

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

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|-----------------------------------|---|------------------------|
| In re |) | |
| |) | Chapter 11 |
| Cynergy Data LLC, <i>et al.</i> , |) | |
| |) | Case No. 09-13038 (KG) |
| Debtors. |) | Jointly Administered |
| |) | |

NOTICE OF APPEARANCE AND DEMAND FOR SERVICE

Merchant Cash and Capital, LLC (“MCC”), a creditor and party-in-interest in the bankruptcy case of Cynergy Data LLC, *et al.*, Debtors, hereby requests that service of all notices in connection with this case be served upon MCC and its legal counsel, addressed as follows:


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| Joseph H. Huston, Jr. Maria Aprile Sawczuk STEVENS & LEE, P.C. 1105 North Market Street, 7th Floor Wilmington, DE 19801 Telephone: (302) 425-3310; -3306 Facsimile: (610) 371-7972; (610) 988-0838 Email: jhh/masa@stevenslee.com | Alec P. Ostrow STEVENS & LEE, P.C. 485 Madison Avenue New York, NY 10022 Telephone: (212) 537-0402 Facsimile: (610) 371-1222 Email: apo@stevenslee.com |
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PLEASE TAKE FURTHER NOTICE that this request includes not only the notices and papers referred to in the Bankruptcy Rules and Bankruptcy Code sections specified above, but also includes, without limitation, all orders and notices of any application, motions, petitions, pleadings, requests, complaints, or demands, statements of affairs, operating reports, schedules of assets and liabilities, whether formal or informal, whether written or oral, and whether transmitted or conveyed by mail, courier service, hand delivery, telephone, facsimile transmission, telegraph, telex, or otherwise that (1) affects or seeks to affect in any way any rights or interest of any creditor or party in interest in this case, including MCC with respect to any of the (a) the debtors, (b) property of the debtors' estates, or proceeds thereof, in which the debtors may claim an interest, or (c) property or proceeds thereof in the possession, custody, or

control of others that any of the debtors may seek to use; or (2) requires or seeks to require any act, delivery or any property, payment or other conduct by MCC.

PLEASE TAKE FURTHER NOTICE that MCC. intends that neither this Notice of Appearance nor any later appearance, pleading, claim or suit shall waive (1) its right to trial by jury in any proceeding so triable in this case or any case, controversy, or proceeding related to this case; or (2) any other rights, claims, actions, defenses, setoffs, or recoupments to which it is or may be entitled under agreements, in law, in equity, or otherwise, all of which rights, claims, actions, defenses, setoffs, and recoupments are expressly reserved.

Date: September 10, 2009


/s/ Joseph H. Huston, Jr.
Joseph H. Huston, Jr. (No. 4035)
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