

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

In re:

VYAIRE MEDICAL, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11217 (BLS)

(Jointly Administered)

**Related D.I. 851, 852, 884, 885, 889, 890, 893, 894,
895, 896, 897, 898, 899**

**PLAN ADMINISTRATOR’S OMNIBUS LIMITED RESPONSE AND RESERVATION
OF RIGHTS TO IMPROPERLY NOTICED MOTIONS SEEKING ALLOWANCE AND
PAYMENT OF ADMINISTRATIVE CLAIMS**

David M. Barse, in his capacity as Plan Administrator² for Vyair Medical, Inc., *et al.* (collectively, the “Wind-Down Debtors”), by and through his undersigned counsel hereby files this omnibus limited response and reservation of rights (the “Response”) to the requests for payment of Administrative Claims filed in these cases, including the motions set forth on **Exhibit 1** (the “Administrative Claims Chart”), and respectfully represent as follows:

1. On June 9, 2024 (the “Petition Date”), the Debtors filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Delaware (the “Court”).

2. On November 14, 2024, the Court entered the *Findings of Fact, Conclusions of Law, and Order Approving the Debtors' Disclosure Statement for, and Confirming the Second*

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>. 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.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Plan.

Amended Joint Chapter 11 Plan of Vyair Medical, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 745] (the “Confirmation Order”). The Confirmation Order, *inter alia*, approved the *Second Amended Joint Chapter 11 Plan of Vyair Medical, Inc. and Its Debtor Affiliates* [Docket No. 719] (the “Plan”). The Effective Date of the Plan occurred on November 27, 2024. *See* Docket No. 810. Upon the Effective Date, pursuant to the terms of the Plan and Confirmation Order, David M. Barse was appointed as the Plan Administrator and became successor in interest to the Debtors. *See* Confirmation Order ¶¶ 74, 76; Plan, Art. IV.C., E. and Art. VII. Among other things, the Plan Administrator has authority to object to claims. *Id.*

3. Article I.A.6. of the Plan provides that the deadline for filing objections to requests for payment of Administrative Claims “shall be the later of (a) 60 days after the Effective Date [i.e., January 27, 2025] and (b) 60 days after the Filing of the applicable request for payment of the Administrative Claim” (the “Administrative Claims Objection Bar Date”).³

4. Article II.A. of the Plan provides that “requests for payment of Administrative Claims must be Filed and served on the Wind-Down Debtors no later than the Administrative Claims Bar Date” and “[o]bjections to such requests must be Filed and served on the Wind-Down Debtors and the requesting party by the Administrative Claims Objection Bar Date.” As set forth in the notice of Effective Date, the Administrative Claims Bar Date was December 27, 2024. *See* Docket No. 810.

³ Because 60 days after the Effective Date falls on Sunday, January 26, 2025, the Administrative Claims Objection Bar Date rolls until the next business day – i.e., Monday, January 27, 2025. *See* FED. R. BANKR. P. 9006(a).

5. As set forth on the Administrative Claims Chart, several parties filed motions for allowance and payment of Administrative Claims setting forth an incorrect objection deadline and/or hearing date contrary to the terms of the Plan and Confirmation Order.

6. The Plan Administrator has contacted counsel for each of the movants listed on the Administrative Claims Chart requesting a correction to the objection deadline and hearing date, as applicable.⁴ To date, corrections have not been filed and this Response serves as notice of the correct response deadline and that the hearing date shall be adjourned to a date to be determined based on the correct response deadline.

RESERVATION OF RIGHTS

7. Nothing contained in this Response is (i) an admission as to the validity of any claim against any Wind-Down Debtor; (ii) a waiver of the Wind-Down Debtors' rights to dispute any claim or lien on any grounds; (iii) a promise to pay any claim; or (iv) an implication or admission that any particular claim would constitute an allowed claim.

8. For the avoidance of doubt, the Plan Administrator is continuing to review Administrative Claims filed in these cases and reserves all rights to file a substantive response prior to the Administrative Claims Objection Bar Date set forth in the Plan and Confirmation Order.

NOTICE

9. The Plan Administrator will provide notice of this Response to: (a) the United States Trustee for the District of Delaware; and (b) counsel to parties that filed Administrative Claims,

⁴ In addition to the parties listed on the Administrative Claims Chart, several other parties filed motions for allowance and payment of Administrative Claims and either (i) did not include an objection deadline and/or hearing date for the motion (e.g., Docket Nos. 851, 852, 884, 899) or (ii) renoticed the motion with a revised objection deadline consistent with the Plan and Confirmation Order (e.g., Docket Nos. 900, 909, 910, 912). For the avoidance of doubt, the Plan Administrator will respond to those motions at the appropriate time.

including those set forth on the Administrative Claims Chart. The Plan Administrator submits that, in light of the nature of the Response, no other or further notice need be given.

Dated: January 2, 2025
Wilmington, Delaware

/s/ Stacy L. Newman

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