Fill in this information to identify the case:

Debtor Achaogen, Inc.

United States Bankruptcy Court for the: _____ District of Delaware (State)

Case number 19-10844

Official Form 410
Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to $500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) **that you received.**

Part 1: Identify the Claim

1. **Who is the current creditor?**
   Elderberry Enterprises Ltd.
   Name of the current creditor (the person or entity to be paid for this claim)
   Other names the creditor used with the debtor _____

2. **Has this claim been acquired from someone else?**
   ☑ No
   ☐ Yes. From whom? _____

3. **Where should notices and payments to the creditor be sent?**
   Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

   Where should notices to the creditor be sent?
   Elderberry Enterprises Ltd.
   Arthur Herzig
   111 Laurelcrest Avenue
   Toronto, Ontario M3H 2B2, Canada

   Contact phone 4168225350
   Contact email fairgate@aol.com

   Where should payments to the creditor be sent? (if different)
   Contact phone _____
   Contact email _____

   Uniform claim identifier for electronic payments in chapter 13 (if you use one):
   _

4. **Does this claim amend one already filed?**
   ☑ No
   ☐ Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY

5. **Do you know if anyone else has filed a proof of claim for this claim?**
   ☑ No
   ☐ Yes. Who made the earlier filing? _____

19108441908090000000000002

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. **Do you have any number you use to identify the debtor?**

☑ No

☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ___ ___ ___ ___

7. **How much is the claim?** $ 27847.05 . **Does this amount include interest or other charges?**

☑ No

☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. **What is the basis of the claim?**

Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.

Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).

Limit disclosing information that is entitled to privacy, such as health care information.

Common shares purchased in Achaogen Inc.

9. **Is all or part of the claim secured?**

☑ No

☐ Yes. The claim is secured by a lien on property.

Nature or property:

☐ Real estate: If the claim is secured by the debtor's principle residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

☐ Motor vehicle

☐ Other. Describe: _____

Basis for perfection: _____

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: $_____

Amount of the claim that is secured: $_____

Amount of the claim that is unsecured: $_____ (The sum of the secured and unsecured amount should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: $_____

Annual Interest Rate (when case was filed)_____%

☐ Fixed

☐ Variable

10. **Is this claim based on a lease?**

☑ No

☐ Yes. **Amount necessary to cure any default as of the date of the petition.** $_____

11. **Is this claim subject to a right of setoff?**

☑ No

☐ Yes. Identify the property: _____

19108441908090000000000002

12. **Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☑ No

☐ Yes. *Check all that apply:*

	Amount entitled to priority
☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	$_____
☐ Up to $3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	$_____
☐ Wages, salaries, or commissions (up to $13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	$_____
☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	$_____
☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	$_____
☐ Other. Specify subsection of 11 U.S.C. § 507(a)(__) that applies.	$_____

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

13. **Is all or part of the claim pursuant to 11 U.S.C. § 503(b)(9)?**

☑ No

☐ Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

$_____

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to $500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☑ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 08/09/2019
MM / DD / YYYY

/s/Arthur Herzig
Signature

Print the name of the person who is completing and signing this claim:

Name: Arthur Herzig
First name | Middle name | Last name

Title: President

Company: Elderberry Enterprises Ltd.
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

Contact phone _____ Email _____



KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (888) 249-2747 | International (310) 751-2606

Debtor:
19-10844 - Achaogen, Inc.
District:
District of Delaware

Creditor:
Elderberry Enterprises Ltd.
Arthur Herzig
111 Laurelcrest Avenue

Toronto, Ontario, M3H 2B2
Canada
Phone:
4168225350
Phone 2:
Fax:
Email:
fairgate@aol.com

Has Supporting Documentation:
Yes, supporting documentation successfully uploaded
Related Document Statement:

Has Related Claim:
No
Related Claim Filed By:

Filing Party:
Authorized agent

Other Names Used with Debtor:

Amends Claim:
No
Acquired Claim:
No

Basis of Claim:
Common shares purchased in Achaogen Inc.

Last 4 Digits:
No

Uniform Claim Identifier:

Total Amount of Claim:
27847.05

Includes Interest or Charges:
No

Has Priority Claim:
No

Priority Under:

Has Secured Claim:
No
Amount of 503(b)(9):
No
Based on Lease:
No
Subject to Right of Setoff:
No

Nature of Secured Amount:
Value of Property:
Annual Interest Rate:
Arrearage Amount:
Basis for Perfection:
Amount Unsecured:

Submitted By:
Arthur Herzig on 09-Aug-2019 2:41:07 p.m. Eastern Time
Title:
President
Company:
Elderberry Enterprises Ltd.

