

**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 (____)
)

) (Joint Administration Requested)
)

**MOTION OF DEBTORS FOR ENTRY OF INTERIM
AND FINAL ORDERS (I) AUTHORIZING THE DEBTORS TO
REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION OF
INDIVIDUALS, (II) APPROVING THE FORM AND MANNER OF SERVICE
OF THE NOTICE OF COMMENCEMENT, AND (III) GRANTING RELATED RELIEF**

The above-captioned debtors and debtors in possession (collectively, the “Debtors” and, each, a “Debtor”) state as follows in support of this motion:²

Relief Requested

1. The Debtors seek entry of interim and final orders, substantially in the forms attached hereto as **Exhibit A** and **Exhibit B** (respectively, the “Interim Order” and the “Final Order”): (a) authorizing the Debtors to redact certain personally identifiable information of individuals; (b) approving the form and manner of service of the notice of commencement of these chapter 11 cases; and (c) granting related relief. In addition, the Debtors request that 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’ proposed 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 A detailed description of the Debtors and their business, including the facts and circumstances giving rise to the Debtors’ chapter 11 cases, is set forth in the *Declaration of John Bibb, Group Chief Executive Officer of Vyair Medical, Inc., in Support of Chapter 11 Filing and First Day Motions* (the “First Day Declaration”), filed contemporaneously herewith and incorporated by reference herein. Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the First Day Declaration.

Bankruptcy Court for the District of Delaware (the “Court”) schedule a final hearing approximately 21 days after the Petition Date.

Jurisdiction and Venue

2. The United States District Court for the District of Delaware has jurisdiction over this matter pursuant to 28 U.S.C. §1334, which was referred to the United States Bankruptcy Court for the District of Delaware (the “Court”) under 28 U.S.C. § 157 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012. The Debtors confirm their consent, pursuant to rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), to the entry of a final order by the Court in connection with this motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The statutory bases for the relief requested herein are sections 105(a), 107(c), and 521 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”), rules 1007, 2002, and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rules 1001-1(c), 1007-1, 1007-2, 2002-1, 9013-1(m), and 9018-1(d).

Background

5. Vyair Medical, Inc., together with its direct and indirect subsidiaries (collectively, “Vyair” or the “Company”), is a global company focused on developing products and providing related services for the diagnosis, treatment, and monitoring of various cardiology, pulmonology, and respiratory health conditions. With a 70-year history of pioneering breathing technology, the integrated solutions offered by the Company help enable, enhance, and extend lives.

Headquartered in Mettawa, Illinois, Vyair operates approximately 27 offices and manufacturing facilities, and employs approximately 950 individuals around the world. The Company has a global reach, and Vyair products are available in more than 100 countries. Its customers are the hospitals, health centers, and private practice facilities delivering life-enhancing products and services to patients every day.

6. On June 9, 2024 (the “Petition Date”), Vyair Medical, Inc. and certain of its subsidiaries filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtors are operating their business and managing their property as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. Concurrently with the filing of this motion, the Debtors filed a motion requesting procedural consolidation and joint administration of these chapter 11 cases pursuant to Bankruptcy Rule 1015(b). No request for the appointment of a trustee or examiner has been made in these chapter 11 cases, and no official committees have been appointed or designated.

Basis for Relief

I. Service of Notices to Creditors by the Claims and Noticing Agent Is Warranted.

7. Bankruptcy Rule 2002(a) provides, in relevant part, that “the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees at least 21 days’ notice by mail of . . . the meeting of creditors under § 341 or § 1104(b) of the [Bankruptcy] Code.” Fed. R. Bankr. P. 2002(a). Subsection (f) provides that notice of the order for relief shall be sent by mail to all creditors. *See* Fed. R. Bankr. P. 2002(f).

8. The Debtors request that Omni Agent Solutions, Inc. (“Omni”), the proposed claims and noticing agent (the “Claims and Noticing Agent”), undertake all mailings directed by the Court or the United States Trustee for the District of Delaware (the “U.S. Trustee”) or as required in section 342(a) of the Bankruptcy Code and Bankruptcy Rules 2002(a) and (f),

including serving the notice of commencement of these chapter 11 cases, substantially in the form attached as **Exhibit 1** to the Interim Order (the “Notice of Commencement”), on all parties listed on the consolidated list of creditors (the “Creditor Matrix”) to advise them of the meeting of creditors under section 341 of the Bankruptcy Code. Service of the Notice of Commencement on the Creditor Matrix will not only avoid confusion among creditors but will also prevent the Debtors’ estates from incurring unnecessary costs associated with serving multiple notices to the parties listed on the Debtors’ voluminous Creditor Matrix. Accordingly, service of the Notice of Commencement is warranted.

