

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

In re:

MALLINCKRODT PLC,

Reorganized Debtor.<sup>1</sup>

OPIOID MASTER DISBURSEMENT TRUST II,

Plaintiff,

VS.

ARGOS CAPITAL APPRECIATION MASTER  
FUND LP, *et al.*,

Defendants.

## Chapter 11

Case No. 20-12522 (JTD)

Adv. Pro. No.  
22-50435 (JTD)

**Re: Adv. D.I. Nos. 460; 461**

**OPIOID MASTER DISBURSEMENT TRUST II'S  
STATEMENT OF THE ISSUE ON APPEAL AND DESIGNATION OF THE RECORD**

The Opioid Master Disbursement Trust II (“**Appellant**”), by and through its undersigned counsel, hereby provides its statement of the issue to be presented on appeal and its designation of the items to be included in the record on appeal, each in accordance with Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules.

## **I. Statement of the Issue to Be Presented on Appeal**

Appellant designates the following issue to be presented on appeal:

1. Whether transfers to repurchase or redeem a company's shares qualify as settlement payments or transfers made in connection with a securities contract under 11 U.S.C.

1 The Reorganized Debtor in this chapter 11 case is Mallinckrodt plc. On May 3, 2023, the Court closed the chapter 11 cases of the Reorganized Debtor's debtor-affiliates (collectively, "**Debtors**"). A complete list of the Debtors in these chapter 11 cases may be obtained on the website of the Reorganized Debtor's claims and noticing agent at <http://restructuring.ra.kroll.com/Mallinckrodt>. The Reorganized Debtor's mailing address is 675 McDonnell Blvd., Hazelwood, Missouri 63042.

§ 546(e) when those transfers were void *ab initio* under applicable nonbankruptcy law.

## II. Designation of the Record on Appeal

Appellant hereby designates the following items to be included in the record on appeal:

***In re Mallinckrodt plc,***  
**No. 20-12522 (JTD)**

<b>D.I.</b>	<b>Date</b>	<b>Description/Title As-Filed</b>
6510 through 6510-7	02/18/2022	Fourth Amended Chapter 11 Plan of Reorganization (with Technical Modifications) of Mallinckrodt plc and Its Debtor Affiliates under Chapter 11 of the Bankruptcy Code
6660 through 6660-3	03/02/2022	Findings of Fact, Conclusions of Law, and Order Confirming Fourth Amended Chapter 11 Plan of Reorganization (with Technical Modifications) of Mallinckrodt plc and Its Debtor Affiliates under Chapter 11 of the Bankruptcy Code
7652	06/16/2022	Notice of Occurrence of Effective Date of Fourth Amended Joint Plan of Reorganization (with Technical Modifications) of Mallinckrodt Plc and its Debtor Affiliates Under Chapter 11 of the Bankruptcy Code

***Opioid Master Disbursement Trust II v. Argos Capital Appreciation Master Fund LP,***  
**Adv. P. No. 22-50435**

<b>D.I.</b>	<b>Date</b>	<b>Description/Title As-Filed</b>
1	10/12/2022	Complaint Cover Sheet
2	10/12/2022	[Sealed] Exhibit(s) (Adversary Complaint Filed Under Seal)
93	12/28/2022	Order Enlarging the Time to Effect Service of Process and Approving Preliminary Case Management Order
103 through 103-1	02/17/2023	Order Approving Confidentiality and Protective Order

<b>D.I.</b>	<b>Date</b>	<b>Description/Title As-Filed</b>
132 through 132-2	03/28/2023	Defendants' (1) Limited Objection to Motion of the Opioid Master Disbursement Trust II for Entry of an Order Further Enlarging the Time to Effectuate Service of Process and Extending Deadline to Produce Trading Information, and (2) Motion for Entry of the Proposed Protocol for the Dismissal of Conduits, Non-Transferees, "Financial Participants," "Financial Institutions," "Stockbrokers," and Dissolved Entities
133 through 133-4	03/28/2023	Declaration of Ross E. Firsenbaum in Support of Defendants' (1) Limited Objection to Motion of the Opioid Master Disbursement Trust II for Entry of an Order Further Enlarging the Time to Effectuate Service of Process and Extending Deadline to Produce Trading Information, and (2) Motion for Entry of the Proposed Protocol for the Dismissal of Conduits, Non-Transferees, "Financial Participants," "Financial Institutions," "Stockbrokers," and Dissolved Entities
141 through 141-2	04/11/2023	Opposition of the Opioid Master Disbursement Trust II to Defendants' Motion for Entry of the Proposed Protocol for the Dismissal of Conduits, Non-Transferees, "Financial Participants," "Financial Institutions," "Stockbrokers," and Dissolved Entities
145 through 145-1	04/17/2023	Defendants' Reply in Support of Their Motion for Entry of the Proposed Protocol for the Dismissal of Conduits, Non-Transferees, "Financial Participants," "Financial Institutions," "Stockbrokers," and Dissolved Entities
158	04/20/2023	Transcript of hearing held on 04/19/2023 re: Motion of the Opioid Master Disbursement Trust II for Entry of an Order Further Enlarging the Time to Effectuate Service of Process and Extending Deadline to Produce Trading Information
185 through 185-1	05/15/2023	Order Granting Protocol for the Dismissal of Conduits, Non-Transferees, "Financial Participants," "Financial Institutions," "Stockbrokers," and Dissolved Entities
205 through 205-3	10/24/2023	[Sealed] Amended Complaint
209	10/27/2023	[Redacted] Amended Complaint
215 through 215-2	12/08/2023	Motion to Dismiss the Amended Complaint as to Defendants Citadel Securities LLC and Susquehanna Securities, LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Financial Participants," "Financial Institutions," "Stockbrokers," and Dissolved Entities

