IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

	)	
	)	Chapter 11
	)	
In re:	)	Case No. 25-12177 (LSS)
	)	
Apple Tree Life Sciences, Inc., *et al.*,[1]	)	Jointly Administered
	)	
Debtors.	)	
	)	**Re: Docket No. 1270, 1271, 1290 & 1299**
	)	

DEBTOR ATP LIFE SCIENCE VENTURES, L.P.'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO DISQUALIFY QUINN EMANUEL URQUHART & SULLIVAN, LLP FROM REPRESENTING APERTOR PHARMACEUTICALS, INC.; EVERCRISP BIOSCIENCES, INC.; INITIAL THERAPEUTICS, INC.; MARLINSPIKE THERAPEUTICS, INC.; NEREID THERAPEUTICS INCORPORATED; NINE SQUARE THERAPEUTICS, INC.; RED QUEEN THERAPEUTICS, INC.; AND ATP III GP, LTD.

ATP Life Science Ventures, L.P. (the "Fund Debtor"), by and through its undersigned counsel, hereby moves this Court (this "Motion for Leave"), pursuant to section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (as amended, the "Bankruptcy Code"), and Rule 9006-1(d) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), for entry of an order substantially in the form attached hereto as **Exhibit A** (the "Proposed Order"), granting the Fund Debtor leave to file its *Supplemental Brief in Support of Motion to Disqualify Quinn Emanuel Urquhart & Sullivan, LLP from Representing Apertor Pharmaceuticals, Inc.; Evercrisp Biosciences, Inc.; Initial Therapeutics, Inc.; Marlinspike Therapeutics, Inc.; Nereid Therapeutics*

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number include: Apple Tree Life Sciences, Inc. (4506); ATP Life Science Ventures, L.P. (8224); ATP III GP, Ltd. (6091); Apertor Pharmaceuticals, Inc. (3161); Initial Therapeutics, Inc. (2453); Marlinspike Therapeutics, Inc. (4757); Red Queen Therapeutics, Inc. (8563); Evercrisp Biosciences, Inc. (4437); Nine Square Therapeutics, Inc. (4503); and Nereid Therapeutics Incorporated (8493). The location of the Debtors' service address in these chapter 11 cases is 230 Park Avenue, Suite 2800, New York, NY 10169.

Incorporated; Nine Square Therapeutics, Inc.; Red Queen Therapeutics, Inc.; and ATP III GP, Ltd. (the "Supplemental Brief"), attached hereto as **Exhibit B**. In support of the Motion for Leave, the Fund Debtor respectfully states as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this Motion for Leave 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 is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409. Pursuant to Local Rule 9013-1(f), the Fund Debtor consents to the entry of a final order with respect to this Motion for Leave if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

BACKGROUND

2. On October 27, 2026, the Fund Debtor filed its *Motion to Disqualify Quinn Emanuel Urquhart & Sullivan, LLP from Representing Apertor Pharmaceuticals, Inc.; Evercrisp Biosciences, Inc.; Initial Therapeutics, Inc.; Marlinspike Therapeutics, Inc.; Nereid Therapeutics Incorporated; Nine Square Therapeutics, Inc.; Red Queen Therapeutics, Inc.; and ATP III GP, Ltd.* [Docket No. 1270] (the "Motion") and the Declaration of David Litterine-Kaufman in support thereof [Docket No. 1271].

3. On November 3, 2026, Apertor Pharmaceuticals, Inc.; Evercrisp Biosciences, Inc.; Initial Therapeutics, Inc.; Marlinspike Therapeutics, Inc.; Nereid Therapeutics Incorporated; Nine Square Therapeutics, Inc.; and Red Queen Therapeutics, Inc. (collectively, the "Portfolio Debtors") and ATP III GP, Ltd. (the "GP") filed the *Opposition to Debtor ATP Life Science Ventures, L.P.'s Motion to Disqualify Quinn Emanuel Urquhart & Sullivan, LLP from Representing Apertor Pharmaceuticals, Inc.; Evercrisp Biosciences, Inc.; Initial Therapeutics, Inc.; Marlinspike*

Therapeutics, Inc.; Nereid Therapeutics Incorporated; Nine Square Therapeutics, Inc.; Red Queen Therapeutics, Inc.; and ATP III GP, Ltd. [Docket No. 1290] (the "Opposition").

