

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

In re:

VYAIRE MEDICAL, INC., *et al.*,¹

Debtors.

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Chapter 11

Case No. 24-11217 (BLS)

(Jointly Administered)

NOTICE OF FILING OF FIRST AMENDED PLAN SUPPLEMENT

PLEASE TAKE NOTICE THAT on October 2, 2024, the United States Bankruptcy Court for the District of Delaware (the “Court”) entered an order [Docket No. 596] (the “Disclosure Statement Order”): (a) authorizing the above-captioned debtors and debtors in possession (collectively, the “Debtors”) to solicit votes on the *Joint Chapter 11 Plan of Vyaire Medical, Inc. and Its Debtor Affiliates* [Docket No. 581] (as modified, amended, or supplemented from time to time, the “Plan”);² (b) approving on an interim basis the *Disclosure Statement for the Joint Chapter 11 Plan of Vyaire Medical, Inc. and Its Debtor Affiliates* [Docket No. 582] (the “Disclosure Statement”) as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the solicitation packages; (d) approving procedures for soliciting, receiving, and tabulating votes on the Plan and for filing objections to the Plan; and (e) granting related relief.

PLEASE TAKE FURTHER NOTICE THAT as contemplated under the Plan and the Disclosure Statement Order, the Debtors filed the Plan Supplement on October 28, 2024, [Docket No. 689] (the “Plan Supplement”). The Plan Supplement, as defined in the Plan, means the compilation of documents and forms of documents, schedules, and exhibits to the Plan (in each case, as may be altered, amended, modified, or supplemented from time to time) to be Filed by the Debtors prior to the Confirmation Hearing to the extent available, and any additional documents Filed prior to the Effective Date, including the following, as applicable: (a) Schedule of Assumed Executory Contracts and Unexpired Leases, (b) Schedule of Rejected Executory Contracts and Unexpired Leases, (c) Schedule of Retained Causes of Action, (d) the Plan Administrator Agreement, (e) the Restructuring Transactions Memorandum, (f) the Wind-Down Budget, and (g) any other necessary documentation related to the Sale Transactions or Restructuring Transactions in accordance with Article IV of the Plan. The Debtors shall have the right to alter, amend, modify,

¹ The last four digits of Debtor Vyaire 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/Vyaire>. The location of Debtor Vyaire 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 not otherwise defined herein have the same meaning as set forth in the Plan.

or supplement the documents contained in the Plan Supplement up to the Effective Date as more fully set forth in the Plan and, as necessary, approval of the Court.

PLEASE TAKE FURTHER NOTICE THAT the Debtors hereby file this amendment to the Plan Supplement in support of the Plan (the “First Amended Plan Supplement”). For the avoidance of doubt, the Debtors continue to reserve all rights to alter, modify, amend, or supplement any document in the Plan Supplement and First Amended Plan Supplement in accordance with the Plan and Confirmation Order.

PLEASE TAKE FURTHER NOTICE THAT the hearing at which the Court will consider Confirmation of the Plan (the “Confirmation Hearing”) will commence on **November 14, 2024, at 10:00 a.m., prevailing Eastern Time**, before The Honorable Brendan L. Shannon, in the United States Bankruptcy Court for the District of Delaware, located at 824 North Market St., 6th Floor, Courtroom No. 1, Wilmington, DE 19801.

PLEASE TAKE FURTHER NOTICE THAT if you would like to obtain a copy of the Disclosure Statement, the Plan, the Plan Supplement, or related documents, you should contact Omni Agent Solutions, Inc., the claims and noticing retained by the Debtors in these chapter 11 cases (the “Claims and Noticing Agent”), by: (a) writing via first class mail, to Vyaire Medical, Inc. *et al.*, c/o Omni Agent Solutions, Inc., 5955 De Soto Avenue, Suite 100, Woodland Hills, CA 91367; (b) writing via electronic mail to Vyaireinquiries@omniagnt.com; or (c) calling the Debtors’ restructuring hotline at (866) 956-2140 (U.S. Toll-Free/Domestic) or +1 (818) 666-3635 (International). You may also obtain copies of any pleadings filed in these chapter 11 cases (a) for a fee via PACER at: <http://www.deb.uscourts.gov>; or (b) at no charge from Omni Agent Solutions, Inc. by accessing the Debtors’ restructuring website at <https://omniagentsolutions.com/Vyaire>.

ARTICLE VIII OF THE PLAN CONTAINS RELEASE, EXCULPATION, AND INJUNCTION PROVISIONS, AND **ARTICLE VIIL.C OF THE PLAN CONTAINS A THIRD-PARTY RELEASE**. **THUS, YOU ARE ADVISED TO REVIEW AND CONSIDER THE PLAN CAREFULLY BECAUSE YOUR RIGHTS MIGHT BE AFFECTED THEREUNDER.**

THIS NOTICE IS BEING SENT TO YOU FOR INFORMATIONAL PURPOSES ONLY. IF YOU HAVE QUESTIONS WITH RESPECT TO YOUR RIGHTS UNDER THE PLAN OR ABOUT ANYTHING STATED HEREIN OR IF YOU WOULD LIKE TO OBTAIN ADDITIONAL INFORMATION, CONTACT THE CLAIMS AND NOTICING AGENT.

Dated: November 11, 2024
Wilmington, Delaware

/s/ Patrick J. Reilley

COLE SCHOTZ P.C.

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**IN THE UNITED STATES BANKRUPTCY COURT
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In re:

VYAIRE MEDICAL, INC., *et al.*,¹

Debtors.

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Chapter 11

Case No. 24-11217 (BLS)

(Jointly Administered)

FIRST AMENDED PLAN SUPPLEMENT

PLEASE TAKE NOTICE THAT on September 30, 2024, the above-captioned debtors and debtors in possession (collectively, the “Debtors”) filed the *Joint Chapter 11 Plan of Vyair Medical, Inc. and Its Debtor Affiliates* [Docket No. 581] (as modified, amended, or supplemented from time to time, the “Plan”),² which Plan was the solicitation version served on parties in connection with the *Order (I) Approving the Adequacy of the Disclosure Statement on an Interim Basis, (II) Scheduling a Combined Disclosure Statement Approval and Plan Confirmation Hearing, (III) Approving the Solicitation and Notice Procedures, (IV) Approving the Combined Hearing Notice, and (V) Granting Related Relief* (the “Disclosure Statement Order”).

