

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re

VYAIRE MEDICAL, INC., *et al.*,¹

Debtors.

Chapter 11

Case Nos. 24-11217 (BLS), *et seq.*

(Jointly Administered)

Re: Docket No(s).

**ORDER GRANTING
JEFFREY PAUL LYONS, II'S MOTION FOR RELIEF FROM THE
AUTOMATIC STAY TO PURSUE NON-BANKRUPTCY LITIGATION**

UPON CONSIDERATION of the Motion for Relief From The Automatic Stay (the "Motion") filed by Jeffrey Paul Lyons, II ("Movant"), and any response thereto; the Court having determined that (A) the Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 1334 and 157; (B) this is a core proceeding pursuant to 28 U.S.C. § 157; (C) venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and (D) service to the limited parties stated on the Certificate of Service is adequate under the circumstances; and the Court having further determined that cause exists to grant the relief requested in the Motion; it is hereby ORDERED as follows:

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.

1. The Motion is GRANTED, as set forth herein. All capitalized terms not otherwise defined herein shall have the respective meanings set forth in the Motion.

2. The automatic stay set forth in 11 U.S.C. § 362(a) is hereby lifted and modified to permit Movant to commence and prosecute, in a non-bankruptcy court of competent jurisdiction—including but not limited to the State Court of Gwinnett County, State of Georgia (the “State Court”) in the case styled as *Jeffrey Paul Lyons, II v. Vyair Medical, Inc.*, Case No. 22-C-07343-S5 (the “State Court Case”)—any claims and causes of action arising from a certain incident occurring on or about January 1, 2021 involving minor child J.R.B. and an LTV 1150 ventilator (the “Incident”); provided that Movant shall enforce such claims only against third-party non-debtors, including but not limited to the Debtors’ applicable insurance carriers and third parties and their insurance carriers. Without limiting the foregoing, any insurance carrier is authorized to pay any judgment, award or settlement from the Debtors’ applicable insurance policies and any proceeds thereof. Except as otherwise set forth herein, the automatic stay pursuant to § 362 of the Bankruptcy Code shall otherwise remain in full effect.

3. Nothing in this order shall limit or affect Movant’s rights or claims and to receive any distribution available to similarly situated creditors in these bankruptcy cases to the extent applicable under the Bankruptcy Code and Rules.

4. Movant represents and warrants that Movant has not sold, assigned, pledged, or otherwise transferred any claims that they might have against the Debtors and their estates.

5. No stay of this Order shall be in effect, including but not limited to any stay contemplated under Fed.R.Bankr.P. 4001(a)(3).

6. The Court retains jurisdiction to interpret and enforce the terms of this order.