



U.S. Department of Justice

Office of the United States Trustee
District of New Jersey

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Newark, New Jersey 07102

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February 14, 2024

Subject: **Invitae Corporation, et al.**
Case No.: 24-11362, Lead Case
See Affiliated Debtors, List attached

SOLICITATION OF INTEREST IN THE FORMATION OF A CREDITORS' COMMITTEE

The above-referenced debtor(s) is the subject of a pending case under Chapter 11 of the Bankruptcy Code.

Pursuant to Bankruptcy Code Section 1102, the United States Trustee seeks to appoint a committee representative of the unsecured creditors listed in the case. According to information supplied to our Office, it appears that you may be one of the largest unsecured creditors.

The United States Trustee seeks to appoint a Committee in this case consisting of creditors who are willing to serve on such Committee. To be considered for appointment on this Committee, you must complete the annexed Questionnaire. If you would consider serving on the Committee please complete the annexed Questionnaire and submit it via email to Tina.L.Oppelt@usdoj.gov. **The completed Questionnaire must be received no later than February 20, 2024 at 1:00 p.m.** If the unsecured creditors respond to this solicitation, I will schedule an organizational meeting or telephone conference for the purpose of forming an Official Unsecured Creditors' Committee.

The Unsecured Creditors' Committee has a vital role in Chapter 11 proceedings; please give thoughtful consideration to participating on this Committee. Thank you.

/s/ Lauren Bielskie
Lauren Bielskie
Trial Attorney

CREDITORS' COMMITTEE INFORMATION SHEET

Chapter 11 Proceedings Generally — After the commencement of a Chapter 11 bankruptcy case, the debtor generally continues to operate its business as a "debtor in possession." Most actions to recover or enforce pre-bankruptcy claims against the debtor are automatically stayed under Bankruptcy Code Section 362.

A plan of reorganization can modify the rights of any class of creditors and can be confirmed by the bankruptcy court over the objections of one or more classes of creditors, provided that such creditors receive under the plan at least as much as they would receive in a Chapter 7 liquidation. If the bankruptcy court does not confirm a plan of reorganization, the Chapter 11 case may be converted to a Chapter 7 liquidation case or it may be dismissed.

The debtor has the exclusive right to file a plan of reorganization for 120 days after the entry of the order for relief unless the bankruptcy court approves a longer or shorter exclusivity period. Following the expiration of the exclusivity period, or if certain other conditions are met, any party in interest, including a creditors' committee, may file a plan of reorganization. Typically, debtors attempt to negotiate the terms of the plan of reorganization with their creditors and the Creditors' Committee if there is one.

Purpose of Unsecured Creditors' Committee — The purpose of an Unsecured Creditors' Committee is to increase meaningful creditor participation in the Chapter 11 case. Bankruptcy Code Section 1102 requires that the United States Trustee, appoint a committee of unsecured creditors (the "Committee") as soon as practical after the order for relief has been entered. The Committee ordinarily consists of those creditors who are willing to serve and hold the seven largest claims against the debtor which are representative of the creditor body. According to a list filed by the debtor(s) your claim appears to hold one of the largest unsecured claims against the debtor. You may, therefore, be eligible to serve on the Committee.

Powers and Duties of Unsecured Creditors' Committee — Members of the Committee are fiduciaries who represent all unsecured creditors as a group. Bankruptcy Code Section 1103 provides that the Committee may consult with the debtor, investigate the debtor and its business operations, and participate in the formulation of a plan of reorganization. The Committee may also perform such other services in accordance with the interests of the unsecured creditors whom it represents.

Employment of Professionals — Bankruptcy Code Section 1103 provides that, subject to the bankruptcy court's approval, the Committee may employ one or more attorneys, accountants, or other professionals to represent or perform services for the Committee at the expense of the bankruptcy estate. Applications for the payment of professional fees from the bankruptcy estate are monitored by the Office of the United States Trustee, and are subject to court approval. In addition, the Committee should carefully review all fee applications and object to any excessive professional fees.

Other Matters — The Committee must select a chairperson and should adopt bylaws. As a party in interest, the Committee may participate in most issues arising in the bankruptcy case. Federal Rule of Bankruptcy Procedure 2002(i) requires that the Committee (or its authorized agent) receive all notices concerning motions and hearings in the bankruptcy case.

Should you have any additional questions concerning the Committee or your potential membership on the Committee please contact Lauren Bielskie at the Office of the United States Trustee.

**OFFICE OF THE UNITED STATES TRUSTEE
FOR THE DISTRICT OF NEW JERSEY
One Newark Center, Suite 2100
Newark, New Jersey 07102
Tel. No. (973) 645-3014
Fax No. (973) 645-5993**

QUESTIONNAIRE FOR OFFICIAL COMMITTEE OF UNSECURED CREDITORS

**Invitae Corporation, *et al.*
Case No.: 24-11362, Lead Case
*See Affiliated Debtors, List attached***

Please Type or Print Clearly.