PLEASE TAKE FURTHER NOTICE THAT attached as (i) **Exhibit D-1** is a modified Schedule of Retained Causes of Action (“Modified Exhibit D”), and (ii) **Exhibit D-2** is a redline of the Schedule of Retained Causes of Action marked against the Modified Schedule D.³

PLEASE TAKE FURTHER NOTICE THAT the the documents contained in this First Amended Plan Supplement are integral to, and considered part of, the Plan. The documents contained in this First Amended Plan Supplement will be approved by the Bankruptcy Court pursuant to the Confirmation Order and in accordance with the terms of the Plan.

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 not otherwise defined herein have the same meaning as set forth in the Plan.

³ For the avoidance of doubt, the Debtors reserve all rights to make modifications to this Plan Supplement and the exhibits thereof in accordance with the terms of the Plan and Confirmation Order.

Dated: November 11, 2024
Wilmington, Delaware

/s/ Patrick J. Reilley

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*Co-Counsel to the Debtors
and Debtors in Possession*

Exhibit D-1

(Modified Schedule of Retained Causes of Action Attached as Exhibit D to Plan Supplement)

EXHIBIT D

SCHEDULE OF RETAINED CAUSES OF ACTION

Article IV(O) of the *Joint Chapter 11 Plan of Reorganization of Vyair Medical, Inc. and Its Debtor Affiliates*, dated September 30, 2024 [Docket No. 581] (as may be amended, modified, or supplemented, the “Plan”),¹ provides that the Retained Causes of Action shall initially remain with the Debtors and shall immediately vest with the Wind-Down Debtors as of the Effective Date.

Unless otherwise released by the Plan, the Debtors or the Wind-Down Debtors, as applicable, expressly reserve their rights with respect to all Causes of Action that are not expressly released under the Plan, including the following:

1. Avoidance Actions arising under applicable state law and Chapter 5 of the Bankruptcy Code, including, without limitation, Bankruptcy Code sections 502, 510, 542, 544, 548 through 553 and 724(a), including but not limited to against Quad DBC Holdings LLC.
2. Claims against Quad DBC Holdings LLC in connection with lease agreement dated October 3, 2017, and related letter of credit.
3. All Causes of Action relating to any and all insurance contracts and insurance policies to which the Debtors are a party or pursuant to which the Debtors have any rights whatsoever, regardless of whether such contract or policy is specifically identified in the Plan, including, without limitation, Causes of Action against insurance carriers, reinsurance carriers, insurance brokers, underwriters, occurrence carriers, or surety bond issuers relating to coverage, indemnity, contribution, reimbursement, or any other matters. Without limiting the generality of the foregoing, the Debtors expressly reserve all Causes of Action against the Entities identified in **Exhibit (D)(i)** attached hereto.
4. All Causes of Action relating to any and all tax obligations to which the Debtors are a party or pursuant to which the Debtors have any rights whatsoever, including, without limitation, against or related to all entities that owe or that may in the future owe money related to tax refunds to the Debtors, regardless of whether such entity is specifically identified herein. Without limiting the generality of the foregoing, the Debtors expressly reserve all Causes of Action, including potential tax refund, reimbursement of overpayments resulting from ordinary course payments or payments of any filed proofs of claim, and any rights arising under section 505 of the Bankruptcy Code, against the Entities identified in **Exhibit (D)(ii)** attached hereto.
5. All Causes of Action against or related to all entities (other than Released Parties) that are party to or that may in the future become party to litigation, arbitration, or any other type of adversarial proceeding or dispute resolution proceeding, whether formal or informal, judicial or non-judicial, regardless of whether such entity is specifically identified in the Plan, except to the extent such entity is a Released Party. Without limiting the

¹ Capitalized terms used herein but not otherwise defined shall have the meaning ascribed to them in the Plan.

generality of the foregoing, the Debtors expressly reserve all Causes of Action against the Entities identified in **Exhibit (D)(iii)** attached hereto.

6. All Causes of Action against or related to all entities (other than Released Parties) that owe or that may in the future owe money to the Debtors, regardless of whether such entity is expressly identified in the Plan except to the extent such entity is a Released Party. The Debtors or the Wind-Down Debtors, as applicable, expressly reserve all Causes of Action against or related to all entities who assert or may assert that the Debtors owe money to them. The claims and Causes of Action reserved include without limitation Causes of Action against vendors, suppliers of goods and services, customers or any other parties, except to the extent such party is a Released Party:

- a. for overpayments, back charges, duplicate payments, improper holdbacks, deductions owing or improper deductions taken, deposits, warranties, guarantees, indemnities, recoupment, or setoff;
- b. for (i) wrongful or improper termination, suspension of services or supply of goods, or failure to meet other contractual or regulatory obligations; (ii) for failure to fully perform or to condition performance on additional requirements under contracts with any one or more of the Debtors before the assumption or rejection, if applicable, of such contracts; (iii) for payments, deposits, holdbacks, reserves or other amounts owed by any creditor, utility, supplier, vendor, insurer, surety, factor, lender, bondholder, lessor or other party; (iv) for any liens, including mechanics', artisans', materialmens', possessory or statutory liens held by the Debtors; (v) for counter-claims and defenses related to any contractual obligations; (vi) for any turnover actions arising under Bankruptcy Code sections 542 or 543; and (vii) for unfair competition, interference with contract or potential business advantage, breach of contract, infringement of intellectual property or any business tort claims.

7. All Causes of Action based in whole or in part upon any and all postings of a security deposits, adequate assurance payment, or any other type of deposit, prepayment, or collateral, regardless of whether such posting of security deposit, adequate assurance payment, or any other type of deposit, prepayment or collateral is specifically identified herein.

8. All Causes of Action based in whole or in part upon the enforcement of the terms of the Sale Transactions Documentation.

