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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re: § Chapter 11
TRIVASCULAR SALES LLC, *et al.*,¹ §
§ Case No. 20-31840 (SGJ)
§
Debtors. § (Jointly Administered)

**NOTICE OF FILING OF GLOBAL NOTES AND STATEMENT
OF LIMITATIONS, METHODOLOGY, AND DISCLAIMERS
REGARDING THE DEBTORS’ SCHEDULES OF ASSETS AND
LIABILITIES AND STATEMENTS OF FINANCIAL AFFAIRS**

PLEASE TAKE NOTICE that, on July 5, 2020, each of the above-captioned debtors (collectively, the “Debtors”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code in the United States Bankruptcy Court for the Northern District of Texas.

PLEASE TAKE FURTHER NOTICE that, on August 4, 2020, the Debtors filed the *Schedules A/B and D-H* with the *Summary of Assets and Liabilities for Non-Individuals* (the “Schedules”), and the *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy* (the “SOFAs”) in these chapter 11 cases.

PLEASE TAKE FURTHER NOTICE that the Debtors hereby file the *Global Notes and Statement of Limitations, Methodology, and Disclaimers Regarding the Debtors’ Schedules of Assets and Liabilities and Statements of Financial Affairs* (the “Global Notes”), which are attached

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: TriVascular Sales LLC (9179), Endologix, Inc. (8265), CVD/RMS Acquisition Corp. (8438), TriVascular Technologies, Inc. (7313), RMS/Endologix Sideways Merger Corp. (2974), Nellix, Inc. (8416), TriVascular, Inc. (2620), and Endologix Canada, LLC (2872). The corporate headquarters and the mailing address for the Debtors listed above is 2 Musick, Irvine, California 92618.

hereto as **Exhibit A**. The Global Notes should be referred to, considered, and reviewed with any review of the Schedules and Statements.

PLEASE TAKE FURTHER NOTICE that copies of the Schedules, SOFAs, Global Notes, or any pleadings filed in the above-captioned case may be obtained: (i) at the website established by the Debtors' noticing agent, Omni Agent Solutions, at <https://www.omniagentsolutions.com/trivascularsales>, (ii) from the Court's website <https://www.txnb.uscourts.gov> via ECF/PACER, or (iii) upon request to undersigned counsel.

Dated: August 4, 2020
Dallas, Texas

Respectfully submitted,

DLA PIPER LLP (US)

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Proposed Counsel for the Debtors

EXHIBIT A

Global Notes

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
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In re: § Chapter 11
§
TRIVASCULAR SALES LLC, *et al.*,¹ § Case No. 20-31840 (SGJ)
§
Debtors. § (Jointly Administered)

**GLOBAL NOTES AND STATEMENT OF LIMITATIONS, METHODOLOGY,
AND DISCLAIMERS REGARDING THE DEBTORS’ SCHEDULES OF
ASSETS AND LIABILITIES AND STATEMENTS OF FINANCIAL AFFAIRS**

On August 4, 2020, the above-captioned debtors (each a “Debtor” and collectively, the “Debtors”), with assistance of their advisors, filed their Schedules of Assets and Liabilities (the “Schedules”) and Statements of Financial Affairs (the “Statements” or “SOFAs”) in the United States Bankruptcy Court for the Northern District of Texas (the “Bankruptcy Court”) pursuant to section 521 of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 1007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

These *Global Notes and Statements of Limitations, Methodology, and Disclaimers Regarding the Debtors’ Schedules of Assets and Liabilities and Statements of Financial Affairs* (the “Global Notes”) pertain to, are incorporated by reference in, and comprise an integral part of all of the Debtors’ Schedules and Statements. The Global Notes should be referred to, considered, and reviewed in connection with any review of the Schedules and Statements.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: TriVascular Sales LLC (9179), Endologix, Inc. (8265), CVD/RMS Acquisition Corp. (8438), TriVascular Technologies, Inc. (7313), RMS/Endologix Sideways Merger Corp. (2974), Nellix, Inc. (8416), TriVascular, Inc. (2620), and Endologix Canada, LLC (2872). The corporate headquarters and the mailing address for the Debtors listed above is 2 Musick, Irvine, California 92618.

The Schedules and Statements do not purport to represent financial statements prepared in accordance with Generally Accepted Accounting Principles in the United States (“GAAP”), nor are they intended to be fully reconciled with the financial statements of the Debtors. Additionally, the Schedules and Statements contain unaudited information that is subject to further review, potential adjustment, and reflect the Debtors’ commercially reasonable efforts to report the assets and liabilities of each of the Debtors.

