

**ENTERED**

February 29, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

	§	Chapter 11
In re:	§	
	§	Case No. 23-90295 (MI)
ATHENEX, INC.,	§	
	§	(Jointly Administered)
Post-Effective Date Debtor. <sup>1</sup>	§	

**ORDER SUSTAINING THE LIQUIDATING TRUSTEE'S FIFTH  
OMNIBUS CLAIMS OBJECTION TO CERTAIN EQUITY CLAIMS**  
(Related Docket Nos. 835(sealed) / 837(redacted))

Upon the fifth objection (the "Fifth Objection")<sup>2</sup> of the Liquidating Trustee of the Liquidating Trust of Athenex, Inc., *et al.*, and the request for entry of an order (this "Order") sustaining the *Liquidating Trustee's Fifth Omnibus Claims Objection to Certain Equity Claims*, all as more fully set forth in the Fifth Objection; and upon the Madden Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that it may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Fifth Objection in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Fifth Objection is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Liquidating Trustee's notice of the Fifth Objection and opportunity for a hearing on the Fifth Objection were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Fifth Objection; and this Court having determined that the legal and factual bases set forth in the Fifth Objection establish just

<sup>1</sup> A complete list of each of the Debtors in these Chapter 11 Cases may be obtained on the website of the Debtors' claims and noticing agent at <https://dm.epiq11.com/athenex>.

<sup>2</sup> All capitalized terms used but not defined herein shall have the same meaning ascribed to it in the Fifth Objection.

cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

1. Each Equity Claim identified on Schedule 1 attached hereto is hereby disallowed in its entirety as set forth on Schedule 1.

2. The Debtors' claims agent is authorized and directed to update the Claims Register maintained in these Chapter 11 Cases to reflect the relief granted in this Order.

3. The Liquidating Trustee's right to object to any claims, including the Equity Claims, as defined in the Fifth Objection, on any and all grounds and/or for any other purposes is hereby expressly preserved. The Liquidating Trustee's right to object to any remaining claims listed on the Schedules or otherwise on any basis is hereby expressly preserved.

4. Except as otherwise provided in this Order, nothing in this Order shall be deemed: (a) an admission as to the validity of any claim against a Debtor entity or such Debtor entity's estate; (b) a waiver of any party's right, including without limitation, the Debtors' and the Liquidating Trust's right, to dispute any claim on any grounds; (c) a promise or requirement to pay any claim; (d) an implication or admission that any particular claim is of a type specified or defined in the Fifth Objection or any order granting relief requested by this Fifth Objection; (e) a request or authorization to assume any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; or (f) a waiver of the Debtors' and/or the Liquidating Trust's rights under the Bankruptcy Code or any other applicable law.

5. The Liquidating Trustee's objection to each of the Equity Claims addressed in the Fifth Objection constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate order with respect to each Equity Claim. Any stay of this

Order pending appeal by any of the claimants subject to this Order shall only apply to the contested matter which involves such claimant and shall not act to stay the applicability and/or finality of this Order with respect to the other contested matters covered hereby.

6. Notice of the Objection as provided therein shall be deemed good and sufficient notice of such Objection, and the requirements of Bankruptcy Rule 6004(a) and the Bankruptcy Local Rules are satisfied by such notice.

7. The terms and conditions of this Order are immediately effective and enforceable upon its entry.

8. The Debtors, the Debtors' claims agent, the Liquidating Trustee, and the Clerk of the Court are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Fifth Objection.

