

**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
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**NOTICE OF AMENDED AGENDA OF MATTERS SCHEDULED  
FOR HEARING ON SEPTEMBER 15, 2009 AT 2:00 P.M. EASTERN TIME**

**UNCONTESTED MATTERS:**

1. Debtors' Motion for Order Determining Adequate Assurance of Payment for Future Utility Services (Docket No. 9; filed September 1, 2009)

Related Documents:

- a. Interim and Proposed Final Order Determining Adequate Assurance of Payment for Future Utility Services (Docket No. 48; entered September 2, 2009)
- b. Notice of Final Hearing (Docket No. 56; filed September 2, 2009)

Objection Deadline: September 10, 2009 at 4:00 p.m. (extended to September 14, 2009 at 4:00 p.m. for the Committee)

Objection Received: None as of the filing of this agenda.

Status: This matter is going forward.

2. Debtors' Motion for an Order under Bankruptcy Rules 1007(a)(5) and 1007(c) and Local Rule 1007-1(b) Granting the Debtors Additional Time to File Schedules of Assets and Liabilities and Statements of Financial Affairs (Docket No. 10; filed September 1, 2009)

Related Document: Notice of Hearing (Docket No. 60; filed September 2, 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.

Objection Deadline: September 10, 2009 at 4:00 p.m. (extended to September 14, 2009 at 4:00 p.m. for the Committee)

Objection Received: None as of the filing of this agenda.

Status: This matter is going forward.

3. Debtors' Motion for an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals and Committee (Docket No. 14; filed September 2, 2009)

Related Document: Notice of Hearing (Docket No. 60; filed September 2, 2009)

Objection Deadline: September 10, 2009 at 4:00 p.m. (extended to September 14, 2009 at 4:00 p.m. for the Committee)

Objection Received: None as of the filing of this agenda.

Status: This matter is going forward.

4. Application for Order Pursuant to 11 U.S.C. §§ 327(a) and 329 and Bankruptcy Rules 2014 and 2016 Authorizing the Employment and Retention of Nixon Peabody LLP as Counsel for the Debtors (Docket No. 15; filed September 2, 2009)

Related Document: Notice of Hearing on Retention Applications (Docket No. 55; filed September 2, 2009)

Objection Deadline: September 10, 2009 at 4:00 p.m. (extended to September 14, 2009 at 4:00 p.m. for the Committee)

Objection Received: None as of the filing of this agenda.

Status: This matter is going forward.

5. Application Requesting Entry of an Order under Sections 327(a), 328(a) and 329 of the Bankruptcy Code and Bankruptcy Rules 2014, 2016 and 5002 Authorizing Employment and Retention of Pepper Hamilton LLP as Counsel for Debtors (Docket No. 16; filed September 2, 2009)

Related Documents:

- a. Notice of Hearing on Retention Applications (Docket No. 55; filed September 2, 2009)
- b. First Supplemental Verified Statement of David B. Stratton in Support of Application Requesting Entry of an Order under Sections 327(a), 328(a) and 329 of the Bankruptcy Code and Bankruptcy Rules 2014, 2016 and

5002 Authorizing Employment and Retention of Pepper Hamilton LLP as Counsel for Debtors (Docket No. 37; filed September 2, 2009)

Objection Deadline: September 10, 2009 at 4:00 p.m. (extended to September 14, 2009 at 4:00 p.m. for the Committee)

Objection Received: None as of the filing of this agenda.

Status: This matter is going forward.

**CONTESTED MATTERS:**

6. Application of Debtors Pursuant to 11 U.S.C. §363 for Entry of an Order Authorizing the Employment of CM&D Management Services, LLC Nunc Pro Tunc to the Petition Date and the Appointment of Charles M. Moore of CM&D Management Services, LLC as Chief Restructuring Officer and Lorraine B. Ossolinski of CM&D Management Services, LLC as Interim Chief Financial Officer Nunc Pro Tunc to the Petition Date (Docket No. 28; filed September 2, 2009)

Related Document: Notice of Hearing on Retention Applications (Docket No. 55; filed September 2, 2009)

Objection Deadline: September 10, 2009 at 4:00 p.m. (extended to September 14, 2009 at 4:00 p.m. for the Committee)

**Objection Received: Informal comments received from the United States Trustee.**

Status: This matter is going forward.

