

Hearing Date: January 4, 2019 at 11:00 a.m. (Prevailing Eastern Time)

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

**SYNERGY PHARMACEUTICALS INC., *et al.*,
Debtors.¹**

Chapter 11

Case No. 18-14010 (JLG)

(Jointly Administered)

**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR
HEARING ON JANUARY 4, 2019 AT 11:00 A.M.**

Time and Date of Hearing: January 4, 2019 at 11:00 a.m. (Prevailing Eastern Time)

Location of Hearing: Honorable James L. Garrity Jr., Courtroom 601, United States
Bankruptcy Court, Southern District of New York, One
Bowling Green, New York, NY 10004

¹ The Debtors in these chapter 11 cases, along with the last four digits of their respective tax identification numbers, are as follows: Synergy Pharmaceuticals Inc. (5269); Synergy Advanced Pharmaceuticals, Inc. (4596). The address of the Debtors' corporate headquarters is 420 Lexington Avenue, Suite 2012, New York, New York 10170.

Copies of Motions and Applications

Copies of each pleading identified below can be viewed and/or obtained by: (i) accessing the Court's website at www.nysb.uscourts.gov, (ii) contacting the Office of the Clerk of the Court at United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, NY 10004, or (iii) from the Debtors' notice and claims agent, Prime Clerk, LLC, at <https://cases.primeclerk.com/Synergy> or by calling **1-855-388-4579** (toll free from the U.S. and Canada); or **1-646-795-6978** (international) or by **e-mail** at synergyinfo@primeclerk.com. Note that a PACER password is needed to access documents on the Court's website.

I. UNCONTESTED MATTER

1. Debtors' Motion for Entry of Interim and Final Orders Authorizing Payment of Prepetition Claims of Certain Critical Vendors [Docket No. 11]

Objection Deadline: December 28, 2018 at 4:00 p.m. (Prevailing Eastern Time).

Responses Filed:

- A. Reservation of Rights Regarding Debtors' Motion for Entry of Interim and Final Orders Authorizing Payment of Prepetition Claims of Certain Critical Vendors (filed by Unsecured Creditors Committee) [Docket No. 132]

Related Documents: Interim Order Authorizing Payment of Prepetition Claims of Certain Critical Vendors [Docket No. 63]

Status: This matter is going forward.

II. CONTESTED MATTER

2. Debtors' Motion for (I) an Order (A) Approving the Bidding Procedures for the Sale of Substantially All of the Debtors Assets, (B) Establishing the Notice Procedures and Approving the Form and Manner of Notice Thereof, (C) Approving Procedures for the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, (D) Scheduling a Sale Hearing, and (E) Granting Related Relief and (II) an Order (A) Approving the Sale of the Debtors Assets Free and Clear of All Liens, Claims, Encumbrances, and Other Interests, (B) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases Related Thereto, and (C) Granting Related Relief [Docket No. 17]

Objection Deadline: December 28, 2018 at 4:00 p.m. (Prevailing Eastern Time), Unsecured Creditors Committee and Ad Hoc Committee objection deadline extended, with

consent of the Court, to December 31, 2018 at 2:00
p.m.

Responses Filed:

- A. Ad Hoc Committee of Equity Holders' Objection to the Debtors' Bidding Procedures and Joinder to the Official Committee of Unsecured Creditors' Objection Thereto [Docket No. 137]
- B. Objection of the Official Committee of Unsecured Creditors to the Debtors Motion For (I) an Order (A) Approving the Bidding Procedures for the Sale of Substantially All of the Debtors' Assets, (B) Establishing the Notice Procedures and Approving the Form and Manner of Notice Thereof, (C) Approving Procedures for the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, (D) Scheduling a Sale Hearing, and (E) Granting Related Relief and (II) an Order (A) Approving the Sale of the Debtors' Assets Free and Clear of All Liens, Claims, Encumbrances, and Other Interests, (B) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases Related Thereto, and (C) Granting Related Relief [Docket No. 140]
- C. Declaration of Blake T. Denton in Support of the Objection of the Official Committee of Unsecured Creditors to the Debtors' Motion for (I) an Order (A) Approving the Bidding Procedures for the Sale of Substantially All of the Debtors' Assets, (B) Establishing the Notice Procedures and Approving the Form and Manner of Notice Thereof, (C) Approving Procedures for the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, (D) Scheduling a Sale Hearing, and (E) Granting Related Relief and (II) an Order (A) Approving the Sale of the Debtors' Assets Free and Clear of All Liens, Claims, Encumbrances, and Other Interests, (B) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases Related Thereto, and (C) Granting Related Relief [Docket No. 141]
- D. Notice of *Ex Parte* Motion of the Official Committee of Unsecured Creditors to File Documents Under Seal and to Publicly File Redacted Versions Thereof [previously filed as Dkt. Nos. 138-139] [Docket No. 146]
- E. Declaration of Ryan T. Jareck, Esq. in Support of Ad Hoc Committee of Equity Holders' Objection to the Debtors' Bidding Procedures and Joinder to the Official Committee of Unsecured Creditors' Objection Thereto [Docket No. 158]

Related Documents:

- A. Notice of Hearing on Debtors' Motion for (I) an Order (A) Approving the Bidding Procedures for the Sale of Substantially All of the Debtors' Assets, (B) Establishing the Notice Procedures and Approving the Form and Manner of Notice Thereof, (C) Approving Procedures for the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, (D) Scheduling a Sale Hearing, and (E) Granting Related Relief and (II) an Order (A) Approving the Sale of the Debtors Assets Free and Clear of All Liens, Claims, Encumbrances, and Other Interests, (B) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases Related Thereto, and (C) Granting Related Relief [Docket No. 56]
- B. Notice of Ex Parte Motion of the Official Committee of Unsecured Creditors to File Documents Under Seal and to Publicly File Redacted Versions Thereof [Docket No. 138]
- C. Memorandum of Law in Support of Ex Parte Motion of the Official Committee of Unsecured Creditors to File Documents Under Seal and to Publicly File Redacted Versions Thereof [Docket No. 139]

Replies:

- A. Debtors' Omnibus Reply to Objections to the Debtors' Motion for (I) an Order (A) Approving the Bidding Procedures for the Sale of Substantially All of the Debtors' Assets, (B) Establishing the Notice Procedures and Approving the Form and Manner of Notice Thereof, (C) Approving Procedures for the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, (D) Scheduling a Sale Hearing, and (E) Granting Related Relief and (II) an Order (A) Approving the Sale of the Debtors' Assets Free and Clear of All Liens, Claims, Encumbrances, and Other Interests, (B) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases Related Thereto, and (C) Granting Related Relief [Docket No. 149]
- B. Declaration of Sean A. Gumbs in Support of Entry of the Bidding Procedures Order [Docket No. 150]
- C. Declaration of Gary G. Gemignani in Support of Entry of the Bidding Procedures Order [Docket No. 151]
- D. Declaration of Joshua D. Thornton in Support of Entry of the Bidding Procedures Order [Docket No. 153]

Dated: New York, New York
January 2, 2019

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

/s/ Lisa Laukitis

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