<b>D.I.</b>	<b>Date</b>	<b>Description/Title As-Filed</b>
216 through 216-12	12/08/2023	[Sealed] Declaration of Ross E. Firsenbaum in Support of the Motion to Dismiss the Amended Complaint as to Defendants Citadel Securities LLC and Susquehanna Securities
217 through 217-2	12/08/2023	Motion to Dismiss the Amended Complaint as to Defendants T. Rowe Price Associates, Inc. and Various T. Rowe Price Funds Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockbrokers," "Financial Institutions," "Financial Participants," and Dissolved Entities
218 through 218-14	12/08/2023	[Sealed] Declaration of Ross E. Firsenbaum in Support of the Motion to Dismiss the Amended Complaint as to Defendants T. Rowe Price Associates, Inc. and Various T. Rowe Price Funds
225 through 225-2	12/13/2023	[Redacted] Declaration of Ross E. Firsenbaum in Support of the Motion to Dismiss the Amended Complaint as to Defendants Citadel Securities LLC and Susquehanna Securities
227 through 227-14	12/13/2023	[Redacted] Declaration of Ross E. Firsenbaum in Support of the Motion to Dismiss the Amended Complaint as to Defendants T. Rowe Price Associates, Inc. and Various T. Rowe Price Funds
242 through 242-2	01/10/2024	Motion to Dismiss the Amended Complaint as to Defendants Rock Creek MB, LLC, RIEF Trading LLC, GF Trading LLC, and RIEF RMP LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockbrokers," "Financial Institutions," "Financial Participants," and Dissolved Entities
243 through 243-9	01/10/2024	[Sealed] Declaration of Ross E. Firsenbaum in Support of the Motion to Dismiss the Amended Complaint as to Defendants Rock Creek MB, LLC, RIEF Trading LLC, GF Trading LLC, and RIEF RMP LLC
248 through 248-9	01/16/2024	[Redacted] Declaration of Ross E. Firsenbaum in Support of the Motion to Dismiss the Amended Complaint as to Defendants Rock Creek MB, LLC, RIEF Trading LLC, GF Trading LLC, and RIEF RMP LLC
263 through 263-5	01/19/2024	[Sealed] Plaintiff's Opposition to Motion to Dismiss Citadel Securities and Susquehanna Securities from Amended Complaint (including supporting declarations)
264	01/19/2024	[Sealed] Plaintiff's Opposition to Motion to Dismiss T. Rowe Price Associates, Inc. and Related Funds from Amended Complaint
265	01/19/2024	Declaration of Serafina Concannon in Support of Plaintiff's Opposition to Motion to Dismiss T. Rowe Price Associates, Inc. and Related Funds from Amended Complaint