9. This Court retains exclusive jurisdiction with respect to all matters arising from or related to this Order.

Signed: February 29, 2024



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Marvin Isgur  
United States Bankruptcy Judge

**SCHEDULE 1**  
**EQUITY CLAIMS**

Name/Address of Claimant	Claim No.	Date Filed	Debtor/Case No.	Claim Amount	Reason for Disallowance	Notes
LALUKOTA, RAM MOHAN ADDRESS REDACTED	10176	7/11/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
LAW, DARNELL D ADDRESS REDACTED	10197	7/13/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
LEACOCK, WILLIAM L ADDRESS REDACTED	10105	7/4/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
LEE, CARMEN KAMAN ADDRESS REDACTED	45	7/13/2023	ATHENEX, INC. 23-90295	\$1,743.50	The claim was filed by a shareholder based on ownership of stock.	
LEE, ROSIE L ADDRESS REDACTED	44	7/13/2023	ATHENEX, INC. 23-90295	\$1,007.30	The claim was filed by a shareholder based on ownership of stock.	
LEVIN, MARK ADDRESS REDACTED	10210	7/15/2023	ATHENEX, INC. 23-90295	\$2,399.20	The claim was filed by a shareholder based on ownership of stock.	
LEWANDOWSKI, TRACY A AND KENNETH M ADDRESS REDACTED	62	7/17/2023	ATHENEX, INC. 23-90295	\$5,000.00	The claim was filed by a shareholder based on ownership of stock.	
LI, JACQUELINE HSUANYING ADDRESS REDACTED	10173	7/10/2023	ATHENEX, INC. 23-90295	\$21,242.00	The claim was filed by a shareholder based on ownership of stock.	
LIN, FENG ADDRESS REDACTED	10155	7/9/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
LIU, JINSONG ADDRESS REDACTED	41	7/13/2023	ATHENEX, INC. 23-90295	\$47,184.74	The claim was filed by a shareholder based on ownership of stock.	
LIU, JINSONG ADDRESS REDACTED	50	7/14/2023	ATHENEX, INC. 23-90295	\$53,304.95	The claim was filed by a shareholder based on ownership of stock.	
LIU, RAYMOND T. ADDRESS REDACTED	10217	7/17/2023	ATHENEX, INC. 23-90295	\$23,856.00	The claim was filed by a shareholder based on ownership of stock.	
LU, QIUHUA ADDRESS REDACTED	56	7/17/2023	ATHENEX, INC. 23-90295	\$1,332.24	The claim was filed by a shareholder based on ownership of stock.	
LUCA, DANIEL ADDRESS REDACTED	10293	7/20/2023	ATHENEX, INC. 23-90295	\$485.90	The claim was filed by a shareholder based on ownership of stock.	
LUEDEMAN, JENNA ADDRESS REDACTED	10281	7/19/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
MA, DANNY ADDRESS REDACTED	10140	7/6/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	

MARTIN, TERRANCE ADDRESS REDACTED	10101	7/4/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
MATOS, CESAR ADDRESS REDACTED	10174	7/11/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
MORGAN, ANDREW ADDRESS REDACTED	101	7/20/2023	ATHENEX, INC. 23-90295	\$35.47	The claim was filed by a shareholder based on ownership of stock.	
MULLINS, ERIC ADDRESS REDACTED	10131	7/6/2023	ATHENEX, INC. 23-90295	\$1,022.54	The claim was filed by a shareholder based on ownership of stock.	
MUNI, CRAIG ADDRESS REDACTED	66	7/17/2023	ATHENEX, INC. 23-90295	\$206.03	The claim was filed by a shareholder based on ownership of stock.	
MURNO, MARCIO ADDRESS REDACTED	10043	6/9/2023	ATHENEX, INC. 23-90295	\$3,500.00	The claim was filed by a shareholder based on ownership of stock.	
NAHA, PUSKAR ADDRESS REDACTED	10280	7/19/2023	ATHENEX, INC. 23-90295	\$6,034.42	The claim was filed by a shareholder based on ownership of stock.	
NETO, JOSE PEDROSA BARRETO ADDRESS REDACTED	10166	7/10/2023	ATHENEX, INC. 23-90295	\$277.79	The claim was filed by a shareholder based on ownership of stock.	
NGUYEN, KATHY THI ADDRESS REDACTED	10146	7/7/2023	ATHENEX, INC. 23-90295	\$6,613.31	The claim was filed by a shareholder based on ownership of stock.	
NJOROGE, ANASTASIA ADDRESS REDACTED	10348	7/21/2023	ATHENEX, INC. 23-90295	\$94.50	The claim was filed by a shareholder based on ownership of stock.	
NUSRATY, NASRAT ADDRESS REDACTED	10158	7/10/2023	ATHENEX, INC. 23-90295	\$104,013.00	The claim was filed by a shareholder based on ownership of stock.	
O'BRIEN, DENISE ADDRESS REDACTED	10231	7/18/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
OGBUEFI, NNUBIA ADDRESS REDACTED	10195	7/12/2023	ATHENEX, INC. 23-90295	\$347.99	The claim was filed by a shareholder based on ownership of stock.	
ONASANYA, ADENIYI ADDRESS REDACTED	10276	7/19/2023	ATHENEX, INC. 23-90295	\$294.60	The claim was filed by a shareholder based on ownership of stock.	
PAPPACHEN, STEPHEN ADDRESS REDACTED	10258	7/19/2023	ATHENEX, INC. 23-90295	\$182.55	The claim was filed by a shareholder based on ownership of stock.	
PERWAIZ, HARRIS ADDRESS REDACTED	10185	7/12/2023	ATHENEX, INC. 23-90295	\$29,350.00	The claim was filed by a shareholder based on ownership of stock.	

