

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

)	
In re:)	Chapter 11
)	
MALLINCKRODT PLC, <i>et al.</i> ,)	Case No. 20-12522 (JTD)
)	
Debtors. ¹)	(Jointly Administered)
)	
)	

**NOTICE OF *AMENDED*² AGENDA FOR TELEPHONIC AND VIDEO HEARING
SCHEDULED FOR NOVEMBER 20, 2020 AT 10:00 A.M. (PREVAILING
EASTERN TIME), BEFORE THE HONORABLE JOHN T. DORSEY, AT THE
UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE³**

**ANY PARTY WISHING TO PARTICIPATE IN THE HEARING
MUST APPEAR THROUGH BOTH COURTCALL AND ZOOM. PARTIES SHOULD
CALL IN TO COURTCALL BY 9:45 A.M. AS COURTCALL HAS BEEN
EXPERIENCING DELAYS DUE TO THE VOLUME OF CALLS.**

**TO APPEAR BY VIDEO CONFERENCE,
PARTIES SHOULD USE THE FOLLOWING INFORMATION:
JOIN ZOOMGOV HEARING: <https://debuscourts.zoomgov.com/j/1619591945>
MEETING ID: 1619591945; PASSWORD: 954168**

**PLEASE NOTE: AUDIO MUST BE MUTED IN ZOOM ONCE CONNECTED.
COURTCALL, LLC WILL PROVIDE THE AUDIO FOR THE HEARING.**

**TO APPEAR TELEPHONICALLY,
PARTIES SHOULD CONTACT COURTCALL, LLC
AT 844-925-0626 TO REGISTER THEIR APPEARANCE.**

¹ A complete list of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at <http://restructuring.primeclerk.com/Mallinckrodt>. The debtors' mailing address is 675 McDonnell Blvd., St. Louis, Missouri 63042.

² **Amended items appear in bold.**

³ All motions and other pleadings referenced herein are available online at the following address: <http://restructuring.primeclerk.com/Mallinckrodt>.

I. RESOLVED MATTERS:

1. Motion of Debtors for Interim and Final Orders Authorizing the Debtors to (A) Pay Their Prepetition Insurance Programs Obligations and (B) Maintain Their Postpetition Insurance Programs [[Docket No. 5](#) – filed October 12, 2020]

Objection/Response Deadline: November 3, 2020 at 4:00 p.m. (ET); extended by agreement to November 5, 2020 at 12:00 noon (ET) for the Acthar Plaintiffs represented by Ciardi, Ciardi & Astin (the “Acthar Plaintiffs”); extended by agreement for the Official Committee of Unsecured Creditors (the “UCC”) and the Official Committee of Opioid Related Claimants (the “OCC”)

Objections/Responses Received:

- A. Informal comments received from the OCC
- B. Informal comments received from the UCC
- C. Informal comments received from The Chubb Companies
- D. Informal comments received from the Ad Hoc Committee of Governmental Opioid Plaintiffs
- E. Statement and Reservation of Rights of the Official Committee of Opioid Related Claimants in Connection with Second Day Motions [[Docket No. 433](#) – filed November 6, 2020]

Related Documents:

- i. Interim Order Authorizing the Debtors to (A) Pay Their Prepetition Insurance Programs Obligations and (B) Maintain Their Postpetition Insurance Programs [[Docket No. 216](#) – entered October 14, 2020]
- ii. Notice of (I) Entry of Interim Order Authorizing the Debtors to (A) Pay Their Prepetition Insurance Programs Obligations and (B) Maintain Their Postpetition Insurance Programs and (II) Final Hearing Thereon [[Docket No. 245](#) – filed October 16, 2020]
- iii. Certification of Counsel Regarding Final Order Authorizing the Debtors to (A) Pay Their Prepetition Insurance Programs Obligations and (B) Maintain Their Postpetition Insurance Programs [[Docket No. 492](#) – filed November 13, 2020]
- iv. Final Order Authorizing the Debtors to (A) Pay Their Prepetition Insurance Programs Obligations and (B) Maintain Their Postpetition Insurance Programs [[Docket No. 509](#) – entered November 16, 2020]

Status: On November 16, 2020, the Court entered an order regarding this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

2. Motion of Debtors for Interim and Final Orders Authorizing the Debtors to (A) Pay Certain Employee Compensation and Benefits, (B) Maintain and Continue Such Benefits and Other Employee-Related Programs, (C) Pay Prepetition Claims of Contracted Labor, and (D) Granting Relief from Automatic Stay with Respect to Workers' Compensation Claims [[Docket No. 8](#) – filed October 12, 2020]