<b>D.I.</b>	<b>Date</b>	<b>Description/Title As-Filed</b>
269 through 269-5	01/24/2024	[Redacted] Plaintiff's Opposition to Motion to Dismiss Citadel Securities and Susquehanna Securities from Amended Complaint (including supporting declarations)
271	01/24/2024	[Redacted] Plaintiff's Opposition to Motion to Dismiss T. Rowe Price Associates, Inc. and Related Funds from Amended Complaint
286 through 286-2	01/29/2024	Motion to Dismiss the Amended Complaint as to Defendants Tower Research Capital LLC, Spire X Trading LLC, and Latour Trading LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockholders," "Financial Institutions," "Financial Participants," and Dissolved Entities
287 through 287-11	01/29/2024	[Sealed] Declaration of Ross E. Firsenbaum in Support of Motion to Dismiss the Amended Complaint as to Defendants Tower Research Capital LLC, Spire X Trading LLC, and Latour Trading LLC
288 through 288-2	01/30/2024	Motion to Dismiss the Amended Complaint as to Defendant Barclays Capital Inc. Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockholders," "Financial Institutions," "Financial Participants," and Dissolved Entities
289	01/30/2024	[Sealed] Declaration of Ross E. Firsenbaum in Support of the Motion to Dismiss the Amended Complaint as to Defendant Barclays Capital Inc. Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockbrokers," "Financial Institutions," "Financial Participants," and Dissolved Entities
295 through 295-17	02/01/2024	[Redacted] Declaration of Ross E. Firsenbaum in Support of Motion to Dismiss the Amended Complaint as to Defendants Tower Research Capital LLC, Spire X Trading LLC, and Latour Trading LLC
298 through 298-2	02/02/2024	[Redacted] Declaration of Ross E. Firsenbaum in Support of the Motion to Dismiss the Amended Complaint as to Defendant Barclays Capital Inc. Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockbrokers," "Financial Institutions," "Financial Participants," and Dissolved Entities
314	02/05/2024	[Sealed] Plaintiff's Opposition to Motion to Dismiss the Amended Complaint as to Defendants Rock Creek MB, LLC, RIEF Trading LLC, GF Trading LLC, and RIEF RMP LLC

<b>D.I.</b>	<b>Date</b>	<b>Description/Title As-Filed</b>
315 through 315-2	02/06/2024	Motion to Dismiss the Amended Complaint as to Defendant Jane Street Capital, LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, “Stockholders,” “Financial Institutions,” “Financial Participants,” and Dissolved Entities
316	02/06/2024	[Sealed] Declaration of Ross E. Firsenbaum in Support of the Motion to Dismiss the Amended Complaint as to Defendant Jane Street Capital, LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, “Stockbrokers,” “Financial Institutions,” “Financial Participants,” and Dissolved Entities
327	02/08/2024	[Redacted] Plaintiff’s Opposition to Motion to Dismiss the Amended Complaint as to Defendants Rock Creek MB, LLC, RIEF Trading LLC, GF Trading LLC, and RIEF RMP LLC
331	02/09/2024	[Redacted] Declaration of Ross E. Firsenbaum in Support of the Motion to Dismiss the Amended Complaint as to Defendant Jane Street Capital, LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, “Stockbrokers,” “Financial Institutions,” “Financial Participants,” and Dissolved Entities
344	02/19/2024	[Sealed] Plaintiff’s Opposition to Motion to Dismiss the Amended Complaint as to Defendants Tower Research Capital LLC, Spire X Trading LLC, and Latour Trading LLC (including supporting declaration and exhibits thereto)
346 through 346-1	02/20/2024	Reply Memorandum in Support of Motion to Dismiss the Amended Complaint as to Defendants Citadel Securities LLC and Susquehanna Securities, LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, “Stockholders,” “Financial Institutions,” “Financial Participants,” and Dissolved Entities
347 through 347-2	02/20/2024	Second Declaration of Ross E. Firsenbaum in Support of the Motion to Dismiss the Amended Complaint as to Defendants Citadel Securities LLC and Susquehanna Securities, LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, “Stockbrokers,” “Financial Institutions,” “Financial Participants,” and Dissolved Entities
348 through 348-1	02/20/2024	Reply Memorandum in Support of Motion to Dismiss the Amended Complaint as to Defendants T. Rowe Price Associates, Inc. and Various T. Rowe Price Funds Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, “Stockbrokers,” “Financial Institutions,” “Financial Participants,” and Dissolved Entities

<b>D.I.</b>	<b>Date</b>	<b>Description/Title As-Filed</b>
349 through 349-1	02/22/2024	[Sealed] Reply Memorandum in Support of Motion to Dismiss the Amended Complaint as to Defendants Rock Creek MB, LLC, RIEF Trading LLC, GF Trading LLC, and RIEF RMP LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockbrokers," "Financial Institutions," "Financial Participants," and Dissolved Entities
350	02/22/2024	[Redacted] Plaintiff's Opposition to Motion to Dismiss the Amended Complaint as to Defendants Tower Research Capital LLC, Spire X Trading LLC, and Latour Trading LLC (including supporting declaration and exhibits thereto)
361 through 361-1	02/27/2024	[Redacted] Reply Memorandum in Support of Motion to Dismiss the Amended Complaint as to Defendants Rock Creek MB, LLC, RIEF Trading LLC, GF Trading LLC, and RIEF RMP LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockbrokers," "Financial Institutions," "Financial Participants," and Dissolved Entities
368 through 368-1	02/28/2024	[Sealed] Reply Memorandum in Support of Motion to Dismiss the Amended Complaint as to Defendants Tower Research Capital LLC, Spire X Trading LLC, and Latour Trading LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockholders," "Financial Institutions," "Financial Participants," and Dissolved Entities
379 through 379-1	03/04/2024	[Redacted] Reply Memorandum in Support of Motion to Dismiss the Amended Complaint as to Defendants Tower Research Capital LLC, Spire X Trading LLC, and Latour Trading LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockholders," "Financial Institutions," "Financial Participants," and Dissolved Entities
416	05/17/2024	Transcript of hearing held on 05/14/2024 re: protocol-based motions to dismiss and extension motions
438 through 438-1	07/26/2024	Motion to Dismiss the Amended Complaint as to Defendant Virtu Americas LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockholders," "Financial Institutions," "Financial Participants," and Dissolved Entities
439	07/26/2024	[Sealed] Brief in Support of Motion to Dismiss the Amended Complaint as to Defendant Virtu Americas LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockholders," "Financial Institutions," "Financial Participants," and Dissolved Entities