PETRILLO, JOHN ADDRESS REDACTED	10282	7/19/2023	ATHENEX, INC. 23-90295	\$10,239.80	The claim was filed by a shareholder based on ownership of stock.	
PETTRY, NATHAN ADDRESS REDACTED	10328	7/21/2023	ATHENEX, INC. 23-90295	\$1,360.96	The claim was filed by a shareholder based on ownership of stock.	
PHAM, GIAO ADDRESS REDACTED	10100	7/4/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
PEITERSEN, JEFFREY LEE ADDRESS REDACTED	10110	7/4/2023	ATHENEX, INC. 23-90295	\$7,818.25	The claim was filed by a shareholder based on ownership of stock.	
PHILIP, NELSON ADDRESS REDACTED	10202	7/13/2023	ATHENEX, INC. 23-90295	\$4,463.82	The claim was filed by a shareholder based on ownership of stock.	
POLITO, JOSEPH ADDRESS REDACTED	10222	7/17/2023	ATHENEX, INC. 23-90295	\$104,201.61	The claim was filed by a shareholder based on ownership of stock.	
PORTER, BRIAN ADDRESS REDACTED	10266	7/19/2023	ATHENEX, INC. 23-90295	\$996.56	The claim was filed by a shareholder based on ownership of stock.	
PRINTZ, AMANDA ADDRESS REDACTED	24	6/27/2023	DEBTOR NOT INDICATED BY CLAIMANT 23-90295, (DEBTOR WAS NOT INDICATED, DEFAULTED TO LEAD DEBTOR)	\$230.95	The claim was filed by a shareholder based on ownership of stock.	
PULSONETTI, PHILIP ADDRESS REDACTED	10132	7/6/2023	ATHENEX, INC. 23-90295	\$229.49	The claim was filed by a shareholder based on ownership of stock.	
ROBERTS, ALAN ADDRESS REDACTED	10109	7/4/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
ROBERTS, SCOTT ADDRESS REDACTED	10138	7/6/2023	ATHENEX, INC. 23-90295	\$618.82	The claim was filed by a shareholder based on ownership of stock.	
ROSARIO, MARICK ADDRESS REDACTED	10310	7/20/2023	ATHENEX, INC. 23-90295	\$24,013.73	The claim was filed by a shareholder based on ownership of stock.	
ROSENBAUM, ANDREW TERRY ADDRESS REDACTED	10362	7/21/2023	ATHENEX, INC. 23-90295	\$198,588.80	The claim was filed by a shareholder based on ownership of stock.	
ROSSI, ANTHONY ADDRESS REDACTED	10221	7/17/2023	ATHENEX, INC. 23-90295	\$15,306.00	The claim was filed by a shareholder based on ownership of stock.	
RUETTIGER, ELIZABETH ADDRESS REDACTED <sup>1</sup>	10126	7/6/2023	ATHENEX, INC. 23-90295	\$14,490.00	The claim was filed by a shareholder based on ownership of stock.	