VN: 04E2B706FF7A2ACE44D7D72D7D4A3E18

Fill in this information to identify the case:	
Debtor	Achaogen, Inc.
United States Bankruptcy Court for the District of Delaware	
Case number	19-10844

Official Form 410
Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Other than a claim under 11 U.S.C. § 503(b)(9), this form should not be used to make a claim for an administrative expense arising after the commencement of the case.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to $500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed.

Part 1: Identify the Claim

1. Who is the current creditor?

ELDERBERRY ENTERPRISES LTD.
Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor NONE

2. Has this claim been acquired from someone else?

☑ No
☐ Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should notices to the creditor be sent?	**Where should payments to the creditor be sent?** (if different)
ELDERBERRY ENTERPRISES LTD.	
Name	Name
111 LAURELCREST AVE	
Number Street	Number Street
TORONTO, ONTARIO M3H 2B2	
City State ZIP Code	City State ZIP Code
CANADA	
Country	Country
Contact phone 416.822.5350	Contact phone
Contact email fairgate@aol.com	Contact email

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

_____

4. Does this claim amend one already filed?

☑ No
☐ Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

☑ No
☐ Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. **Do you have any number you use to identify the debtor?**
   - [x] No
   - [ ] Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ___ ___ ___ ___

7. **How much is the claim?** $ 27,847.05 . **Does this amount include interest or other charges?**
   - [x] No
   - [ ] Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. **What is the basis of the claim?**
   Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
   Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
   Limit disclosing information that is entitled to privacy, such as health care information.
   2,500
   PURCHASE OF COMMON SHARES IN ACHAOGEN INC.

9. **Is all or part of the claim secured?**
   - [x] No
   - [ ] Yes. The claim is secured by a lien on property.

   Nature of property:
   - [ ] Real estate: If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
   - [ ] Motor vehicle
   - [x] Other. Describe: 2,500 COMMON SHARES ACHAOGEN INC.

   Basis for perfection: ATTACHED
   Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

   Value of property: $ 27,847.05
   Amount of the claim that is secured: $ Ø
   Amount of the claim that is unsecured: $ 27,847.05 (The sum of the secured and unsecured amount should match the amount in line 7.)

   Amount necessary to cure any default as of the date of the petition: $ 27,847.05

   Annual Interest Rate (when case was filed) 0 %
   - [ ] Fixed
   - [ ] Variable

10. **Is this claim based on a lease?**
    - [x] No
    - [ ] Yes. **Amount necessary to cure any default as of the date of the petition.** $ ___

11. **Is this claim subject to a right of setoff?**
    - [x] No
    - [ ] Yes. Identify the property: ___

12. **Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☑ No

☐ Yes. *Check all that apply:*

Amount entitled to priority

- ☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). $_____
- ☐ Up to $3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). $_____
- ☐ Wages, salaries, or commissions (up to $13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). $_____
- ☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). $_____
- ☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). $_____
- ☐ Other. Specify subsection of 11 U.S.C. § 507(a)(__) that applies. $_____

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

13. **Is all or part of the claim pursuant to 11 U.S.C. § 503(b)(9)?**

☑ No

☐ Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

$_____

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to $500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
- ☑ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 08/22/2019
MM / DD / YYYY

ELDERBERRY ENTERPRISES LTD.

Signature ARTHUR HERZIG PRESIDENT

Print the name of the person who is completing and signing this claim:

Name ARTHUR ~~RE~~ HERZIG
First name Middle name Last name

Title PRESIDENT

Company ELDERBERRY ENTERPRISES LTD.
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 111 LAURELCREST AVENUE
Number Street

TORONTO ONTARIO M3H 2B2 CANADA
City State ZIP Code Country

Contact phone 416.822.5350 Email fairgate@aol.com

ARTHUR Z. HERZIG
111 Laurelcrest Avenue
Toronto, Ontario
M3H 2B2

Official Form 410

Instructions for Proof of Claim

United States Bankruptcy Court

04/16

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to $500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157 and 3571

How to fill out this form

- **Fill in all of the information about the claim as of the date the case was filed.**
- **Fill in the caption at the top of the form**
- **If the claim has been acquired from someone else, then state the identity of the last party** who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- **Attach any supporting documents to this form.** Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)

  Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called "Bankruptcy Rule") 3001(c) and (d).
- **Do not attach original documents because attachments may be destroyed after scanning.**
- **If the claim is based on delivery health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.**

PLEASE SEND COMPLETED PROOF(S) OF CLAIM TO:
Achaogen Claims Processing Center
c/o KCC
222 N. Pacific Coast Highway, Suite 300
El Segundo, CA 90245

- **A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual's tax identification number, or financial account number, and only the year of any person's date of birth.** See Bankruptcy Rule 9037.
- **For a minor child, fill in only the child's initials and the full name and address of the child's parent or guardian.** For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State).* See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or you may view a list of filed claims in this case by visiting the Claims and Noticing and Agent's website at http://www.kccllc.net/achaogen.