4. On November 5, 2026, the Fund Debtor filed its reply in support of the Motion [Docket No. 1299] (the "Reply"), which closed briefing on the Motion.

5. On November 10, 2026, the Court heard argument on the Motion (the "Hearing"). At the Hearing, Quinn Emanuel Urquhart & Sullivan, LLP ("Quinn Emanuel") relied for the first time on *Allegaert v. Perot*, 565 F.2d 246 (2d Cir. 1977), and *Kempner v. Oppenheimer & Co.*, 662 F. Supp. 1271 (S.D.N.Y. 1987), acknowledging that neither decision was cited in the Opposition. Hr'g Tr. at 50:11–25, 50:6. The Court also inquired regarding the application of Model Rule 1.9(a) and Comment [3] in light of *In re Imerys Talc America, Inc.*, 38 F.4th 361 (3d Cir. 2022). Hr'g Tr. at 21:25–22:10. At the conclusion of the Hearing, the Court took the Motion under advisement and stated that it would read the cases before ruling. Hr'g Tr. at 68:5–12.

RELIEF REQUESTED

6. By this Motion for Leave, the Fund Debtor respectfully requests entry of the Proposed Order (a) granting the Fund Debtor leave to file the Supplemental Brief and deeming it filed and (b) granting such other and further relief as the Court deems just and proper.

BASIS FOR RELIEF

7. Section 105(a) of the Bankruptcy Code provides, in relevant part, that "[t]he Court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. § 105(a).

8. Cause exists to grant leave to file the Supplemental Brief. *Allegaert* and *Kempner* were raised for the first time at the Hearing, after briefing on the Motion had closed, and the Fund Debtor has had no opportunity to address them in writing. The Supplemental Brief also responds

to the Court's question at the Hearing regarding Model Rule 1.9(a) and Comment [3] in light of *Imerys*.

9. The Supplemental Brief is narrowly tailored. It is limited to the authorities and question raised at the Hearing, does not seek new relief, and does not advance new grounds for disqualification. It relies principally on authorities already before the Court in the Motion and the Reply, and, to the extent it cites two additional authorities, it does so only to respond to the authorities raised at the Hearing.

10. The Supplemental Brief will also assist the Court by placing the out-of-Circuit authorities on which Quinn Emanuel relied in context and addresses their application to the facts of these chapter 11 cases.

11. Finally, no party will be prejudiced. The Fund Debtor has acted promptly, filing this Motion for Leave two court-days after the Hearing,[2] and the Supplemental Brief responds to authorities that Quinn Emanuel itself introduced and a question from the Court. Accordingly, the Fund Debtor respectfully submits that cause exists to grant the Motion for Leave.

12. Moreover, prior to filing, the Fund Debtor conferred with counsel for the Portfolio Debtors and the GP, who do not oppose this Motion for Leave based on the parties' agreement that the Portfolio Debtors and the GP may file a brief response to the Supplemental Brief by 12:00 p.m. (ET) on Monday, November 16, 2026.

NOTICE

13. Notice of this Motion for Leave is being given to: (i) the above-captioned debtors and debtors in possession; (ii) the U.S. Trustee; (iii) the Official Committee of Unsecured Creditors appointed in these cases; (iv) Quinn Emanuel; (v) Murphy & King, P.C.; and (vi) any party that

[2] The Fund Debtor intended to file this Motion for Leave on November 12, 2026, but was prevented from finalizing and filing it sooner due to the disruption caused by a global Microsoft software outage.

has requested notice pursuant to Bankruptcy Rule 2002 in these cases. In light of the nature of the relief requested, the Fund Debtor respectfully submits that no further notice is necessary.

NO PRIOR REQUEST

14. No prior request for the relief sought in this Motion for Leave has been made to this Court or any other court.

WHEREFORE, the Fund Debtor respectfully requests that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, (i) granting the Fund Debtor leave to file the Supplemental Brief and deeming the Supplemental Brief filed and (ii) granting such other and further relief as the Court deems just and proper.

