

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

In re:

CYNERGY DATA, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 09-13038 (KG)

Jointly Administered  
Related Docket No. 11

**ORDER EXTENDING INTERIM ORDER (I) AUTHORIZING USE OF CASH COLLATERAL, (II) AUTHORIZING POSTPETITION FINANCING, (III) GRANTING SENIOR PRIMING LIENS AND SUPERPRIORITY CLAIMS, (IV) GRANTING ADEQUATE PROTECTION TO THE PREPETITION SECURED PARTIES, (V) SCHEDULING A FINAL HEARING TO INCUR SUCH FINANCING ON A PERMANENT BASIS AND (VI) RESOLVING OBJECTIONS OF TERM B LENDERS**

On September 2, 2009, the Court entered the **Interim Order (I) Authorizing Use Of Cash Collateral, (II) Authorizing Postpetition Financing, (III) Granting Senior Priming Liens And Superpriority Claims, (IV) Granting Adequate Protection to the Prepetition Secured Parties and (V) Scheduling A Final Hearing to Incur Such Financing On A Permanent Basis (“Interim Order”)**. The deadline for objections to the Interim Order by all persons or entities other than the Unsecured Creditors’ Committee (“Committee”) was September 10, 2009. Only Ableco Finance LLC, A3 Funding LP, Garrison Credit Investments I, LLC and Garrison Credit Opportunities Holdings L.P. (the “Term B Lenders”) timely filed an objection, and that objection is resolved under this extension order (the “Extension Order”). The Interim Order provides for a deadline of September 14, 2009 at 4:00 p.m. for objections by the Committee. At the request of the Committee and with the consent of the Debtors, Comerica,

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<sup>1</sup> The Debtors are the following entities (with the last four digits of their federal tax identification numbers in parentheses): Cynergy Data, LLC (8677); Cynergy Data Holdings, Inc. (8208); Cynergy Prosperity Plus, LLC (4265). The mailing address for the Debtors is 30-30 47th Avenue, 9th Floor, Long Island City, New York 11101.

Wells Fargo, Harris and the Term B Lenders, the Interim Order is extended and the deadline for objections by the Committee is extended, as provided below.

Under consideration of the stipulation of the parties, IT IS THEREFORE ORDERED:

1. Except as modified by this Extension Order, the Interim Order continues in full force and effect. All capitalized terms not defined in this Extension Order shall have the meanings set forth in the Interim Order.

2. Any causes of action, choses in action or commercial tort claims pledged to secure the Working Capital DIP Facility arising solely prepetition and in which Comerica or Wells Fargo does not have a perfected security interest as of the Petition Date shall not be subject to the Working Capital DIP Facility Liens nunc pro tunc to the date of the Interim Order.

3. The timely filed objection of the Term B Lenders is resolved under this Extension Order. The deadline for objections to the Interim Order, as amended and extended under this Extension Order, has passed for all persons or entities other than the Committee. The Committee shall have until noon on September 24, 2009 to file an objection to the Interim Order, except that such objection may not include an objection to, or request to extend, the Prepetition Senior Investigation Termination Date or the Harris Investigation Termination Date. Objections to the Interim Order, as amended and extended under this Extension Order, by any other persons or entities are barred and the Interim Order, as amended and extended under this Extension Order, is now final as to all persons or entities other than the Committee. If an objection is timely filed by the Committee, the Final Hearing on the Motion shall be heard before this Court on **October 1, 2009 at 3:00 p.m. (eastern)** at the United States Bankruptcy Court for the District of Delaware, Bankruptcy Court, 824 North Market Street, 6th Floor, Courtroom #2, Wilmington, Delaware 19801. If no objections are timely filed by the Committee, the Interim Order, as

amended and extended under this Extension Order shall become the Final Order as to all persons and entities including the Committee.

Dated: September 15, 2009  
Wilmington, Delaware

  
United States Bankruptcy Judge