

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

In re:

CYNERGY DATA, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 09-13038 (KG)

(Joint Administration Requested)

**NOTICE OF ENTRY OF APPEARANCE
AND DEMAND FOR NOTICES AND PAPERS**

PLEASE TAKE NOTICE that Landis Rath & Cobb LLP and Milbank, Tweed, Hadley & McCloy LLP, as counsel to Dymas Funding Company, LLC (“Dymas”) and Ableco Finance LLC (“Ableco”) in the above-captioned cases, hereby enter their appearance pursuant to Section 1109(b) of the Bankruptcy Code and Bankruptcy Rule 9010(b); and such counsel hereby request, pursuant to Bankruptcy Rules 2002, 3017 and 9007 and Sections 342 and 1109(b) of the Bankruptcy Code, that copies of all notices and pleadings given or filed in these cases be given and served upon the undersigned at the following address and telephone/facsimile numbers:

Adam G. Landis, Esquire
William E. Chipman, Jr., Esquire
Landis Rath & Cobb LLP
919 Market Street, Suite 1800
Wilmington, DE 19801
Telephone: (302) 467-4400
Facsimile: (302) 467-4450
Email: landis@lrclaw.com
Email: chipman@lrclaw.com

Lena Mandel, Esquire
Milbank, Tweed, Hadley &
McCloy LLP
One Chase Manhattan Plaza
New York, NY 10005
Telephone: (212) 530-5000
Facsimile: (212) 530-5219
Email: lmandel@milbank.com

Gregory A. Bray, Esquire
Milbank, Tweed, Hadley &
McCloy LLP
601 South Figueroa Street, 30th
Floor
Los Angeles, CA 90017
Telephone: (213) 892-4000
Facsimile: (213) 629-5063
Email: gbray@milbank.com

PLEASE TAKE FURTHER NOTICE that, pursuant to Section 1109(b) of the Bankruptcy Code, the foregoing demand includes not only the notices and papers referred to in the Rules specified above but also includes, without limitation, any notice, application, complaint

¹ 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.

demand, motion, petition, pleading or request, whether formal or informal, written or oral, and whether transmitted or conveyed by mail, delivery, telephone, telegraph, telex, or otherwise filed or made with regard to the referenced cases and proceedings therein.

PLEASE TAKE FURTHER NOTICE that neither this Notice of Entry of Appearance nor any subsequent appearance, pleading, claim, or suit is intended or shall be deemed to waive Dymas' or Ableco's (i) right to have final orders in non-core matters entered only after de novo review by a higher court; (ii) right to trial by jury in any proceeding so triable herein or in any case, controversy or proceeding related hereto; (iii) right to have the reference withdrawn in any matter subject to mandatory or discretionary withdrawal; or (iv) other rights, claims, actions, defenses, setoffs, or recoupments to which Dymas or Ableco is or may be entitled under agreements, in law, or in equity, all of which rights, claims, actions, defenses, setoffs, and recoupments expressly are reserved.

Dated: Wilmington, Delaware
September 1, 2009

LANDIS RATH & COBB LLP



Adam G. Landis (No. 3407)
William E. Chipman, Jr. (No. 3818)
919 Market Street, Suite 1800
Wilmington, DE 19801
Telephone: (302) 467-4400
Facsimile: (302) 467-4450

- and -

Lena Mandel
Milbank, Tweed, Hadley & McCloy LLP
One Chase Manhattan Plaza
New York, NY 10005
Telephone: (212) 530-5000
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Gregory A. Bray
Milbank, Tweed, Hadley & McCloy LLP
601 South Figueroa Street, 30th Floor
Los Angeles, CA 90017
Telephone: (213) 892-4000
Facsimile: (213) 629-5063

Counsel to Dymas Funding Company, LLC
and Ableco Finance LLC