<b>D.I.</b>	<b>Date</b>	<b>Description/Title As-Filed</b>
440 through 440-3	07/26/2024	Declaration of Sabrina M. Hendershot in Support of the Motion to Dismiss the Amended Complaint as to Defendant Virtu Americas LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockbrokers," "Financial Institutions," "Financial Participants," and Dissolved Entities
441	07/26/2024	[Sealed] Exhibits D, E, F, to Declaration of Sabrina M. Hendershot in Support of the Motion to Dismiss the Amended Complaint as to Defendant Virtu Americas LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockbrokers," "Financial Institutions," "Financial Participants," and Dissolved Entities
445	07/31/2024	[Redacted] Brief in Support of Motion to Dismiss the Amended Complaint as to Defendant Virtu Americas LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockholders," "Financial Institutions," "Financial Participants," and Dissolved Entities
446	07/31/2024	[Redacted] Exhibits D, E, F, to Declaration of Sabrina M. Hendershot in Support of the Motion to Dismiss the Amended Complaint as to Defendant Virtu Americas LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockbrokers," "Financial Institutions," "Financial Participants," and Dissolved Entities
460	09/05/2024	Memorandum Opinion and Order
461	09/05/2024	Judgment
465 through 465-3	09/19/2024	Notice of Interlocutory Appeal of Opioid Master Disbursement Trust II
479 through 479-1	10/15/2024	[Sealed] Plaintiff's Omnibus Opposition to Motion to Dismiss the Amended Complaint as to Defendants Barclays Capital Inc., Jane Street Capital, LLC, and Virtu Americas LLC (including supporting declaration and exhibits thereto)
480 through 480-1	10/18/2024	[Redacted] Plaintiff's Omnibus Opposition to Motion to Dismiss the Amended Complaint as to Defendants Barclays Capital Inc., Jane Street Capital, LLC, and Virtu Americas LLC (including supporting declaration and exhibits thereto)
483 through 483-1	10/31/2024	Reply Memorandum in Support of Motion to Dismiss the Amended Complaint as to Defendants Barclays Capital Inc., Jane Street Capital, LLC, and Virtu Americas LLC Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, "Stockholders," "Financial Institutions," "Financial Participants," and Dissolved Entities



<b>D.I.</b>	<b>Date</b>	<b>Description/Title As-Filed</b>
491 through 491-2	11/25/2024	Motion for Summary Judgment as to Defendant Quantlab Trading Partners US, LP Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, “Stockholders,” “Financial Institutions,” “Financial Participants,” and Dissolved Entities
492 through 492-5	11/25/2024	[Sealed] Declaration of Noah A. Levine Motion for Summary Judgment as to Defendant Quantlab Trading Partners US, LP Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, “Stockholders,” “Financial Institutions,” “Financial Participants,” and Dissolved Entities
496-2	11/27/2024	[Redacted] Declaration of Noah A. Levine Motion for Summary Judgment as to Defendant Quantlab Trading Partners US, LP Pursuant to the Protocol Order Relating to Conduits, Non-Transferees, “Stockholders,” “Financial Institutions,” “Financial Participants,” and Dissolved Entities
513	01/13/2025	Revised and Restated Judgment
515 through 515-5	01/17/2025	[Sealed] Plaintiff’s Opposition to Defendant Quantlab Trading Partners US, LP’s Motion for Summary Judgment (including supporting declaration and exhibits thereto)
516 through 516-1	01/23/2025	[Redacted] Plaintiff’s Opposition to Defendant Quantlab Trading Partners US, LP’s Motion for Summary Judgment (including supporting declaration and exhibits thereto)
518 through 518-3	01/23/2025	Amended Notice of Appeal of Opioid Master Disbursement Trust II

Dated: February 6, 2025  
Wilmington, Delaware

Respectfully submitted,

**COLE SCHOTZ P.C.**

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