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing that bankruptcy estate.
11 U.S.C. § 503

Claim: A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

CIBC Wood Gundy

161 Bay Street
Toronto ON M5J 2S8

Confirmation Notice

Date FEB 1 2018

Account number
430-00126

Account type
MGN

For settlement in this office
126 WELLINGTON 101 BARRIE
L4N1K9

*001155

ELDERBERRY ENTERPRISES LTD
111 LAURELCREST AVE
TORONTO ON M3H 2B2

Your transaction details

AS AGENTS, WE TODAY CONFIRM THE FOLLOWING BUY FOR YOUR ACCOUNT OVER THE COUNTER - U.S.A.

Transaction Type: BOUGHT
Settlement Date: FEB 05 2018

Quantity	Security description	Unit price ($)	
2,500	ACHAOGEN INC COM UNSOLICITED	11.13882	U$

Contact Information

Investment Advisor
CAM TAYLOR

Advisor Number
LBA

Telephone Number
705-720-1416

Reference information

CUSIP
US0044491043

Reference
10628

Security number
A015335

Order number
010628

066 459 65 A

Confirmation Summary

GROSS AMOUNT	**27,847.05**
COMMISSION	250.00
TOTAL FEES/CHARGES	**250.00**
SUBTOTAL	**28,097.05**
NET AMOUNT	**28,097.05 U$**

Eliminate some of the paper in your life by switching to the online statements and trade confirmations. Visit CIBC Wood Gundy online via www.woodgundy.comand Go Green today!

Important information
Please see the following page for additional debt and trade compensation disclosure information.

CIPF
Canadian Investor Protection Fund
MEMBER

Disclosure information

CIBC Wood Gundy is a division of CIBC World Markets Inc. (WM), a subsidiary of CIBC and a member of the Canadian Investor Protection Fund and Investment Industry Regulatory Organization of Canada. CIBC is a registered trademark of Canadian Imperial Bank of Commerce and Wood Gundy is a registered trademark of WM.

Retain this statement for income tax purposes. Generally under the Income Tax Act (Canada), accrued interest received must be included in taxable income on an annual basis and interest paid that has already been accrued for income tax purposes may be deducted from the relative interest when received.

If this is a stock exchange transaction, the name of the other broker will be furnished upon request. The name of the salesperson who took the order is available upon request.

Transactions in insurance products, including segregated funds, are made on your behalf by CIBC Wood Gundy Financial Services Inc., or in the case of Quebec residents, CIBC Wood Gundy Financial Services (Quebec) Inc.

We will act as an arranger in currency conversion transactions. CIBC and parties related to CIBC apply discretionary conversion rates and may earn revenue on the spread between the bids and ask prices and CIBC's cost of the currency. Conversion of currency will take place on the trade date.

In the case of trades in over-the-counter traded securities, including foreign exchange contracts and most fixed income securities, but excluding primary market transactions:
The investment dealer's remuneration on this transaction has been added to the price in the case of a purchase or deducted from the price in the case of a sale.

You must advise us of any error within 10 business days of the settlement date shown or all information is deemed correct, complete, and authorized.

Certain domestic or foreign governments may charge financial transaction taxes on securities transactions in your account. We will collect and remit these taxes to such governments on your behalf. Please contact your CIBC representative if you require details of financial transaction taxes charged on securities transactions in your account.

May be an average price, details available upon request.

All CIBC GICs are fixed rate products. Interest rates provided to you are annual interest rates. Simple interest is calculate and paid monthly (MTH), semi-annually (SA) or annually (A), depending on the interest payment option you select, or compound interest is calculated annually and paid at maturity (AM).

A CIBC Full Service Cashable Escalating Rate GIC can only be redeemed within seven (7) days after an anniversary date. Interest is paid up to the redemption date based on the preceding year's (years') annual interest rate(s) shown on your Confirmation Notice. A CIBC Full Service Flexible GIC or CIBC Mortgages Inc. Flexible GIC redeemed 90 days or more after the issue/settlement date pays full interest from the issue/settlement date to the date of redemption. For redemptions made within the first 89 days, no interest is paid.

All other CIBC GICs are non-redeemable before maturity except as set out in the applicable RRSP, RRIF or TFSA Plan Agreements. If redeemed before maturity, no interest will be paid to you.

Dealer firm remuneration has been added to the price of any debt security (in the case of a purchase) or deducted from the price of the debt security (in the case of a sale). This amount was in addition to any commission this trade confirm shows was charged to you.

CIPF
Canadian Investor Protection Fund
MEMBER

CODE INFORMATION: NON-VTG Non-Voting RES_VTG Restricted voting SUB-VTG Subordinate voting.

IMPORTANT NOTICE TO CLIENT:
Customers' accounts are protected by the Canadian Investor Protection Fund within specified limits. A brochure describing the nature and limits of coverage is available upon request or at www.cipf.ca.