Exhibit D(i)

Legal Entity	Insurance Carrier	Policy Type	Policy Number	Policy Term
Vyaire Holding Company	Federal Insurance Company	General Liability	3606-61-89	Annual
Vyaire Holding Company	Federal Insurance Company	US Auto Liability	(24) 7363-96-04	Annual
Vyaire Holding Company	Chubb National Insurance Company	Workers' Compensation	(25) 7183-97-95	Annual
Vyaire Holding Company	Federal Insurance Company	Commercial Umbrella	5672-07-51	Annual
Vyaire Holding Company	ACE American Insurance Company	Foreign Auto	PHFD38688571 001	Annual
Vyaire Holding Company	ACE American Insurance Company	Foreign General Liability	PHFD38688571 001	Annual
Vyaire Holding Company	ACE American Insurance Company	Foreign Voluntary Workers' Compensation	PHFD38688571 001	Annual
Vyaire Holding Company	LifeScience Risk	Products Liability	LSR-PCO-00539-24	Annual
Vyaire Holding Company	Illinois Union Insurance Company	Products Liability	XSP G47393942 002	Annual
Vyaire Holding Company	Euclid Life Science Specialty, LLC	Products Liability	LSS2000275	Annual
Vyaire Holding Company	ProAssurance Specialty Insurance Company	Products Liability	EX24IL380003	Annual
Vyaire Holding Company	Ironshore Specialty Insurance Company	Products Liability	HC7TAB7TUL004	Annual
Vyaire Medical Products Ltd	HDI Global SE – UK	Foreign Products Liability	110-01164144-14072	Annual
Vyaire Holding Company	Beazley Group	Cyber Liability	W1EFF2220701	Annual

Legal Entity	Insurance Carrier	Policy Type	Policy Number	Policy Term
Vyaire Holding Company	Indian Harbor Insurance Company	Cyber Liability	MTE904194703	Annual
Vyaire Holding Company	National Union Fire Insurance Company of Pittsburgh, PA	Crime	1-544-18-54	Annual
Vyaire Holding Company	Great American Insurance Company	Crime Excess	XSC E776448 02 00	Annual
Vyaire Holding Company	Berkshire Hathaway Specialty Insurance	Director & Officer Side A Liability	47-EMC-312437-04	Annual
Vyaire Holding Company	Illinois National Insurance Co.	Director & Officer Side A Liability	01-545-03-57	Annual
Vyaire Holding Company	Twin City Fire Insurance Co.	Director & Officer Side A Liability	83 PE 0401876-23	Annual
Vyaire Holding Company	Axis Insurance Company	Director & Officer Side A Liability	P-001-000712001-03	Annual
Vyaire Holding Company.	ACE American Insurance Company	Director & Officer Side A Liability	G71089022 003	Annual
Vyaire Holding Company	Old Republic Professional Liability, Inc.	Director & Officer Side A Liability	ORPRO 13 101883	Annual
Vyaire Holding Company	Midvale Indemnity Company	Director & Officer Side A Liability	ACL-144453387-02	Annual
Vyaire Holding Company	Federal Insurance Company	Fiduciary Liability	J06349456	Annual
Vyaire Holding Company	Federal Insurance Company	Employment Practices Liability	J06349456	Annual
Vyaire Holding Company	Illinois National Insurance Co.	Fiduciary Liability	01-545-03-53	Annual
Vyaire Holding Company	Great American Insurance Co.	Special Risk	SCI273611442	Annual
Vyaire Holding Company	Allied World Assurance Company (U.S.) Inc.	Pollution Liability	0310-3558	Annual

Legal Entity	Insurance Carrier	Policy Type	Policy Number	Policy Term
Vyaire Holding Company	Lloyd's Syndicate 1036 COF	Marine Cargo Liability	B0509MARCW2351091	Annual
Vyaire Holding Company	Lloyd's Syndicate No.4472 LIB.	Marine Cargo Liability	B0509MARCW2351092	Annual
Vyaire Holding Company	Federal Insurance Company	Global Property	3606-61-72 DTO	Annual
Vyaire Holding Company	Starr Surplus Lines Insurance Company	Global Property	23SSLDOND316061	Annual
Vyaire Holding Company	Princeton Excess and Surplus Lines Insurance Company	Global Property	78-A3-XP-0001068-00	Annual
Vyaire Holding Company	Mt. Hawley Insurance Company	Global Property	MPC0606018	Annual
Vyaire Holding Company	Endurance American Specialty Insurance	Global Property	ARP30048538600	Annual
Vyaire Holding Company	Lloyd's of London	Global Property	B0509BOWPN2352774 B0509BOWPN2352775 B0509BOWPN2352776 B0509BOWPN2352777	Annual
Vyaire Holding Company	Lloyd's of London	Global Property	B0509BOWPN2352776	Annual
Vyaire Holding Company	Ascot Specialty Insurance Company	Property DIC	UB211270B00463	Annual
Vyaire Holding Company	Princeton Excess and Surplus Lines Insurance Company	Property DIC	B2A3IM0003894-00	Annual
Vyaire Holding Company	Allianz Underwriters Insurance Company	Excess Product Recall Policy	U5L000088181	Annual
Vyaire Holding Company	Allianz Underwriters Insurance Company	Excess Product Recall Policy	U5L000089182	Annual
Vyaire Holding Company	Allianz Underwriters Insurance Company	Excess Product Recall Policy	U5L00008819	Annual
Vyaire Holding Company	Allianz Underwriters Insurance Company	Excess Product Recall Policy	U5L00008919	Annual
Vyaire Holding Company	Western Specialty Insurance Services, Inc.	Second Excess Product Recall Insurance	B0509FINSR1800116	Annual
Vyaire Holding Company	Lloyd's of London	Excess Product Recall	B080131400G19	Annual

Legal Entity	Insurance Carrier	Policy Type	Policy Number	Policy Term
Vyaire Holding Company	Westchester Surplus Lines Insurance Company	Consumer Goods Policy	G27961344003	Annual
Vyaire Holding Company	Westchester Surplus Lines Insurance Company	Consumer Goods Policy	G29961344004	Annual
Vyaire Medical, Inc.	North American Capacity Insurance Company	Product Recall Quota Share Policy	PRL 2001744 00	Annual

Exhibit D(ii)