Dated: November 13, 2026
Wilmington, Delaware

Respectfully submitted,

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EXHIBIT A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

	)	
	)	Chapter 11
	)	
In re:	)	Case No. 25-12177 (LSS)
	)	
Apple Tree Life Sciences, Inc., *et al.*,[3]	)	Jointly Administered
	)	
Debtors.	)	
	)	**Re: Docket No. 1270, 1271, 1290 & 1299**
	)	

ORDER GRANTING DEBTOR ATP LIFE SCIENCE VENTURES, L.P.'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO DISQUALIFY QUINN EMANUEL URQUHART & SULLIVAN, LLP FROM REPRESENTING APERTOR PHARMACEUTICALS, INC.; EVERCRISP BIOSCIENCES, INC.; INITIAL THERAPEUTICS, INC.; MARLINSPIKE THERAPEUTICS, INC.; NEREID THERAPEUTICS INCORPORATED; NINE SQUARE THERAPEUTICS, INC.; RED QUEEN THERAPEUTICS, INC.; AND ATP III GP, LTD.

Upon the motion (the "Motion for Leave")[4] of ATP Life Science Ventures, L.P. (the "Fund Debtor") for entry of an order (the "Order") granting the Fund Debtor leave and permission to file the Supplemental Brief; and the Court having found that due and proper notice of the Motion for Leave was given under the circumstances; and the Court having found that no other or further notice of the Motion for Leave is required; and the Court having found that it has jurisdiction to consider the Motion for Leave pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having found that venue of this proceeding and the Motion for Leave is proper pursuant to 28 U.S.C. §§ 1408 and

[3] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number include: Apple Tree Life Sciences, Inc. (4506); ATP Life Science Ventures, L.P. (8224); ATP III GP, Ltd. (6091); Apertor Pharmaceuticals, Inc. (3161); Initial Therapeutics, Inc. (2453); Marlinspike Therapeutics, Inc. (4757); Red Queen Therapeutics, Inc. (8563); Evercrisp Biosciences, Inc. (4437); Nine Square Therapeutics, Inc. (4503); and Nereid Therapeutics Incorporated (8493). The location of the Debtors' service address in these chapter 11 cases is 230 Park Avenue, Suite 2800, New York, NY 10169.

[4] Capitalized terms used but not defined herein have the meanings ascribed to them in the Motion for Leave.

1409; and the Court having reviewed the Motion for Leave; and the Court having determined that the legal and factual bases set forth in the Motion for Leave establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion for Leave is GRANTED.

2. Pursuant to section 105(a) of the Bankruptcy Code and Local Rule 9006-1(d), the Fund Debtor is granted leave to file the Supplemental Brief, and the Supplemental Brief attached to the Motion for Leave as Exhibit B is deemed filed.

3. The Portfolio Debtors and ATP III GP, Ltd. may file a response to the Supplemental Brief no later than 12:00 p.m. (ET) on Monday, November 16, 2026, responding to the arguments presented in the Supplemental Brief, and to provide what they believe to be a correction, of not more than two sentences, of a statement made during the November 10 hearing concerning any response to the August 10 letter from DLA Piper to Quinn Emanuel.

4. The Court shall retain jurisdiction with respect to all matters arising from or related to the interpretation or implementation of this Order.

EXHIBIT B

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	Case No. 25-12177 (LSS)
Apple Tree Life Sciences, Inc., *et al.*,[1]	)	Jointly Administered
Debtors.	)	**Re: Docket Nos. 1270, 1271, 1290**

DEBTOR ATP LIFE SCIENCE VENTURES, L.P.'S SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO DISQUALIFY QUINN EMANUEL URQUHART & SULLIVAN, LLP FROM REPRESENTING APERTOR PHARMACEUTICALS, INC.; EVERCRISP BIOSCIENCES, INC.; INITIAL THERAPEUTICS, INC.; MARLINSPIKE THERAPEUTICS, INC.; NEREID THERAPEUTICS INCORPORATED; NINE SQUARE THERAPEUTICS, INC.; RED QUEEN THERAPEUTICS, INC.; AND ATP III GP, LTD.