The Debtors and their agents, attorneys, and financial advisors do not guarantee or warrant the accuracy or completeness of the data that is provided herein and shall not be liable for any loss or injury arising out of or caused in whole or in part by the acts, errors, or omissions, whether negligent or otherwise, in procuring, compiling, collecting, interpreting, reporting, communicating, or delivering the information contained herein. While reasonable efforts have been made to provide accurate and complete information herein, inadvertent errors or omissions may exist. In no event shall the Debtors or their agents, attorneys, and financial advisors be liable to any third party for any direct, indirect, incidental, consequential, or special damages (including, but not limited to, damages arising from the disallowance of a potential claim against any Debtor or damages to business reputation, lost business, or lost profits), whether foreseeable or not and however caused, even if the Debtors or their agents, attorneys, and financial advisors are advised of the possibility of such damages.

Given, among other things, the uncertainty surrounding the valuation and nature of certain assets and liabilities, to the extent that a Debtor shows more assets than liabilities, this is not an admission that such Debtor was solvent on the Petition Date or at any time prior to the Petition Date. Likewise, to the extent that a Debtor shows more liabilities than assets, it is not an admission that such Debtor was insolvent on the Petition Date or any time prior to the Petition Date.

Cynthia Pinto, the Debtors’ Interim Chief Financial Officer, has signed each of the Schedules and Statements. Ms. Pinto is an authorized signatory for the Debtors. In reviewing and signing the Schedules and Statements, Ms. Pinto has relied upon the efforts, statements, and representations of various personnel employed by the Debtors and their advisors. Ms. Pinto has not (and could not have) personally verified the accuracy of each statement and representation contained in the Schedules and Statements, including statements and representations concerning amounts owed to creditors, classification of such amounts, and creditor addresses.

Global Notes and Overview of Methodology

1. Reservation of Rights. Reasonable efforts have been made to prepare and file complete and accurate Schedules and Statements; however, inadvertent errors or omissions may exist. The Debtors reserve all rights to (i) amend or supplement the Schedules and Statements from time to time, in all respects, as may be necessary or appropriate, including, without limitation, the right to amend the Schedules and Statements with respect to a description or designation of a claim (“Claim”); (ii) dispute or otherwise assert offsets or defenses to any Claim reflected in the Schedules and Statements as to amount, liability, priority, status or classification; (iii) subsequently designate any Claim as “disputed,” “contingent,” or “unliquidated;” or (iv) object to the extent, validity, enforceability, priority, or avoidability of any Claim. Any failure to

designate a Claim in the Schedules and Statements as “disputed,” “contingent,” or “unliquidated” does not constitute an admission by the applicable Debtor that such Claim or amount is not “disputed,” “contingent,” or “unliquidated.” Listing a Claim does not constitute an admission of liability by the Debtor against which the Claim is listed. Notwithstanding the foregoing, the Debtors shall not be required to update the Schedules and Statements except as may be required by applicable law.

2. Description of These Chapter 11 Cases and “As Of” Information Date. On July 5, 2020 (the “Petition Date”), each of the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code. The Debtors continue to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. Except as otherwise noted herein, all amounts of secured and unsecured claims are as of the close of business on the Petition Date and all other asset and liability information provided represents data as of the close of business on June 30, 2020.

3. Net Book Value of Assets. It would be prohibitively expensive, unduly burdensome, and an inefficient use of estate resources for the Debtors to obtain current market valuations for all of their assets. Unless otherwise indicated, the asset data contained in the Schedules and Statements reflect net book value as of the Petition Date. Book values of assets prepared in accordance with GAAP generally do not reflect the current performance of the assets and may differ materially from the actual value of the underlying assets. Furthermore, values for assets that have been fully depreciated or were expenses for accounting purposes may not appear in these Schedules and Statements as they have no net book value.

4. Recharacterization. Notwithstanding the Debtors’ reasonable efforts to properly characterize, classify, categorize, or designate certain Claims, assets, executory contracts, unexpired leases, and other items reported in the Schedules and Statements, the Debtors may nevertheless have improperly characterized, classified, categorized, designated, or omitted certain items due to the complexity and size of the Debtors’ businesses. Accordingly, the Debtors reserve all of their rights to re-characterize, reclassify, recategorize, redesignate, add, or delete items reported in the Schedules and Statements at a later time as is necessary or appropriate as additional information becomes available, including, without limitation, whether contracts or leases listed herein were deemed executory or unexpired as of the Petition Date and remain executory and unexpired post-petition. Disclosure of information in one or more Schedules, Statements, or one or more exhibits or attachments thereto, even if incorrectly placed, shall be deemed to be disclosed in the correct Schedules, Statements, exhibits, or attachments.