Objection/Response Deadline: November 3, 2020 at 4:00 p.m. (ET); extended by agreement to November 5, 2020 at 12:00 noon (ET) for the Acthar Plaintiffs; extended by agreement to November 6, 2020 at 12:00 p.m. (ET) for Chubb; extended by agreement for the UCC and the OCC

Objections/Responses Received:

- A. Informal comments received from the Office of the United States Trustee (the “U.S. Trustee”)
- B. Informal comments received from the OCC
- C. Informal comments received from the UCC
- D. Statement and Reservation of Rights of the Official Committee of Opioid Related Claimants in Connection with Second Day Motions [[Docket No. 433](#) – filed November 6, 2020]

Related Documents:

- i. Interim Order Authorizing the Debtors to (A) Pay Certain Employee Compensation and Benefits, (B) Maintain and Continue Such Benefits and Other Employee-Related Programs, (C) Pay Prepetition Claims of Contracted Labor, and (D) Granting Relief from Automatic Stay with Respect to Workers' Compensation Claims [[Docket No. 211](#) – entered October 14, 2020]
- ii. Notice of (I) Entry of Interim Order Authorizing the Debtors to (A) Pay Certain Employee Compensation and Benefits, (B) Maintain and Continue Such Benefits and Other Employee-Related Programs, (C) Pay Prepetition Claims of Contracted Labor, and (D) Granting Relief from Automatic Stay with Respect to Workers' Compensation Claims; and (II) Final Hearing Thereon [[Docket No. 241](#) – filed October 16, 2020]
- iii. Certification of Counsel Regarding Final Order Authorizing the Debtors to (A) Pay Certain Employee Compensation and Benefits, (B) Maintain and Continue Such Benefits and Other Employee-Related Programs, (C) Pay Prepetition Claims of Contracted Labor, and (D) Granting Relief from Automatic Stay with Respect to Workers' Compensation Claims [[Docket No. 493](#) – filed November 13, 2020]

- iv. Final Order Authorizing the Debtors to (A) Pay Certain Employee Compensation and Benefits, (B) Maintain and Continue Such Benefits and Other Employee-Related Programs, (C) Pay Prepetition Claims of Contracted Labor, and (D) Granting Relief from Automatic Stay with Respect to Workers' Compensation Claims [[Docket No. 510](#) – entered November 16, 2020]

Status: On November 16, 2020, the Court entered an order regarding this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

II. CONTESTED MATTERS GOING FORWARD:

3. Motion of Debtors for Interim and Final Orders (A) Authorizing Continued Use of Existing Cash Management System, Including Maintenance of Existing Bank Accounts, Checks, and Business Forms, (B) Authorizing Continuation of Existing Deposit Practices, (C) Waiving Certain U.S. Trustee Guidelines, (D) Authorizing Continuation of Intercompany Transactions, and (E) Granting Superpriority Status to Postpetition Intercompany Claims [[Docket No. 23](#) – filed October 12, 2020]

Objection/Response Deadline: November 3, 2020 at 4:00 p.m. (ET); extended by agreement to November 5, 2020 at 12:00 noon (ET) for the Acthar Plaintiffs; extended by agreement for the UCC and the OCC

Objections/Responses Received:

- A. Informal comments received from the OCC
- B. Informal comments from the UCC
- C. Informal comments received from the Proposed Future Claimants' Representative (the "Proposed FCR")
- D. United States Trustee's Objection to the Motion of Debtors for Interim and Final Orders (A) Authorizing Continued Use of Existing Cash Management System, Including Maintenance of Existing Bank Accounts, Checks, and Business Forms, (B) Authorizing Continuation of Existing Deposit Practices, (C) Waiving Certain U.S. Trustee Guidelines, (D) Authorizing Continuation of Intercompany Transactions, and (E) Granting Superpriority Status to Postpetition Intercompany Claims [[Docket No. 417](#) – filed November 4, 2020]
- E. Statement and Reservation of Rights of the Official Committee of Opioid Related Claimants in Connection with Second Day Motions [[Docket No. 433](#) – filed November 6, 2020]

Related Documents:

- i. Notice of Filing of Revised Schedule of Bank Accounts [[Docket No. 198](#) – filed October 14, 2020]

