

**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)

Jointly Administered
Related Docket No. 16

**FIRST SUPPLEMENTAL VERIFIED STATEMENT OF DAVID B. STRATTON IN
SUPPORT OF APPLICATION REQUESTING ENTRY OF AN ORDER UNDER
SECTIONS 327(A), 328(A) AND 329 OF THE BANKRUPTCY CODE AND
BANKRUPTCY RULES 2014, 2016 AND 5002 AUTHORIZING EMPLOYMENT AND
RETENTION OF PEPPER HAMILTON LLP AS COUNSEL FOR DEBTORS**

David B. Stratton, being duly sworn, deposes and says:

1. I am a partner of the law firm of Pepper Hamilton LLP (“Pepper Hamilton”) which maintains offices at, among other locations, Hercules Plaza, Suite 5100, 1313 Market Street, Wilmington, Delaware 19801.

2. I submit this First Supplemental Verified Statement pursuant to sections 327(a), 328(a) and 329 of title 11 of the United States Code, 11 U.S.C. §101, et seq. (as amended, the “Bankruptcy Code”) and Rules 2014, 2016 and 5002 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) in support of the application (the “Application”) of the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”), seeking entry of an order authorizing the employment and retention of Pepper Hamilton as Delaware counsel for the Debtors (Docket No. 16). This affidavit is intended to supplement but not replace the Affidavit of David B. Stratton in Support of Application.

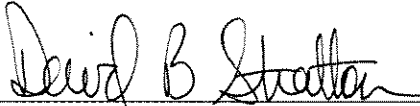
¹ The Debtors are the following entities (with the last four digits of their federal tax identification numbers in parentheses): Cynergy Data, LLC (8677); Cynergy Data Holdings, Inc. (8208); Cynergy Prosperity Plus, LLC(4265). The mailing address for the Debtors is 30-30 47th Avenue, 9th Floor, Long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

3. In accordance with Bankruptcy Rule 2014(a), Pepper Hamilton hereby discloses its connections with the Debtors, their creditors, all other parties-in-interest, and their respective attorneys as follows:

- a. Evelyn J. Meltzer, an associate with Pepper Hamilton, is married to Howard A. Cohen, an associate with Drinker Biddle & Reath LLP, Delaware counsel to Harris, N.A. and Moneris Solutions, Inc. (the "Interchange DIP Lenders").

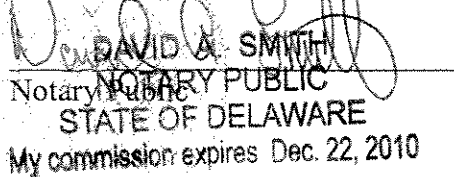
4. Unless otherwise stated, I have personal knowledge of the facts set forth herein. To the extent that any information disclosed herein requires amendment or modification upon Pepper Hamilton's completion of further analysis or as additional party-in-interest information becomes available to me, I will submit a supplemental verified statement to this Court.

The foregoing constitutes David B. Stratton's First Supplemental Verified Statement pursuant to Bankruptcy Code section 327(a), 328(a) and 329, and Bankruptcy Rules 2014, 2016 and 5002.



David B. Stratton

Sworn to and subscribed before
me this 2 day of September, 2009


DAVID A. SMITH
Notary Public
STATE OF DELAWARE
My commission expires Dec. 22, 2010