

**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)
)

**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR
HEARING ON JULY 9, 2024, AT 10:00 A.M. (PREVAILING
EASTERN TIME) BEFORE THE HONORABLE BRENDAN L. SHANNON**

**This proceeding will be conducted in person.
The hearing will be held on the 6th Floor in Courtroom No. 1.**

**Please refer to Judge Shannon's Chambers Procedures
(<https://www.deb.uscourts.gov/content/judge-brendan-l-shannon>) and the Court's website
(<http://www.deb.uscourts.gov/ecourt-appearances>) for information on the method of allowed
participation (video or audio), Judge Shannon's expectations of remote participants, and the
advance registration requirements. Registration is required by one-hour prior to the hearing
unless otherwise noticed using the eCourtAppearances tool available on the Court's website.**

**MATTERS WITH CERTIFICATES OF NO OBJECTION OR CERTIFICATIONS OF
COUNSEL**

1. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses and (B) Continue Employee Benefits Programs, and (II) Granting Related Relief (Filed June 10, 2024) [Docket No. 6]

Related Document(s):

- (a) Interim Order (I) Authorizing the Debtors to (A) Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses and (B) Continue Employee Benefits Programs, and (II) Granting Related Relief (Entered June 11, 2024) [Docket No. 85]

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.

- (b) Notice of Entry of Interim Order and Final Hearing with Respect to Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses and (B) Continue Employee Benefits Programs, and (II) Granting Related Relief (Filed June 11, 2024) [Docket No. 102]
- (c) Certification of Counsel Regarding Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses and (B) Continue Employee Benefits Programs, and (II) Granting Related Relief (Filed July 3, 2024) [Docket No. 145]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Official Committee of Unsecured Creditors (the “Committee”)

Response(s) Received:

- (a) Informal comments from ACE American Insurance Company and/or any of its U.S.-based affiliates (collectively, together with each of their successors, and solely in their roles as insurers, “Chubb”), counsel to the Committee, and counsel to the 1L Ad Hoc Group

Status: A revised proposed form of final order has been filed under certification of counsel. No hearing is required unless the Court has any questions.

2. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Maintain and Administer their Existing Customer Programs and Honor Certain Prepetition Obligations Related Thereto and (II) Granting Related Relief (Filed June 10, 2024) [Docket No. 8]

Related Document(s):

- (a) Interim Order (I) Authorizing the Debtors to Maintain and Administer their Existing Customer Programs and Honor Certain Prepetition Obligations Related Thereto and (II) Granting Related Relief (Entered June 11, 2024) [Docket No. 87]
- (b) Notice of Entry of Interim Order and Final Hearing with Respect to Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Maintain and Administer Their Existing Customer Programs and Honor Certain Prepetition Obligations Related Thereto and (II) Granting Related Relief (Filed June 11, 2024) [Docket No. 98]

- (c) Certification of Counsel Regarding Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Maintain and Administer their Existing Customer Programs and Honor Certain Prepetition Obligations Related Thereto and (II) Granting Related Relief (Filed July 3, 2024) [Docket No. 146]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee

Response(s) Received:

- (a) Informal comments from counsel to the Committee and counsel to the 1L Ad Hoc Group

Status: A revised proposed form of final order has been filed under certification of counsel. No hearing is required unless the Court has any questions.

- 3. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Maintain Insurance and Surety Coverage Entered into Prepetition and Pay Related Prepetition Obligations, and (B) Renew, Supplement, Modify, or Purchase Insurance and Surety Coverage, and (II) Granting Related Relief (Filed June 10, 2024) [Docket No. 9]

Related Document(s):

- (a) Interim Order (I) Authorizing the Debtors to (A) Maintain Insurance and Surety Coverage Entered into Prepetition and Pay Related Prepetition Obligations, and (B) Renew, Supplement, Modify or Purchase Insurance and Surety Coverage (Entered June 11, 2024) [Docket No. 92]
- (b) Notice of Entry of Interim Order and Final Hearing with Respect to Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Maintain Insurance and Surety Coverage Entered into Prepetition and Pay Related Prepetition Obligations, and (B) Renew, Supplement, Modify or Purchase Insurance and Surety Coverage, and (II) Granting Related Relief (Filed June 11, 2024) [Docket No. 99]
- (c) Certification of Counsel Regarding Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Maintain Insurance and Surety Coverage Entered into Prepetition and Pay Related Prepetition Obligations, and (B) Renew, Supplement, Modify, or Purchase Insurance and Surety Coverage, and (II) Granting Related Relief (Filed July 3, 2024) [Docket No. 147]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee

Response(s) Received:

- (a) Informal comments from Chubb

Status: A revised proposed form of final order has been filed under certification of counsel. No hearing is required unless the Court has any questions.

