\$1,100.00	0.30	\$330.00
Acharya, Nigamnarayan	Shareholder	IP Litigation	2001	\$780.00	0.50	\$390.00
Delarck, Yuta N.	Shareholder	Corporate	2006	\$1,100.00	17.80	\$19,580.00
Krumbein, Vanessa	Of Counsel	Labor & Employment	2010	\$785.00	3.20	\$2,512.00
Wu, Patrick	Associate	Bankruptcy	2018	\$680.00	14.20	\$9,656.00
Ahmad, Stephanie D.	Associate	Tax	2011	\$840.00	0.90	\$756.00
Hoffman, Sara	Associate	Bankruptcy	2013	\$825.00	1.80	\$1,485.00
Duerdoth, Danny	Associate	Bankruptcy	2016	\$750.00	35.40	\$26,550.00
Landau, Brian J.	Associate	Corporate	2020	\$525.00	2.80	\$1,470.00
Hoyos, Kevin	Law Clerk/JD	Bankruptcy	2019	\$550.00	12.70	\$6,985.00
Perez, Angelina	Paralegal	N/A	N/A	\$200.00	2.80	\$560.00
Gra				and Total:	578.20	\$564,593.50
Blended Rate for All Timekeepers:				\$866.47		

COMPENSATION BY INDIVIDUAL

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Task Code	Project Category	Total Hours	Total Fees
802	Asset Disposition	47.6	\$42,962.50
803	Business Operations	13.9	\$13,085.50
804/B110	Case Administration	77.0	\$72,014.00
805	Claims Administration and Objections	10.6	\$9,853.00
806	Employee Benefits / Pensions	2.5	\$2,510.50
807	Stay Relief	6.5	\$4,245.50 ³
809	Financing Matters & Cash Collateral	0.3	\$225.00
810	Litigation Matters	17.9	\$20,880.50
811	Creditor Committee Issues	0.1	\$125.50
812/B320	Plan & Disclosure Statement	65.7	\$63,545.50
813	Fee/Employment Applications	32.7	\$31,937.50
824	Preparation/Review Reports	0.9	\$756.00
832	Creditor Inquiries	2.1	\$1,915.50
833	Court Hearings	41.3	\$47,083.00
834	General Corporate	16.7	\$18,052.50
835	Leases and Executory Contracts	17.2	\$15,489.00
836	Schedules and Statements	15	\$13,764.00
837	Utility Matters	1.1	\$1,380.50
838	Sale of Property	105.1	\$99,650.00
844	SEC Matters	2.5	\$2,750.00
845	Tax Matters	14.6	\$21,911.00
851	Compliance with U.S. Trustee Guidelines	9.3	\$8,742.50
929	General Bankruptcy	0.1	\$99.50
963	First Day Motions/Filings	45.7	\$41,215.50

COMPENSATION BY PROJECT CATEGORY

³ Page 2 of the Second Monthly Fee Application, in the table titled Compensation by Project Category and paragraph 8.f contained an error for category 807, Stay Relief. The correct amount is \$495.50 instead of \$459.50. The total amount sought in the Second Monthly Fee Application was correct, only the table and paragraph reference contained the error, and therefore the amounts sought in this Application are unchanged in the correct, aggregate.

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964	Second Day Motions	24.8	\$24,119.50
B150	Meetings of and Communications with Creditors	0.3	\$376.50
B410	General Bankruptcy Advice/Opinions	5.5	\$5,087.50
B420	Restructurings	1.2	\$816.00
Grand To	tal:	578.20	

EXPENSE SUMMARY

Expense Category	Service Provider (If Applicable)	Total Expenses
Court costs	Wright Express Financial Services; ECF	\$1,738.00
Messenger/Courier Services	Reliable Copy Service	\$223.30
Research	Lexis, CT Corporation; Harvard Business Services	\$2,502.60
Printing Charges	Reliable Copy Service	\$14.30
Professional Charges	CT Lien Solutions	\$1,181.30
Service Company Charges	CT Corporation	\$243.80
	TOTALS:	\$6,488.30

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re:

Zosano Pharma Corporation,⁴

Chapter 11

Case No. 22-10506 (JKS)

Debtor.