RUSSO, CHARLINE ADDRESS REDACTED	10116	7/5/2023	ATHENEX, INC. 23-90295	\$9,966.50	The claim was filed by a shareholder based on ownership of stock.	
RUTTNER, DAVID ADDRESS REDACTED	10204	7/14/2023	ATHENEX, INC. 23-90295	\$470.00	The claim was filed by a shareholder based on ownership of stock.	
SAVINO, ANTHONY J. AND CAROL M. ADDRESS REDACTED	53	7/17/2023	ATHENEX, INC. 23-90295	\$2,032.50	The claim was filed by a shareholder based on ownership of stock.	
SAWANT, PUNDALIK VITHOBA ADDRESS REDACTED	104	7/21/2023	ATHENEX, INC. 23-90295	\$5,250.00	The claim was filed by a shareholder based on ownership of stock.	
SCHERMERHORN, PHILLIP ADDRESS REDACTED	10230	7/18/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
SCHLOEFFEL, GLENN ADDRESS REDACTED	48	7/14/2023	ATHENEX, INC. 23-90295	\$14,880.00	The claim was filed by a shareholder based on ownership of stock.	
SERRANO DE CEDIEL, CECILIA ADDRESS REDACTED	10205	7/14/2023	ATHENEX, INC. 23-90295	\$120,762.40	The claim was filed by a shareholder based on ownership of stock.	
SHERMAN, ANGEL A ADDRESS REDACTED	10216	7/17/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
SHIAO, JENNIFER ADDRESS REDACTED	10160	7/10/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
SHULMAN, IGOR ADDRESS REDACTED	10149	7/7/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
SINGH, RAVINDER ADDRESS REDACTED	10273	7/19/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
SINGH, SIMRATBIR ADDRESS REDACTED	10249	7/18/2023	ATHENEX, INC. 23-90295	\$23,100.00	The claim was filed by a shareholder based on ownership of stock.	
SINGH, TEVA ADDRESS REDACTED	51	7/14/2023	DEBTOR NOT INDICATED BY CLAIMANT 23-90295, (DEBTOR WAS NOT INDICATED, DEFAULTED TO LEAD DEBTOR)	\$94.20	The claim was filed by a shareholder based on ownership of stock.	
SNYDER, CHRISTINE ADDRESS REDACTED	10087	6/28/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
SORENSEN, JOHN N. ADDRESS REDACTED	10262	7/19/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	