- 4. Motion of Debtors for Entry of Interim and Final Orders (I) Approving the Debtors' Proposed Adequate Assurance of Payment for Future Utility Services, (II) Approving the Debtors' Proposed Procedures for Resolving Additional Assurance Requests, (III) Prohibiting Utility Providers from Altering, Refusing or Discontinuing Services, and (IV) Granting Related Relief (Filed June 10, 2024) [Docket No. 10]

Related Document(s):

- (a) Interim Order (I) Approving the Debtors' Proposed Adequate Assurance of Payment for Future Utility Services, (II) Approving the Debtors' Proposed Procedures for Resolving Additional Assurance Requests, (III) Prohibiting Utility Providers from Altering, Refusing or Discontinuing Services, and (IV) Granting Related Relief (Entered June 11, 2024) [Docket No. 93]
- (b) Notice of Entry of Interim Order and Final Hearing with Respect to Motion of Debtors for Entry of Interim and Final Orders (I) Approving the Debtors Proposed Adequate Assurance of Payment for Future Utility Services, (II) Approving the Debtors Proposed Procedures for Resolving Additional Assurance Requests, (III) Prohibiting Utility Providers from Altering, Refusing or Discontinuing Services, and (IV) Granting Related Relief (Filed June 11, 2024) [Docket No. 95]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee

Response(s) Received:

- (a) Objection of Southern California Edison Company to Motion of Debtors for Entry of Interim and Final Orders (I) Approving the Debtors' Proposed Adequate Assurance of Payment for Future Utility Services, (II) Approving the Debtors' Proposed Procedures for Resolving Additional Assurance Requests, (III) Prohibiting Utility Providers from Altering, Refusing or Discontinuing Services, and (IV) Granting Related Relief (Filed June 21, 2024) [Docket No. 112]

- (b) Notice of Withdrawal of Objection of Southern California Edison Company to Motion of Debtors for Entry of Interim and Final Orders (I) Approving the Debtors' Proposed Adequate Assurance of Payment for Future Utility Services, (II) Approving the Debtors' Proposed Procedures for Resolving Additional Assurance Requests, (III) Prohibiting Utility Providers from Altering, Refusing or Discontinuing Services, and (IV) Granting Related Relief (Filed July 3, 2024) [Docket No. 135]
- (c) Informal comments from counsel to the Committee and counsel to the 1L Ad Hoc Group

Status: The Debtors have resolved the formal objection filed by Southern California Edison Company. A revised proposed form of final order has been filed under certification of counsel. No hearing is required unless the Court has any questions.

5. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Payment of Certain Taxes and Fees, and (II) Granting Related Relief (Filed June 10, 2024) [Docket No. 13]

Related Document(s):

- (a) Interim Order (I) Authorizing the Payment of Certain Taxes and Fees, and (II) Granting Related Relief (Entered June 11, 2024) [Docket No. 88]
- (b) Notice of Entry of Interim Order and Final Hearing with Respect to Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Payment of Certain Taxes and Fees and (II) Granting Related Relief (Filed June 11, 2024) [Docket No. 10]
- (c) Certification of Counsel Regarding Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Payment of Certain Taxes and Fees, and (II) Granting Related Relief (Filed July 3, 2024) [Docket No. 140]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee

Response(s) Received:

- (a) Informal comments from counsel to the Committee and counsel to the 1L Ad Hoc Group

Status: A revised proposed form of final order has been filed under certification of counsel. No hearing is required unless the Court has any questions.

6. Motion of Debtors for Entry of an Order Authorizing the Debtors to File Under Seal the Names of Certain Confidential Parties in Interest Related to the Debtors' Professional Retention Applications (Filed June 10, 2024) [Docket No. 17]

Related Document(s):

- (b) Notice of Motion of Debtors for Entry of an Order Authorizing the Debtors to File Under Seal the Names of Certain Confidential Parties in Interest Related to the Debtors' Professional Retention Applications (Filed June 12, 2024) [Docket No. 106]
- (c) Certification of Counsel Regarding Motion of Debtors for Entry of an Order Authorizing the Debtors to File Under Seal the Names of Certain Confidential Parties in Interest Related to the Debtors' Professional Retention Applications (Filed July 3, 2024) [Docket No. 138]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee

Response(s) Received:

- (a) Informal comments from counsel to the Committee

Status: A revised proposed form of order has been filed under certification of counsel. No hearing is required unless the Court has any questions.