I am willing to serve on a Committee of Unsecured Creditors. Yes No

A. Unsecured Creditor's Name and Contact Information:

Name: _____ Phone: _____
Address: _____ Fax: _____
_____ E-mail: _____

B. Counsel (If Any) for Creditor and Contact Information:

Name: _____ Phone: _____
Address: _____ Fax: _____
_____ E-mail: _____

C. If you have been contacted by a professional person(s) (*e.g.*, attorney, accountant, or financial advisor) regarding the formation of this committee, please provide that individual's name and/or contact information:

D. Amount of Unsecured Claim (U.S. \$) _____

E. If your claim is against more than one debtor, please check each debtor that you assert a claim against in the attached list or confirm the below:

☐ **Invitae Corporation, (only)**
I have a claim against a debtor's affiliate (see list attached)

F. Describe the nature of your claim(s), *i.e.*, whether arising from goods or services provided; loans made; litigation; *etc.*, including whether any portion is secured. If secured, please describe the collateral securing the claim. If any portion of the claim(s)

arises from litigation, please state the nature of the claim, the case number and jurisdiction (if applicable) and the status.

G. Amount of Unsecured Claim entitled to 11 U.S.C. §503(b) treatment as an administrative expense: _____

H. Would your schedule permit you to actively participate on the committee by attending weekly meetings (either by telephone or in person)? Yes No

Representations:

1. Are you or the company you represent in any way “affiliated” with any of the debtors within the meaning of Section 101(2) of the Bankruptcy Code, or a shareholder of, or related to, the debtor(s)?
Yes No

If a shareholder, state the number of shares: _____

2. Do you, or the company you represent, engage in a business which directly or indirectly competes with any of the businesses of the debtor(s)? Yes No

3. Have you ever been or are you an officer, director, agent, representative or employee of the debtor(s)? Yes No

Does your claim arise from this relationship? Yes No

4. State when you acquired the claim, the amount paid, and the face amount of the claim:

5. Have you or your attorney entered into a settlement agreement with the debtor(s) regarding resolution of your claim? Yes No

6. Do you have a claim against any entity affiliated with the debtor(s)? Yes No
State the name of the entity and the nature and amount of the claims: _____

7. Do you or any affiliated entities have any other claims against, or debt or equity securities of the debtor(s)? Yes No

8. Do you or any affiliated entities have any financial arrangement that may affect the value of your claim(s) against or interest(s) in the debtor(s) (e.g., personal guarantees, credit insurance, etc.)?
Yes No

9. If you have given a proxy to a third party either to represent you at the creditors’ committee formation meeting, or in connection with your claim, please attach a copy of the written proxy. If a professional person has arranged for someone to hold a proxy on your behalf, please identify that individual: _____

You may attach a written statement to explain or supplement any responses.

Creditors wishing to serve as fiduciaries on an official committee are advised that they may not purchase, sell, or otherwise trade in or transfer claims against the debtor(s) while they are committee members absent an order of the court on application of the creditor.

Please be advised that once a committee is formed, the United States Trustee will file a notice of appointment in the court record that contains contact information for any creditor appointed, including the creditor's name, address, and telephone number.

Privacy Act Statement. 11 U.S.C. § 1102 authorizes the collection of this information. The information will be used by the United States Trustee to determine your qualifications for appointment to the Committee. Disclosure of this information may be to a bankruptcy trustee or examiner when the information is needed to perform the trustee's or examiner'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. Your disclosure of information is voluntary; however, failure to provide the requested information may result in the rejection of your application to be appointed to the Committee.

I hereby certify that, to the best of my knowledge and belief, the answers to this Questionnaire are true and correct. By executing this Questionnaire, I also agree to the restrictions and conditions set forth in the preceding paragraphs and in the Committee Information Sheet, and I agree to provide the periodic certifications upon the request of the United States Trustee.

Date: _____

Signature

Print Name

Title

Note: This is not a proof of claim form. Proof of claim forms are filed with the Clerk of the Bankruptcy Court, not with the United States Trustee.

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Affiliated Debtors

- | | |
|---|----------------|
| <input type="checkbox"/> Genosity, LLC | 24-11361 (MBK) |
| <input type="checkbox"/> ArcherDX Clinical Services, Inc. | 24-11363 (MBK) |
| <input type="checkbox"/> ArcherDX, LLC | 24-11364 (MBK) |
| <input type="checkbox"/> Genetic Solutions LLC | 24-11365 (MBK) |
| <input type="checkbox"/> Ommdom Inc. | 24-11366 (MBK) |