

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

In re:

VYAIRE MEDICAL, INC., *et al.*,¹

Debtors.

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Chapter 11

Case No. 24-11217 (BLS)

(Jointly Administered)

**CERTIFICATION OF COUNSEL
REGARDING ORDER APPOINTING FEE EXAMINER
AND ESTABLISHING RELATED PROCEDURES FOR THE
REVIEW OF FEE APPLICATIONS OF RETAINED PROFESSIONALS**

The undersigned counsel to the Debtors in the above-captioned chapter 11 case hereby certifies as follows:

1. On June 9, 2024, Vyair Medical, Inc. and certain of its subsidiaries (together, the “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) with this Court (the “Chapter 11 Cases”).

2. On June 26, 2024, the Office of the United States Trustee for the District of Delaware (the “U.S. Trustee”) appointed an Official Committee of Unsecured Creditors [Docket No. 121] (the “Committee”).

3. On July 9, 2024, the Court entered the *Order (I) Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals and (II) Granting Related Relief* [Docket No. 218] (the “Interim Compensation Order”).

4. In accordance with the *General Order Regarding Fee Examiners in Chapter 11 Cases with Combined Assets and/or Liabilities in Excess of \$50,000,000 before Judge Brendan Linehan Shannon* (the “Fee Examiner Order”), counsel for the Debtors, the Committee, and the

¹ The last four digits of Debtor Vyair Medical, Inc.’s federal tax identification number are 6495. A complete list of each of the Debtors in these chapter 11 cases and each such Debtor’s federal tax identification number may be obtained on the website of the Debtors’ claims and noticing agent at <https://omniagentsolutions.com/Vyair>.

U.S. Trustee have met and conferred in good faith regarding representative candidates and, in accordance with the Fee Examiner Order, have selected David M. Klauder, Esq. of Bielli & Klauder, LLC to serve as the fee examiner (the “Fee Examiner”).

5. The Debtors have prepared a proposed form of order (the “Proposed Order”), a copy of which is attached hereto as **Exhibit A**, approving the appointment of David M. Klauder, Esq. as the Fee Examiner in these Chapter 11 Cases and establishing certain procedures to review and report on, as appropriate, monthly fee applications, interim fee applications, and final fee applications submitted by professionals retained in these Chapter 11 Cases.

6. Attached to the Proposed Order as **Exhibit 1** is the *Declaration of Disinterestedness of David M. Klauder*.

7. The Proposed Order is acceptable to the Debtors, the Committee, the U.S. Trustee, and the Fee Examiner.

8. Accordingly, the Debtors respectfully request that the Proposed Order attached hereto as **Exhibit A** be entered at the Court’s earliest convenience.

The location of Debtor Vyair Medical, Inc.’s principal place of business and the Debtors’ service address in these chapter 11 cases is 26125 North Riverwoods Boulevard, Mettawa, Illinois, USA 60045.

Dated: October 25, 2024
Wilmington, Delaware

/s/ Patrick J. Reilley

COLE SCHOTZ P.C.

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