5. Liabilities. The Debtors have sought to allocate liabilities between the prepetition and post-petition periods based on the information and research that was conducted in connection with the preparation of the Schedules and Statements. As additional information becomes available and further research is conducted, the allocation of liabilities between prepetition and post-petition periods may change. The Debtors reserve the right to amend the Schedules and Statements as they deem appropriate in this and all other regards.

6. Excluded Assets and Liabilities. The Debtors have excluded certain categories of assets, tax accruals, and liabilities from the Schedules and Statements, including, without

limitation, accrued salaries, employee benefit accruals, and accrued accounts payable. The Debtors have also excluded rejection damage Claims of counterparties to executory contracts and unexpired leases that may or may not be rejected, to the extent such damage Claims exist. In addition, certain immaterial assets and liabilities may have been excluded. The Bankruptcy Court has authorized (but not directed) the Debtors to pay, in their discretion, certain outstanding Claims on a post-petition basis.

7. Insiders. For purposes of the Schedules and Statements, the Debtors defined “insiders” pursuant to Section 16 of the Securities Exchange Act of 1934 and 101(31) of the Bankruptcy Code as: (a) directors; (b) officers; (c) persons in control of the Debtors; (d) relatives of the Debtors’ directors, officers or persons in control of the Debtors; and (e) debtor/non-debtor affiliates of the foregoing. Entities or persons listed as “insiders” have been included for informational purposes only and the inclusion of them in the Schedules and Statements shall not constitute an admission that those persons are insiders for purposes of section 101(31) of the Bankruptcy Code.

8. Intellectual Property Rights. Exclusion of any intellectual property shall not be construed as an admission that such intellectual property rights have been abandoned, terminated, assigned, expired by their terms, or otherwise transferred pursuant to a sale, acquisition, or other transaction.

9. Executory Contracts and Unexpired Leases. Although the Debtors made diligent efforts to identify contracts and unexpired leases as executory within the scope of section 365 of the Bankruptcy Code and to attribute an executory contract to its rightful Debtor, in certain instances, the Debtors may have inadvertently failed to do so due to the complexity and size of the Debtors’ businesses. Accordingly, the Debtors reserve all of their rights with respect to the inclusion or exclusion of executory contracts and unexpired leases, as well as the named parties to any and all executory contracts and unexpired leases, including the right to amend Schedule G at any time during the pendency of these chapter 11 cases.

10. Classifications. Listing (a) a Claim on Schedule D as “secured,” (b) a Claim on Schedule E/F as “priority,” (c) a Claim on Schedule E/F as “unsecured,” or (d) a contract on Schedule G as “executory” or “unexpired,” does not constitute an admission by any Debtor of the legal rights of the claimant or a waiver of any Debtor’s rights to re-characterize or reclassify such Claims or contracts or to setoff of such Claims.

11. Claims Description. Schedules D and E/F permit the Debtors to designate a Claim as “disputed,” “contingent,” and/or “unliquidated.” Any failure to designate a Claim on the Schedules and Statements as “disputed,” “contingent,” or “unliquidated” does not constitute an admission by any Debtor that such amount is not “disputed,” “contingent,” or “unliquidated,” or that such Claim is not subject to objection. The Debtors reserve all of their rights to dispute, or assert offsets or defenses to, any Claim reflected on their Schedules and Statements on any grounds, including liability or classification.

12. Causes of Action. Despite their reasonable efforts to identify all known assets, the Debtors may not have listed all of their causes of action or potential causes of action against third

parties as assets in their Schedules and Statements, including, but not limited to, avoidance actions arising under chapter 5 of the Bankruptcy Code and actions under other relevant non-bankruptcy laws to recover assets. The Debtors reserve all of their rights with respect to any claims, causes of action, or avoidance actions they may have, and neither these Global Notes nor the Schedules and Statements shall be deemed a waiver of any such claims, causes of actions, or avoidance actions or in any way prejudice or impair the assertion of such claims, or in any way act as an admission of any fact or liability or the character thereof.

