Docket #0901 Date Filed: 08/02/2023

UNITED STATES BANKRUPTCY COURT

DISTRICT OF DELAWARE

In re: Achaogen, Inc. §
§
§
Debtor(s) §

Case No. 19-10844

☐ Jointly Administered

# Post-confirmation Report

Chapter 11

Quarter Ending Date: 06/30/2023

Petition Date: 04/15/2019

Plan Confirmed Date: 05/29/2020

Plan Effective Date: 05/29/2020

This Post-confirmation Report relates to:
○ Reorganized Debtor
◉ Other Authorized Party or Entity: Achaogen Plan Trust
Name of Authorized Party or Entity

/s/ Edward E. Neiger
Signature of Responsible Party

08/01/2023
Date

Edward E. Neiger
Printed Name of Responsible Party

ASK LLP
60 East 42nd Street, 46th Fl.
New York, NY 10165
Address

STATEMENT: This Periodic Report is associated with an open bankruptcy case; therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.



Debtor's Name Achaogen, Inc. Case No. 19-10844

**Part 1: Summary of Post-confirmation Transfers**

| | Current Quarter | Total Since Effective Date |
|---|---|---|
| a. Total cash disbursements | $24,182 | $3,023,893 |
| b. Non-cash securities transferred | $0 | $0 |
| c. Other non-cash property transferred | $0 | $0 |
| d. Total transferred (a+b+c) | $24,182 | $3,023,893 |

**Part 2: Preconfirmation Professional Fees and Expenses**

| | | | | Approved Current Quarter | Approved Cumulative | Paid Current Quarter | Paid Cumulative |
|---|---|---|---|---|---|---|---|
| a. | Professional fees & expenses (bankruptcy) incurred by or on behalf of the debtor | | *Aggregate Total* | $0 | $2,494,688 | $0 | $2,494,688 |
| | *Itemized Breakdown by Firm* | | | | | | |
| | | Firm Name | Role | | | | |
| | i | MERU | Financial Professional | $0 | $34,765 | $0 | $34,765 |
| | ii | Hogan Lovells | Lead Counsel | $0 | $1,057,000 | $0 | $1,057,000 |
| | iii | MNAT | Local Counsel | $0 | $339,336 | $0 | $339,336 |
| | iv | Cassel Salpeter | Financial Professional | $0 | $216,842 | $0 | $216,842 |
| | v | KCC | Other | $0 | $442,000 | $0 | $442,000 |
| | vi | UCC Professionals | Other | $0 | $404,745 | $0 | $404,745 |
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Debtor's Name Achaogen, Inc. Case No. 19-10844

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Debtor's Name Achaogen, Inc. Case No. 19-10844

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| b. | | | | Approved Current Quarter | Approved Cumulative | Paid Current Quarter | Paid Cumulative |
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| | Professional fees & expenses (nonbankruptcy) incurred by or on behalf of the debtor *Aggregate Total* | | | | | | |
| | *Itemized Breakdown by Firm* | | | | | | |
| | | Firm Name | Role | | | | |
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Debtor's Name Achaogen, Inc. Case No. 19-10844

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Debtor's Name Achaogen, Inc. Case No. 19-10844

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Debtor's Name Achaogen, Inc. Case No. 19-10844

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| c. | All professional fees and expenses (debtor & committees) | | | | | | |

**Part 3: Recoveries of the Holders of Claims and Interests under Confirmed Plan**

| | Total Anticipated Payments Under Plan | Paid Current Quarter | Paid Cumulative | Allowed Claims | % Paid of Allowed Claims |
|---|---|---|---|---|---|
| a. Administrative claims | $0 | $0 | $0 | $0 | 0% |
| b. Secured claims | $0 | $0 | $721,754 | $20,098,948 | 4% |
| c. Priority claims | $22,207 | $0 | $1,786 | $22,207 | 8% |
| d. General unsecured claims | $0 | $0 | $838,672 | $34,585,784 | 2% |
| e. Equity interests | $0 | $0 | $0 | | |

**Part 4: Questionnaire**

a. Is this a final report? Yes ○ No ◉

If yes, give date Final Decree was entered: _____

If no, give date when the application for Final Decree is anticipated: 12/31/2023

b. Are you current with quarterly U.S. Trustee fees as set forth under 28 U.S.C. § 1930? Yes ◉ No ○