9. The Debtors believe that using the Claims and Noticing Agent to promptly provide notices to all applicable parties will maximize efficiency in administering these chapter 11 cases and will ease administrative burdens that would otherwise fall upon the Court and the U.S. Trustee. Additionally, the Claims and Noticing Agent will assist the Debtors in preparing creditor lists and mailing initial notices, and, therefore, it is more efficient to authorize the Claims and Noticing Agent to mail all notices, including the Notice of Commencement. Accordingly, Omni should undertake such mailings.

VI. Redaction of Certain Confidential Information of Individuals Is Warranted.

10. Section 107(c)(1) of the Bankruptcy Code provides that the Court:

[F]or cause, may protect an individual, with respect to the following types of information to the extent the court finds that disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual or the individual’s property:

(A) Any means of identification . . . contained in a paper filed, or to be filed, in a case under [the Bankruptcy Code].

(B) Other information contained in a paper described in subparagraph (A).

11 U.S.C. § 107(c)(1).

11. In addition, privacy and data protection regulations have been enacted in key jurisdictions in which the Debtors and their non-Debtor affiliates do business. For example, in 2018, the state of California enacted the California Consumer Privacy Act of 2018 (the “CCPA”), which provides individuals domiciled in California the right to, among other things, request their collected personal information, including postal addresses, be deleted by entities subject to the regulation and opt out of the sale of personal information by such entities to third parties. Violators risk injunctions and civil penalties of up to \$2,500 for *each* violation and up to \$7,500 for *each intentional* violation. Cal. Civ. Code § 1798.155. The CCPA applies to all for-profit entities doing business in California (“CCPA Entities”) that collect and process consumers’ personal data and satisfy one of the following criteria: (i) annual gross revenue in excess of \$25 million; (ii) buys, shares, receives, or sells the personal information of more than 100,000 consumers, households, or devices for commercial purposes; or (iii) receives 50% or more of their annual revenues from selling consumers’ personal information. Cal. Civ. Code § 1798.140(d)(1). The Debtors likely qualify as CCPA Entities because there are 3 facilities and operations located in California and the Debtors’ annual gross revenue for 2023 was approximately \$257 million.³

12. It is appropriate to authorize the Debtors to redact from any paper filed or to be

³ See also the Virginia Consumer Data Protection Act, Va. Code §§ 59.1-575-59.1-585 (effective as of January 1, 2023), the Connecticut Act Concerning Personal Data Privacy and Online Monitoring, Public Act § 22-15 (effective as of July 1, 2023), the Colorado Privacy Act, Colo. Rec. Stat. § 6-1 (effective as of July 1, 2023), the Utah Consumer Privacy Act, Utah Code § 13-61 (effective on December 31, 2023), the Florida Digital Bill of Rights, Fla. Stat. § 501.701 (effective on July 1, 2024), the Texas Data Privacy and Security Act, Tex. Bus. &

filed with the Court in these chapter 11 cases, including the Creditor Matrix, the Debtors' schedules of assets and liabilities, schedules of current income and expenditures, schedules of executory contracts and unexpired leases, and statements of financial affairs as required by section 521 of the Bankruptcy Code and Bankruptcy Rule 1007 (the "Schedules and Statements"), and any related affidavits of service, the home and email addresses of individuals—including the Debtors' current and former employees, independent contractors, and individual equity holders because (i) such information can be used to perpetrate identity theft⁴ and phishing scams or to locate survivors of domestic violence, harassment, or stalking under section 107(c)(1) of the Bankruptcy Code and (ii) disclosure risks violating other data and privacy laws and regulations, thereby exposing the Debtors to potential civil liability and significant financial penalties.

13. Redaction is necessary to protect information that would create "undue risk of identity theft or other unlawful injury to the individual or the individual's property." 11 U.S.C. § 107(c)(1). The risk in relation to section 107(c)(1) of the Bankruptcy Code is real and not merely speculative. In at least one chapter 11 case in Delaware, the abusive former partner of

Com. Code Ann. § 541 (effective on July 1, 2024), the Oregon Consumer Privacy Act, Or. Rev. Stat. § 1.13 (effective as of July 1, 2024), the Montana Consumer Data Privacy Act, Mont. Code Ann. § 35 (effective on October 1, 2024), the Delaware Personal Data Privacy Act, Del. Code Ann. tit. 6 § 12D-102 (effective as of January 1, 2025), the Iowa Data Privacy Law, Iowa Code § 715D.1 (effective on January 1, 2025), the New Hampshire Privacy Law, N.H. Rev. Stat. § 507-H:1 (effective on January 1, 2025), the Tennessee Information Protection Act, Tenn. Code Ann. § 47-18 (effective on July 1, 2025), the New Jersey Data Privacy Act, N.J. Rev. Stat. § 56:1 (effective on January 15, 2025), and the Indiana Data Privacy Law, Ind. Code § 24-15 (effective on January 1, 2026).