Objection Deadline: November 28, 2022 at 4:00 p.m. (ET) Hearing Date: December 7, 2022 at 1:00 p.m. (ET)

FIRST INTERIM FEE APPLICATION OF GREENBERG TRAURIG, LLP FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES INCURRED AS COUNSEL TO DEBTOR AND DEBTOR IN POSSESSION FOR THE PERIOD FROM JUNE 1, 2022 THROUGH AND INCLUDING AUGUST 31, 2022

Greenberg Traurig, LLP ("<u>Greenberg Traurig</u>"), counsel to Debtor and Debtor in Possession (the "<u>Debtor</u>"), hereby submits its first interim application (the "<u>Application</u>") seeking (a) the allowance of fees in the amount of \$564,593.50 and reimbursement of expenses in the amount of \$6,488.30 for the period from June 1, 2022 through and including August 31, 2022 (the "<u>Interim Fee Period</u>"), for total compensation and reimbursement of expenses in the amount of \$571,081.80, and (b) payment of the unpaid portion of the compensation for services rendered and reimbursement of expenses incurred by Greenberg Traurig during the Interim Fee Period. In support of the Application, Greenberg Traurig respectfully represents as follows:

Statement of Jurisdiction

1. This Court has jurisdiction to hear the Application pursuant to the provisions of 28 U.S.C. §§ 157 and 1334. Venue is proper in this district pursuant to 28 U.S.C. § 1408. This proceeding involves the administration of the estate and is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (B).

The predicates for the relief requested herein are: (a) sections 330 and 331 of title
11 of the United States Code §§ 101, *et seq.* (the "Bankruptcy Code"); (b) Rule 2016 of the

⁴ The business address and the last four (4) digits of the Debtor's federal tax identification number is Zosano Pharma Corporation, 34790 Ardentech Court, Fremont, California 94555 (8360).

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Federal Rules of Bankruptcy Procedure (the "<u>Bankruptcy Rules</u>"); (c) Rule 2016-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the "<u>Local Rules</u>"); and (d) the Court's *Order Establishing Procedures for Monthly, Interim, and Final Compensation and Reimbursement of Expenses of Professionals Retained in this Chapter 11 Case* [Docket No. 100] (the "<u>Interim Compensation Order</u>"), entered June 30, 2022 ((a) through (d) are collectively referred to herein as the "<u>Guidelines</u>").

Procedural History

A. Background

3. On June 1, 2022 (the "<u>Petition Date</u>"), the Debtor commenced this case (the "<u>Chapter 11 Case</u>") by filing a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware (the "<u>Court</u>").

4. The Debtor has continued in possession of its property and is operating and managing its business as debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

5. No request has been made for the appointment of a trustee or examiner and no committee has been appointed. On June 22, 2022, Patheon Manufacturing Services filed the *Motion of Patheon Manufacturing Services LLC to Convert Chapter 11 Case to Chapter 7* [Docket No. 65], which motion has been adjourned.

6. On June 30, 2022, the Court entered its Interim Compensation Order.⁵

B. Retention of Greenberg Traurig as Counsel to Debtor

⁵ Beginning on September 19, 2022, Greenberg Traurig has filed and served on the relevant notice parties monthly fee applications (the "<u>Monthly Fee Applications</u>") consisting of a brief statement as to the fees and costs incurred in the prior month, including the associated detailed time entries, pursuant to the procedures set forth in the Interim Compensation Order. This Application incorporates by reference the First, Second, and Third Monthly Fee Applications submitted for June 2022, July 2022, and August 2022.

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7. On June 1, 2022, the Debtor retained Greenberg Traurig as its proposed counsel in this Chapter 11 Case.

8. On June 8, 2022, the Debtor submitted its *Application of the Debtor for Entry of an Order Authorizing the Employment and Retention of Greenberg Traurig, LLP as Counsel for the Debtor Effective as of The Petition Date* [Docket No. 42] (the "<u>Retention Application</u>"). On July 7, 2022, the Court entered an order [Docket No. 122] granting the Retention Application and authorizing the employment and retention of Greenberg Traurig as counsel to the Debtor *nunc pro tunc* to June 1, 2022.