Debtor's Name Achaogen, Inc. Case No. 19-10844

**Privacy Act Statement**

28 U.S.C. § 589b authorizes the collection of this information and provision of this information is mandatory. The United States Trustee will use this information to calculate statutory fee assessments under 28 U.S.C. § 1930(a)(6) and to otherwise evaluate whether a reorganized chapter 11 debtor is performing as anticipated under a confirmed plan. Disclosure of this information may be to a bankruptcy trustee when the information is needed to perform the trustee's duties, or to the appropriate federal, state, local, regulatory, tribal, or foreign law enforcement agency when the information indicates a violation or potential violation of law. Other disclosures may be made for routine purposes. For a discussion of the types of routine disclosures that may be made, you may consult the Executive Office for United States Trustee's systems of records notice, UST-001, "Bankruptcy Case Files and Associated Records." *See* 71 Fed. Reg. 59,818 et seq. (Oct. 11, 2006). A copy of the notice may be obtained at the following link: http://www.justice.gov/ust/eo/rules_regulations/index.htm. Failure to provide this information could result in the dismissal or conversion of your bankruptcy case, or other action by the United States Trustee. 11 U.S.C. § 1112(b)(4)(F).

**I declare under penalty of perjury that the foregoing Post-confirmation Report and its attachments, if any, are true and correct and that I have been authorized to sign this report.**

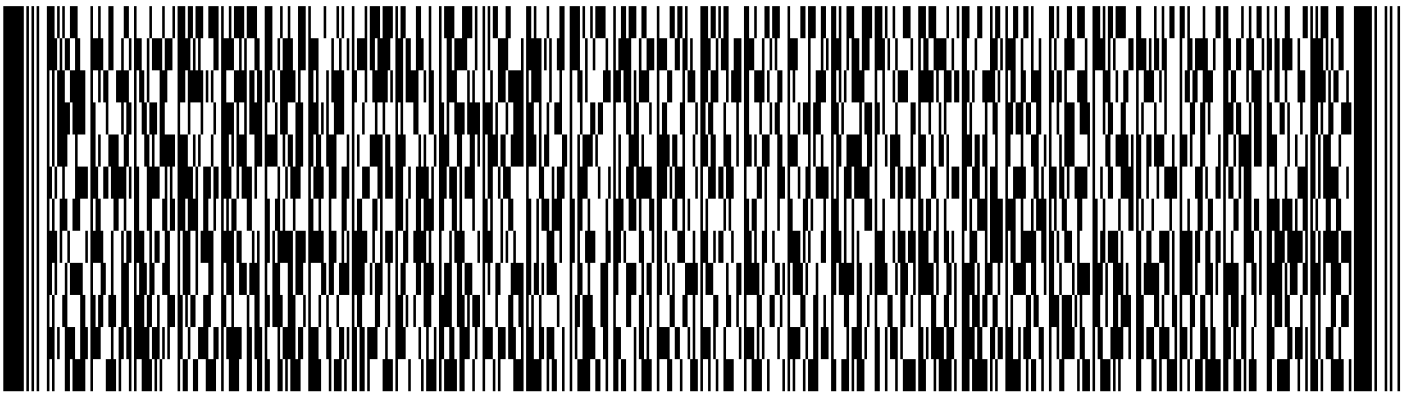
/s/ Edward E. Neiger
Signature of Responsible Party

Edward E. Neiger, Plan Trustee
Printed Name of Responsible Party

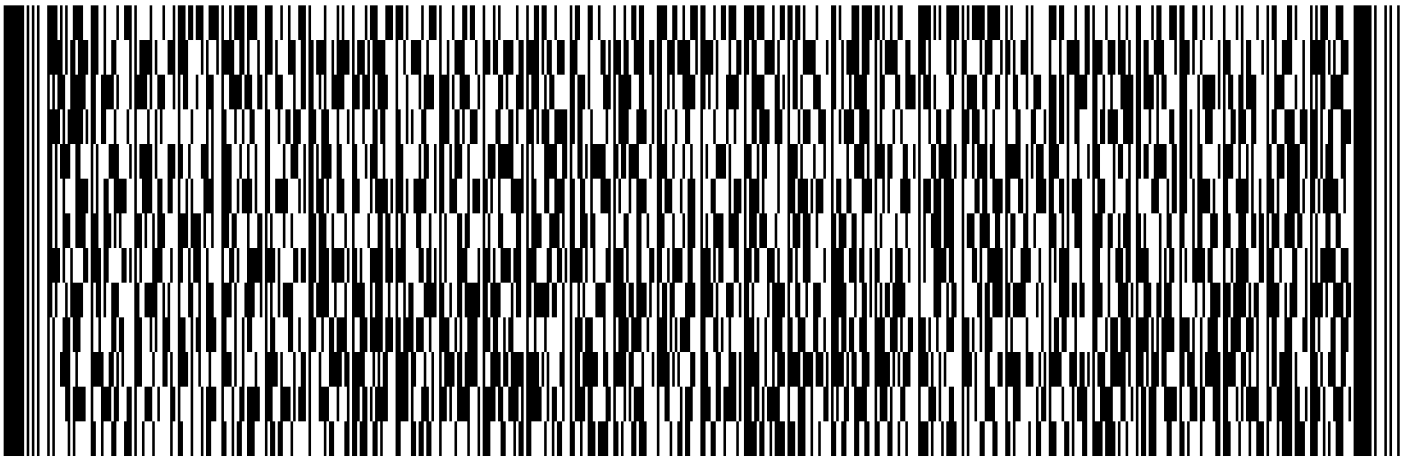
Plan Trustee for the Achaogen Plan Trust
Title

