

February 21, 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)

***AMENDED² NOTICE OF AGENDA OF MATTERS
SCHEDULED FOR HEARING ON
FEBRUARY 21, 2019 AT 11:00 A.M.***

Time and Date of Hearing: February 21, 2019 at 11:00 a.m. (Prevailing Eastern Time)

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.

² For ease of reference, amended items appear in bold.

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

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 MATTERS

1. Debtors' Application for Order Pursuant to Bankruptcy Code Sections 327(a) and 328 Authorizing the Employment and Retention of Togut, Segal & Segal LLP as Co-Counsel to the Debtors and Debtors in Possession, *Nunc Pro Tunc* to December 31, 2018 [Docket No. 294]

Objection Deadline: February 14, 2019 at 4:00 p.m.

Responses Filed: None

Related Documents: Certificate of No Objection to Debtors' Application for Order Pursuant to Bankruptcy Code Sections 327(a) and 328 Authorizing the Employment and Retention of Togut, Segal & Segal LLP as Co-Counsel to the Debtors and Debtors in Possession, *Nunc Pro Tunc* to December 31, 2018 [Docket No. 388]

Status: **This matter is going forward.**

2. Application for Order Authorizing Employment and Retention of Latham & Watkins LLP as Counsel to the Official Committee of Unsecured Creditors *Nunc Pro Tunc* to December 20, 2018 [Docket No. 241]

Objection Deadline: February 14, 2019 at 4:00 p.m.

Responses Filed: None

Related Documents: First Supplemental Declaration of Matthew L. Warren in Support of Application for Order Authorizing Employment and Retention of Latham & Watkins LLP as Counsel to the Committee of

Unsecured Creditors *Nunc Pro Tunc* to December 20, 2018 [Docket No. 331]

Certificate of No Objection With Respect to Application for Order Authorizing Employment and Retention of Latham & Watkins LLP as Counsel to the Official Committee of Unsecured Creditors *Nunc Pro Tunc* to December 20, 2018 [Docket No. 385]

Status: This matter is going forward.

- 3. Application for Order Authorizing Employment and Retention of Jefferies LLC as Investment Banker to the Official Committee of Unsecured Creditors *Nunc Pro Tunc* to December 28, 2018 [Docket No. 242]

Objection Deadline: February 14, 2019 at 4:00 p.m.

Responses Filed: None

Related Documents: Certificate of No Objection With Respect to Application for Order Authorizing Employment and Retention of Jefferies LLC as Investment Banker to the Official Committee of Unsecured Creditors *Nunc Pro Tunc* to December 20, 2018 [Docket No. 386]

Status: This matter is going forward.

- 4. Application for Order Authorizing Employment and Retention of Alvarez & Marsal North America, LLC as Financial Advisor to the Official Committee of Unsecured Creditors *Nunc Pro Tunc* to December 20, 2018 [Docket No. 243]

Objection Deadline: February 14, 2019 at 4:00 p.m.

Responses Filed: None

Related Documents: Certificate of No Objection With Respect to Application for Order Authorizing Employment and Retention of Alvarez & Marsal North America, LLC as Financial Advisor to the Official Committee of Unsecured Creditors *Nunc Pro Tunc* to December 20, 2018 [Docket No. 387]

Status: This matter is going forward.

- 5. Debtors' Application for an Order Authorizing (I) Rejection of Unexpired Leases for New York City Offices and (II) Abandonment of Used Office Furniture [Docket No. 303]

Objection Deadline: February 14, 2019 at 4:00 p.m.

Responses Filed: None

Related Documents: Certificate of No Objection to Debtors' Application for an Order Authorizing (I) Rejection of Unexpired Leases for New York City Offices and (II) Abandonment of Used Office Furniture [Docket No. 389]

Status: **This matter is going forward.**

II. CONTESTED MATTERS

6. Motion for Entry of an Order Directing the United States Trustee to Appoint Kenneth S. Grossman and Mohamed F. Mitwally to the Official Committee of Equity Security Holders [Docket No. 343]

Objection Deadline: February 19, 2019 at 12:00 p.m.

Responses Filed: **Objection of the United States Trustees to the Motion for Entry of an Order Directing the United States Trustee to Appoint Kenneth S. Grossman and Mohamed F. Mitwally to the Official Committee of Equity Security Holders [Docket No. 396]**

Related Documents: Motion Shortening Time on Motion for an Order Directing the United States Trustee to Appoint Kenneth S. Grossman and Mohamed F. Mitwally to the Official Committee of Equity Security Holders [Docket No. 344]

Order Shortening Time on Motion for Entry of an Order Directing the United States Trustee to Appoint Kenneth S. Grossman and Mohamed F. Mitwally to the Official Committee of Equity Security Holders [Docket No. 346]

Replies: **Reply to Objection of the United States Trustee to Motion for an Order Directing the United States Trustee to Appoint Kenneth S. Grossman and Mohamed F. Mitwally to the Official Committee of Equity Security Holders [Docket No. 399]**

Verified Statement of Stevens & Lee, P.C. Pursuant to Bankruptcy Rule 2019 [Docket No. 400]

Status: **This matter is going forward.**

7. Debtors' Motion Pursuant to Section 362 of the Bankruptcy Code and Bankruptcy Rule 4001 for an Order Modifying the Automatic Stay to Permit Payments of Defense Expenses Under Insurance Policy [Docket No. 311]

Objection Deadline: February 14, 2019 at 4:00 p.m.

