

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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In re:

CYNERGY DATA, LLC, *et al.*

Debtor.

Chapter 11

Case No.: 09-13038

Objection Deadline: July 28, 2010 at 4:00 p.m. (E.T.)

Hearing Date: August 24, 2010 at 2:30 p.m. (E.T.)

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**THIRD INTERIM APPLICATION OF DELOITTE FINANCIAL ADVISORY
SERVICES LLP, FINANCIAL ADVISOR FOR THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS, FOR COMPENSATION AND REIMBURSEMENT OF
EXPENSES FOR THE
PERIOD FROM MARCH 1, 2010 THROUGH MAY 31, 2010**

Name of Applicant: Deloitte Financial Advisory Services LLP

Authorized to Provide Professional Services to: The Official Committee of Unsecured Creditors

Date of Retention: October 20, 2009, *nunc pro tunc* as of September 10, 2009

Period for which compensation and reimbursement is sought: March 1, 2010 through May 31, 2010

Amount of Compensation sought as actual, reasonable and necessary: \$9,700.00

80% of Compensation sought as actual, reasonable and necessary: \$7,760.00

Amount of Expense Reimbursement sought as actual, reasonable and necessary: \$0.00

This is a third quarterly interim application.

Period Covered	Fees Requested	Fees Paid (80%)	Holdback (20%)	Expenses Requested	Expenses Paid (100%)
March 1, 2010 through May 31, 2010	\$9,700.00	\$0.00	\$1,940.00	\$0.00	\$0.00
TOTAL	\$9,700.00	\$0.00	\$1,940.00	\$0.00	\$0.00

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SERVICES LLP, FINANCIAL ADVISOR FOR THE OFFICIAL COMMITTEE OF
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EXPENSES FOR THE
PERIOD FROM MARCH 1, 2010 THROUGH MAY 31, 2010**

TO THE HONORABLE KEVIN GROSS,
UNITED STATES BANKRUPTCY JUDGE:

Deloitte Financial Advisory Services LLP ("Applicant"), financial advisor to the Official Committee of Unsecured Creditors (the "Committee") of Cynergy Data, LLC, *et al.* (the "Debtor"), in the above-captioned chapter 11 case, hereby submits its third interim fee application (the "Application") for allowance of compensation and reimbursement of expenses pursuant to §§ 330 and 331 of chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") for financial advisory services performed during the period commencing March 1, 2010 through and including May 31, 2010 (the "Application Period"). In support thereof, Applicant respectfully represents as follows:

I.

RELIEF REQUESTED

1. By this Application, Applicant seeks interim approval and allowance of its compensation for professional services rendered and reimbursement of expenses incurred during the Application Period, including authorization for the Debtor to pay the 20% holdback of fees as

required under the *Order Authorizing Procedures for Interim Compensation and Reimbursement of Professionals* (the “Interim Compensation Order”).

2. Applicant has filed and served monthly fee applications for the months of March, April and May 2010 (collectively, the “Monthly Fee Applications”) during the Application Period. Each of the Monthly Fee Applications is incorporated by reference as if fully set forth herein.¹

3. A summary of the hours spent, the names of each professional rendering services to the Committee during the Application Period, the regular customary billing rates and the total value of time incurred by each of the Applicant professionals rendering services to the Committee is attached as Exhibit “A” to each of the Monthly Fee Applications. A copy of the computer generated time entries reflecting the time recorded for these services, organized in project billing categories in accordance with the *United States Trustee’s Guidelines For Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330* (the “Guidelines”), is attached to each of the Monthly Fee Applications as Exhibit “C.” A statement of expenses incurred by Applicant during the Application Period is attached to each of the Monthly Fee Applications as Exhibit “D”. All time entries and requested expenses are in compliance with Rule No. 2016-2 of the *Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware* (the “Local Rules”).²

¹ Copies of the Monthly Fee Applications may be obtained by written request to the undersigned financial advisor.

² Applicant has also attempted to ensure that this Application complies with the Guidelines. To the extent that the Guidelines conflict with Local Rules, in particular, Local Rule 2016-2, Applicant has chosen to comply with such Local Rule. Applicant will supplement this Application with additional detail or information upon request.

II.

COMPENSATION REQUESTED

4. Applicant seeks interim allowance of fees in the amount of **\$9,700.00** for professional services rendered on behalf of the Committee. In addition, Applicant requests that the Debtor be authorized to pay **\$1,940.00** in fees representing the twenty percent (20%) “holdback”.