13. Summary of Significant Reporting Policies. The following is a summary of significant reporting policies

- **Totals.** All totals that are included in the Schedules and Statements represent totals of all known amounts. To the extent there are unknown or undetermined amounts, the actual total maybe different than the listed total.
- **Paid Claims.** The Debtors were authorized (but not directed) to pay certain outstanding prepetition Claims pursuant to various orders entered by the Bankruptcy Court. Accordingly, certain outstanding liabilities may have been reduced or satisfied by post-petition payments made on account of prepetition liabilities. The Debtors reserve all of their rights to amend or supplement the Schedules and Statements or take other action as is necessary or appropriate to avoid over-payment of or duplicate payments for any such liabilities.
- **Liens.** Property and equipment listed in the Schedules and Statements are presented without consideration of any liens that may attach (or have attached) to such property and equipment.

14. Currency. Unless otherwise indicated, all amounts are reflected in U.S. dollars.

15. Intercompany Payables and Receivables. Certain intercompany accounts are set forth on Schedule E/F or Schedule A/B, as applicable. Certain intercompany transfers, including intercompany claims among Debtors and non-Debtor affiliates, are set forth in SOFA Part 2, Question 3. The Debtors are continuing to review the accounting treatment for intercompany receivables and reserve all rights with respect to the treatment or characterization of such items.

16. Setoffs. The Debtors periodically incur certain setoffs in the ordinary course of business. Setoffs in the ordinary course can result from various items including, but not limited to, intercompany transactions, pricing discrepancies, returns, refunds, negotiations and/or disputes between a Debtor and its customers, suppliers and third party insurers. These normal setoffs are consistent with the ordinary course of business in the Debtors' industry and can be particularly voluminous, making it unduly burdensome and costly for the Debtors to list such ordinary course setoffs. Therefore, although such setoffs and other similar rights may have been accounted for when scheduling certain amounts, these ordinary course setoffs are not independently accounted for, and as such, are or may be excluded from the Debtors' Schedules and Statements.

Specific Notes with Respect to the Debtors' Schedules

1. Schedule A/B, Part 3, Question 11 - Accounts Receivable

The Debtors reflect gross accounts receivable balances by entity based on detailed subledger information. Gross accounts receivable are reduced by an allowance for doubtful accounts. In establishing the Debtors' allowance for doubtful accounts, management considers historical collection experience, the aging of the account, the payor classification and patient payment patterns. The receivable amounts include intercompany amounts owed to certain non-Debtor affiliates. It is possible for some Accounts Receivable accounts to have credit balances included in the total amount. This deals with pre-petition credits that may not be honored.

2. Schedule A/B, Part 5, Question 19 – Raw Materials

Raw Materials are counted periodically through the year and, as a result, the value of the Debtors' Raw Materials reflect the balance of the latest periodic count. As part of their year-end reporting, the Debtors count their Raw Materials balance at least two times at year end.

3. Schedule A/B, Part 5, Question 21 – Finished goods, including goods held for resale

The Debtors' Finished Goods includes approximately \$4.6 million classified under Trunk Stock, Temporary Consignment, and/or Permanent Consignment. The Finished Goods amount reflects approximately \$52,000 in perishable goods.

4. Schedule A/B, Part 7, Question 39 – Office Furniture

The Debtors use historical depreciated cost as their valuation method to approximate current value.

5. Schedule A/B, Part 7, Question 40 – Office Fixtures

The Debtors' response to Schedule A/B, Part 7, Question 39 - Office Furniture is inclusive of all the Debtors' office furniture and office fixtures. The Debtors' subledger does not separate office furniture and office fixture assets. Because it would be administratively burdensome to separate office furniture and office fixture assets, the Debtors have combined such assets into one schedule under Question 39.

6. Schedule A/B, Part 7, Question 41 – Office equipment, including all computer equipment and communication systems equipment and software

The Debtors use historical depreciated cost as their valuation method to approximate current value. The Current Value of Debtors' interest is equal to the Net Book Value of Debtors' interest as of the Petition Date.

7. Schedule A/B, Part 11, Question 72 – Tax Refunds and Unused Net Operating Losses

The Debtors have not finalized the calculation of their 2019 net operating loss. The net operating losses presented are for 2018 and are presented at face value and before any updated analysis of Section 382 limitations, which might or might not result in savings equal to the stated value due to the specific and changing requirements of the tax code. The net operating losses were populated based on the entity filing tax return.

8. Schedule A/B, Part 11, Question 77 – Other property of any kind not already listed

The Debtors' other property reflects employee receivables as of June 30, 2020. The Debtors issue corporate credit cards to certain of their employees. On a discretionary and non-routine basis, employees will charge non-business related items on the corporate credit cards and are required to reimburse the Debtors for such non-business related items. The value of employee receivables can significantly fluctuate day-to-day and, as a result, the Debtors report the value as of June 30, 2020.