Taxing Authority
Alabama - Revenue Discovery Systems Autauga, Birmingham, Chilton, Clanton, Dale, Dothan, Florence, Hamilton, Henry, Jackson, Lauderdale, Pike, Scottsboro
City of Montgomery
Alabama - STACS City of Sheffield Colbert County Franklin County
Alabama Department of Revenue
Alabama Department of Revenue
Alaska Department of Revenue
Arizona Department of Revenue
Arizona Department of Revenue
Arkansas Department of Finance & Administration
Ascension Parish Sales and Use Tax Authority
Avoyelles Parish School Board
Baldwin County
Bureau of Revenue & Taxation
Caddo Shreveport Sales & Use Tax Commission
Calcasieu Parish
California Department of Tax and Fee Administration
City of Alabaster
City of Arvada
City of Aurora Revenue Division
City of Baton Rouge Parish of East Baton Rouge
City of Boulder
City of Bremerton
City of Colorado Springs
City of Craig
City of Daphne
City of Durango
City of Englewood
City of Everett
City of Foley Revenue Department
City of Fort Collins
City of Golden

Taxing Authority
City of Grand Junction
City of Greeley
City of Greenwood Village
City of Gunnison
City of Huntsville
City of Lakewood
City of Lamar
City of Littleton
City of Lone Tree
City of Longmont
City of Longview
City of Mobile
City of Monroe/Ouachita Parish
City of New Orleans
City of Parker
City of Pueblo
City of Seattle
City of Steamboat Springs
City of Thornton
Colorado Department of Revenue
Commerce City Tax Division
Comptroller of Maryland
Connecticut Department of Revenue Services
Cullman County
Dekalb County Revenue Department
Delaware Division of Revenue
Denver Department of Finance
Department of the Treasury Internal Revenue Service
District of Columbia
District of Columbia
Evangeline Parish Sales/Use Tax Commission
Florida Department of Revenue
Georgia Department of Revenue
Georgia Department of Revenue
Hawaii Department of Taxation

Taxing Authority
Hawaii Department of Taxation
Iberia Parish School Board Sales & Use Tax Department
Idaho State Tax Commission
Idaho State Tax Commission
Illinois Department of Revenue
Illinois Department of Revenue
Indiana Department of Revenue
Indiana Department of Revenue
Iowa Department of Revenue
Iowa Department of Revenue
Jefferson County Department of Revenue
Kansas Department of Revenue
Kansas Department of Revenue
Kentucky Department of Revenue
Kentucky Revenue Cabinet
Lafayette Parish School System
Lafourche Parish School Board
Lincoln Parish
Louisiana - St. Charles
Louisiana - St. John
Louisiana - St. Landry
Louisiana - St. Mary
Louisiana - St. Tammany
Louisiana - Vernon
Louisiana - Washington
Louisiana - Webster
Louisiana Department of Revenue
Louisiana Department of Revenue
Madison County
Maine Department of Revenue
Maine Revenue Services
Maryland Revenue Administration
Massachusetts Department of Revenue
Massachusetts Department of Revenue
Michigan Department of Treasury
Michigan Department of Treasury

Taxing Authority
Minnesota Department of Revenue
Minnesota Department of Revenue
Mississippi Department of Revenue
Mississippi Department of Revenue
Missouri Department of Revenue
Missouri Department of Revenue
Mobile County
Montana Department of Revenue
Montgomery County Commission Tax & Audit Department
Nebraska Department of Revenue
Nebraska Department of Revenue
Nevada Department of Taxation
New Hampshire Department of Revenue Administration
New Jersey Division of Taxation
New Jersey Division of Taxation
New Mexico Taxation & Revenue Department
New Mexico Taxation & Revenue Department
New York Department of Taxation and Finance
New York Department of Taxation and Finance
North Carolina Department of Revenue
North Carolina Department of Revenue
North Dakota Office of State Tax Commissioner
North Dakota Office of State Tax Commissioner
Ohio Department of Taxation
Oklahoma Tax Commission
Oklahoma Tax Commission
Oregon Department of Revenue
Oregon Department of Revenue
Parish Of Acadia
Pennsylvania Department of Revenue
Pennsylvania Department of Revenue
Plaquemines Parish
Rapides Parish
Rhode Island Division of Taxation
Rhode Island Division of Taxation
Shelby County Business Revenue Office

Taxing Authority
South Carolina Department of Revenue
South Carolina Department of Revenue
South Dakota Department of Revenue
State of Arkansas
Tennessee Department of Revenue
Tennessee Department of Revenue
Texas Comptroller of Public Accounts
Texas Comptroller of Public Accounts
Utah State Tax Commission
Utah State Tax Commission
Vermont Department of Taxes
Vermont Department of Taxes
Virginia Tax Office of Customer Services
Virginia Tax Office of Customer Services
Washington State Department of Revenue
West Virginia State Tax Department
West Virginia Tax Division
Wisconsin Department of Revenue
Wisconsin Department of Revenue
Wyoming Department of Revenue

Exhibit D(iii)

1. All properties, rights, interests and assets related to or arising out of the following cause of action: *Vyaire Medical Holdings B.V. vs. Florian Kienle, Sonja Kienla, William Franz, Roland Holtz and Peter Biro*, District Court of Hamburg (Germany); Docket No. 313 O 251/19
2. All properties, rights, interests and assets related to or arising out of the following cause of action: *Vyaire Holding Company and Vyaire Medical, Inc. v. Westchester Surplus Lines Insurance Company, Allianz Underwriters Insurance Company, Lloyd's of London Syndicate 2003 (aka Caitlin Syndicate Limited and North American Insurance Company)*, Supreme Court of the State of New York, County of New York, Index No. 652428/2020 (the.
3. All properties, rights, interests and assets related to or arising out of the following cause of action and any counterclaims related thereto: *Sleep Management LLC (d/b/a VieMed) vs. Vyaire Medical Inc. (d/b/a CareFusion Respiratory Technologies)*, Western District of Louisiana (Lafayette) No. 6:20-cv-00969-MJJ-PJH.