- ii. Interim Order (A) Authorizing Continued Use of Existing Cash Management System, Including Maintenance of Existing Bank Accounts, Checks, and Business Forms, (B) Authorizing Continuation of Existing Deposit Practices, (C) Waiving Certain U.S. Trustee Guidelines, (D) Authorizing Continuation of Intercompany Transactions, and (E) Granting Superpriority Status to Postpetition Intercompany Claims [[Docket No. 212](#) – entered October 14, 2020]
- iii. Notice of (I) Entry of Interim Order (A) Authorizing Continued Use of Existing Cash Management System, Including Maintenance of Existing Bank Accounts, Checks, and Business Forms, (B) Authorizing Continuation of Existing Deposit Practices, (C) Waiving Certain U.S. Trustee Guidelines, (D) Authorizing Continuation of Intercompany Transactions, and (E) Granting Superpriority Status to Postpetition Intercompany Claims; and (II) Final Hearing Thereon [[Docket No. 244](#) – filed October 16, 2020]
- iv. Statement and Certification Pursuant to Local Rule 4001-3 Regarding Investments in Money Market Funds [[Docket No. 528](#) – filed November 17, 2020]
- v. **Certification of Counsel Regarding Final Order (A) Authorizing Continued Use of Existing Cash Management System, Including Maintenance of Existing Bank Accounts, Checks, and Business Forms, (B) Authorizing Continuation of Existing Deposit Practices, (C) Waiving Certain U.S. Trustee Guidelines, (D) Authorizing Continuation of Intercompany Transactions, and (E) Granting Superpriority Status to Postpetition Intercompany Claims [[Docket No. 549](#) – filed November 18, 2020]**
- vi. **Final Order (A) Authorizing Continued Use of Existing Cash Management System, Including Maintenance of Existing Bank Accounts, Checks, and Business Forms, (B) Authorizing Continuation of Existing Deposit Practices, (C) Waiving Certain U.S. Trustee Guidelines, (D) Authorizing Continuation of Intercompany Transactions, and (E) Granting Superpriority Status to Postpetition Intercompany Claims [[Docket No. 552](#) – entered November 19, 2020]**

Status: **On November 19, 2020, the Court entered an order regarding this matter. Accordingly, a hearing with respect to this matter is no longer necessary.**

- 4. Motion of the Debtors for Interim and Final Orders Under Bankruptcy Code Sections 105(a), 361, 362, 363, 503, and 507, and Bankruptcy Rules 4001 and 9014 (I) Authorizing Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Secured Parties; (III) Modifying the Automatic Stay; and (IV) Granting Related Relief [[Docket No. 103](#) – filed October 12, 2020]

Objection/Response Deadline: November 3, 2020 at 4:00 p.m. (ET); extended by agreement to November 5, 2020 at 12:00 noon (ET) for the Acthar Plaintiffs; extended by agreement for the UCC and the OCC

Objections/Responses Received:

- A. Informal comments received from the UCC
- B. Informal comments received from the Proposed FCR
- C. Limited Objection of the Multistate Governmental Entities Group to Debtors' Motion to Use Cash Collateral [[Docket No. 396](#) – filed November 3, 2020]
 - i. Notice of Withdrawal of the Multi-State Governmental Entities Group's Limited Objection to Debtors' Motion to Use Cash Collateral [[Docket No. 507](#) – filed November 15, 2020]
- D. Objection of the Certain Texas Taxing Entities (the "Certain Texas Taxing Authorities") to Debtors' Motion for Interim and Final Orders (I) Authorizing Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Secured Parties; (III) Modifying Automatic Stay; and (IV) Granting Related Relief [[Docket No. 412](#) – filed November 4, 2020]
- E. Objection of the Official Committee of Opioid Related Claimants to Motion of the Debtors for Interim and Final Orders Under Bankruptcy Code Sections 105(a), 361, 362, 363, 503, and 507, and Bankruptcy Rules 4001 and 9014 (I) Authorizing Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Secured Parties; (III) Modifying the Automatic Stay; and (IV) Granting Related Relief [[Docket No. 506](#) – filed November 15, 2020]
 - i. Statement and Reservation of Rights of the Official Committee of Opioid Related Claimants in Connection with Second Day Motions [[Docket No. 433](#) – filed November 6, 2020]

Related Documents:

- i. Declaration of Randall S. Eisenberg in Support of Debtors' Motion for Interim and Final Orders Pursuant to 11 U.S.C. §§ 105 361, 362, 363, and 364 (I) Authorizing Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing and (IV) Granting Related Relief [[Docket No. 135](#) – filed October 12, 2020]
- ii. Interim Order Under Bankruptcy Code Sections 105(a), 361, 362, 363, 503, and 507, and Bankruptcy Rules 4001 and 9014 (I) Authorizing Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Secured Parties; (III) Modifying Automatic Stay; and (IV) Granting Related Relief [[Docket No. 213](#) – entered October 14, 2020]
- iii. Notice of (A) Entry of Interim Order Under Bankruptcy Code Sections 105(a), 361, 362, 363, 503, and 507, and Bankruptcy Rules 4001 and 9014 (I) Authorizing Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Secured Parties; (III) Modifying Automatic Stay; and (IV) Granting Related Relief; and (B) Final Hearing Thereon [[Docket No. 247](#) – filed October 16, 2020]