⁴ See *In re Endo Int'l PLC*, No. 22-22549 (JLG), 2022 WL 16640880, at *7, 11, 12 (Bankr. S.D.N.Y. Nov. 2, 2022) (taking "judicial notice of the fact that identity theft is a world-wide problem," recognizing that the right of public access to judicial records "is not absolute," and authorizing the debtors to redact the names, home addresses, and email addresses of certain litigation claimants located in the US, EU, UK, and Australia from any paper filed with that court and/or otherwise made publicly available by the debtors and the claims and noticing agent thereof); see also *In re Genesis Glob. Holdco, LLC*, 652 B.R. 618, 636–37 (Bankr. S.D.N.Y. 2023) (quoting *Endo* and finding that "[h]ome addresses fall within that category of information, as it is taken as a 'given' that they constitute personally identifiable information that is vital information to perpetrators of identity theft, stalking and intimate partner violence alike, and that publishing such information facilitates an identity thief's search for data and a stalker's or abuser's ability to find his or her target"). *Id.* at 635, 637.

a debtor's employee used the publicly accessible creditor and employee information filed in the chapter 11 case to track the employee at her new address that had not been publicly available until then, forcing the employee to change addresses again.⁵ More recently, in a chapter 11 case in the Southern District of New York, at least twelve phishing scams have been uncovered.⁶ These incidents targeted individuals whose names were publicized in the creditor matrix, including one in which scammers modified a court order and sent it to individuals whose names were disclosed, two where scammers posed as associates of debtors' counsel using fake email accounts purportedly from debtors' counsel and requested that individual creditors reply with their account and other personal information, and another where scammers posed as the debtor's claims agent and requested the same information from individual creditors.

14. Courts in this jurisdiction have granted the relief requested herein in comparable chapter 11 cases. *See, e.g., In re Sientra, Inc.*, No. 24-10245 (JTD) (Bankr. D. Del. Apr. 9, 2024) (authorizing the debtors to redact the names, home and email address of all individuals on the creditor matrix, schedules and statements, affidavits of service and any other document filed with the court); *In re MVK FarmCo LLC*, No. 23-11721 (LSS) (Bankr. D. Del. Nov. 15, 2023) (authorizing the debtors to redact the home and email addresses of individuals from the creditor matrix, schedules and statements, affidavits of service, and any other documents filed with the court); *In re Yellow Corp.*, No. 23-11069 (CTG) (Bankr. D. Del. Sept. 13, 2023) (same); *In re Lannett Co.*, No. 23-10559 (JKS) (Bankr. D. Del. Aug. 11, 2023) (same); *In re PGX Holdings*,

⁵ The incident, which took place during the first Charming Charlie chapter 11 proceedings in 2017, is described in the "creditor matrix motion" filed in *Charming Charlie Holdings Inc.*, No. 19-11534 (CSS) (Bankr. D. Del. July 11, 2019), Docket No. 4.

⁶ *See In re Celsius Network LLC*, No. 22-10964 (MG), Docket Nos. 1527, 1681, 1904, 1992, 2082, 2896, 3121, 3251, 3422, 3722, 3932, and 4070.

Inc., No. 23-10718 (CTG) (Bankr. D. Del. July 19, 2023) (same); *In re SiO2 Med. Prods., Inc.*, No. 23-10366 (JTD) (Bankr. D. Del. June 15, 2023) (same).

15. In addition to granting the requested relief, courts in this district have also expounded on the importance of authorizing debtors to redact individual creditors' personally identifiable information, including home addresses in particular. *See* Hr'g Tr. at 21:13–21, *In re Dex Media, Inc.*, No. 16-11200 (KG) (Bankr. D. Del. May 18, 2016) ("THE COURT: . . . Well, I think, that in the present day, with the abuse of private information, that these addresses ought to be redacted, and so . . . I just think that individuals whose only position is to have been former employees, for example, ought not to have their home addresses listed publicly. I think that . . . creates a possibility of abuse . . .").

16. In *Art Van Furniture*, in overruling the objection of the U.S. Trustee to the same redaction relief proposed here, Chief Judge Sontchi noted that the proposed redaction is not a "burden of proof" issue so "much as a common sense issue." Hr'g Tr. at 25:6–7, *In re Art Van Furniture, LLC*, No. 20-10553 (CSS) (Bankr. D. Del. Mar. 10, 2020).⁷ Judge Sontchi found that "at this point and given the risks associated with having any kind of private information out on the internet, [redaction] has really become routine [and] I think obvious relief." *Id.* at 25:13–16.