SOUCY, RICHARD K. <b>ADDRESS REDACTED</b>	105	7/21/2023	ATHENEX, INC. 23-90295	\$5,400.00	The claim was filed by a shareholder based on ownership of stock.	
SUBBARAMA, SUNDAR <b>ADDRESS REDACTED</b>	10154	7/9/2023	ATHENEX, INC. 23-90295	\$779.98	The claim was filed by a shareholder based on ownership of stock.	
TA, PHUC <b>ADDRESS REDACTED</b>	10139	7/6/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
TANG, CHOK BENG <b>ADDRESS REDACTED</b>	10183	7/12/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
TEKIN, CUMHUR <b>ADDRESS REDACTED</b>	10106	7/4/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
TERRERI, JUDITH <b>ADDRESS REDACTED</b>	79	7/19/2023	ATHENEX, INC. 23-90295	\$14.21	The claim was filed by a shareholder based on ownership of stock.	
TIAN, QIYU <b>ADDRESS REDACTED</b>	49	7/14/2023	ATHENEX, INC. 23-90295	\$14,145.82	The claim was filed by a shareholder based on ownership of stock.	
TOLARI, DANIEL <b>ADDRESS REDACTED</b>	10133	7/6/2023	ATHENEX, INC. 23-90295	\$24,981.88	The claim was filed by a shareholder based on ownership of stock.	
TOLARI, TANYA <b>ADDRESS REDACTED</b>	10134	7/6/2023	ATHENEX, INC. 23-90295	\$9,878.67	The claim was filed by a shareholder based on ownership of stock.	
TOMACCHIO, ANTHONY <b>ADDRESS REDACTED</b>	10267	7/19/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
TOOSI, MOHAMMAD HOSSEIN <b>ADDRESS REDACTED</b>	10239	7/18/2023	ATHENEX, INC. 23-90295	\$46,000.00	The claim was filed by a shareholder based on ownership of stock.	
TURNER, EDDIE J. <b>ADDRESS REDACTED</b>	42	7/13/2023	ATHENEX, INC. 23-90295	\$3,407.20	The claim was filed by a shareholder based on ownership of stock.	
VADLAMURI, VAMSI <b>ADDRESS REDACTED</b>	10208	7/14/2023	ATHENEX, INC. 23-90295	\$2,299.64	The claim was filed by a shareholder based on ownership of stock.	
VAN-HEIN C. TRAN <b>ADDRESS REDACTED</b>	35	7/11/2023	ATHENEX, INC. 23-90295	\$621.50	The claim was filed by a shareholder based on ownership of stock.	
VIDA, RANDALL G. <b>ADDRESS REDACTED</b>	10261	7/19/2023	ATHENEX, INC. 23-90295	\$8,015.53	The claim was filed by a shareholder based on ownership of stock.	
WANG, HANN-CHUNG <b>ADDRESS REDACTED</b>	72	7/17/2023	ATHENEX, INC. 23-90295	\$55,150.00	The claim was filed by a shareholder based on ownership of stock.	

WANG, TEN-RIN ADDRESS REDACTED	70	7/17/2023	ATHENEX, INC. 23-90295	\$133,200.00	The claim was filed by a shareholder based on ownership of stock.	
WANG, TEN-RIN ADDRESS REDACTED	71	7/17/2023	ATHENEX, INC. 23-90295	\$19,680.00	The claim was filed by a shareholder based on ownership of stock.	
WEBSTER, AJA ADDRESS REDACTED	10171	7/10/2023	ATHENEX, INC. 23-90295	\$2,669.95	The claim was filed by a shareholder based on ownership of stock.	
WEI, WENQI ADDRESS REDACTED	10153	7/8/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
WEI-HAO, KAO ADDRESS REDACTED	40	7/12/2023	ATHENEX, INC. 23-90295	\$1,697.80	The claim was filed by a shareholder based on ownership of stock.	
WOLCHOK, BRIAN ADDRESS REDACTED	10107	7/4/2023	ATHENEX PHARMACEUTICAL DIVISION, LLC 23-90297	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
YANG, CHING-YUN MORRIS AND TAI-JEN JUNE ADDRESS REDACTED	58	7/17/2023	ATHENEX, INC. 23-90295	\$20,950.00	the claim was filed by a shareholder based on ownership of stock.	
ZAUBLER, THOMAS S ADDRESS REDACTED	10151	7/7/2023	ATHENEX, INC. 23-90295	\$18,978.39	The claim was filed by a shareholder based on ownership of stock.	
ZHANG, HAN ADDRESS REDACTED	10157	7/10/2023	ATHENEX, INC. 23-90295	\$2,940.00	The claim was filed by a shareholder based on ownership of stock.	
ZHAO, YANG ADDRESS REDACTED	10162	7/10/2023	ATHENEX, INC. 23-90295	\$554.00	The claim was filed by a shareholder based on ownership of stock.	
ZIMMER, WENDY ADDRESS REDACTED	10128	7/6/2023	ATHENEX, INC. 23-90295	Undetermined*	The claim was filed by a shareholder based on ownership of stock.	
ZOU, MINGQIN ADDRESS REDACTED	10122	7/5/2023	ATHENEX, INC. 23-90295	\$94,421.40	The claim was filed by a shareholder based on ownership of stock.	

<b>TOTAL</b>	<b>\$1,334,428.39</b>
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