

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

In re: : Chapter 11
: :
CYNERGY DATA, LLC., *et al.*, : Case No. 09-13038 (KG)
: :
Debtors. : Joint Administration Pending

**NOTICE OF APPEARANCE AND
DEMAND FOR NOTICES AND PAPERS**

PLEASE TAKE NOTICE that Cynergy Holdings, LLC hereby enters its appearance through counsel and, pursuant to Bankruptcy Rules 2002, 9007 and 9010 and 11 U.S.C. § 1109(b), demands that all notices, pleadings and other documents filed in the above-referenced cases be given and served upon each of the following:

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PLEASE TAKE FURTHER NOTICE that the foregoing demand includes not only the notices and papers referred to in the Bankruptcy Rules specified above, but also includes, without limitation, any order, application, motion, petition, pleading, request, complaint or demand, or any notice thereof, whether formal or informal, whether written or oral, and whether conveyed or transmitted by mail, delivery, telephone, telegraph, facsimile, or otherwise, with

regard to the above-captioned cases and proceedings therein.

PLEASE TAKE FURTHER NOTICE that neither this Notice of Appearance and Demand for Notices and Papers, nor any subsequent appearance, pleading, proof of claim, other writing or conduct shall constitute a waiver of Cynergy Holdings, LLC's (a) right to have final orders in any and all non-core matters entered only after *de novo* review by a United States District Court; (b) right to trial by jury in any proceeding as to any and all matters so triable; (c) right to have the reference in this matter withdrawn by the United States District Court in any matter or proceeding subject to mandatory or discretionary withdrawal; and (d) other remedies, rights, claims, defenses, setoffs, or other matters, in law or equity, under any agreement. All such rights are hereby reserved, without exception and with no purpose of confessing or conceding jurisdiction in any way by this filing or by any other participation in these cases.

Dated: September 8, 2009
Wilmington, Delaware

MESSANA ROSNER & STERN LLP

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