Responses Filed: Reservation of Rights with Respect to Debtors' Motion Pursuant to Section 362 of the Bankruptcy Code and Bankruptcy Rule 4001 for an Order Modifying the Automatic Stay to Permit Payments of Defense Expenses Under Insurance Policy [Docket No. 340]

Limited Objection of the Official Committee of Equity Security Holders to the Debtors' Motion for an Order Modifying the Automatic Stay to Permit Payments of Defense Expenses Under Insurance Policy [Docket No. 345]

Statement of Securities Lead Plaintiffs With Respect to Debtors' Motion Pursuant to Section 362 of the Bankruptcy Code and Bankruptcy Rule 4001 for an Order Modifying the Automatic Stay to Permit Payments of Defense Expenses Under Insurance Policy [Docket No. 347]

Reply: Debtors' Reply in Support of Debtors' Motion Pursuant to Section 362 of the Bankruptcy Code and Bankruptcy Rule 4001 for an Order Modifying the Automatic Stay to Permit Payments of Defense Expenses Under Insurance Policy [Docket No. 384]

Status: This matter is going forward.

8. Debtors' Motion for Entry of Order Approving Settlement of Objections to Prepetition Secured Obligations and Prepetition Liens [Docket No. 312]

Objection Deadline: February 14, 2019 at 4:00 p.m.

Responses Filed: Objection of Securities Lead Plaintiffs to Debtors' Motion for Entry of Order Approving Settlement of Objections to Prepetition Secured Obligations and Prepetition Liens [Docket No. 348]

Objection of the Official Committee of Equity Security Holders of Synergy Pharmaceuticals to the Debtors' Motion for Entry of Order Approving Settlement of Objections to Prepetition Secured Obligations and Prepetition Liens [Docket No. 351]

Declaration of Geoffrey Coutts in Support of
Objection of the Official Committee of Equity
Security Holders of Synergy Pharmaceuticals to the
Debtors' Motion for Entry of Order Approving
Settlement of Objections to Prepetition Secured
Obligations and Prepetition Liens [Docket No. 353]

Related Documents:

Debtors' *Ex Parte* Motion for Entry of Order
Authorizing Debtors to Redact and File Under Seal
Fee Letter Appended to Settlement Approval
Motion [Docket No. 313]

Order Granting Debtors' *Ex Parte* Motion to
Authorize Debtors to Redact Fee Letter [Docket No.
314]

Notice of Filing of Debtors' Redacted Fee Letter
[Docket No. 315]

Replies:

Omnibus Reply of Official Committee of
Unsecured Creditors to Objections to the Debtors'
Motion for Entry of Order Approving Settlement of
Objections to Prepetition Secured Obligations and
Prepetition Liens [Docket No. 380]

Reply of CRG Servicing LLC and Affiliated
Lenders to Equity Committee's Objection to
Settlement Agreement [Docket No. 381]

Declaration of Andrei Dorenbaum in Support of
CRG Servicing LLC's and Affiliated Lenders'
Reply to the Equity Committee's Objections to
Settlement Agreement [Docket No. 382]

Debtors' Omnibus Reply in Support of Debtors'
Motion for Entry of Order Approving Settlement of
Objections to Prepetition Secured Obligations and
Prepetition Liens [Docket No. 383]

Status: This matter is going forward.

9. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [Docket No. 15]

Objection Deadline: February 14, 2019 at 4:00 p.m.

Responses Filed:

Reservation of Rights with Respect to the Debtors' Motion for an Order Authorizing the Debtors to Obtain Postpetition Financing and Requesting Related Relief (Creditors' Committee) [Docket No. 339]

Objection of the Official Committee of Equity Security Holders to The Debtors' Motion for an Order Authorizing the Debtors to Obtain Postpetition Financing [Docket No. 349]

Declaration of Geoffrey Coutts in Support of Objection of the Official Committee of Equity Security Holders to the Debtors' Motion for an Order Authorizing the Debtors to Obtain Postpetition Financing [Docket No. 350]

Related Documents:

Notice of Hearing on Final Order on Debtors' Motion for Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing and (VII) Granting Related Relief [Docket No. 258]

First Interim Order (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [Docket No. 50]

Second Interim Order (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [Docket No. 113]

Third Interim Order (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection,

(V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [Docket No. 250]

Notice of Filing of Proposed Form of Final Order (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection, (V) Modifying the Automatic Stay, and (VI) Granting Related Relief [Docket No. 377]

Reply Deadline: February 19, 2019 at 12:00 p.m.

Replies: Debtors' Reply in Support of Debtors' Motion for Entry of a Final Order (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to use Cash Collateral, (III) Granting Certain Protections to Prepetition Secured Parties, and (IV) Granting Related Relief [Docket No. 390]

Joinder of the DIP Agent and the DIP Lenders to Debtors' Reply to Equity Committee's Objection to Final DIP Order [Docket No. 395]

Status: **This matter is going forward.**

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Dated: New York, New York
February 20, 2019

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/s/ Lisa Laukitis

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