7. Motion of Debtors for Entry of an Order Authorizing the Debtors to File Under Seal the Fee Letters Related to the DIP Facility (Filed June 10, 2024) [Docket No. 45]

Related Document(s):

- (a) Notice of Filing of Redacted DIP Fee Letters (Filed June 10, 2024) [(REDACTED) Docket No. 46]
- (b) Notice of Motion of Debtors for Entry of an Order Authorizing the Debtors to File Under Seal the Fee Letters Related to the DIP Facility (Filed June 12, 2024) [Docket No. 107]
- (c) Certificate of No Objection Regarding Motion of Debtors for Entry of an Order Authorizing the Debtors to File Under Seal the Fee Letters Related to the DIP Facility (Filed July 3, 2024) [Docket No. 137]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee

Response(s) Received: None

Status: A certificate of no objection has been filed. No hearing is required unless the Court has any questions.

8. Motion of Debtors for Entry of an Order (I) Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and (II) Granting Related Relief (Filed June 25, 2024) [Docket No. 118]

Related Document(s):

- (a) Certification of Counsel Regarding Motion of Debtors for Entry of an Order (I) Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and (II) Granting Related Relief (Filed July 3, 2024) [Docket No. 139]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee

Response(s) Received:

- (a) Informal comments from counsel to the Committee

Status: A revised proposed form of order has been filed under certification of counsel. No hearing is required unless the Court has any questions.

MATTERS GOING FORWARD

9. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Continue to Operate the Cash Management System, (B) Honor Certain Prepetition Obligations Related Thereto, (C) Maintain Existing Business Forms, (D) Continue to Perform Intercompany Transactions, and (II) Granting Related Relief (Filed June 10, 2024) [Docket No. 5]

Related Document(s):

- (a) Interim Order (I) Authorizing the Debtors to (A) Continue to Operate the Cash Management System, (B) Honor Certain Prepetition Obligations Related Thereto, (C) Maintain Existing Business Forms, (D) Continue to Perform Intercompany Transactions, and (II) Granting Related Relief (Entered June 11, 2024) [Docket No. 86]
- (b) Notice of Entry of Interim Order and Final Hearing with Respect to Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Continue to Operate the Cash Management System, (B) Honor Certain Prepetition Obligations Related Thereto, (C) Maintain Existing Business Forms, (D) Continue to Perform Intercompany Transactions, and (II) Granting Related Relief (Filed June 11, 2024) [Docket No. 96]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee

Response(s) Received: None

Status: This matter is going forward.

10. Motion of Debtors Seeking Entry of Interim and Final Orders (I) Authorizing Debtors to Pay Prepetition Claims of Certain Critical Vendors, Foreign Vendors, 503(b)(9) Claimants, and Lien Claimants (II) Confirming Administrative Expense Priority of Outstanding Orders, and (III) Granting Related Relief (Filed June 10, 2024 [Docket No. 7])

Related Document(s):

- (a) Interim Order (I) Authorizing Debtors to Pay Prepetition Claims of Certain Critical Vendors, Foreign Vendors, 503(b)(9) Claimants, and Lien Claimants (II) Confirming Administrative Expense Priority of Outstanding Orders, and (III) Granting Related Relief (Entered June 11, 2024) [Docket No. 89]
- (b) Notice of Entry of Interim Order and Final Hearing with Respect to Motion of Debtors Seeking Entry of Interim and Final Orders (I) Authorizing Debtors to Pay Prepetition Claims of Certain Critical Vendors, Foreign Vendors, 503(B)(9) Claimants, and Lien Claimants, (II) Confirming Administrative Expense Priority of Outstanding Orders, and (III) Granting Related Relief (Filed June 11, 2024) [Docket No. 97]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee

Response(s) Received: None

Status: This matter is going forward.

11. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief (Filed June 10, 2024) [Docket No. 12]

Related Document(s):

- (a) Notice of Filing of DIP Credit Agreement (Filed June 10, 2024) [Docket No. 33]

- (b) Declaration of Charles N. Braley in Support of the Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief (Filed June 10, 2024) [Docket No. 34]
- (c) Notice of Filing of Fee Letters (Filed June 10, 2024) [(SEALED) Docket No. 35]
- (d) Declaration of Michael Schlappig in Support of the Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief (Filed June 10, 2024) [Docket No. 44]
- (e) Interim Order (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Claims, (IV) Granting Adequate Protection, (V) Modifying Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief (Entered June 12, 2024) [Docket No. 103]
- (f) Notice of Entry of Interim Order and Final Hearing with Respect to Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing The Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief (Filed June 12, 2024) [Docket No. 104]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee and Chubb, and extended until July 5, 2024, at 4:00 p.m. (prevailing Eastern Time) for the 1L RCF

Response(s) Received:

- (a) Informal comments from Chubb, counsel to the 1L Ad Hoc Group, counsel to the 1L RCF, and counsel to the Committee

Status: This matter is going forward.