17. Similarly, in *Clover Technologies*, Judge Owens overruled the U.S. Trustee's objection, noting that "[t]o me it is common sense. I don't need evidence that there is, at best, a

⁷ Similarly, Judge Sontchi previously overruled the U.S. Trustee's objection to the redaction of individuals' information and found that "it's just plain common sense in 2019—soon-to-be 2020—to put as little information out as possible about people's personal lives to prevent [sic] scams . . . [Identity theft] is a real-life issue, and, of course, the issue of domestic violence is extremely important." Hr'g Tr. at 48:20–22, 49:3–5, *In re Anna Holdings, Inc.*, No. 19-12551 (CSS) (Bankr. D. Del. Dec. 3, 2019). Notably, Judge Sontchi acknowledged that "the world is very different from [the 1980s] when you and I started practice with the problems of identity theft" and that his perspective had evolved in that he was not previously aware of "the dangers with this kind of information becoming public." *Id.* at 45:25–46:2, 47:22–24. The Debtors reserve the right to supplement the record with respect to such risks insofar as they are not self-evident in this instance.

risk of identity theft and worse a risk of personal injury from listing someone's name and address on the internet by way of the court's electronic case filing system and, of course, the claims agent's website The court can completely avoid contributing to the risk by redacting the addresses. And while there is, of course, an important right of access we routinely redact sensitive and confidential information for corporate entities and redact individual's home addresses." Hr'g Tr. at 24:21–25, 25:9–13, *In re Clover Techs. Grp., LLC*, No. 19-12680 (KBO) (Bankr. D. Del. Jan. 22, 2020). And, in *Forever 21*, in overruling the U.S. Trustee's objection, Judge Gross found that "[w]e live in a new age in which the theft of personal identification is a real risk, as is injury to persons who, for personal reasons, seek to have their addresses withheld." Hr'g Tr. at 60:22–25, *In re Forever 21, Inc.*, No. 19-12122 (KG) (Bankr. D. Del. Dec. 19, 2019).

18. For these reasons, the Debtors respectfully submit that cause exists to authorize the Debtors to redact, pursuant to section 107(c)(1) of the Bankruptcy Code, and in compliance with applicable privacy or data protection laws and regulations, the home and email addresses of individuals listed on the Creditor Matrix, the Schedules and Statements, any related affidavits of service, or any other document filed with the Court. Absent such relief, the Debtors (a) may be in violation of applicable privacy or data protections laws and regulations, thereby exposing them to severe monetary penalties that could threaten the Debtors' operations during this sensitive stage of their restructuring, (b) would unnecessarily render individuals more susceptible to identity theft and phishing scams, and (c) could jeopardize the safety of current and former employees, independent contractors, debtholders, and other individual creditors, who, unbeknownst to the Debtors, are survivors of domestic violence, harassment, or stalking, by publishing their home addresses without any advance notice or opportunity to opt out or take protective measures.

19. The Debtors propose to provide an unredacted version of the Creditor Matrix, the Schedules and Statements, and any other filings redacted pursuant to the proposed Interim Order and Final Order to (a) the Court, the U.S. Trustee, counsel to any official committee appointed in these chapter 11 cases, and the Claims and Noticing Agent, and (b) any party in interest upon a request to the Debtors (email is sufficient) or to the Court that is reasonably related to these chapter 11 cases. In each case, this would be subject to a review of whether such disclosure, on a case-by-case basis, would violate any obligation under any privacy or data protection law or regulation. Nothing requested herein is intended to preclude a party in interest's right to file a motion requesting that the Court unseal the information redacted by the Interim Order or Final Order. In addition, the Debtors will distribute as applicable any notices that are received at the Debtors' corporate headquarters and are intended for a current employee.

Compliance with Local Rule 9018-1(d)(iv)

20. To the best of the knowledge, information, and belief of the undersigned proposed counsel to the Debtors, the documents that the Debtors are requesting to seal pursuant to the relief requested in this motion do not contain information subject to the Confidentiality Rights of another Holder of Confidentiality Rights (each, as defined in Local Rule 9018-1(d)(iii)).

Notice

21. The Debtors will provide notice of this motion to: (a) the U.S. Trustee; (b) the holders of the 30 largest unsecured claims against the Debtors (on a consolidated basis); (c) the office of the attorney general for each of the states in which the Debtors operate; (d) the United States Attorney's Office for the District of Delaware; (e) the Internal Revenue Service; (f) the United States Securities and Exchange Commission; (g) counsel to the 1L Ad Hoc Group; (h) the agent of the DIP Facility and counsel thereto; (i) the agent of the First Lien Credit Agreement and counsel thereto; (j) the Second Lien Credit Agreement Agent and counsel thereto; (k) the agent of

the First Lien Notes and counsel thereto; and (l) any party that has requested notice pursuant to Bankruptcy Rule 2002. As this motion is seeking “first day” relief, the Debtors will serve copies of this motion and any order entered in respect to this motion as required by Local Rule 9013 1(m). The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

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WHEREFORE, the Debtors request entry of Interim Order and Final Order, substantially in the forms attached hereto as **Exhibit A** and **Exhibit B**, (a) granting the relief requested herein and (b) granting such other relief as the Court deems appropriate under the circumstances.