Exhibit D-2

(Redline of Retained Causes of Action Attached as Exhibit D to Plan Supplement)

EXHIBIT D**SCHEDULE OF RETAINED CAUSES OF ACTION**

Article IV(O) of the *Joint Chapter 11 Plan of Reorganization of Vyair Medical, Inc. and Its Debtor Affiliates*, dated September 30, 2024 [Docket No. 581] (as may be amended, modified, or supplemented, the “Plan”),¹ provides that the Retained Causes of Action shall initially remain with the Debtors and shall immediately vest with the Wind-Down Debtors as of the Effective Date.

Unless otherwise released by the Plan, the Debtors or the Wind-Down Debtors, as applicable, expressly reserve their rights with respect to all Causes of Action that are not expressly released under the Plan, including the following:

1. Avoidance Actions arising under applicable state law and Chapter 5 of the Bankruptcy Code, including, without limitation, Bankruptcy Code sections 502, 510, 542, 544, ~~547~~548 through 553 and 724(a), ~~against any party who is not a Released Party and those entities identified in Exhibit D(i) attached hereto~~including but not limited to against Quad DBC Holdings LLC.
2. Claims against Quad DBC Holdings LLC in connection with lease agreement dated October 3, 2017, and related letter of credit.
3. ~~2.~~ All Causes of Action relating to any and all insurance contracts and insurance policies to which the Debtors are a party or pursuant to which the Debtors have any rights whatsoever, regardless of whether such contract or policy is specifically identified in the Plan, including, without limitation, Causes of Action against insurance carriers, reinsurance carriers, insurance brokers, underwriters, occurrence carriers, or surety bond issuers relating to coverage, indemnity, contribution, reimbursement, or any other matters. Without limiting the generality of the foregoing, the Debtors expressly reserve all Causes of Action against the Entities identified in Exhibit (D)(iii) attached hereto.
4. ~~3.~~ All Causes of Action relating to any and all tax obligations to which the Debtors are a party or pursuant to which the Debtors have any rights whatsoever, including, without limitation, against or related to all entities that owe or that may in the future owe money related to tax refunds to the Debtors, regardless of whether such entity is specifically identified herein. Without limiting the generality of the foregoing, the Debtors expressly reserve all Causes of Action, including potential tax refund, reimbursement of overpayments resulting from ordinary course payments or payments of any filed proofs of claim, and any rights arising under section 505 of the Bankruptcy Code, against the Entities identified in Exhibit (D)(iii) attached hereto.
5. ~~4.~~ All Causes of Action against or related to all entities (other than Released Parties) that are party to or that may in the future become party to litigation, arbitration, or any other type of adversarial proceeding or dispute resolution proceeding, whether formal or informal, judicial or non-judicial, regardless of whether such entity is specifically identified in the Plan, except to the extent such entity is a Released Party. Without limiting the generality of the foregoing, the Debtors expressly reserve all Causes of Action against the Entities identified in Exhibit (D)(iviii) attached hereto.

¹ Capitalized terms used herein but not otherwise defined shall have the meaning ascribed to them in the Plan.

6. ~~5.~~ All Causes of Action against or related to all entities (other than Released Parties) that owe or that may in the future owe money to the Debtors, regardless of whether such entity is expressly identified in the Plan except to the extent such entity is a Released Party. The Debtors or the Wind-Down Debtors, as applicable, expressly reserve all Causes of Action against or related to all entities who assert or may assert that the Debtors owe money to them. The claims and Causes of Action reserved include without limitation Causes of Action against vendors, suppliers of goods and services, customers or any other parties, except to the extent such party is a Released Party:

- a. for overpayments, back charges, duplicate payments, improper holdbacks, deductions owing or improper deductions taken, deposits, warranties, guarantees, indemnities, recoupment, or setoff;
- b. for (i) wrongful or improper termination, suspension of services or supply of goods, or failure to meet other contractual or regulatory obligations; (ii) for failure to fully perform or to condition performance on additional requirements under contracts with any one or more of the Debtors before the assumption or rejection, if applicable, of such contracts; (iii) for payments, deposits, holdbacks, reserves or other amounts owed by any creditor, utility, supplier, vendor, insurer, surety, factor, lender, bondholder, lessor or other party; (iv) for any liens, including mechanics', artisans', materialmens', possessory or statutory liens held by the Debtors; (v) for counter-claims and defenses related to any contractual obligations; (vi) for any turnover actions arising under Bankruptcy Code sections 542 or 543; and (vii) for unfair competition, interference with contract or potential business advantage, breach of contract, infringement of intellectual property or any business tort claims.

7. ~~6.~~ All Causes of Action based in whole or in part upon any and all postings of a security deposits, adequate assurance payment, or any other type of deposit, prepayment, or collateral, regardless of whether such posting of security deposit, adequate assurance payment, or any other type of deposit, prepayment or collateral is specifically identified herein.

8. ~~7.~~ All Causes of Action based in whole or in part upon the enforcement of the terms of the Sale Transactions Documentation.

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Exhibit D(i)

ACCENT PLASTICS INC
ADVANCED MOTION CONTROLS
ADVANCED PRINTING
AEROTEK INC
AGILITI HEALTH, INC.
AIRGAS USA LLC
ALL SEALS INC
ALLIED ELECTRONICS
AMAZON WEB SERVICES INC
AMERICAN CRATING
ANA CONCHEIRO GUISAN
ANALYTICAL INDUSTRIES INC.
ANTON VAN KAAM
APPEXTREMES LLC
APPLE RUBBER PRODUCTS
ARTIQ NV
ASCENSION HEALTH RESOURCE AND SUPPLY MANAGEMENT GROUP, LLC
ASSURED PARTNERS CAPITAL INC
AT&T MOBILITY II LLC
AUGUSTA HITECH SOFT SOLUTIONS LLC
AUTOMATIC DATA PROCESSING INC
AVNET, INC.
BAY CORPORATION
BCP SYSTEMS INC.
BMW PRECISION MACHINING INC
BRENNER FIEDLER & ASSOC.
BSI GROUP AMERICA INC
CDW COMPUTER CENTERS
CEVA LOGISTICS
CHEMTREC
CIWIT BV
CLAYTON CONTROLS
CLEO COMMUNICATIONS US, LLC
COGNITIVE CONSULTING LLC
COGNIZANT TECHNOLOGY SOLUTIONS US C
CONNEXIO HEALTH LLC
COPPER & BRASS SALES
CORPORATION SERVICE COMPANY
COVINGTON & BURLING LLP
CULLIGAN WATER CONDITIONING
DA/PRO RUBBER INC

