

**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.</b> <b>Objection Deadline: September 10, 2009 at 4:00 p.m.</b> <b>(extended to September 14, 2009 at 4:00 p.m. to the Committee)</b> <b>Related Docket Nos. 5, 9, 11, 44, 48, 49</b>
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**NOTICE OF FINAL HEARING**

PLEASE TAKE NOTICE that, on September 1, 2009, the above-captioned debtors and debtors in possession (collectively, the “Debtors”) filed the following motions (collectively, the “First Day Motions”)

- Debtors’ Motion for Interim Order under 11 U.S.C. §§ 105(a), 345, 363, 364, and 503(b)(1) Authorizing (A) Continued Maintenance of Existing Bank Accounts, (B) Continued Use of Existing Business Forms, (C) Continued Use of Existing Cash Management System, (D) Continued Payments to ISOs and Merchants in Accordance with Customary Practice, (E) Waiver of Certain Guidelines Relating to Bank Accounts; and (F) Scheduling a Final Hearing (the “Cash Management Motion”) (Docket No. 5);
- Debtors’ Motion for Order Determining Adequate Assurance of Payment for Future Utility Services (the “Utility Motion”) (Docket No. 9); and
- Motion of the Debtors for Interim and Final Orders (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 (the “DIP Motion”) (Docket No. 11).

PLEASE TAKE FURTHER NOTICE that you were previously served with the First Day Motions and related documents on September 1, 2009.

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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.

PLEASE TAKE FURTHER NOTICE that on September 2, 2009, a hearing was held on First Day Motions. The Court granted the relief requested in the Motions on an interim basis as follows:

- Order under 11 U.S.C. §§ 105(a), 345, 363 Order under 11 U.S.C. §§ 105(A), 345, 363, 364, and 503(B)(1) Authorizing, (A) Continued Maintenance of Existing Bank Accounts;(B) Continued Use of Existing Business Forms ;(C) Continued Use of Existing Cash Management System; (D) Waiver of Certain Guidelines Relating to Bank Accounts; and (E) Scheduling Final Hearing (the “Interim Cash Management Order”) (Docket No. 44);
- Interim and Proposed Final Order Determining Adequate Assurance of Payment for Future Utility Services (the “Interim Utility Order”) (Docket No. 48); and
- 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 (the “Interim DIP Order”) (Docket No. 49)

PLEASE TAKE FURTHER NOTICE that objections to the First Day Motions and the Interim Cash Management Order, the Interim Utility Order and the Interim DIP Order (collectively, the “Orders”) on a final basis 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.

PLEASE TAKE FURTHER NOTICE THAT A HEARING TO CONSIDER THE RELIEF REQUESTED IN THE FIRST DAY MOTIONS ON A FINAL BASIS WILL BE HELD **September 15, 2009 at 2:00 p.m. (Eastern Time)** 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, COURTROOM #3, WILMINGTON, DELAWARE 19801.

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

Dated: September 2, 2009  
Wilmington, Delaware

Respectfully submitted,

PEPPER HAMILTON LLP

/s/ Evelyn J. Meltzer

David B. Stratton (DE No. 960)  
Evelyn J. Meltzer (DE No. 4581)  
John H. Schanne, II (DE No. 5260)  
Hercules Plaza, Suite 5100  
1313 Market Street  
P.O. Box 1709  
Wilmington, DE 19899-1709  
Telephone: (302) 777-6500  
Facsimile: (302) 421-8390

-and-

NIXON PEABODY LLP  
Mark N. Berman  
Dennis J. Drebsky  
Lee Harrington (DE No. 4046)  
437 Madison Avenue  
New York, New York 10022  
Telephone: (212) 940-3000  
Facsimile: (212) 940-3111

*Proposed Counsel for the Debtors  
and Debtors in Possession*