9. On September 19, 2022, Greenberg Traurig filed its first Monthly Fee Application for the period spanning from June 1, 2022 through and including June 30, 2022 [Docket No. 200] (the "<u>First Monthly Fee Application</u>"). On October 12, 2022, Greenberg Traurig filed a certificate of no objection to the Fist Monthly Fee Application [Docket No. 234].

10. On September 19, 2022, Greenberg Traurig filed its second Monthly Fee Application for the period spanning from July 1, 2022 through and including July 31, 2022 [Docket No. 201] (the "Second Monthly Fee Application"). On October 12, 2022, Greenberg Traurig filed a certificate of no objection to the Second Monthly Fee Application [Docket No. 235].

11. On September 19, 2022, Greenberg Traurig filed its sixth Monthly Fee Application for the period spanning from August 1, 2022 through and including August 31, 2022 [Docket No. 202] (the "<u>Third Monthly Fee Application</u>"). On October 12, 2022, Greenberg Traurig filed a certificate of no objection to the Third Monthly Fee Application [Docket No. 236].

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12. Pursuant to this Application, Greenberg Traurig seeks approval of fees in the amount of \$564,593.50, together with expenses in the amount of \$6,488.30, for the Interim Fee Period. During the Interim Fee Period, Greenberg Traurig attorneys and paraprofessionals rendered 578.20 hours of services in the course of representing the Debtor, at a blended rate of \$866.47 per hour.

Services Rendered During the Interim Fee Period

13. This Application is the first interim fee application filed by Greenberg Traurig in this Chapter 11 Case. In connection with the professional services described below, by this Application, Greenberg Traurig seeks compensation in the amount of \$564,593.50 for the Interim Fee Period.

14. Each of the following is set forth in the invoices attached as "Exhibit A," respectively, to the First, Second, and Third Monthly Fee Applications: (i) a description of the professional or paraprofessional performing the services; (ii) the date the services were performed; (iii) a detailed description of the nature of the services and the related time expended; and (iv) a summary of the fees and hours of each professional and other timekeepers listed by project category:⁶

Summary of Expenses

15. During the Interim Fee Period, Greenberg Traurig incurred or disbursed actual and necessary costs and expenses related to this case in the aggregate amount of \$6,488.30. The expenses incurred include, among other things, research charges, ECF charges, *pro hac vice* fees, copy and printing charges, and a lien search. Detailed descriptions of the necessary costs and

⁶ Pursuant to the U.S. Trustee Guidelines, Greenberg Traurig classified all services performed for which compensation is sought into categories. In doing so, Greenberg Traurig attempted to place the services performed in the category that best relates to the services provided. However, because certain services may relate to one or more categories, time spent on certain tasks may be included in another category.

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expenses incurred by Greenberg Traurig are attached Exhibit "B," respectively, to the First, Second, and Third Monthly Fee Applications.

16. Pursuant to Local Rule 2016-2, Greenberg Traurig represents as follows with regard to its charges for actual and necessary costs and expenses incurred during the Interim Fee Period, if any:

a. Copy Charges were \$.10 per page, which charge is reasonable and customary in the legal industry and represents the costs of copy material, acquisition, maintenance, storage, and operation of copy machines, together with a margin for recovery of related expenditures. In addition, Greenberg Traurig often utilizes outside copier services for high volume projects, and this Application seeks the recovery of those costs, if applicable;

- b. Incoming facsimiles are not billed;
- c. Out-going facsimiles are billed at the rate of \$0.25 per page;
- d. Toll telephone charges are not billed; and
- e. Computer assisted legal research charges are billed at actual costs.

Valuation of Services

17. Greenberg Traurig expended a total of 578.20 hours in connection with this matter during the Interim Fee Period. A list of the attorneys and paraprofessionals who billed time during the Interim Fee Period is set forth below. The nature of the work performed by the attorneys and paraprofessionals is detailed in the exhibits to First, Second, and Third Monthly Fee Applications.

