

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIND THERAPEUTICS, INC., *et al.*,¹

Debtor.

Chapter 11

Case No. 16-11084 (BLS)

(Jointly Administered)

**NOTICE OF *AMENDED*² AGENDA OF MATTERS SCHEDULED FOR
HEARING ON MAY 26, 2016 AT 9:00 A.M. (EDT)³**

***AS NO MATTERS ARE SCHEDULED TO GO FORWARD, THE HEARING HAS BEEN
CANCELLED WITH PERMISSION FROM THE COURT***

I. MATTER WITH CERTIFICATION OF COUNSEL:

1. Debtors' Motion for an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [Docket No. 47 - filed May 5, 2016]

Objection/Response Deadline: May 19, 2016 at 4:00 p.m. (ET)

Objections/Responses Received: Informal Comments from the Office of the United States Trustee for the District of Delaware (the "U.S. Trustee")

Related Documents:

- i. Certification of Counsel Regarding Debtors' Motion for an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [Docket No. 137 - filed May 20, 2016]

¹ The Debtors, together with the last four digits of each Debtor's U.S. federal tax identification number, are: BIND Therapeutics, Inc. (6148) and BIND Biosciences Security Corporation (3208). The address for the Debtors is 325 Vassar Street, Cambridge, MA 02139.

² **Amended agenda items appear in bold.**

³ The hearing will be held before The Honorable Brendan L. Shannon at the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 6th Floor, Courtroom 1, Wilmington, Delaware 19801. Any person who wishes to appear telephonically at the May 26, 2016 hearing must contact COURTCALL, LLC at 866-582-6878 prior to 12:00 p.m. (noon) (EDT) on Wednesday, May 25, 2016 to register his/her telephonic appearance in accordance with the *Instructions for Telephonic Appearance Effective January 5, 2005, Revised April 27, 2009*.

- ii. **Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [Docket No. 152 - entered May 24, 2016]**

Status: On May 24, 2016, the Court entered an order regarding this matter. Accordingly, a hearing on this matter is no longer necessary.

II. MATTERS WITH CERTIFICATE OF NO OBJECTION:

- 2. Motion of Debtors for Order Under 11 U.S.C. §§ 105(a), 363(b), 506(a), 507(a)(8), and 541 and Fed. R. Bankr. P. 6003 Authorizing Payment of Prepetition Taxes and Fees [Docket No. 6 - filed May 1, 2016]

Objection/Response Deadline: May 19, 2016 at 4:00 p.m. (ET)

Objections/Responses Received: None.

Related Documents:

- i. Notice of Motion and Hearing Regarding Motion of Debtors for Order Under 11 U.S.C. §§ 105(a), 363(b), 506(a), 507(a)(8), and 541 and Fed. R. Bankr. P. 6003 Authorizing Payment of Prepetition Taxes and Fees [Docket No. 43 - filed May 4, 2016]
- ii. Certificate of No Objection Regarding Motion of Debtors for Order Under 11 U.S.C. §§ 105(a), 363(b), 506(a), 507(a)(8), and 541 and Fed. R. Bankr. P. 6003 Authorizing Payment of Prepetition Taxes and Fees [Docket No. 138 - filed May 20, 2016]
- iii. **Order Under 11 U.S.C. §§ 105(a), 363(b), 506(a), 507(a)(8), and 541 and Fed. R. Bankr. P. 6003 Authorizing Payment of Prepetition Taxes and Fees [Docket No. 151 - entered May 24, 2016]**

Status: On May 24, 2016, the Court entered an order regarding this matter. Accordingly, a hearing on this matter is no longer necessary.

- 3. Motion of Debtors for Interim and Final Orders Pursuant to 11 U.S.C. §§ 105(a), 345, 363, and 364, Fed. R. Bankr. P. 6003, and Del. Bankr. L.R. 2015-2 and 4001-3 (I) Authorizing Continued Use of Existing Cash Management System, Including Maintenance of Existing Bank Accounts, Checks, and Business Forms, and (II) Authorizing Continuation of Existing Deposit Practices [Docket No. 7 - filed May 1, 2016]

Objection/Response Deadline: May 19, 2016 at 4:00 p.m. (ET)

Objections/Responses Received: None.

