IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: Achaogen, Inc., Debtor.	Chapter 11 Case No. 19-10844 (BLS) **Response Deadline: May 24, 2022 at 4:00 p.m. (ET)**

ACHAOGEN PLAN TRUSTEE'S FIRST NOTICE OF SATISFACTION OF CERTAIN FULLY SATISFIED CLAIMS

PARTIES RECEIVING THIS NOTICE SHOULD LOCATE THEIR NAMES AND THEIR FULLY SATISFIED CLAIM IDENTIFIED ON EXHIBIT A ATTACHED HERETO

TO: (I) THE U.S. TRUSTEE; (II) THE CLAIMANTS WHOSE FULLY SATISFIED CLAIMS ARE SUBJECT TO THIS NOTICE; AND (III) ALL PARTIES THAT, AS OF THE FILING OF THIS NOTICE, HAVE REQUESTED NOTICE IN THIS CHAPTER 11 CASE PURUSANT TO BANKRUPTCY RULE 2002.

Edward E. Neiger, Plan Trustee ("Plan Trustee") for the Achaogen Plan Trust, by and through his undersigned counsel, hereby submits this notice (the "Notice") identifying certain claims (the "Fully Satisfied Claims") that have been satisfied in full by post-petition payments in satisfaction of such claims. A list of the Fully Satisfied Claims is attached hereto as **Exhibit A**. In support of this Notice, the Plan Trustee respectfully represents as follows:

BACKGROUND

1. Achaogen, Inc. (the "Debtor") filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on April 15, 2019 (the "Petition Date").

2. On May 29, 2020, the Court entered an Order [D.I. 656] (the "Confirmation Order") confirming the *First Amended Plan of Liquidation Jointly Proposed by Achaogen, Inc. and the Official Committee of Unsecured Creditors of Achaogen Inc.* [D.I. 697] (the "Plan").[1]

3. Pursuant to the Plan and the Plan Trust Agreement [D.I. 677-1], Edward E. Neiger was appointed as the Plan Trustee.

DEBTOR'S SCHEDULES

4. On May 30, 2019, the Debtor filed its Schedules of Assets and Liabilities (the "Schedules") and Statement of Financial Affairs ("SOFA"). [D.I. 235, 236].

PROOFS OF CLAIM AND BAR DATES

5. On April 16, 2019, the Court entered an order [D.I. 48] appointing Kurtzman Carson Consultants LLC ("KCC") as claims and noticing agent in this Chapter 11 Case. KCC was designated as the authorized repository for proofs of claim in this Chapter 11 Case, and was authorized to maintain the official claims register (the "Claims Register") for the Debtor, to provide public access to every proof of claim unless otherwise ordered by the Court, and to provide the Clerk with a certified duplicate thereof upon request of the Court.

6. On June 14, 2019, the Court entered the *Order (A) Establishing Bar Date for Filing Proofs of Claim, (B) Approving the Form and Manner for Filing Proofs of Claim, (C) Approving Notice Thereof, (D) Implementing Uniform Procedures Regarding 503(b)(9) Claims, and (E) Granting Related Relief* [D.I. 272] (the "Bar Date Order") which established, among other things, the bar dates for administrative and general claims as July 22, 2019, and August 5, 2019, respectively.

[1] Capitalized terms used but not defined herein have the meaning provided in the Plan.

7. On June 18, 2019, KCC duly served the *Notice of Deadlines to File Proofs of Claim for 503(b)(9) Claims, Administrative Claims, and Prepetition Claims* [D.I. 284] (the "Bar Date Notice"). *See Affidavit of Service* [D.I. 322].

CLAIMS SATISFIED AFTER THE PETITION DATE

8. The Plan Trustee has reviewed, or caused his professionals to review, the Debtor's books and records, the Schedules and SOFA, the filed proofs of claims, and the filings in the Chapter 11 case, and has determined that the Fully Satisfied Claims listed on **Exhibit A** have been satisfied in full by post-petition payment by the Debtor of the applicable claim.