9. Schedule D

Except as specifically stated herein, utility companies and other parties that may hold security deposits have not been listed on Schedule D. The Debtors have not included parties that may believe their Claims are secured through setoff rights or inchoate statutory lien rights, including certain parties from whom the Debtors have received lien notices but whose notices the Debtors understands have not yet been filed or recorded. While reasonable efforts have been made, determination of the date upon which each Claim in Schedule D was incurred or arose would be unduly burdensome or cost prohibitive, and therefore the Debtors may not list a date for each Claim listed on Schedule D. The amount of each claim is the Debtors' best estimated amount as of the Petition Date.

Finally, the Debtors are taking no position on the extent or priority of any particular creditor's lien in this document.

10. Schedule E/F – Creditors with Unsecured Claims

The claims of individual creditors for, among other things, goods, products, or services, are listed as the amounts entered on the Debtors' books and records and may not reflect credits, allowances, or other adjustments due from such creditors to any Debtor. The Debtors reserve all of their rights with regard to such credits, allowances, and other adjustments, including the right to assert claims objections and/or setoffs with respect to the same.

The Debtors have not listed any priority unsecured claims on Schedule E/F because the Debtors believe that all such claims have been, or will be, satisfied in the ordinary course during their chapter 11 cases.

Schedule E/F does not include certain deferred charges, deferred liabilities, accruals, or general reserves. Such amounts are, however, reflected on the Debtors' books and records as required in accordance with GAAP. Such accruals are general estimates of liabilities and do not represent specific claims as of the Petition Date.

11. Schedule G – Executory Contracts and Unexpired Leases

The contracts, agreements, and leases listed on Schedule G may have expired or may have been modified, amended, or supplemented from time to time by various amendments, restatements, waivers, estoppel certificates, letters, memoranda, and other documents, instruments, and agreements that may not be listed therein despite the Debtors' use of reasonable efforts to identify such documents. Further, unless otherwise specified on Schedule G, it is the Debtors' intent that each executory contract or unexpired lease listed thereon shall include all exhibits, schedules, riders, modifications, declarations, amendments, supplements, attachments, restatements, or other agreements made directly or indirectly by any agreement, instrument, or other document that in any manner affects such executory contract or unexpired lease, without respect to whether such agreement, instrument, or other document is listed thereon.

Specific Notes with Respect to the Debtors' Statements

- 1. SOFA Question 1- Gross revenue from Business. State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year.**

Gross revenue from business is comprised as net revenue as externally reported by the Debtors and is inclusive of rebates, reserve for sales returns, and deferred revenue. Intercompany revenues were excluded. Debtor TriVascular, Inc.'s revenues are 100% intercompany revenue to Debtor Endologix, Inc. ("Endologix").

- 2. SOFA Question 26d – List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.**

Pursuant to the requirements of the Securities Exchange Act of 1934, as amended, Endologix has filed with the U.S. Securities and Exchange Commission reports on Form 8-K, Form 10-Q, and Form 10-K. These SEC filings contain consolidated financial information. Endologix does not maintain records of the parties that requested or obtained copies of any of the SEC filings from the SEC or Endologix. In addition, Endologix provided certain parties, such as banks, auditors, potential investors, vendors and financial advisors financial statements that may not be part of a public filing. Endologix did not

maintain complete lists to track such disclosures. As such, Endologix has not provided lists of these parties in response to this question.

While Debtors TriVascular Sales LLC, TriVascular, Inc., and TriVascular Technologies, Inc. have trial balances, standalone books and records for these entities are not separately maintained. Thus, they are rolled up to Endologix.

Debtor Nellix, Inc. is a remnant of an acquisition and does not have standalone books and records. Thus, it is rolled up to Endologix.

Debtors CVD/RMS Acquisition Corp. (“CVD/RMS”) and RMS Endologix Sideways Merger Corp. (“RMS Endologix Sideways”) are remnants of acquisitions and do not have standalone books and records. Neither CVD/RMS nor RMS Endologix Sideways have operations or trial balances as they are dormant entities. Any activity of CVD/RMS and RMS Endologix Sideways rolls up to Endologix. As of the Petition Date, Endologix was in the process of liquidating CVD/RMS and RMS Endologix Sideways.

3. SOFA Question 27 – Inventories - Have any inventories of the debtor’s property been taken within 2 years before filing this case?

Inventory is counted periodically through the year and, as a result, the value of the Debtors’ Inventory reflects the balance of the latest periodic count. As part of their year-end reporting, the Debtors count their Inventory balance at least two times at year end.

* * * **END OF GLOBAL NOTES** * * *