III.

EXPENSES

Included as Exhibit “D” with the Monthly Fee Applications is a list of the necessary and actual disbursements incurred during the Application Period in connection with the work performed by Applicant during the Application Period. These records indicate that Applicant has advanced and will have advanced, during the Application Period, the sum of **\$0.00** in necessary and actual out-of-pocket expenses. In connection with said expenses, it should be noted that Applicant charges for meals only necessitated by meetings with the Debtor or the Committee or when Applicant’s personnel would work on this case through a normal meal period.

IV.

NOTICE, PRIOR APPLICATION AND CERTIFICATION

5. Notice of this Application has been provided to (i) the Debtor, (ii) Debtor’s counsel, (iii) the U.S. Trustee and (iv) attorneys for the Debtor’s secured lender. Applicant submits that the foregoing constitutes good and sufficient notice and that no other or further notice need be given.

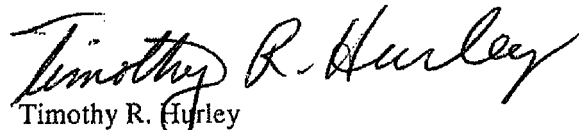
6. No previous application for the relief sought herein has been made to this or any other court.

7. Applicant has reviewed the requirements of the Local Rules and this Application complies with those rules.

WHEREFORE, Applicant hereby respectfully requests (i) interim allowance of compensation for Applicant's duly authorized, necessary and valuable service to the Committee during the Application Period in the aggregate amount of **\$9,700.00**; and (ii) reimbursement to Applicant for actual and necessary expenses incurred during the Application Period in connection with the aforesaid services in the aggregate amount of **\$0.00**.

Dated: July 6, 2010

DELOITTE FINANCIAL ADVISORY SERVICES LLP


Timothy R. Hurley
Principal

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

In re:) Chapter 11
)
CD LIQUIDATING CO., LLC, f/k/a) Case No. 09-13038 (KG)
CYNERGY DATA, LLC, et al.,¹)
) (Jointly Administered)
Debtors.)
) **Hearing Date: August 24, 2010 at 2:30 p.m. (E.T.)**
) **Objection Deadline: July 28, 2010 at 4:00 p.m. (E.T.)**
)

**NOTICE OF THIRD INTERIM APPLICATION OF DELOITTE FINANCIAL
ADVISORY SERVICES LLP, FINANCIAL ADVISOR FOR THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS, FOR COMPENSATION AND
REIMBURSEMENT OF EXPENSES FOR
THE PERIOD FROM MARCH 1, 2010 THROUGH MAY 31, 2010**

TO: FEE APPLICATION NOTICE PARTIES

PLEASE TAKE NOTICE that on July 8, 2010, the *Third Interim Application of Deloitte Financial Advisory Services LLP, Financial Advisors to the Official Committee of Unsecured Creditors, for Compensation Incurred for the Period from March 1, 2010 through May 31, 2010* (the "Application") was filed with the United States Bankruptcy Court for the District of Delaware, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801 (the "Court") and was served in accordance with the *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals and Committee Members*, entered on September 15, 2009 [Docket No. 107] (the "Administrative Fee Order").

PLEASE TAKE FURTHER NOTICE that the Application requests allowance and approval of compensation in the amount of \$9,700.00 and expenses in the amount of \$0.00 for the period of March 1, 2010 through May 31, 2010.

PLEASE TAKE FURTHER NOTICE that any objection to the Application must be made in accordance with the Administrative Fee Order and filed with the Court, and served upon the following parties: (i) the Debtors, c/o Conway MacKenzie, Inc., 1270 Avenue of the Americas, Suite 2340, New York, New York 10020 (Attn: Lorraine B. Ossolinski); (ii) counsel to the Debtors, Nixon Peabody LLP, 437 Madison Avenue, New York, New York 10056 (Attn: Dennis J. Drebsky, Esq.) and Pepper Hamilton LLP, Suite 5100, 1313 Market Street, Wilmington, Delaware 19801 (Attn: David B. Stratton, Esq., Evelyn J. Meltzer, Esq., and John H. Schanne, II, Esq); (iii) counsel to the Official Committee of Unsecured Creditors, Jager Smith PC, One Financial Center, Boston, Massachusetts 02111 (Attn: Steven J. Reingold, Esq.) and Ashby & Geddes, P.A., 500 Delaware Avenue, 8th Floor, P.O. Box 1150, Wilmington,

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.