Dated: June 10, 2024
Wilmington, Delaware

/s/ Patrick J. Reilly

COLE SCHOTZ P.C.

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*Proposed Co-Counsel to the Debtors
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Exhibit A

Proposed Interim Order

**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 ()

(Joint Administration Requested)

Re: Docket No. _____

**INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO
REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION
OF INDIVIDUALS, (II) APPROVING THE FORM AND MANNER OF SERVICE
OF THE NOTICE OF COMMENCEMENT, AND (III) GRANTING RELATED RELIEF**

Upon the motion (the “Motion”)² of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for the entry of an interim order (this “Interim Order”), (a) authorizing the Debtors to redact certain personally identifiable information of individuals; (b) approving the form and manner of service of the notice of commencement of these chapter 11 cases; (c) scheduling a final hearing to consider approval of the Motion on a final basis, and (d) granting related relief, all as more fully set forth in the Motion; and upon the First Day Declaration; and the United States District Court for the District of Delaware has jurisdiction over this matter pursuant to 28 U.S.C. § 1334, which was referred to the Court under 28 U.S.C. § 157 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that venue of this proceeding and the Motion

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' proposed 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 have the meanings ascribed to them in the Motion.

in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court (the "Hearing"); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted on an interim basis as set forth herein.
2. The final hearing (the "Final Hearing") on the Motion shall be held on _____, 2024, at __: __ .m., prevailing Eastern Time. Any objections or responses to entry of a final order on the Motion shall be filed on or before 4:00 p.m., prevailing Eastern Time, on _____, 2024 and shall be served on: (a) the Debtors, 26125 North Riverwoods Boulevard, Mettawa, Illinois, USA 60045, Attn.: Charles Braley (cbraley@alixpartners.com); (b) proposed co-counsel to the Debtors (i) Kirkland & Ellis LLP, 601 Lexington Avenue, New York, New York 10022, Attn.: Joshua A. Sussberg, P.C. (joshua.sussberg@kirkland.com), Chris Ceresa (chris.ceresa@kirkland.com), and Tiffani Chanroo (tiffani.chanroo@kirkland.com), (ii) Kirkland & Ellis LLP, 333 West Wolf Point Plaza, Chicago, Illinois, 60654, Attn.: Spencer A. Winters (spencer.winters@kirkland.com) and Yusuf U. Salloum (yusuf.salloum@kirkland.com) (iii) Cole Schotz P.C., 500 Delaware Avenue, Suite 1410, Wilmington, Delaware 19801, Attn.: Patrick J. Reilley, Esq. (preilley@coleschotz.com), Stacy L. Newman (snewman@coleschotz.com),

Michael E. Fitzpatrick, Esq. (mfitzpatrick@coleschotz.com), and Jack M. Dougherty, Esq. (jdougherty@coleschotz.com), and (iv) Cole Schotz P.C., Court Plaza North, 25 Main Street, Hackensack, New Jersey 07601, Attn.: Michael D. Sirota, Esq. (msirota@coleschotz.com) and Warren A. Usatine, Esq. (wusatine@coleschotz.com); (c) counsel to the 1L Ad Hoc Group, (i) Gibson, Dunn & Crutcher LLP, 200 Park Avenue, New York, NY 10166-0193, Attn.: Scott J. Greenberg (SGreenberg@gibsondunn.com), Jason Zachary Goldstein (JGoldstein@gibsondunn.com), Joshua Brody (JBrody@gibsondunn.com), and Kevin Liang (KLiang@gibsondunn.com) and (ii) Pachulski Stang Ziehl & Jones LLP, 919 North Market Street, 17th Floor, Wilmington, DE 19801, Attn.: Laura Davis Jones (ljones@pszjlaw.com); (d) the United States Trustee, 844 King Street, Suite 2207, Lockbox 35, Wilmington, Delaware 19801, Attn.: Benjamin A. Hackman (Benjamin.A.Hackman@usdoj.gov); and (e) any statutory committee appointed in these chapter 11 cases.

3. As soon as practicable after entry of an order authorizing the engagement of Omni, as Claims and Noticing Agent in these chapter 11 cases, the Debtors shall furnish to Omni a consolidated Creditor Matrix.