Related Documents:

- i. Interim Order Pursuant to 11 U.S.C. §§ 105(a), 345, 363, and 364, Fed. R. Bankr. P. 6003, and Del. Bankr. L.R. 2015-2 and 4001-3 (I) Authorizing Continued Use of Existing Cash Management System, Including Maintenance of Existing Bank Accounts, Checks, and Business Forms, and (II) Authorizing Continuation of Existing Deposit Practices [Docket No. 32 - filed May 3, 2016]
- ii. Notice of (A) Entry of Interim Order Pursuant to 11 U.S.C. §§ 105(a), 345, 363, and 364, Fed. R. Bankr. P. 6003, and Del. Bankr. L.R. 2015-2 and 4001-3 (I) Authorizing Continued Use of Existing Cash Management System, Including Maintenance of Existing Bank Accounts, Checks, and Business Forms, and (II) Authorizing Continuation of Existing Deposit Practices [Docket No. 39 - filed May 4, 2016]
- iii. Certificate of No Objection Regarding Motion of Debtors for Interim and Final Orders Pursuant to 11 U.S.C. §§ 105(a), 345, 363, and 364, Fed. R. Bankr. P. 6003, and Del. Bankr. L.R. 2015-2 and 4001-3 (I) Authorizing Continued Use of Existing Cash Management System, Including Maintenance of Existing Bank Accounts, Checks, and Business Forms, and (II) Authorizing Continuation of Existing Deposit Practices [Docket No. 140 - filed May 20, 2016]
- iv. **Final Order Pursuant to Order Pursuant to 11 U.S.C. §§ 105(a), 345, 363, and 364, Fed. R. Bankr. P. 6003, and Del. Bankr. L.R. 2015-2 and 4001-3 (I) Authorizing Continued Use of Existing Cash Management System, Including Maintenance of Existing Bank Accounts, Checks, and Business Forms, and (II) Authorizing Continuation of Existing Deposit Practices [Docket No. 158- entered May 20, 2016]**

Status: **On May 24, 2016, the Court entered an order regarding this matter. Accordingly, a hearing on this matter is no longer necessary.**

4. Motion of Debtors for Entry of Interim and Final Orders (A) Authorizing Payment of Certain Prepetition Workforce Claims, Including Wages, Salaries, and Other Compensation, (B) Authorizing Payment of Certain Employee Benefits and Confirming Right to Continue Employee Benefits on Postpetition Basis, (C) Authorizing Payment of Reimbursement to Employees for Expenses Incurred Prepetition, (D) Authorizing Payment of Withholding and Payroll-Related Taxes, (E) Authorizing Payment of Workers' Compensation Obligations, and (F) Authorizing Payment of Prepetition Claims Owing to Administrators and Third-Party Providers [Docket No. 8 - filed May 1, 2016]

Objection/Response Deadline: May 19, 2016 at 4:00 p.m. (ET)

Objections/Responses Received: None.

Related Documents:

- i. Interim Order (A) Authorizing Payment of Certain Prepetition Workforce Claims, Including Wages, Salaries, and Other Compensation, (B) Authorizing Payment of Certain Employee Benefits and Confirming Right to Continue Employee Benefits on Postpetition Basis, (C) Authorizing Payment of Reimbursement to Employees for Expenses Incurred Prepetition, (D) Authorizing Payment of Withholding and Payroll-Related Taxes, (E) Authorizing Payment of Workers' Compensation Obligations, and (F) Authorizing Payment of Prepetition Claims Owing to Administrators and Third-Party Providers [Docket No. 34 - filed May 3, 2016]
- ii. Notice of (I) Entry of Interim Order (A) Authorizing Payment of Certain Prepetition Workforce Claims, Including Wages, Salaries, and Other Compensation, (B) Authorizing Payment of Certain Employee Benefits and Confirming Right to Continue Employee Benefits on Postpetition Basis, (C) Authorizing Payment of Reimbursement to Employees for Expenses Incurred Prepetition, (D) Authorizing Payment of Withholding and Payroll-Related Taxes, (E) Authorizing Payment of Workers' Compensation Obligations, and (F) Authorizing Payment of Prepetition Claims Owing to Administrators and Third-Party Providers [Docket No. 40 - filed May 4, 2016]
- iii. Certificate of No Objection Regarding Motion of Debtors for Entry of Interim and Final Orders (A) Authorizing Payment of Certain Prepetition Workforce Claims, Including Wages, Salaries, and Other Compensation, (B) Authorizing Payment of Certain Employee Benefits and Confirming Right to Continue Employee Benefits on Postpetition Basis, (C) Authorizing Payment of Reimbursement to Employees for Expenses Incurred Prepetition (D) Authorizing Payment of Withholding, and Payroll-Related Taxes, (E) Authorizing Payment of Workers' Compensation Obligations, and (F) Authorizing Payment of Prepetition Claims Owing to Administrators and Third-Party Providers [Docket No. 139 - filed May 20, 2016]
- iv. **Final Order (A) Authorizing Payment of Certain Prepetition Workforce Claims, Including Wages, Salaries, and Other Compensation, (B) Authorizing Payment of Certain Employee Benefits and Confirming Right to Continue Employee Benefits on Postpetition Basis, (C) Authorizing Payment of Reimbursement to Employees for Expenses Incurred Prepetition (D) Authorizing Payment of Withholding, and Payroll-Related Taxes, (E) Authorizing**

Payment of Workers' Compensation Obligations, and (F) Authorizing Payment of Prepetition Claims Owing to Administrators and Third-Party Providers [Docket No. 153 - entered May 24, 2016]

Status: On May 24, 2016, the Court entered an order regarding this matter. Accordingly, a hearing on this matter is no longer necessary.