Debtor ATP Life Science Ventures, L.P. (the "Fund Debtor"), by and through its undersigned counsel, respectfully submits this supplemental brief (the "Supplemental Brief") in support of *Debtor ATP Life Science Ventures, L.P.'s Motion to Disqualify Quinn Emanuel Urquhart & Sullivan, LLP from Representing Apertor Pharmaceuticals, Inc.; Evercrisp Biosciences, Inc.; Initial Therapeutics, Inc.; Marlinspike Therapeutics, Inc.; Nereid Therapeutics Incorporated; Nine Square Therapeutics, Inc.; Red Queen Therapeutics, Inc.; and ATP III GP, Ltd.* [Docket No. 1270] (the "Motion").[2] The Fund Debtor respectfully states as follows:

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number include: Apple Tree Life Sciences, Inc. (4506); ATP Life Science Ventures, L.P. (8224); ATP III GP, Ltd. (6091); Apertor Pharmaceuticals, Inc. (3161); Initial Therapeutics, Inc. (2453); Marlinspike Therapeutics, Inc. (4757); Red Queen Therapeutics, Inc. (8563); Evercrisp Biosciences, Inc. (4437); Nine Square Therapeutics, Inc. (4503); and Nereid Therapeutics Incorporated (8493). The location of the Debtors' service address in these chapter 11 cases is 230 Park Avenue, Suite 2800, New York, NY 10169.

[2] Capitalized terms used but not defined in this Supplemental Brief have the meanings given to them in the Motion or in the Fund Debtor's reply in support of the Motion [Docket No. 1299] (the "Reply"), as applicable. The opposition to the Motion filed by the Portfolio Debtors and the GP [Docket No. 1290] is referred to as the "Opposition" and cited as "Opp'n." Citations to "Hr'g Tr." refer to the transcript of the November 10, 2026 hearing.

INTRODUCTION

1. On November 10, 2026, the Court heard oral argument on the Motion. For the first time at the hearing, Quinn Emanuel relied on two out-of-Circuit decisions—*Allegaert v. Perot*, 565 F.2d 246 (2d Cir. 1977), and *Kempner v. Oppenheimer & Co.*, 662 F. Supp. 1271 (S.D.N.Y. 1987)—to contend that information obtained during a joint representation cannot support disqualification. Hr'g Tr. at 50:11–25, 67:19–68:4. During argument, the Court also inquired regarding the application of Model Rule 1.9(a) and Comment [3] under *In re Imerys Talc America, Inc.*, 38 F.4th 361 (3d Cir. 2022). Hr'g Tr. at 21:25–22:10. The Fund Debtor submits this brief supplement to address the authorities raised at the hearing.

ARGUMENT

I. The Former Clients in *Allegaert* and *Kempner* Did Not Have a Reasonable Expectation That Their Confidences Would Be Maintained Under the Facts of Those Cases, While the Fund Debtor Had Every Reason to Expect Quinn Emanuel to Protect Its Confidences

2. *Allegaert*—an out-of-Circuit case from nearly 50 years ago—rested on facts not present here. There, the movant, duPont Walston, Inc. ("Walston"), was "represented independently by the Shearman & Sterling firm," while the challenged firms had long represented its counterparty, duPont Glore Forgan ("DGF"), and DGF's owners. 565 F.2d at 248. The two companies entered into an agreement that "in legal substance resembled a joint venture" but "permitted each of the two brokerage concerns to retain separate identities." *Id.* at 248–49. Recognizing the possibility of future adversity with DGF, Walston was "[a]t every step . . . advised by Shearman & Sterling," and Walston "knew that [DGF's owners] were at all times represented by" the challenged firms. *Id.* at 250. Walston therefore "necessarily knew that information given to [those firms] would certainly be conveyed to their primary clients." *Id.* "Integral to" that conclusion was "the law firms' continuous and unbroken legal relationship with their primary

clients." *Id.* at 251. The Second Circuit, applying an abuse-of-discretion standard, affirmed the denial of the disqualification motion on what it described as "the peculiar facts of this case." *Id.* at 248.