Delaware 19899 (Attn: Karen B. Skomorucha, Esq.); and (iv) the Office of the United States Trustee, J. Caleb Boggs Federal Building, 844 King Street, Room 2207, Lockbox 35, Wilmington, Delaware 19801 (Attn: Thomas P. Tinker, Esq.), **so as to be received by July 28, 2010 at 4:00 p.m. (E.T.).**

PLEASE TAKE FURTHER NOTICE that a hearing to consider the relief requested in the Application is scheduled for **August 24, 2010 at 2:30 p.m. (E.T.)** before the Honorable Kevin Gross, United States Bankruptcy Court for the District of Delaware, 824 Market Street, 6th Floor, Courtroom No. 3

Dated: July 8, 2010

ASHBY & GEDDES, P.A.



Gregory A. Taylor (I.D. #4008)
Karen B. Skomorucha (I.D. #4759)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, Delaware 19899
Telephone: 302-654-1888
Facsimile: 302-654-2067

-and-

JAGER SMITH P.C.

Bruce F. Smith (*admitted pro hac vice*)
Michael J. Fencer (*admitted pro hac vice*)
Steven C. Reingold (*admitted pro hac vice*)
One Financial Center
Boston, MA 02111
Telephone: 617-951-0500
Facsimile: 617-951-2414

*Counsel to the Official Committee
of Unsecured Creditors*

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

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In re:

CYNERGY DATA, LLC, *et al.*

Debtor.

Chapter 11

Case No.: 09-13038

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**ORDER GRANTING THIRD INTERIM APPLICATION OF DELOITTE FINANCIAL
ADVISORY SERVICES LLP, FINANCIAL ADVISOR FOR THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS, FOR COMPENSATION AND
REIMBURSEMENT OF EXPENSES FOR THE
PERIOD FROM MARCH 1, 2010 THROUGH MAY 31, 2010**

Upon the third interim application, dated July 6, 2010 (the "Application"),³ of Deloitte Financial Advisory Services LLP ("Applicant"), financial advisor to the Official Committee of Unsecured Creditors (the "Committee") of Cynergy Data, LLC, *et al.* (the "Debtor"), in the above-captioned chapter 11 case, seeking entry of an order allowing compensation and expenses incurred during the period from March 1, 2010 through May 31, 2010; and it appearing that the Court has jurisdiction to consider the Application and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and due notice of the Application having been provided to, among others, (i) Debtor, (ii) Debtor's counsel, (iii) the U.S. Trustee and (iv) attorneys for the Debtor's secured lender, and it appearing that no other or further notice need be provided; and it further appearing that the relief requested in the Application is in the best interests of the Debtor and their estates and creditors; and after due deliberation and sufficient cause appearing therefore, it is hereby

³ Any capitalized term not defined herein shall have the meaning ascribed to it in the Application.

ORDERED, that the Application is granted in the amount of \$9,700.00 for professional services rendered and \$0.00 for reimbursement of expenses incurred in the connection with the rendition of such services for a total award of \$9,700.00; and it is further

ORDERED, that the amount of \$9,700.00 is reasonable compensation for services rendered by Applicant for the period of March 1, 2010 through May 31, 2010, and that \$0.00 is reasonable for expenses incurred in connection with the rendition of the professional services rendered; and it is further

ORDERED, that the Debtor is authorized and directed to pay the allowed amounts set forth above, to the extent such amount have not yet been paid; and it is further

ORDERED, that the amount of compensation allowed to Applicant under this Order is provided pursuant to §§ 330 and 331 of the Bankruptcy Code.

Dated: Wilmington, DE
_____, 2010

Honorable Kevin Gross
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I, Karen B. Skomorucha, hereby certify that, on July 8, 2010, I caused one copy of the foregoing to be served upon the parties listed below in the manner indicated.

HAND DELIVERY

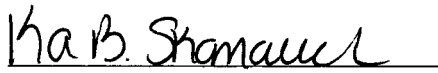
David B. Stratton, Esq.
Evelyn J. Meltzer, Esq.
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PEPPER HAMILTON LLP
1313 Market Street, Suite 5100
Wilmington, Delaware 19801

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U.S. MAIL

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Karen B. Skomorucha (#4759)