Name of Professional Person	Position	Practice Group	Date of First Admission	Hourly Billing Rate	Total Billed Hours	Total Compensation
Meloro, Dennis A.	Shareholder	Bankruptcy	2003	\$1,255.00	121.30	\$152,231.50

Name of Professional Person	Position	Practice Group	Date of First Admission	Hourly Billing Rate	Total Billed Hours	Total Compensation
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Pinkas, Oscar	Shareholder	Bankruptcy	2006	\$1,100.00	0.30	\$330.00
Acharya, Nigamnarayan	Shareholder	IP Litigation	2001	\$780.00	0.50	\$390.00
Delarck, Yuta N.	Shareholder	Corporate	2006	\$1,100.00	17.80	\$19,580.00
Krumbein, Vanessa	Of Counsel	Labor & Employment	2010	\$785.00	3.20	\$2,512.00
Wu, Patrick	Associate	Bankruptcy	2018	\$680.00	14.20	\$9,656.00
Ahmad, Stephanie D.	Associate	Tax	2011	\$840.00	0.90	\$756.00
Hoffman, Sara	Associate	Bankruptcy	2013	\$825.00	1.80	\$1,485.00
Duerdoth, Danny	Associate	Bankruptcy	2016	\$750.00	35.40	\$26,550.00
Landau, Brian J.	Associate	Corporate	2020	\$525.00	2.80	\$1,470.00
Hoyos, Kevin	Law Clerk/JD	Bankruptcy	2019	\$550.00	12.70	\$6,985.00
Perez, Angelina	Paralegal	N/A	N/A	\$200.00	2.80	\$560.00
	Gra					\$564,593.50
	Blended Rate for All Timekeepers:					

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18. The above hourly rates are Greenberg Traurig's normal hourly rates for work of this character. The reasonable value of the services rendered by Greenberg Traurig to the Debtor during the Interim Fee Period is \$564,593.50.

19. In accordance with the factors expressed in section 330 of the Bankruptcy Code, the amounts requested herein for compensation and expense reimbursement are fair and reasonable given: (a) the complexity of this Chapter 11 Case, (b) the time expended by the attorneys and paraprofessionals at Greenberg Traurig, (c) the nature and extent of the services rendered, (d) the value of such services, and (e) the costs of comparable services other than in a case under the Bankruptcy Code.

20. Greenberg Traurig hereby certifies that (i) it has reviewed the requirements of Local Rule 2016-2 and (ii) this Application complies with such rule.

21. Greenberg Traurig has provided a copy of this Application to the Notice Parties (as defined in paragraph 2.a. of the Interim Compensation Order).

Conclusion

WHEREFORE, Greenberg Traurig respectfully requests that (a) it be allowed compensation in the amount of \$564,593.50 for professional services rendered and reimbursement of expenses in the amount of \$6,488.30 for the Interim Fee Period; (b) the Court authorize the Debtor to pay Greenberg Traurig any unpaid portion for the Interim Fee Period on an interim basis; and (c) the Court grant such other and further relief deemed appropriate under the circumstances.

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Dated: November 3, 2022

GREENBERG TRAURIG, LLP

/s/ Dennis A. Meloro

Dennis A. Meloro (DE Bar No. 4435) 1007 North Orange Street, Suite 1200 Wilmington, Delaware 19801 Telephone: (302) 661-7000 Facsimile: (302) 661-7360 Email: melorod@gtlaw.com

-and-

John D. Elrod (Admitted *pro hac vice*) Terminus 200 3333 Piedmont Road NE, Suite 2500 Atlanta, Georgia 30305 Telephone: (678) 553-2100 Facsimile: (678) 553-2212 Email: elrodj@gtlaw.com

Counsel for the Debtor and Debtor-in-Possession

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re:

Zosano Pharma Corporation,¹

Chapter 11

Case No. 22-10506 (JKS)

Debtor.