5. Motion of the Debtors for Entry of an Order Under Fed. R. Bankr. P. 1007(c) and Del. Bankr. L.R. 1007-1(b) Extending Time for Filing Schedules and Statements [Docket No. 46 - filed May 5, 2016]

Objection/Response Deadline: May 19, 2016 at 4:00 p.m. (ET)

Objections/Responses Received: None.

Related Documents:

- i. Certificate of No Objection Regarding Motion of Debtors for Order Under Fed. R. Bankr. P. 1007(c) and Del. Bankr. L.R. 1007-1(b) Extending Time for Filing Schedules and Statements [Docket No. 141 - filed May 20, 2016]
- ii. **Order Under Fed. R. Bankr. P. 1007(c) and Del. Bankr. L.R. 1007-1(b) Extending Time for Filing Schedules and Statements [Docket No. 154 - entered May 24, 2016]**

Status: On May 24, 2016, the Court entered an order regarding this matter. Accordingly, a hearing on this matter is no longer necessary.

6. Debtors' Application for an Order Authorizing Employment and Retention of Prime Clerk LLC as Administrative Advisor *Nunc Pro Tunc* to the Petition Date Professionals [Docket No. 48 - filed May 5, 2016]

Objection/Response Deadline: May 19, 2016 at 4:00 p.m. (ET)

Objections/Responses Received: None.

Related Documents:

- i. Certificate of No Objection Regarding Debtors' Application for an Order Authorizing Employment and Retention of Prime Clerk LLC as Administrative Advisor *Nunc Pro Tunc* to the Petition Date [Docket No. 143 - filed May 20, 2016]

- ii. **Order Authorizing Employment and Retention of Prime Clerk LLC as Administrative Advisor *Nunc Pro Tunc* to the Petition Date [Docket No. 155 - entered May 24, 2016]**

Status: **On May 24, 2016, the Court entered an order regarding this matter. Accordingly, a hearing on this matter is no longer necessary.**

- 7. Debtors' Application to Authorize the Retention and Employment of Richards, Layton & Finger, P.A. as Co-Counsel to the Debtors *Nunc Pro Tunc* to the Petition Date [Docket No. 49 - filed May 5, 2016]

Objection/Response Deadline: May 19, 2016 at 4:00 p.m. (ET)

Objections/Responses Received: Informal Comments from the U.S. Trustee.

Related Documents:

- i. Certificate of No Objection Regarding Debtors' Application to Authorize the Retention and Employment of Richards, Layton & Finger, P.A. as Co-Counsel to the Debtors *Nunc Pro Tunc* to the Petition Date [Docket No. 142 - filed May 20, 2016]
- ii. **Order Authorizing the Retention and Employment of Richards, Layton & Finger, P.A. as Co-Counsel to the Debtors *Nunc Pro Tunc* to the Petition Date [Docket No. 156 - entered May 24, 2016]**

Status: **On May 24, 2016, the Court entered an order regarding this matter. Accordingly, a hearing on this matter is no longer necessary.**

- 8. Debtors' Application for Order Pursuant to 11 U.S.C. §§ 327(a) and 329, Fed. R. Bankr. P. 2014 and 2016, and Del. Bankr. L.R. 2014-1 and 2016-1 Authorizing Employment and Retention of Latham & Watkins LLP as Bankruptcy Co-Counsel *Nunc Pro Tunc* to the Petition Date [Docket No. 50 - filed May 5, 2016]

Objection/Response Deadline: May 19, 2016 at 4:00 p.m. (ET)

Objections/Responses Received: Informal Comments from the U.S. Trustee

Related Documents:

- i. Certificate of No Objection Regarding Debtors' Application for an Order, Pursuant to 11 U.S.C. §§ 327(a) and 329, Fed. R. Bankr. P. 2014 and 2016, and Del. Bankr. L.R. 2014-1 and 2016-1 Authorizing Employment and Retention of Latham & Watkins LLP as Bankruptcy Co-Counsel *Nunc Pro Tunc* to the Petition Date [Docket No. 144 - filed May 20, 2016]