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DANIELE DELUCA
DAVID M LEWIS COMPANY LLC
DAWAR TECHNOLOGIES
DEEL INC
DELL MARKETING LP
DELL REALTY COMPANY
DEPARTMENT OF LABOR AND INDUSTRIES
DEXTER RESEARCH, INC.
DIGI KEY CORP. 55348
DYMAX CORP
E & S PRECISION SHEETMETAL MFG INC
EDWARD A ROSE
EIS, INC. FILE 98059
EMERGO GLOBAL REPRESENTATION LLC
ENDICOTT RESEARCH GROUP INC
ENHESA INC
EPM PROS INC
EUROFINS ELECTRICAL &
EXETER 6201 GLOBAL DISTRIBUTION
FEDEX GROUND PACKAGE SYSTEM
FERMISH CLINICAL TECHNOLOGIES
FLEXIM US CORP
FOOD AND DRUG ADMINISTRATION
FORTE DGTL LLC
FRAGOMEN, DEL REY, BERNSEN & LOEWY
FREYR INC
FRONTIER COMMUNICATIONS CORPORATION
GE HEALTH CARE
GENERANT
GISPATH INC
GRAINGER
GREATBATCH MEDICAL
HAYNES AND BOONE LLP
HEALTH CANADA
HEALTHTRUST PURCHASING GROUP LP
HEIDRICK & STRUGGLES INC
HOGAN LOVELLS US LLP
HOUSE OF BATTERIES
HUGHES, R.S., CO. INC.
HYMAN PHELPS & MCNAMARA PC
ILI INFODISK
IN SITU TRAINING SA
INDUSTRIAL HEARING & PULMONARY

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INNOVATIVE DISCOVERY LLC
INSIGHT
ITD CORPORATION
JABIL CIRCUIT (SHANGHAI) LTD.
KENNETH JOSEPH ORR
KEY INSTRUMENTS
KILMAINHAM
KPMG LLP
KYLE PROUGH (KYOTE CREATIVE)
LINKLATERS LLP
LORIANNE VOSSLER YANG
MARLEE MFG.
MARY C TROUT
MASTER BOND, INC
MAXTEC
MCKESSON MEDICAL SURGICAL SUPPLY
MCMASTER CARR SUPPLY CO.
MEGAN STOPEK
MER MAR, INC.
MESSNER REEVES LLP
METALPRO INDUSTRIES
MH CUSTOM DESIGN & MFG LC.
MICROSOFT CORPORATION
MMA SECURITIES LLC
MOOG COMPONENTS GROUP, INC
MOUSER ELECTRONICS
MSC INDUSTRIAL SUPPLY CO. INC.
NEWARK CORPORATION
NEXGEN DIGITAL
NORTHWELL HEALTH
NUMATIC ENGINEERING
OCEAN STATE STAINLESS, INC.
OHIO BUREAU OF WORKERS'
ORANGE COAST PNEUMATICS
OXFORD GLOBAL RESOURCES LLC
PALM SPRINGS PLATING
PARKER HANNIFIN — PORTER DIVISION
PARKER MEDICAL SYSTEMS DIVISION
PATENTBURO PAUL ROSENICH AG
PAX INDUSTRIES
PEAK TECHNICAL SERVICES INC
PENTAIR FILTRATION SOLUTIONS LLC
PHOTOMACHINING

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PINNACLE PRECISION SHEET METAL CORP
PLANFUL INC
PORZIO COMPLIANCE SERVICES, LLC
PRECISION MEDICAL
PRECISION METAL PROCESSING INC.
PREETY TULI
PREMIER HEALTHCARE ALLIANCE LP
PRESIDIO HOLDINGS INC
PRN STAFFING
QOSINA CORP.
RAINER KUEHNER
REAL STAFFING GROUP
RESTRUCTURING PARTNERS & ASSO LLC
RINGCENTRAL INC
SAFETY KLEEN
SALESFORCE.COM INC
SCHMIDT BIOMED SDN BHD
SCHROFF INC
SEBASTIAN MASANET
SELCO PRODUCTS
SIEMENS INDUSTRY SOFTWARE INC
SILMATES PRIVATE LTD
SIMCO ELECTRONICS
SPARK DSG LLC
SPIRACLE TECHNOLOGY
STAR EXHIBITS & ENVIRONMENTS INC
SUPERIOR SPRING CO
T C I PRECISION METALS
TALX CORP
TAW ELECTRONICS INC
TDS UNLIMITED INC
TECH ETCH
TELEDYNE ANALYTICAL INSTRUMENTS
TESTEQUITY, INC
THE WEST GROUP
THERMO NAMEL, INC.
THIEME CORPORATION
THOMAS E BACHMAN
TICIC SUB LLC
T MOBILE USA, INC.
TOMASZ SZCZAPA
TOOLING EXPRESS INC
TPI CUSTOM SOLUTIONS

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TRADE TECHNOLOGIES INC
TRANSITIONS INSTITUTE INC
TRANSPERFECT TRANSLATIONS
TRICON
TRU FORM PLASTICS INC.
ULINE SHIPPING SUPPLIES
UNITED AD LABEL (RR DONNELLY)
UNITED FOAM TECHNOLOGIES
UPS SUPPLY CHAIN SOLUTIONS INC
VACUMETRICS INC / VACUMED DIV.
VALUATION RESEARCH CORPORATION
VALUE PLASTICS
VAN DOORNE N V
VENDORMATE INC
VERA ROSAS REGISTRO E LEGALIZACAO
VERITIV OPERATING COMPANY
VERTEX INC
VIZIENT INC
WAGEWORKS INC
WEBER PRECISION GRAPHICS
WILLIAM W STRINGER MD
WOLFE PROCUREMENT INC
YUSEN LOGISTICS AMERICAS INC
ZENSAR TECHNOLOGIES INC

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Exhibit D(ii)