4. The Debtors are authorized pursuant to section 107(c)(1) of the Bankruptcy Code, to redact on the Creditor Matrix, the Schedules and Statements, affidavits of service, and any other documents that the Debtors file with the Court, the home and email addresses of individuals. The Debtors shall provide an unredacted version of the Creditor Matrix, the Schedules and Statements, and any other filings redacted pursuant to this Interim Order to (a) the Court, the U.S. Trustee, counsel to any official committee appointed in these chapter 11 cases, any subsequently appointed chapter 7 or chapter 11 trustee, and the Claims and Noticing Agent, and (b) any party in interest upon a request to the Debtors (email is sufficient) or to the Court that is reasonably related to these

chapter 11 cases, *provided* that any receiving party shall not transfer or otherwise provide such unredacted document to any person or entity not party to the request. The Debtors shall inform the U.S. Trustee promptly after denying any request for an unredacted document pursuant to this Interim Order.

5. Nothing herein shall authorize the Debtors to redact any information from the list of the holders of the 30 largest unsecured claims against the Debtors.

6. Notwithstanding anything to the contrary herein, the U.S. Trustee shall not be required to redact any information from any notice of appointment of an official committee.

7. Nothing herein precludes a party in interest's right to file a motion requesting that the Court unseal the information redacted by this Interim Order.

8. The Debtors shall file a redacted version of the Creditor Matrix, Schedules and Statements, or other document filed with the Court, as well as post it on Omni's website.

9. For the avoidance of doubt, the Debtors shall file an unredacted Creditor Matrix under seal with the Court.

10. Nothing in this Interim Order shall waive or otherwise limit the service of any document upon or the provision of any notice to any individual whose personally identifiable information is sealed or redacted pursuant to this Interim Order. Service of all documents and notices upon individuals whose personally identifiable information is sealed or redacted pursuant to this Interim Order shall be made to their residential addresses and confirmed in the corresponding certificate of service.

11. To the extent a party in interest files a document on the docket in these chapter 11 cases that is required to be served on creditors whose information is under seal pursuant to this Interim Order, such party in interest should contact counsel for the Debtors who shall work in good

faith, with the assistance of the Claims and Noticing Agent, to effectuate the service on such party's behalf.

12. All pleadings required to be served on individuals will be served at their residential address.

13. The Notice of Commencement, substantially in the form attached hereto as **Exhibit 1**, is approved. Service of the Notice of Commencement shall be deemed adequate and sufficient notice of (a) the commencement of these chapter 11 cases and (b) the scheduling of the meeting of creditors under section 341 of the Bankruptcy Code.

14. The Debtors, through their Claims and Noticing Agent, are authorized to serve all pleadings and papers, including the Notice of Commencement, on all parties listed on the Creditor Matrix (including via email if available).

15. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of the Local Rules are satisfied by such notice.

16. Notwithstanding any Bankruptcy Rule to the contrary, the terms and conditions of this Interim Order are immediately effective and enforceable upon entry.

17. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Interim Order in accordance with the Motion.

18. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Interim Order.

Exhibit 1

Notice of Commencement

Information to identify the case:

Debtor

Vyaire Medical, Inc., *et al.***EIN: 81-2596495**United States Bankruptcy Court for the **District of Delaware**Case number: **24-11217 ([•])****Date cases filed for chapter 11: June 9, 2024**

Official Form 309F1 (For Corporations or Partnerships)

Notice of Chapter 11 Bankruptcy Case

10/20

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <https://pacer.uscourts.gov>).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

Valid Picture ID is required for access to the J. Caleb Boggs Federal Building. Additionally, Debtor(s) must also present photo ID plus original verification of his/her social security number to the Bankruptcy Trustee. If you do not have a photo ID and/or original verification of your social security number, please contact the Office of the United States Trustee's (302-573-6491).

1. Debtor's full name: Vyaire Medical, Inc.

2. All other names used in the last 8 years: See Chart Below

Jointly Administered Cases	Other Names (Last 8 Years)	Case No.	Tax ID No.
Vyaire Medical, Inc.	Kingston Respiratory 101 Corp	24-11217 ([•])	81-2596495
Bird Products Corporation		24-11218 ([•])	33-0069580
Breathe US Holdco, Inc.		24-11219 ([•])	92-2859526
Breathe US Holdings LP		24-11220 ([•])	92-2878498
EME Medical, Inc.		24-11221 ([•])	33-0894666
Revolutionary Medical Devices, Inc.		24-11222 ([•])	47-3285028
SensorMedics Corporation		24-11223 ([•])	33-0006779
VIASYS Holdings Inc.		24-11224 ([•])	43-2055362
VM Finance Sub, LLC		24-11225 ([•])	84-3883730
Vyaire Company		24-11226 ([•])	32-0494861
Vyaire Finance B.V.		24-11227 ([•])	RSIN: 858615514
Vyaire Financial Holdings LLC		24-11228 ([•])	84-3883575