- ii. **Order Pursuant to 11 U.S.C. §§ 327(a) and 329, Fed. R. Bankr. P. 2014 and 2016, and Del. Bankr. L.R. 2014-1 and 2016-1 Authorizing Employment and Retention of Latham & Watkins LLP as Bankruptcy Co-Counsel *Nunc Pro Tunc* to the Petition Date [Docket No. 157 - entered May 24, 2016]**

Status: **On May 24, 2016, the Court entered an order regarding this matter. Accordingly, a hearing on this matter is no longer necessary.**

III. CONTESTED MATTERS GOING FORWARD:

- 9. Motion of Debtors for Interim and Final Orders (A) Prohibiting Utility Providers from Altering, Refusing or Discontinuing Service; (B) Approving the Debtors' Proposed Adequate Assurance of Payment for Postpetition Services; and (C) Establishing Procedures for Resolving Requests for Additional Adequate Assurance of Payment [Docket No. 4 - filed May 1, 2016]

Objection/Response Deadline: May 19, 2016 at 4:00 p.m. (ET)

Objections/Responses Received:

- A. Limited Objection of Constellation NewEnergy, Inc. to the Motion of Debtors for Interim and Final Orders (A) Prohibiting Utility Providers from Altering, Refusing or Discontinuing Service; (B) Approving the Debtors' Proposed Adequate Assurance of Payment for Postpetition Services; and (C) Establishing Procedures for Resolving Requests for Additional Adequate Assurance of Payment [Docket No. 130 - filed May 19, 2016]

Related Documents:

- i. Interim Order (A) Prohibiting Utility Providers from Altering, Refusing or Discontinuing Service; (B) Approving the Debtors' Proposed Adequate Assurance of Payment for Postpetition Services; and (C) Establishing Procedures for Resolving Requests for Additional Adequate Assurance of Payment [Docket No. 33 - filed May 3, 2016]
- ii. Notice of (I) Entry of Interim Order (A) Prohibiting Utility Providers from Altering, Refusing or Discontinuing Service; (B) Approving the Debtors' Proposed Adequate Assurance of Payment for Postpetition Services; and (C) Establishing Procedures for Resolving Requests for Additional Adequate Assurance of Payment and (II) Final Hearing Thereon [Docket No. 41 - filed May 4, 2016]
- iii. **Certification of Counsel Regarding Final Order (A) Prohibiting Utility Providers from Altering, Refusing or Discontinuing Service; (B) Approving the Debtors' Proposed Adequate Assurance of**

Payment for Postpetition Services; and (C) Establishing Procedures for Resolving Requests for Additional Adequate Assurance of Payment [Docket No. 159 - filed May 25, 2016]

Status: On May 25, 2016, the Debtors filed a revised form of order under certification of counsel resolving the limited objection of Constellation NewEnergy, Inc. The Court has informed the Debtors that a hearing on this matter is not necessary at this time.

10. Debtors' Application for an Order, Pursuant to Sections 327(a) and 328(a) of the Bankruptcy Code, Bankruptcy Rule 2014, and Local Rules 2014-1, 2016-1 and 2016-2, (A) Authorizing the Employment and Retention of Cowen and Company, LLC as Investment Banker to the Debtors *Nunc Pro Tunc* to the Petition Date, and (B) Waiving Certain Informational Requirements of Local Rule 2016-2 in Connection Therewith [Docket No. 52 - filed May 5, 2016]

Objection/Response Deadline: May 19, 2016 at 4:00 p.m. (ET); extended until May 24, 2016 at 12:00 p.m. (EDT) for Hercules Technology III, L.P. ("Hercules")

Objections/Responses Received: Informal comments from the U.S. Trustee and Hercules.

Related Documents:

- i. **Certification of Counsel Regarding Debtors' Application for an Order, Pursuant to Sections 327(a) and 328(a) of the Bankruptcy Code, Bankruptcy Rule 2014, and Local Rules 2014-1, 2016-1, and 2016-2, (A) Authorizing the Employment and Retention of Cowen and Company, LLC as Investment Banker to the Debtors *Nunc Pro Tunc* to the Petition Date, and (B) Waiving Certain Informational Requirements of Local Rule 2016-2 in Connection Therewith [Docket No. 161 - filed May 25, 2016]**

Status: On May 25, 2016, the Debtors filed a revised form of order under certification of counsel resolving the informal comments of Hercules and the U.S. Trustee. The Court has informed the Debtors that a hearing on this matter is not necessary at this time.

Dated: May 25, 2016
Wilmington, Delaware

/s/ Brett M. Haywood

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