

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

In re: ) Chapter 11  
)  
CYNERGY DATA, LLC, *et al.*,<sup>1</sup> ) Case No. 09-13038 (KG)  
)  
Debtors. ) (Jointly Administered)  
)  
) **Related Docket No. 155**

**ORDER PURSUANT TO 11 U.S.C. §§ 328, 330 AND 1103 AND  
FED. R. BANKR. P. 2014 AUTHORIZING THE RETENTION AND EMPLOYMENT OF  
ASHBY & GEDDES, P.A. AS DELAWARE COUNSEL TO THE OFFICIAL  
COMMITTEE OF UNSECURED CREDITORS OF CYNERGY DATA, LLC, *ET AL.*,  
NUNC PRO TUNC TO SEPTEMBER 10, 2009**

Upon consideration of the application dated September 24, 2009 (the "Application")<sup>2</sup> of the Official Committee of Unsecured Creditors of the above captioned debtors and debtors in possession (the "Committee"), for an order authorizing the Committee to retain and employ the law firm of Ashby & Geddes, P.A. (the "Firm" or "Ashby & Geddes") as Delaware counsel *nunc pro tunc* to September 10, 2009 pursuant to sections 328, 330 and 1103 of the Bankruptcy Code and Bankruptcy Rule 2014; and upon consideration of the Taylor Affidavit filed in support thereof; and the Court being satisfied based upon the representations made in the Application and the Taylor Affidavit that Ashby & Geddes represents no interest adverse to the Committee or the Debtors' unsecured creditors with respect to matters upon which the Firm is to be engaged, that Ashby & Geddes is a "disinterested person" as that term is defined under section 101(14) of the Bankruptcy Code, as modified by section 1107(b) of the Bankruptcy Code, and that Ashby & Geddes' employment is necessary and is in the best interests of the Committee and the Debtors'

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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.

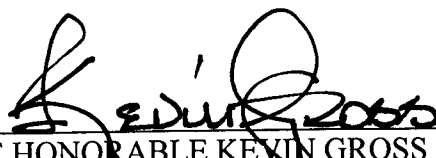
<sup>2</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Application.

unsecured creditors; and due and adequate notice of the Application having been given; and it appearing that no further or other notice is required; and after due deliberation and sufficient cause appearing therefore, it is hereby ORDERED that:

1. The Application is hereby **GRANTED**.
2. In accordance with section 328 and 1103 of the Bankruptcy Code, the Committee is hereby authorized to retain and employ the law firm of Ashby & Geddes as Delaware counsel on the terms set forth in the Application and the Taylor Affidavit *nunc pro tunc* to September 10, 2009.
3. Ashby & Geddes shall be entitled to an allowance of compensation and reimbursement of expenses upon the filing and approval of interim and final applications pursuant to the Bankruptcy Code, Bankruptcy Rules, the Local Rules and such other Orders as the Court may direct.
4. The Committee is authorized and empowered to take such actions as may be necessary and appropriate to implement the terms of this Order.
5. This Court shall retain jurisdiction over any and all matters arising from or related to the interpretation or implementation of this Order.

Dated: Wilmington, Delaware

October 20, 2009

  
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THE HONORABLE KEVIN GROSS  
UNITED STATES BANKRUPTCY COURT