- iv. Response of the Ad Hoc First Lien Notes Group to the Objection of the Official Committee of Opioid Related Claimants to Debtors' Motion to Use Cash Collateral [[Docket No. 531](#) – filed November 18, 2020]
- v. Debtors' Reply in Support of Motion of the Debtors for Interim and Final Orders Under Bankruptcy Code Sections 105(a), 361, 362, 363, 503, and 507, and Bankruptcy Rules 4001 and 9014 (I) Authorizing Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Secured Parties; (III) Modifying the Automatic Stay; and (IV) Granting Related Relief [[Docket No. 533](#) – filed November 18, 2020]
- vi. Reply of the Ad Hoc First Lien Term Lender Group in Support of Motion of the Debtors for Interim and Final Orders Under Bankruptcy Code Sections 105(a), 361, 362, 363, 503, and 507, and Bankruptcy Rules 4001 and 9014 (I) Authorizing Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Secured Parties; (III) Modifying the Automatic Stay; and (IV) Granting Related Relief [[Docket No. 534](#) – filed November 18, 2020]
- vii. Notice of Filing of Proposed Final Cash Collateral Order [[Docket No. 535](#) - filed November 18, 2020]
- viii. Statement of the Official Committee of Unsecured Creditors with Respect to Motion of the Debtors for Interim and Final Orders Under Bankruptcy Code Sections 105(a), 361, 362, 363, 503, and 507, and Bankruptcy Rules 4001 and 9014 (I) Authorizing Debtors to Use Cash Collateral; (II) Granting Adequate Protection to Prepetition Secured Parties; (III) Modifying the Automatic Stay; and (IV) Granting Related Relief [[Docket No. 547](#) – filed November 18, 2020]**

Witness Information:

The Debtors may offer the testimony of Mr. Randall S. Eisenberg, Managing Director of AlixPartners, LLP, by declaration, proffer and/or live testimony. If necessary, Mr. Eisenberg will testify by video from his home in Westchester County, NY.

Status: The Debtors have resolved the objection of the Certain Texas Taxing Authorities and the informal comments received from the UCC. The Debtors continue to discuss informal comments received from the Proposed FCR. The objection of the Multistate Governmental Entities Group has been withdrawn. **The Debtors are working to resolve the objection of the OCC prior to the hearing.** The hearing on this matter will go forward.

Dated: November 19, 2020
Wilmington, Delaware

/s/ Amanda R. Steele

RICHARDS, LAYTON & FINGER, P.A.

Mark D. Collins (No. 2981)
Michael J. Merchant (No. 3854)
Amanda R. Steele (No. 5530)
Brendan J. Schlauch (No. 6115)
One Rodney Square
920 N. King Street
Wilmington, DE 19801
Telephone: (302) 651-7700
Facsimile: (302) 651-7701
Email: collins@rlf.com
merchant@rlf.com
steele@rlf.com
schlauch@rlf.com

- and -

LATHAM & WATKINS LLP

George A. Davis (admitted *pro hac vice*)
Christopher Harris (admitted *pro hac vice*)
George Klidonas (admitted *pro hac vice*)
Andrew Sorkin (admitted *pro hac vice*)
Anupama Yerramalli (admitted *pro hac vice*)
Hugh K. Murtagh (admitted *pro hac vice*)
885 Third Avenue
New York, New York 10022
Telephone: (212) 906-1200
Facsimile: (212) 751-4864
Email: george.davis@lw.com
christopher.harris@lw.com
george.klidonas@lw.com
andrew.sorkin@lw.com
anu.yerramalli@lw.com
hugh.murtagh@lw.com

Jeffrey E. Bjork (admitted *pro hac vice*)
355 South Grand Avenue, Suite 100
Los Angeles, California 90071
Telephone: (213) 485-1234
Facsimile: (213) 891-8763
Email: jeff.bjork@lw.com

Elizabeth Marks (admitted *pro hac vice*)
200 Clarendon Street
Boston, MA 02116
Telephone: (617) 948-6000
Facsimile: (617) 948-6001
Email: betsy.marks@lw.com

Jason B. Gott (admitted *pro hac vice*)
330 North Wabash Avenue, Suite 2800
Chicago, Illinois 60611
Telephone: (312) 876-7700
Facsimile: (312) 993-9767
Email: jason.gott@lw.com

Proposed Counsel for Debtors and Debtors in Possession