08/01/2023
Date

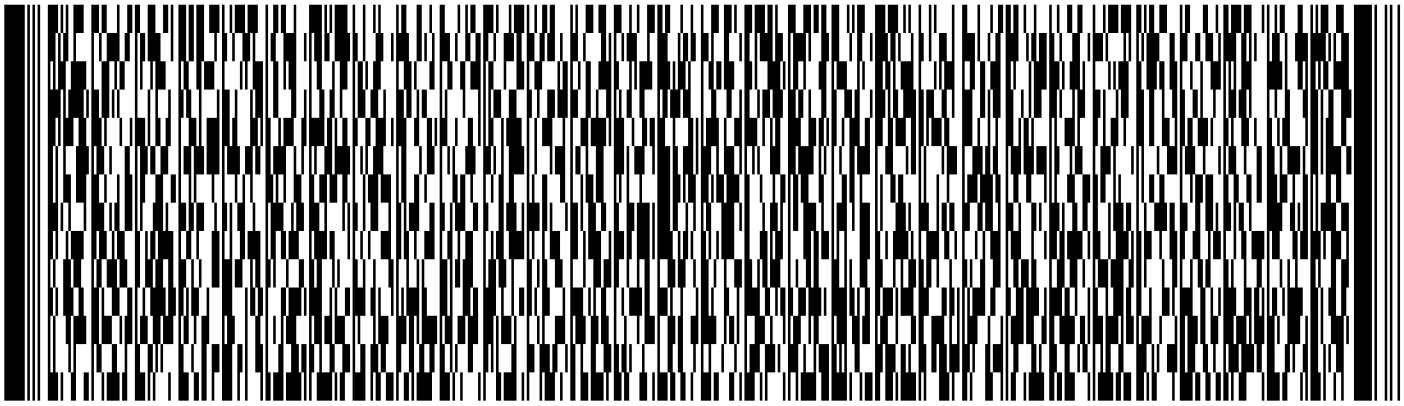
Debtor's Name Achaogen, Inc. Case No. 19-10844