Ref Docket No. ____

ORDER APPROVING FIRST INTERIM FEE APPLICATION OF GREENBERG TRAURIG, LLP FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES INCURRED AS COUNSEL TO DEBTOR AND DEBTOR IN POSSESSION FOR THE PERIOD FROM JUNE 1, 2022 THROUGH AND INCLUDING AUGUST 31, 2022

Upon the First Interim Fee Application of Greenberg Traurig, LLP for Compensation Reimbursement of Expenses Incurred as Counsel to the Debtor and Debtor in Possession for the Period From June 1, 2022 Through August 31, 2022 (the "First Interim Application");² and the Court having 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 as of February 29, 2012; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b) and this Court having jurisdiction to enter a final order consistent with Article III of the United States Constitution; and venue of this Chapter 11 Case; and the First Interim Application in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the First Interim Application has been given and that no other or further notice is necessary; and any objections to this First Interim Application having been overruled or resolved; and any hearing (the "Hearing") to consider the relief requested in the First Interim Application; and after due deliberation thereon,

¹ The business address and the last four (4) digits of the Debtor's federal tax identification number is Zosano Pharma Corporation, 34790 Ardentech Court, Fremont, California 94555 (8360).

 $^{^2}$ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the First Interim Application.

IT IS HEREBY ORDERED THAT:

1. The First Interim Application is GRANTED as set forth herein.

2. Greenberg Traurig's fees of \$564,593.50 and expenses of \$6,488.30 for the period of June 1, 2022 through August 31, 2022, are allowed on an interim basis.

3. The Debtor is authorized and directed to disburse to Greenberg Traurig any unpaid portion of such allowed fees and expenses.

4. Greenberg Traurig is hereby granted an administrative expense claim for all allowed amounts set for herein and in the First Interim Application.

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re:

Zosano Pharma Corporation,¹

Debtor.

Chapter 11

Case No. 22-10506 (JKS)

Objection Deadline: November 28, 2022 at 4:00 p.m. (ET) Hearing Date: December 7, 2022 at 1:00 p.m. (ET)

NOTICE OF INTERIM FEE APPLICATION

PLEASE TAKE NOTICE that Greenberg Traurig, LLP, counsel to the above-captioned debtor and debtor in possession (the "**Debtor**"), has on the date hereof filed the *First Interim Application of Greenberg Traurig, LLP for Compensation for Services Rendered and Reimbursement of Expenses as Counsel to Debtor and Debtor in Possession for the Period From June 1, 2022 Through and Including August 31, 2022* (the "<u>Application</u>") pursuant to the Court's *Order Establishing Procedures for Monthly, Interim, and Final Compensation and Reimbursement of Expenses of Professionals Retained in This Chapter 11 Case* [Docket No. 100] (the "<u>Interim Compensation Order</u>").

PLEASE TAKE FURTHER NOTICE that any response or objection to the Application must be filed with the Court on, or prior to, November 28, 2022 at 4:00 p.m. (prevailing Eastern Time) and served on the Notice Parties as defined in the Interim Compensation Order.

PLEASE TAKE FURTHER NOTICE that a hearing to consider the Application will be held before the Honorable J. Kate Stickles, United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 5th Floor, Courtroom No. 6, Wilmington, Delaware 19801, on **December 7, 2022 at 1:00 p.m. (prevailing Eastern Time)**.

¹ The business address and the last four (4) digits of the Debtor's federal tax identification number is Zosano Pharma Corporation, 34790 Ardentech Court, Fremont, California 94555 (8360).

Dated: November 3, 2022 Wilmington, Delaware Respectfully submitted,

GREENBERG TRAURIG, LLP

By: <u>/s/ Dennis A. Meloro</u> Dennis A. Meloro (DE Bar No. 4435) The Nemours Building 1007 North Orange Street, Suite 1200 Wilmington, Delaware 19801 Telephone: (302) 661-7000 Facsimile: (302) 661-7360 Email: melorod@gtlaw.com

- and -

John D. Elrod (Admitted *pro hac vice*) Terminus 200 3333 Piedmont Road NE, Suite 2500 Atlanta, Georgia 30305 Telephone: (678) 553-2100 Facsimile: (678) 553-2212 Email: elrodj@gtlaw.com

Counsel for the Debtor and Debtor-in-Possession