

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

In re:	)	Chapter 11
	)	
VYAIR MEDICAL, INC., <i>et al.</i> ,	)	Case No. 24-11217 (BLS)
	)	
Debtors.	)	Jointly Administered

**REQUEST BY AIRGAS USA, LLC FOR ALLOWANCE AND
PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM**

Airgas USA, LLC (“Airgas”), by and through its undersigned counsel, hereby submits this request for allowance and payment of its administrative expense claim in the sum of \$39,502.38 pursuant to sections 503(b)(1)(A) and 507(a)(2) of the Bankruptcy Code (defined below), and in support hereof, respectfully represents as follows:

Background

1. On June 9, 2024 (the “Petition Date”), each of the above captioned debtors (the “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (“Bankruptcy Code”).

2. Prior to the Petition Date, a predecessor of Airgas and one of the Debtors and/or a predecessor of the Debtors, entered into a Bulk Product Agreement (the “Contract”). Pursuant to the Contract, Airgas supplied certain gases to the Debtors and Airgas rented certain cylinders to the Debtors, which the Debtors used at their Irvine, CA and Palm Springs, CA locations.

3. As of the Petition Date, the Contract was an “executory contract” as that term is used throughout the Bankruptcy Code, as both Airgas and the Debtors had ongoing obligations to one another under the Contract.

4. Throughout the Debtors’ bankruptcy cases, Airgas believed that the Debtors were going to assume the Contract. However, ultimately, upon information and belief, the Contract

was rejected pursuant to the Debtors' confirmed Second Amended Joint Chapter 11 Plan of Reorganization (Docket No. 719) (the "Plan").

5. On or about November 27, 2024 (the "Effective Date"), the Debtors filed their Notice of (i) Entry of Confirmation Order, (ii) Occurrence of Effective Date, and (iii) Related Bar Dates (Docket No. 810) (the "Notice of Effective Date"). Pursuant to the Notice of Effective Date, the deadline for filing all claims that were incurred by the Debtors between the Petition Date and the Effective Date, which remain unpaid, is December 27, 2024.

6. Pursuant to the summary of post-petition charges attached hereto as Exhibit A, the Debtors currently owe Airgas \$39,502.38¹ for amounts that were incurred by the Debtors between the Petition Date and the Effective Date, and which remain unpaid to date. Certain of the charges relate to loss of use of cylinders that Airgas rented to the Debtors, and that the Debtors recently informed Airgas they could no longer locate, and could not return to Airgas notwithstanding the rejection of the Contract.

Administrative Expense Claim Request

7. Bankruptcy Code section 503(b)(1)(A) provides for the allowance of administrative expenses, including in particular, the actual, necessary costs and expenses of preserving the bankruptcy estate. Section 507(a)(2) provides second administrative expense priority for claims that are allowed under section 503(b) of the Bankruptcy Code.

8. The Debtors owe Airgas \$39,502.38 as an administrative expense claim under sections 503(b)(1)(A) and 507(a)(2) of the Bankruptcy Code. The foregoing amount relates to amounts incurred by the Debtors under the Contract subsequent to the Petition Date and prior to the Effective Date. These amounts remain unpaid to date, and the Debtors and their estates

¹ Copies of the applicable invoices are available upon request to counsel to Airgas.

directly benefitted from their use of the post-petition gases and cylinder rental provided by Airgas to the Debtors under the Contract.

9. Accordingly, this Court should award Airgas an administrative expense claim in the total amount of \$39,502.38, to be paid to Airgas when distributions are made to holders of allowed chapter 11 administrative expense claims pursuant to the Plan.

WHEREFORE, Airgas respectfully requests that its Request For Allowance and Payment of Administrative Expense Claim be granted as requested herein and that it be granted such other and further relief as the Court deems just and proper.

Dated: December 27, 2024

CONNOLLY GALLAGHER LLP

/s/ Karen C. Bifferato

Karen C. Bifferato (#3279)

1201 N. Market Street, 20th Floor

Wilmington, DE 19801

Telephone: (302) 757-7300

Email: kbifferato@connollygallagher.com

Attorneys for Airgas USA, LLC