3. Here, by contrast: (i) the Fund Debtor had no separate restructuring counsel, as Quinn Emanuel was its section 327(a) lead counsel in these Chapter 11 Cases (Docket No. 623); (ii) the Fund Debtor, not the Portfolio Debtors, was Quinn Emanuel's historical client, with the firm having represented the Fund Debtor since at least 2020 (Opp'n ¶ 12); (iii) the Fund Debtor had a reasonable expectation that its confidential information would not be shared with the Portfolio Debtors on matters where their interests diverged, because the Portfolio Debtors had their own conflicts counsel and Quinn Emanuel represented to the Court that such counsel would protect them in the event of a conflict (Docket No. 134 ¶¶ 9–10; Docket No. 316 ¶ 34); and (iv) any use the GP made of the Fund Debtor's confidential information was bound by the GP's statutory duty to act "in good faith" and "in the interests of" the Fund Debtor (Exempted Limited Partnership Act (2025 Revision) § 19(1) (Cayman Is.) ("A general partner shall act at all times in good faith and, subject to any express provisions of the partnership agreement to the contrary, in the interests of the exempted limited partnership."), *reproduced at* Docket No. 316-4 at 16). The Fund Debtor, unlike the movant in *Allegaert*, had every reason to expect that Quinn Emanuel would preserve its confidentiality.

4. *Allegaert* is also distinguishable because it applied only Canon 4 of the former Code of Professional Responsibility, which protects client confidences, and not the duty of loyalty. Courts within the Second Circuit have recognized this limitation. *See Felix v. Balkin*, 49 F. Supp. 2d 260, 270 (S.D.N.Y. 1999) (applying *Allegaert* but holding that the joint-client exception does not give the lawyer "the right to turn against one or the other, for he owes equal loyalty to both his

clients"); *In re I Successor Corp.*, 321 B.R. 640, 656–57 (Bankr. S.D.N.Y. 2005) (distinguishing *Allegaert* because there "the law firm continues to represent its pre-existing, primary client after the joint representation ends"); *see also In re Cabe & Cato, Inc.*, 524 B.R. 870, 884 (Bankr. N.D. Ga. 2014) ("The court in *Allegaert* addressed only the issue of confidential communications under Canon 4 . . . . Rule 1.9(a) offers a much broader concept—that of continuing fidelity to a former client, a duty of loyalty—that extends beyond the preservation of confidential information.").

5. *Kempner*—another out-of-Circuit case from decades ago—is even further afield. There, counsel defended the brokerage Oppenheimer and also its brokers, but only "as long as their interests were not in conflict with counsel's representation of Oppenheimer." 662 F. Supp. at 1274–75, 1278. When one broker accused the other of forgery, counsel withdrew from representing both of the brokers and continued to represent Oppenheimer, and the court refused to disqualify counsel from that representation. As in *Allegaert*, the court concluded that, "where there is such dual representation, [the broker] could not expect his secrets to be withheld from Oppenheimer." *Id.* at 1278. Here, by contrast, the appointment of conflicts counsel and the GP's statutory duty to act in the interests of the Fund Debtor created a reasonable expectation that the Fund Debtor's confidences would be preserved.[3]

II. *Imerys* Involved an Attorney Who Had Never Worked on the Prior Matter for the Former Client and Addressed Only One of the Two Independent Tests for Substantial Relatedness Between Matters, Both of Which Are Satisfied Here

6. The Court asked how the Motion squares with *Imerys*, which observed that the insurers "simply d[id] not point to any facts that would establish any risk of weaponized

[3] Quinn Emanuel's remaining authorities, *Abengo*a and *Golden Guernse*y, fail for the reasons set out in the Reply. Docket No. 1299 ¶¶ 12–13 & n.4, ¶ 40, ¶ 43 n.9. *Abengo*a rested on an engagement letter in which the affiliated debtors expressly agreed that none of their information would be confidential as against one another and waived disqualification in intercompany disputes—terms not present in Quinn Emanuel's engagement letter—and debtors' counsel stayed out of the intercompany litigation. Docket No. 1271-2 at 5; *see also In re WB Bridge Hotel LLC*, 656 B.R. 733, 749–50 & n.10 (Bankr. S.D.N.Y. 2024) (declining to follow *Abengo*a because the debtors there "had consented to joint representation and information sharing").

confidential information." Hr'g Tr. at 21:25–22:10 (quoting *Imerys*, 38 F.4th at 381). Disqualification here is consistent with *Imerys* for two reasons.