Vyaire Holding Company	Kingston Respiratory Corp.	24-11229 ([•])	36-4835388
Vyaire Medical 202, Inc.	CareFusion 202, Inc.	24-11230 ([•])	04-3505871
Vyaire Medical 203, Inc.	CareFusion 203, Inc.	24-11231 ([•])	33-0737273
Vyaire Medical 205, Inc.	CareFusion 205, Inc.	24-11232 ([•])	36-3994160
Vyaire Medical 206, Inc.	CareFusion 206, Inc.	24-11233 ([•])	20-3233125
Vyaire Medical 211, Inc.	CareFusion 211, Inc.	24-11234 ([•])	16-1721349
Vyaire Medical BR LLC	Kingston Respiratory BR LLC	24-11235 ([•])	81-2564333
Vyaire Medical Capital LLC	Kingston Respiratory Capital LLC	24-11236 ([•])	81-2574742
Vyaire Medical Consumables LLC	Kingston Respiratory Consumables LLC	24-11237 ([•])	81-2588610
Vyaire Medical International LLC	Kingston Respiratory International LLC	24-11238 ([•])	81-2603646
Vyaire Medical LLC	Kingston Respiratory 102 LLC	24-11239 ([•])	37-1825258
Vyaire Medical Payroll LLC	Kingston Respiratory Payroll LLC	24-11240 ([•])	81-2643078
Vyaire Receivables LLC		24-11241 ([•])	84-3478312
Vyaire Respiratory Diagnostics LLC		24-11242 ([•])	99-0680820
Vyaire TSR MidCo, LLC		24-11243 ([•])	N/A
Vyaire TSR Sub, LLC		24-11244 ([•])	86-1850847

3. Address: 26125 North Riverwoods Boulevard, Mettawa, Illinois, USA 60045

4. Debtors' Attorneys

Name and
address

Cole Schotz P.C.

Patrick J. Reilley, Esq.
500 Delaware Avenue
Suite 1410
Wilmington, Delaware 19801 Contact phone: (302) 652-3131
Facsimile (302) 652-3117
Email: preilley@coleschotz.com

and

Cole Schotz P.C.

Michael D. Sirota, Esq. (*pro hac vice* admission pending)
Warren A. Usatine, Esq. (*pro hac vice* admission pending)
Court Plaza North
25 Main Street
Hackensack, New Jersey 07601 Contact phone: (302) 652-3131
Facsimile (302) 652-3117
Email: msirota@coleschotz.com
wusatine@coleschotz.com

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

Joshua A. Sussberg, P.C. (*pro hac vice* admission pending)
601 Lexington Avenue
New York, New York 10022

and

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

Spencer A. Winters (*pro hac vice* admission pending)
Yusuf U. Salloum (*pro hac vice* admission pending)
333 West Wolf Point Plaza
Chicago, Illinois 60654

Email: joshua.sussberg@kirkland.com
spencer.winters@kirkland.com
yusuf.salloum@kirkland.com

Debtors' Claims and Noticing Agent

If you have questions about this notice, please contact:

Vyaire Medical, Inc. *et al.*
c/o Omni Agent Solutions, Inc.
5955 De Soto Avenue, Suite 100

Contact Phone:

(866) 956-2140 (toll free) or
+1 (818) 666-3635 (international)

Email: Vyaireinquiries@omniagnt.com

Website: <https://omniagentsolutions.com/Vyaire>

Woodland Hills, CA 91367

5. Bankruptcy clerk's office

Documents in this case may be filed
Floor
at this address.

824 N. Market Street, 3rd
Wilmington, DE 19801

Hours open: Monday – Friday 8:00 AM – 4:00 PM
Contact phone 302-252-2900

You may inspect all records filed in
this case at this office or online at
<https://pacer.uscourts.gov>.

6. Meeting of creditors**[•][•], 2024, at [•] [a/p.m.] (ET)****Location:**

The debtor's representative must
attend the meeting to be questioned
under oath.
Creditors may attend, but are not
required to do so.

The meeting may be continued or
adjourned to a later date. If so,
the date will be on the court
docket.

**The meeting of Creditors will
be held by phone.
Please call +[•] and use
access code [•] to join the
meeting.**

**7. Proof of claim
deadline****Deadline for filing proof of claim:****Not yet set. If a deadline is set, the court will
send you another notice.**

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at
www.uscourts.gov or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- your claim is designated as disputed, contingent, or unliquidated;
- you file a proof of claim in a different amount; or
- you receive another notice.