12. Motion of Debtors for Entry of Interim and Final Orders (I) Approving Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with Respect to Common Stock and (II) Granting Related Relief (Filed June 10, 2024) [Docket No. 14]

Related Document(s):

- (a) Interim Order (I) Approving Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with Respect to Common Stock and (II) Granting Related Relief (Entered June 11, 2024) [Docket No. 91]
- (b) Notice of Entry of Interim Order and Final Hearing with Respect to Motion of Debtors for Entry of Interim and Final Orders (I) Approving Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with Respect to Common Stock and (II) Granting Related Relief (Filed June 11, 2024) [Docket No. 100]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee

Response(s) Received: None

Status: This matter is going forward.

13. Motion of Debtors for Entry of an Order (I) Approving Bidding Procedures in Connection with the Sale of Substantially All of The Debtors' Assets, (II) Authorizing The Debtors to Enter into a Stalking Horse Agreement and Provide Bid Protections, (III) Approving the Form and Manner of Notice Thereof, (IV) Scheduling an Auction and Sale Hearing, (V) Approving Procedures for the Assumption and Assignment of Contracts, (VI) Approving the Sale of The Debtors' Assets Free and Clear, and (VII) Granting Related Relief (Filed June 10, 2024) [Docket No. 16]

Related Document(s):

- (a) Notice of Hearing of Motion of Debtors for Entry of an Order (I) Approving Bidding Procedures in Connection with the Sale of Substantially All of The Debtors' Assets, (II) Authorizing The Debtors to Enter into a Stalking Horse Agreement and Provide Bid Protections, (III) Approving the Form and Manner of Notice Thereof, (IV) Scheduling an Auction and Sale Hearing, (V) Approving Procedures for the Assumption and Assignment of Contracts, (VI) Approving the Sale of The Debtors' Assets Free and Clear, and (VII) Granting Related Relief (Filed June 12, 2024) [Docket No. 105]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Office of the United States Trustee for the District of Delaware and Committee

Response(s) Received:

- (a) Informal comments from counsel to Cigna Health and Life Insurance Company and counsel to the Committee
- (b) Limited Objection and Reservation of Rights of Kuehne + Nagel Inc. to of Motion of Debtors for Entry of an Order (I) Approving Bidding Procedures in Connection with the Sale of Substantially All of The Debtors' Assets, (II) Authorizing The Debtors to Enter into a Stalking Horse Agreement and Provide Bid Protections, (III) Approving the Form and Manner of Notice Thereof, (IV) Scheduling an Auction and Sale Hearing, (V) Approving Procedures for the Assumption and Assignment of Contracts, (VI) Approving the Sale of The Debtors' Assets Free and Clear, and (VII) Granting Related Relief (Filed July 2, 2024) [Docket No. 133]

Status: This matter is going forward. Kuehne + Nagel Inc. has agreed their sale objection will be heard at the sale hearing on July 31, 2024, at 2:00 p.m. (prevailing Eastern Time).

14. Motion of Debtors Seeking Entry of an Order (I) Setting Bar Dates for Filing Proofs of Claim, Including Under Section 503(b)(9), (II) Establishing Amended Schedules Bar Date and Rejection Damages Bar Date, (III) Approving the Form of and Manner for Filing Proofs of Claim, Including Section 503(b)(9) Requests, and (IV) Approving Form and Manner of Notice Thereof (Filed June 25, 2024) [Docket No. 116]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee and Chubb

Response(s) Received:

- (a) Informal comments from Chubb

Status: This matter is going forward.

15. Motion of Debtors for Entry of an Order (I) Authorizing and Approving Procedures to Reject Executory Contracts and Unexpired Leases and (II) Granting Related Relief (Filed June 25, 2024) [Docket No. 117]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee

Response(s) Received:

- (a) Informal comments from counsel to the Committee and counsel to the 1L Ad Hoc Group

Status: This matter is going forward.

16. Motion of Debtors for Entry of an Order (I) Authorizing the Debtors to Retain and Compensate Professionals Utilized in the Ordinary Course of Business and (II) Granting Related Relief (Filed June 25, 2024) [Docket No. 119]

Objection Deadline: July 2, 2024, at 4:00 p.m. (prevailing Eastern Time), extended until July 5, 2024, for the Committee

Response(s) Received: None

Status: This matter is going forward.

Dated: July 3, 2024
Wilmington, Delaware

/s/ Patrick J. Reilley

COLE SCHOTZ P.C.

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