Legal Entity	Insurance Carrier	Policy Type	Policy Number	Policy Term
Vyaire Holding Company	Federal Insurance Company	General Liability	3606-61-89	Annual
Vyaire Holding Company	Federal Insurance Company	US Auto Liability	(24) 7363-96-04	Annual
Vyaire Holding Company	Chubb National Insurance Company	Workers' Compensation	(25) 7183-97-95	Annual
Vyaire Holding Company	Federal Insurance Company	Commercial Umbrella	5672-07-51	Annual
Vyaire Holding Company	ACE American Insurance Company	Foreign Auto	PHFD38688571 001	Annual
Vyaire Holding Company	ACE American Insurance Company	Foreign General Liability	PHFD38688571 001	Annual
Vyaire Holding Company	ACE American Insurance Company	Foreign Voluntary Workers' Compensation	PHFD38688571 001	Annual
Vyaire Holding Company	LifeScience Risk	Products Liability	LSR-PCO-00539-24	Annual
Vyaire Holding Company	Illinois Union Insurance Company	Products Liability	XSP G47393942 002	Annual
Vyaire Holding Company	Euclid Life Science Specialty, LLC	Products Liability	LSS2000275	Annual
Vyaire Holding Company	ProAssurance Specialty Insurance Company	Products Liability	EX24IL380003	Annual
Vyaire Holding Company	Ironshore Specialty Insurance Company	Products Liability	HC7TAB7TUL004	Annual
Vyaire Medical Products Ltd	HDI Global SE – UK	Foreign Products Liability	110-01164144-14072	Annual
Vyaire Holding Company	Beazley Group	Cyber Liability	W1EFF2220701	Annual
Vyaire Holding Company	Indian Harbor	Cyber Liability	MTE904194703	Annual

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Legal Entity	Insurance Carrier	Policy Type	Policy Number	Policy Term
	Insurance Company			
Vyaire Holding Company	National Union Fire Insurance Company of Pittsburgh, PA	Crime	1-544-18-54	Annual
Vyaire Holding Company	Great American Insurance Company	Crime Excess	XSC E776448 02 00	Annual
Vyaire Holding Company	Berkshire Hathaway Specialty Insurance	Director & Officer Side A Liability	47-EMC-312437-04	Annual
Vyaire Holding Company	Illinois National Insurance Co.	Director & Officer Side A Liability	01-545-03-57	Annual
Vyaire Holding Company	Twin City Fire Insurance Co.	Director & Officer Side A Liability	83 PE 0401876-23	Annual
Vyaire Holding Company	Axis Insurance Company	Director & Officer Side A Liability	P-001-000712001-03	Annual
Vyaire Holding Company.	ACE American Insurance Company	Director & Officer Side A Liability	G71089022 003	Annual
Vyaire Holding Company	Old Republic Professional Liability, Inc.	Director & Officer Side A Liability	ORPRO 13 101883	Annual
Vyaire Holding Company	Midvale Indemnity Company	Director & Officer Side A Liability	ACL-144453387-02	Annual
Vyaire Holding Company	Federal Insurance Company	Fiduciary Liability	J06349456	Annual
Vyaire Holding Company	Federal Insurance Company	Employment Practices Liability	J06349456	Annual
Vyaire Holding Company	Illinois National Insurance Co.	Fiduciary Liability	01-545-03-53	Annual
Vyaire Holding Company	Great American Insurance Co.	Special Risk	SCI273611442	Annual
Vyaire Holding Company	Allied World Assurance Company (U.S.) Inc.	Pollution Liability	0310-3558	Annual
Vyaire Holding Company	Lloyd's Syndicate 1036 COF	Marine Cargo Liability	B0509MARCW2351091	Annual
Vyaire Holding Company	Lloyd's Syndicate	Marine Cargo Liability	B0509MARCW2351092	Annual

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Legal Entity	Insurance Carrier	Policy Type	Policy Number	Policy Term
	No.4472 LIB.			
Vyaire Holding Company	Federal Insurance Company	Global Property	3606-61-72 DTO	Annual
Vyaire Holding Company	Starr Surplus Lines Insurance Company	Global Property	23SSLDOND316061	Annual
Vyaire Holding Company	Princeton Excess and Surplus Lines Insurance Company	Global Property	78-A3-XP-0001068-00	Annual
Vyaire Holding Company	Mt. Hawley Insurance Company	Global Property	MPC0606018	Annual
Vyaire Holding Company	Endurance American Specialty Insurance	Global Property	ARP30048538600	Annual
Vyaire Holding Company	Lloyd's of London	Global Property	B0509BOWPN2352774 B0509BOWPN2352775 B0509BOWPN2352776 B0509BOWPN2352777	Annual
Vyaire Holding Company	Lloyd's of London	Global Property	B0509BOWPN2352776	Annual
Vyaire Holding Company	Ascot Specialty Insurance Company	Property DIC	UB211270B00463	Annual
Vyaire Holding Company	Princeton Excess and Surplus Lines Insurance Company	Property DIC	B2A3IM0003894-00	Annual
Vyaire Holding Company	Allianz Underwriters Insurance Company	Excess Product Recall Policy	U5L000088181	Annual
Vyaire Holding Company	Allianz Underwriters Insurance Company	Excess Product Recall Policy	U5L000089182	Annual
Vyaire Holding Company	Allianz Underwriters Insurance Company	Excess Product Recall Policy	U5L00008819	Annual
Vyaire Holding Company	Allianz Underwriters Insurance Company	Excess Product Recall Policy	U5L00008919	Annual
Vyaire Holding Company	Western Specialty Insurance Services, Inc.	Second Excess Product Recall Insurance	B0509FINSR1800116	Annual
Vyaire Holding Company	Lloyd's of London	Excess Product Recall	B080131400G19	Annual
Vyaire Holding Company	Westchester Surplus Lines Insurance Company	Consumer Goods Policy	G27961344003	Annual
Vyaire Holding Company	Westchester Surplus Lines Insurance Company	Consumer Goods Policy	G29961344004	Annual

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Legal Entity	Insurance Carrier	Policy Type	Policy Number	Policy Term
Vyaire Medical, Inc.	North American Capacity Insurance Company	Product Recall Quota Share Policy	PRL 2001744 00	Annual