9. Accordingly, the Plan Trustee intends to have KCC designate on the claims register in this Chapter 11 case that the Fully Satisfied Claims have been previously satisfied as provided for herein and on **Exhibit A** attached hereto. The Plan Trustee is serving this Notice on all parties holding the Fully Satisfied Claims and providing such parties with an opportunity to object to the Plan Trustee's position that such amounts have been paid in full.

10. **ANY PARTY DISPUTING THE PLAN TRUSTEE'S POSITION THAT A PARTICULAR FULLY SATISFIED CLAIM HAS BEEN SATISFIED AS PROVIDED FOR HEREIN AND ON EXHIBIT A ATTACHED HERETO MUST FILE A WRITTEN RESPONSE WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 N. MARKET STREET, 3RD FLOOR, WILMINGTON, DELAWARE 19801 ON OR BEFORE MAY 24, 2022 AT 4:00 P.M. (ET) (THE "RESPONSE DEADLINE"), AND SERVE SUCH RESPONSE ON THE UNDERSIGNED COUNSEL TO THE PLAN TRUSTEE.**

11. In the event of a timely objection, the Plan Trustee will make a reasonable effort to review the Fully Satisfied Claim with the objecting claimant to determine whether any asserted

amounts were, in fact, not satisfied. In the event that the parties are unable to reach a resolution, the Plan Trustee anticipates that a hearing will be held on the matter at a date and time to be determined by the Plan Trustee, in his discretion, subject to the Court's availability.

12. If a claimant fails to file and serve a timely response by the Response Deadline, (i) the claimant is deemed to have consented to this Notice and the Plan Trustee's determinations with respect to its Fully Satisfied Claim, as set forth therein, and (ii) KCC shall immediately, and without further notice to any party (including the claimant), mark such Fully Satisfied Claim as fully satisfied on the claims register.

13. Questions concerning this Notice should be directed to the undersigned counsel for the Plan Trustee. Claimants should not contact the Clerk of the Court to discuss the merits of the Fully Satisfied Claims or this Notice.

RESERVATION OF RIGHTS

14. The Plan Trustee reserves any and all rights to amend, supplement, or otherwise modify this Notice and to file additional notices of this nature and objections to claims with respect to any and all claims filed and amounts scheduled in this Chapter 11 case. The Plan Trustee also reserves any and all rights, claims, and defenses with respect to any and all of the Fully Satisfied Claims, and nothing included in or omitted from this Notice is intended or should be construed as (i) an admission as to the validity of any claim, (ii) a waiver of the Plan Trustee's right to dispute any claim on any grounds, (iii) a promise or requirement to pay any claim, (iv) an implication or admission that any claim is of a type referenced or defined herein or therein, (v) a waiver or limitation of any of the Plan Trustee's rights under the Bankruptcy Code or applicable law, or (vi) a waiver of any party's rights to assert that any other party is in breach or default of any agreement.

DATED: May 10, 2022
Wilmington, Delaware

COLE SCHOTZ P.C.

/s/ Andrew J. Roth-Moore

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Counsel for Achaogen Plan Trustee

EXHIBIT A

ACHAOGEN, INC.

Case No. 19-10844 (BLS)

First Notice of Satisfaction - Exhibit A

Seq. No.	Claim #	Claimant	Claim Type	Amount	Reason for satisfaction
1	271	AP3-SF2 CT South LLC	Partial Administrative & General Unsecured	$ 128,447.12	Administrative claim for rent was paid in full. (Unsecured claim was not paid and is outstanding.)*
2	118	Jones Microbiology Institute, Inc.	Administrative	$ 41,640.99	Assumed; paid in full on 6/27/2019 and 7/11/2019
3	85	Missouri Department of Revenue	Priority	$ 415.10	paid 5/21/20 via check #15540
4	5	North Carolina Dept. of Revenue	Priority	$ 2.99	paid 5/21/20 via check #15541
5	6	State of Alabama, Dept. of Revenue	Priority	$ 1,330.46	paid 4/29/20 via deposit
6	370	Connecticut Dept. of Revenue Services	Priority	$ 252.50	paid 5/21/20 via check #15542
7	99	Louisiana Workforce Commission	Priority	$ 0.58	paid 5/21/20 via check

* The payment of the administrative portion of Claim 271 is not an admission as to the validity of the remaining general unsecured portion of the claim.