7. Application for Order Pursuant to 11 U.S.C. §§ 327(a) and 329 and Bankruptcy Rules 2014 and 2016 Authorizing the Employment and Retention of Unicorn Partners, LLC as Advisers to the Debtors (Docket No. 29; filed September 2, 2009)

Related Document: Notice of Hearing on Retention Applications (Docket No. 55; filed September 2, 2009)

Objection Deadline: September 10, 2009 at 4:00 p.m. (extended to September 14, 2009 at 4:00 p.m. for the Committee)

**Objection Received: Informal comments received from the United States Trustee.**

Status: This matter is going forward.

8. Application for Order Pursuant to 11 U.S.C. §§ 327(a) and 329 and Bankruptcy Rules 2014 and 2016 Authorizing the Employment and Retention of Stifel, Nicolaus & Company, Incorporated and Peter J. Solomon Securities Company, LLC as Advisers to the Debtors (Docket No. 30; filed September 2, 2009)

Related Document: Notice of Hearing on Retention Applications (Docket No. 55; filed September 2, 2009)

Objection Deadline: September 10, 2009 at 4:00 p.m. (extended to September 14, 2009 at 4:00 p.m. for the Committee)

**Objection Received:**

- a. **Limited Objection of the Official Committee of Unsecured Creditors to the Debtors' Application for Order Pursuant to 11 U.S.C. Sections 327(a) and 329 and Bankruptcy Rules 2014 and 2016 Authorizing the Employment and Retention of Stifel, Nicolaus & Company, Incorporated and Peter J. Solomon Securities Company, LLC as Advisers to the Debtors (Docket No. 91; filed September 14, 2009)**
- b. **Informal comments received from the United States Trustee.**

Status: This matter is going forward.

9. 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 (Docket No. 5; filed September 1, 2009)

Related Documents:

- a. 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 (Docket No. 44; entered September 2, 2009)
- b. Notice of Final Hearing (Docket No. 56; filed September 2, 2009)
- c. **Omnibus Response Of The Debtors To Limited Objection Of U.S. Online America Group, LLC To Debtors Motion 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, And (E) Waiver  
Of Certain Guidelines Relating To Bank Accounts [Dkt. No. 76]  
(Docket No. 93; filed September 14, 2009)**

Objection Deadline: September 10, 2009 at 4:00 p.m. (extended to September 14, 2009 at 4:00 p.m. for the Committee)

Objection Received: U.S. Online America Group, LLC's Limited Objection to 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 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 (Docket No. 76; filed September 10, 2009)

Status: This matter is going forward.

10. 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 (Docket No. 11; filed September 1, 2009)

Related Documents:

- a. 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 (Docket No. 49; entered September 2, 2009)
- b. Notice of Hearing (Docket No. 56; filed September 2, 2009)

Objection Deadline: September 10, 2009 at 4:00 p.m. (extended to September 14, 2009 at 4:00 p.m. for the Committee)

Objection Received: Limited Objection of Term B Parties to Entry of Final Order (I) Authorizing Use of Cash Collateral, (II) Authorizing PostPetition Financing, (III) Granting Senior Priming Liens and Superpriority Claims, and (IV) Granting Adequate Protection to the Prepetition Secured Parties (Docket No. 75; filed September 10, 2009)

**Status: This matter has been continued to October 1, 2009 at 3:00 p.m.**

11. 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; filed September 1, 2009)

Related Documents:

- a. Notice of Hearing (Docket No. 57; filed September 2, 2009)
- b. **Omnibus Response Of The Debtors To (1) Objection Of Merchant Cash And Capital, LLC To Debtors Motion For Order (I)(A) Authorizing 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 The Bid Procedures And Auction; (II) Approving The Sale Of The 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 [Dkt. No. 80]; (2) Objection Of The Official Committee Of Unsecured Creditors To Debtors Motion For Order (I)(A) Authorizing 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 The Bid Procedures And Auction; (II) Approving The Sale Of The 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 [Dkt No. 90] (Docket No. 93; filed September 14, 2009)**

Objection Deadline: September 10, 2009 at 4:00 p.m. (extended to September 14, 2009 at 4:00 p.m. for the Committee)

Objections Received:

- a. Objection of Merchant Cash and Capital, LLC to 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. 80; filed September 10, 2009)

- b. **Objection of Official Committee of Unsecured Creditors to 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. 90; filed September 14, 2009)**

Status: This matter is going forward.

Dated: September 15, 2009  
Wilmington, Delaware

Respectfully submitted,

PEPPER HAMILTON LLP

/s/ Evelyn J. Meltzer

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*Proposed Counsel for the Debtors  
and Debtors in Possession*