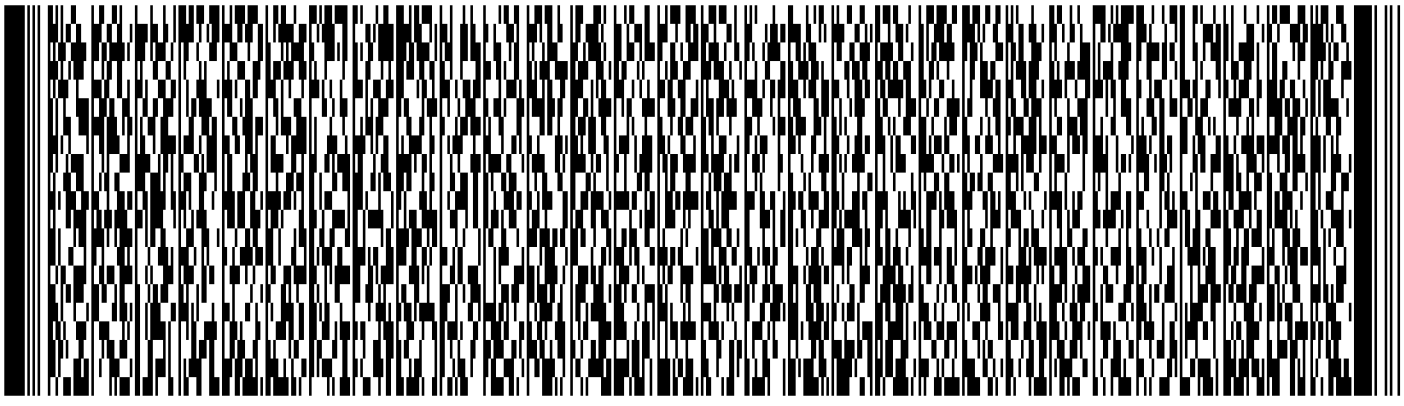
Page 1



Other Page 1

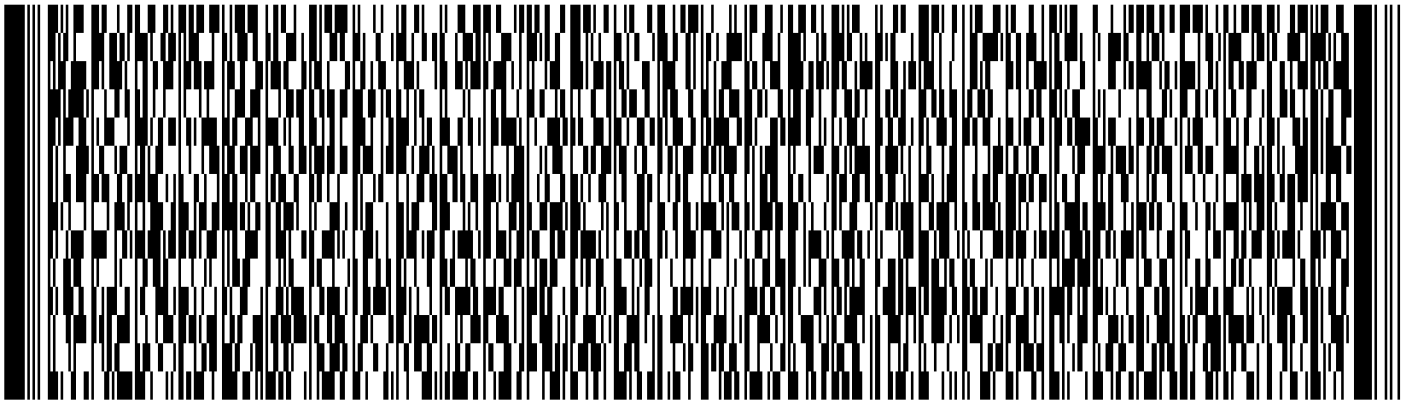


Page 2 Minus Tables

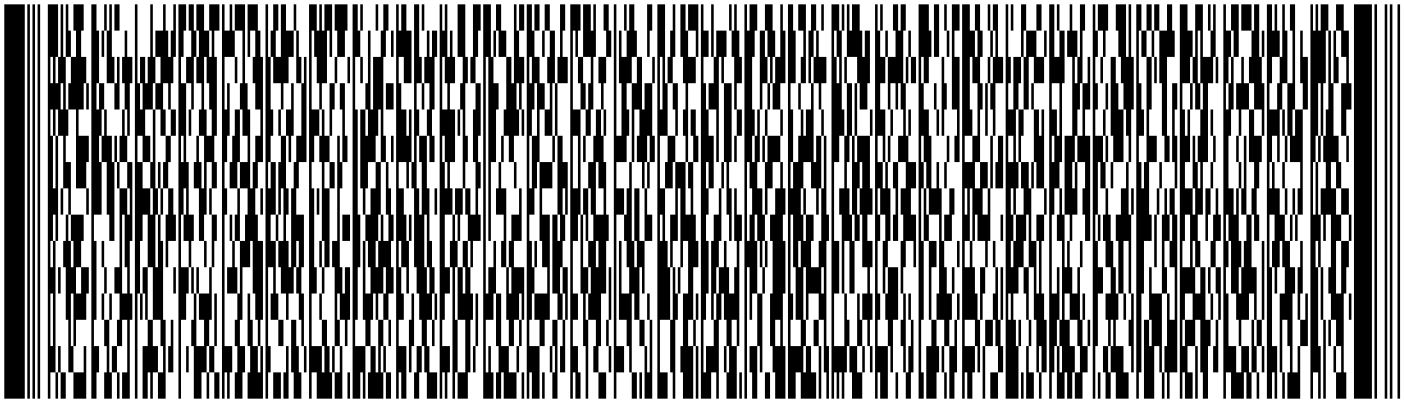


Bankruptcy Table 1-50

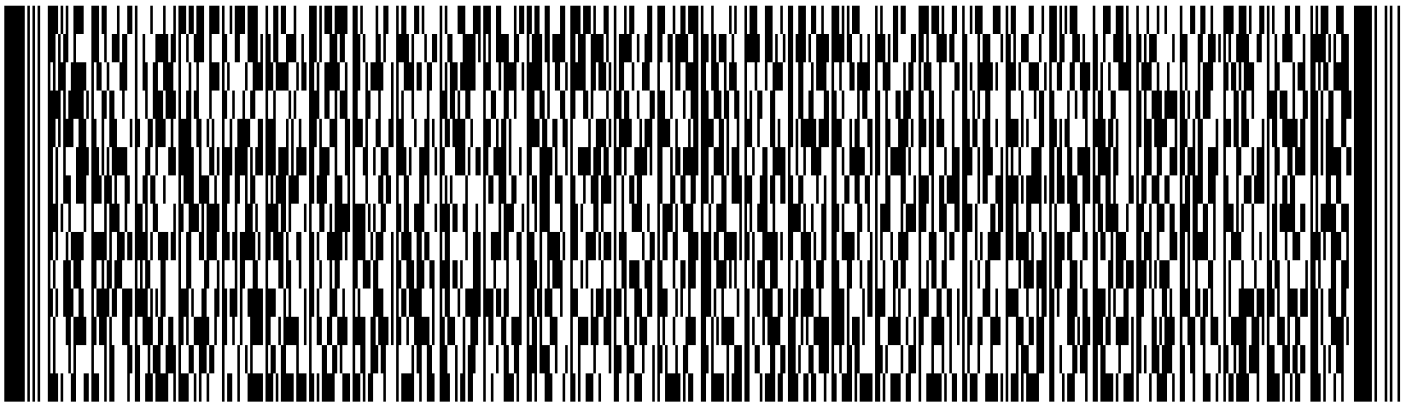
Debtor's Name Achaogen, Inc. Case No. 19-10844



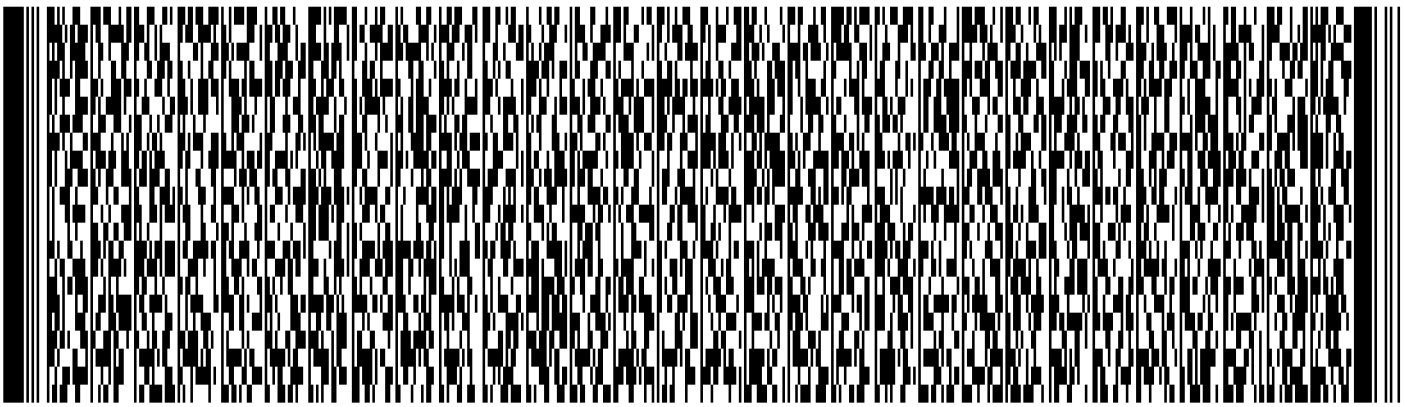
Bankruptcy Table 51-100



Non-Bankruptcy Table 1-50



Non-Bankruptcy Table 51-100



Part 3, Part 4, Last Page

In re Achaogen, Inc.
Case No. 19-10844

Notes to 2Q 2023 UST Post-Confirmation Report

Regarding Part 3: Recoveries of the Holders of Claims and Interests Under Confirmed Plan:

The amount of anticipated payments under the plan to secured creditors and general unsecured creditors is unknown at this time because the amount of distributions is dependent entirely on the amounts the Plan Trust will recover in ongoing litigation and collections, primarily involving Cipla USA, Inc. Pursuant to the confirmed plan, future litigation and collection recoveries will be distributed on an 80%/20% basis to the secured creditor, Silicon Valley Bank, and general unsecured creditors, respectively.