

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

In Re	Chapter 11
VYAIRE MEDICAL, INC., et al., ¹	Case No. 24-11217 (BLS)
Debtors.	(Jointly Administered)
	Re: D.I. 256

**LIMITED OBJECTION TO FIRST NOTICE TO
CONTRACT PARTIES OF POTENTIALLY ASSUMED AND
ASSIGNED EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Data-Modul, Inc. (“Data”), a creditor and counter-party to an executory contract in this proceeding, by and through its attorneys, objects to the Debtors’ FIRST NOTICE TO CONTRACT PARTIES OF POTENTIALLY ASSUMED AND ASSIGNED EXECUTORY CONTRACTS AND UNEXPIRED LEASES dated July 11, 2024 (the “Notice”) based upon the following:

1. Data has a limited objection to the assumption of its agreement, due to the fact that the “Cure Amount” provided in Exhibit “A” of the Notice proposes an amount which is inadequate to cure the Debtors’ default under §365 of the Bankruptcy Code. It is respectfully submitted that to the extent that the Motion requests authorization for payment of less than 100% of the actual amount necessary to cure the default, absent an agreement between the parties, it is in violation of §365.

2. To date, the amount necessary to cure the default totals \$369,732.30. Annexed hereto is an invoice indicating an amount due to Data of \$369,732.30. The Notice provides that

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.
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Debtor proposes a cure amount of \$0. This amount is wholly inadequate to cure the default pursuant to the underlying agreement between the parties and thus, is in violation of §365 of the Bankruptcy Code. Data reserves the right to update the cure amount owed as of the date of any actual assumption and / or assignment.

3. To the extent that Debtors propose to cure the default as provided in the attached invoices and pursuant to §365 of the Bankruptcy Code, Data does not object to the relief requested.

WHEREFORE, it is respectfully requested that the motion be denied, to the extent that it provides for payment of less than 100% of the actual cure amount due to Data at the time of the assumption, together with such other further relief as is just proper under the circumstances.

Dated: July 22, 2024
Wilmington, Delaware

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