

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

In re:  CYNERGY DATA, LLC, <i>et al.</i> , <sup>1</sup>  Debtors.	Chapter 11  Case No. 09-13038 (KG)  Jointly Administered  <b>Hearing Date: September 15, 2009 at 2:00 p.m. EST</b> <b>Objection Deadline: September 10, 2009 at 4:00 pm EST</b> <b>(extended to September 14, 2009 at 4:00 for the Committee)</b>  <b>Related Docket Nos. 15, 16, 28, 29, 30</b>
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**NOTICE OF HEARING ON RETENTION APPLICATIONS**

PLEASE TAKE NOTICE that, on September 1, 2009, the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) filed the following retention applications (collectively, the “Applications”):

- Application for Order Pursuant to 11 U.S.C. §§ 327(a) and 329 and Bankruptcy Rules 2014 and 2016 Authorizing the Employment and Retention of Nixon Peabody LLP as Counsel for the Debtors (the “Nixon Peabody Retention Application”) (Docket No. 15);
- 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 (the “Pepper Hamilton Retention Application”) (Docket No. 16);
- Application of Debtors Pursuant to 11 U.S.C. §363 for Entry of an Order Authorizing the Employment of CM&D Management Services, LLC Nunc Pro Tunc to the Petition Date and the Appointment of Charles M. Moore of CM&D Management Services, LLC as Chief Restructuring Officer and Lorraine B. Ossolinski of CM&D Management Services, LLC as Interim Chief Financial Officer Nunc Pro Tunc to the Petition Date (the “CM&D Retention Application”) (Docket No. 28);
- Application for Order Pursuant to 11 U.S.C. §§ 327(a) and 329 and Bankruptcy Rules 2014 and 2016 Authorizing the Employment and

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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.

Retention of Unicorn Partners, LLC as Advisers to the Debtors (the "Unicorn Partners Retention Application") (Docket No. 29); and

- Application for Order Pursuant to 11 U.S.C. §§ 327(a) and 329 and Bankruptcy Rules 2014 and 2016 Authorizing the Employment and Retention of Stifel, Nicolaus & Company, Incorporated and Peter J. Solomon Securities Company, LLC as Advisers to the Debtors (the "Stifel Nicolaus Retention Application") (Docket No. 30)

PLEASE TAKE FURTHER NOTICE that you were previously served with the Applications on September 1, 2009.

PLEASE TAKE FURTHER NOTICE that objections and other responses (collectively, "Objections") to the Applications must be: (i) filed with the Clerk of the United States Bankruptcy Court for the District of Delaware, 824 Market Street, 3<sup>rd</sup> Floor, Wilmington, Delaware 19801, **on or before September 10, 2009 at 4:00 p.m. (ET) (extend to September 14, 2009 at 4:00 for the Committee) (the "Objection Deadline")**; and (ii) served so as to be actually received by the undersigned counsel to the Debtors on or before the Objection Deadline.

A HEARING TO CONSIDER THE APPLICATIONS WILL BE HELD BEFORE THE HONORABLE KEVIN GROSS, UNITED STATES BANKRUPTCY JUDGE, AT THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 MARKET STREET, 6<sup>TH</sup> FLOOR, WILMINGTON, DELAWARE 19801, ON **September 15, 2009 at 2:00 p.m. (ET)**.

**IF YOU FAIL TO RESPOND TO THE APPLICATIONS IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE APPLICATIONS WITHOUT FURTHER NOTICE OR OPPORTUNITY FOR A HEARING.**

Dated: September 2, 2009  
Wilmington, Delaware

Respectfully submitted,

PEPPER HAMILTON LLP

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-and-

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*Proposed Counsel for the Debtors  
and Debtors in Possession*