

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

GRACEWAY PHARMACEUTICALS, LLC,  
*et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 11-13036 (PJW)

Jointly Administered

Related Docket No. 1043

DECLARATION OF DANIEL N. BROGAN IN SUPPORT OF THE  
MOTION OF THE LIQUIDATING TRUSTEE FOR APPROVAL  
OF SCHEDULE OF UNSECURED CLAIMS

Daniel N. Brogan, Esq., hereby declares as follows:

1. I am an attorney with the law firm of DLA Piper LLP (US) (“**DLA Piper**”), with offices at 1201 North Market Street, Suite 2100, Wilmington, Delaware. I am a member in good standing of the bar of the State of Delaware and licensed to practice before this Court

2. DLA Piper is counsel to Kip Horton in his capacity as liquidating trustee (the “**Liquidating Trustee**”) of the Graceway Liquidating Trust (the “**Liquidating Trust**”).

3. I submit this declaration in support of the *Motion of the Liquidating Trustee for Approval of Schedule of Unsecured Claims* [D.I. 1043] (the “**Motion**”), filed on June 30, 2014.

4. The claims listed on Exhibit A to the Motion (“**Exhibit A**”) represent all Unsecured Claims arising either from (a) a Proof of Claim filed in the above caption case asserting a fixed, liquidated claim as to which the Debtors and the Liquidating Trustee have not

<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: Graceway Pharma Holding Corp., a Delaware corporation (9175), Case No. 11-13037 (PJW); Graceway Holdings, LLC, a Delaware limited liability company (2502), Case No. 11-13038 (PJW); Graceway Pharmaceuticals, LLC, a Delaware limited liability company (5385), Case No. 11-13036 (PJW); Chester Valley Holdings, LLC, a Delaware limited liability company (9457), Case No. 11-13039 (PJW); Chester Valley Pharmaceuticals, LLC, a Delaware limited liability company (3713), Case No. 11-13041 (PJW); Graceway Canada Holdings, Inc., a Delaware corporation (6663), Case No. 11-13042 (PJW); and Graceway International, Inc., a Delaware corporation (2399), Case No. 11-13043 (PJW). The mailing address for Graceway Pharmaceuticals, LLC is 340 Martin Luther King Jr. Blvd., Suite 500, Bristol, TN 37620 (Attn: John Bellamy). On October 4, 2011, Graceway Canada Company filed an application in the Ontario Superior Court of Justice (Commercial List) pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C. 43.

filed an objection, (b) all Unsecured Claims initially listed on the Debtors' schedules as liquidated, undisputed, and not contingent, and not superseded by a proof of claim, (c) Unsecured Claims that were deemed allowed by the Plan, or (d) the Unsecured Claims, or waiver of same, resulting from settlements entered into between the Liquidating Trustee and various parties (including, without limitation, settlements made in connection with avoidance actions asserted by the Liquidating Trustee).

5. On June 31, 2014, I requested that service of the Motion be made by the Debtors' claims and noticing agent, BMC Group, Inc. ("**BMC**"), on (a) all creditors whose claims were listed on Exhibit A, (b) all creditors who filed proofs of claim in the above-captioned cases, including those as to which an objection was filed and sustained, (c) all creditors with undisputed, liquidated, not contingent claims listed on the schedules maintained by BMC and (d) all parties listed on the creditor matrix maintained by BMC.

6. On August 4, 2014, BMC filed an affidavit of service regarding service of the Motion [D.I. 1044] (the "**Service Affidavit**"). Subsequent to filing of the Service Affidavit, I worked with DLA Piper staff to review the Service Affidavit and ensure that it represented completion of the intended service, and that no supplemental service was required.

To the best of my knowledge, I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 14, 2014  
Wilmington, DE



Daniel N. Brogan