If your claim is not scheduled or if your claim is designated as disputed, contingent, or unliquidated, you must file
a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a
proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at <https://pacer.uscourts.gov>.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of
claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For
example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the
right to a jury trial.

**8. Exception to discharge
Deadline**

The bankruptcy clerk's office
must receive a complaint and
any required filing fee by the
following deadline.

If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial
proceeding by filing a complaint by the deadline stated below.

Deadline for filing the complaint: To be determined.**9. Creditors with a
foreign address**

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to
extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have
any questions about your rights in this case.

**10. Filing a Chapter 11
bankruptcy case**

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court
confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you
may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing,
and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving,
the debtor will remain in possession of the property and may continue to operate its business.

11. Discharge of debts

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your
debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the
debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the
discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and
paying the filing fee in the bankruptcy clerk's office by the deadline.

If you have questions about this notice, please contact the

**Debtors' Claims and Noticing Agent, Omni Agent Solutions, Inc.,
at (866) 956-2140 (toll free) or
+1 (818) 666-3635 (international),
or via email by submitting an inquiry at
Vyaireinquiries@omniagnt.com.**

**You may also find out more information at
<https://omniagentsolutions.com/Vyaire>**

Exhibit B

Proposed Final Order

**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 (____)

(Joint Administration Requested)

Re: Docket No. _____

**FINAL ORDER (I) AUTHORIZING
THE DEBTORS TO REDACT CERTAIN
PERSONALLY IDENTIFIABLE INFORMATION OF INDIVIDUALS,
(II) APPROVING THE FORM AND MANNER OF SERVICE OF THE
NOTICE OF COMMENCEMENT, AND (III) GRANTING RELATED RELIEF**

Upon the motion (the “Motion”)² of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for the entry of a final order (this “Final Order”), (a) authorizing the Debtors to redact certain personally identifiable information of individuals; (b) approving the form and manner of service in these chapter 11 cases; and (c) all as more fully set forth in the Motion; and upon the First Day Declaration; and the United States District Court for the District of Delaware has jurisdiction over this matter pursuant to 28 U.S.C. § 1334, which was referred to the Court under 28 U.S.C. § 157 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that this Court may enter a final order consistent with Article III of the United States Constitution; and

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' proposed 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 have the meanings ascribed to them in the Motion.

this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court (the "Hearing"); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted on a final basis as set forth herein.
2. The Debtors are authorized, on a final basis, pursuant to section 107(c)(1) of the Bankruptcy Code, to redact on the Creditor Matrix, the Schedules and Statements, affidavits of service, and any other documents the Debtors file with the Court, the home and email addresses of individuals. The Debtors shall provide an unredacted version of the Creditor Matrix, the Schedules and Statements, and any other filings redacted pursuant to this Final Order to (a) the Court, the U.S. Trustee, counsel to any official committee appointed in these chapter 11 cases, any subsequently appointed chapter 7 or chapter 11 trustee, and the Claims and Noticing Agent, and (b) any party in interest upon a request to the Debtors (email is sufficient) or to the Court that is reasonably related to these chapter 11 cases, *provided* that any receiving party shall not transfer or otherwise provide such unredacted document to any person or entity not party to the request. The Debtors shall inform the U.S. Trustee promptly after denying any request for an unredacted document pursuant to this Final Order.

3. Nothing herein shall authorize the Debtors to redact any information from the list of the holders of the 30 largest unsecured claims against the Debtors.

4. Notwithstanding anything to the contrary herein, the U.S. Trustee shall not be required to redact any information from any notice of appointment of an official committee.

5. Nothing herein precludes a party in interest's right to file a motion requesting that the Court unseal the information redacted by this Final Order.

6. The Debtors shall file a redacted version of the Creditor Matrix, Schedules and Statements, or other document filed with the Court, as well as post it on Omni's website.

7. For the avoidance of doubt, the Debtors shall file an unredacted Creditor Matrix under seal with the Court.

8. Nothing in this Final Order shall waive or otherwise limit the service of any document upon or the provision of any notice to any individual whose personally identifiable information is sealed or redacted pursuant to this Final Order. Service of all documents and notices upon individuals whose personally identifiable information is sealed or redacted pursuant to this Final Order shall be made to their residential addresses and confirmed in the corresponding certificate of service.

9. To the extent a party in interest files a document on the docket in these chapter 11 cases that is required to be served on creditors whose information is under seal pursuant to this Final Order, such party in interest should contact counsel for the Debtors who shall work in good faith, with the assistance of the Claims and Noticing Agent, to effectuate the service on such party's behalf.

10. All pleadings required to be served on individuals will be served at their residential address.

11. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of the Local Rules are satisfied by such notice.

12. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Final Order in accordance with the Motion.

13. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Final Order.