7. *First*, *Imerys* recognizes that a "risk" of misusing client confidences justifies disqualification, but held that no such risk existed on facts very different from those here. There, the prior matter was a separate state-court coverage case for other clients; the firm had "implemented an ethical wall" between that work and the FCR's; the FCR "was never involved in the [prior] matter at all"; the firm had billed "only a handful of hours to the matter since 2016 and none since 2018"; and the former clients had signed a prospective waiver covering the firm's bankruptcy work. 38 F.4th at 368–69, 380, 382. Here, by contrast, the same Quinn Emanuel lawyers who now oppose the Fund Debtor's Governance Motion and who have stated their intention to oppose the PSA Motion, DIP Motion, and plan previously drafted the governance term sheet (Docket No. 825-2 at 34–36), analyzed the Series A SPAs and "potential claims against Portfolio Company debtors" (Docket No. 1019-2 at 7), worked with the CRO and B. Riley on Portfolio Company budgets and valuations (Oct. 13 Letter at 6), and studied the "standing of portfolio company boards" to advance plans (*id.*). *See* Docket No. 1299 ¶¶ 20, 41. That is not a "handful of hours" by attorneys on the other side of an ethical screen—it is a significant representation by the very same attorneys who would now oppose their former client's motions. 38 F.4th at 382. *Imerys* asks for "facts," *id.* at 381, and Quinn Emanuel's own time entries supply them here.

8. *Second*, *Imerys* applied only the second prong of Comment [3] to Model Rule 1.9, while the Motion succeeds under both prongs. Matters are substantially related if they "involve the same transaction or legal dispute *or* if there otherwise is a substantial risk" that the former client's confidences would advance the new client's position. Model Rule 1.9 cmt. [3] (emphasis

added). Under the first prong, loyalty concerns "are alone sufficient." *In re Meridian Auto. Sys.-Composite Operations, Inc.*, 340 B.R. 740, 747 (Bankr. D. Del. 2006). The Third Circuit reached the second prong in *Imerys* only "[b]ecause the Insurers fail[ed] to show that [the prior matter] involved the same transactions or legal disputes" as the proposed representation. 38 F.4th at 381–82.

9. Here, by contrast, the two representations are in the very same matter. Quinn Emanuel served as the Fund Debtor's lead counsel in these cases for eight months. It now opposes the Fund Debtor's Governance Motion, relies on an order it obtained for the Fund Debtor in doing so, has noticed an Officeholder for examination, and promises to oppose the Fund Debtor's PSA Motion, DIP Motion, and plan. Docket No. 1209 ¶¶ 11–12; Docket No. 1225; Opp'n ¶¶ 36–41, 70, 72.

10. The Third Circuit applies the first prong without inquiring into what confidences may have been shared, even when the client, not the lawyer, changed course. The adverse representation violates the attorney's duty of loyalty to the former client, in addition to the duty of confidentiality. "This is not merely a matter of revealing or using the client's confidences and secrets, but of a duty of continuing loyalty to the client." *In re Corn Derivatives Antitrust Litig.*, 748 F.2d 157, 161 (3d Cir. 1984). Because Quinn Emanuel seeks to represent parties adverse to the Fund Debtor in the same matter, Rule 1.9 bars the representation without regard to whether any confidences may be misused.

CONCLUSION

11. For the reasons set forth above and in the Motion, the Fund Debtor respectfully requests that the Court grant the Motion and disqualify Quinn Emanuel from representing the Portfolio Debtors and the GP in these Chapter 11 Cases.

Dated: November 13, 2026
Wilmington, Delaware

Respectfully submitted,

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