

**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

Hearing Date: September 15, 2009 at 2:00 p.m.
Objection Deadline: September 10, 2009 at 4:00
(extended to September 14, 2009 at 4:00 to the
Committee)
Related Docket No. 13

NOTICE OF HEARING

PLEASE TAKE NOTICE that, on September 1, 2009, the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) filed the **Debtors’ Motion for an Order Pursuant to Sections 105, 363, 365, 503 and 507 of the Bankruptcy Code and Bankruptcy Rules 2002, 6004, 6006, 9007 and 9014 (I)(a) Authority and Scheduling an Auction at Which the Debtors will Solicit Higher and Better Offers in Connection with the Sale of Certain Assets, (B) Approving the Bid Procedures for such Assets, (C) Approving Break-Up Fee and Expense Reimbursement and (D) Approving the Form and Scope of Notice of Assets Free and Clear of All Liens, Claims, and Encumbrances; (III) Approving Procedures for Assumption and Assignment of Certain Executory Contracts and Unexpired Leases; and (IV) Granting Related Relief as Requested Herein** (Docket No. 13) (the “Motion”).

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

PLEASE TAKE FURTHER NOTICE that objections and other responses (collectively, “Objections”) to the Motion must be: (i) filed with the Clerk of the United States Bankruptcy Court for the District of Delaware, 824 Market Street, 3rd 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 MOTION 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, 6TH FLOOR, WILMINGTON, DELAWARE 19801, ON **September 15, 2009 at 2:00 p.m. (ET)**.

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.

IF YOU FAIL TO RESPOND TO THE MOTION IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION 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*