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Exhibit D(**)**

Taxing Authority
Alabama - Revenue Discovery Systems Autauga, Birmingham, Chilton, Clanton, Dale, Dothan, Florence, Hamilton, Henry, Jackson, Lauderdale, Pike, Scottsboro
City of Montgomery
Alabama - STACS City of Sheffield Colbert County Franklin County
Alabama Department of Revenue
Alabama Department of Revenue
Alaska Department of Revenue
Arizona Department of Revenue
Arizona Department of Revenue
Arkansas Department of Finance & Administration
Ascension Parish Sales and Use Tax Authority
Avoyelles Parish School Board
Baldwin County
Bureau of Revenue & Taxation
Caddo Shreveport Sales & Use Tax Commission
Calcasieu Parish
California Department of Tax and Fee Administration
City of Alabaster
City of Arvada
City of Aurora Revenue Division
City of Baton Rouge Parish of East Baton Rouge
City of Boulder
City of Bremerton
City of Colorado Springs
City of Craig
City of Daphne
City of Durango
City of Englewood
City of Everett
City of Foley Revenue Department
City of Fort Collins
City of Golden

Taxing Authority
City of Grand Junction
City of Greeley
City of Greenwood Village
City of Gunnison
City of Huntsville
City of Lakewood
City of Lamar
City of Littleton
City of Lone Tree
City of Longmont
City of Longview
City of Mobile
City of Monroe/Ouachita Parish
City of New Orleans
City of Parker
City of Pueblo
City of Seattle
City of Steamboat Springs
City of Thornton
Colorado Department of Revenue
Commerce City Tax Division
Comptroller of Maryland
Connecticut Department of Revenue Services
Cullman County
Dekalb County Revenue Department
Delaware Division of Revenue
Denver Department of Finance
Department of the Treasury Internal Revenue Service
District of Columbia
District of Columbia
Evangeline Parish Sales/Use Tax Commission
Florida Department of Revenue
Georgia Department of Revenue
Georgia Department of Revenue
Hawaii Department of Taxation

Taxing Authority
Hawaii Department of Taxation
Iberia Parish School Board Sales & Use Tax Department
Idaho State Tax Commission
Idaho State Tax Commission
Illinois Department of Revenue
Illinois Department of Revenue
Indiana Department of Revenue
Indiana Department of Revenue
Iowa Department of Revenue
Iowa Department of Revenue
Jefferson County Department of Revenue
Kansas Department of Revenue
Kansas Department of Revenue
Kentucky Department of Revenue
Kentucky Revenue Cabinet
Lafayette Parish School System
Lafourche Parish School Board
Lincoln Parish
Louisiana - St. Charles
Louisiana - St. John
Louisiana - St. Landry
Louisiana - St. Mary
Louisiana - St. Tammany
Louisiana - Vernon
Louisiana - Washington
Louisiana - Webster
Louisiana Department of Revenue
Louisiana Department of Revenue
Madison County
Maine Department of Revenue
Maine Revenue Services
Maryland Revenue Administration
Massachusetts Department of Revenue
Massachusetts Department of Revenue
Michigan Department of Treasury
Michigan Department of Treasury

Taxing Authority
Minnesota Department of Revenue
Minnesota Department of Revenue
Mississippi Department of Revenue
Mississippi Department of Revenue
Missouri Department of Revenue
Missouri Department of Revenue
Mobile County
Montana Department of Revenue
Montgomery County Commission Tax & Audit Department
Nebraska Department of Revenue
Nebraska Department of Revenue
Nevada Department of Taxation
New Hampshire Department of Revenue Administration
New Jersey Division of Taxation
New Jersey Division of Taxation
New Mexico Taxation & Revenue Department
New Mexico Taxation & Revenue Department
New York Department of Taxation and Finance
New York Department of Taxation and Finance
North Carolina Department of Revenue
North Carolina Department of Revenue
North Dakota Office of State Tax Commissioner
North Dakota Office of State Tax Commissioner
Ohio Department of Taxation
Oklahoma Tax Commission
Oklahoma Tax Commission
Oregon Department of Revenue
Oregon Department of Revenue
Parish Of Acadia
Pennsylvania Department of Revenue
Pennsylvania Department of Revenue
Plaquemines Parish
Rapides Parish
Rhode Island Division of Taxation
Rhode Island Division of Taxation
Shelby County Business Revenue Office

Taxing Authority
South Carolina Department of Revenue
South Carolina Department of Revenue
South Dakota Department of Revenue
State of Arkansas
Tennessee Department of Revenue
Tennessee Department of Revenue
Texas Comptroller of Public Accounts
Texas Comptroller of Public Accounts
Utah State Tax Commission
Utah State Tax Commission
Vermont Department of Taxes
Vermont Department of Taxes
Virginia Tax Office of Customer Services
Virginia Tax Office of Customer Services
Washington State Department of Revenue
West Virginia State Tax Department
West Virginia Tax Division
Wisconsin Department of Revenue
Wisconsin Department of Revenue
Wyoming Department of Revenue

Exhibit D(iviii)

1. All properties, rights, interests and assets related to or arising out of the following cause of action: *Vyair Medical Holdings B.V. vs. Florian Kienle, Sonja Kienle, William Franz, Roland Holtz and Peter Biro*, District Court of Hamburg (Germany); Docket No. 313 O 251/19
2. All properties, rights, interests and assets related to or arising out of the following cause of action: *Vyair Holding Company and Vyair Medical, Inc. v. Westchester Surplus Lines Insurance Company, Allianz Underwriters Insurance Company, Lloyd's of London Syndicate 2003 (aka Caitlin Syndicate Limited and North American Insurance Company)*, Supreme Court of the State of New York, County of New York, Index No. 652428/2020 (the.
3. All properties, rights, interests and assets related to or arising out of the following cause of action and any counterclaims related thereto: *Sleep Management LLC (d/b/a VieMed) vs. Vyair Medical Inc. (d/b/a CareFusion Respiratory Technologies)*, Western District of Louisiana (Lafayette) No. 6:20-cv-00969-MJJ-PJH.