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: Docket No. 722**

MOTION OF DEBTORS FOR ENTRY OF AN ORDER AUTHORIZING THE DEBTORS TO EXCEED THE PAGE LIMIT REQUIREMENT WITH RESPECT TO THE DEBTORS' CONFIRMATION BRIEF

The above-captioned debtors and debtors in possession (collectively, the "Debtors and, each, a "Debtor"), state as follows in support of this motion (the "Motion").[2]

Relief Requested

1. The Debtors seek entry of an order, substantially in the form attached hereto as **Exhibit A** (the "Proposed Order"), authorizing the Debtors to exceed the page limit requirements established by Rule 3017-3 of the Local Rules of Practice and Procedure of the United States Bankrutpcy Court for the District of Delaware (the "Local Rules") with respect to the *Debtors' Memorandum of Law in Support of an Order (I) Approving the Debtors' Disclosure Statement on a Final Basis and (II) Confirming the Debtors' Joint Chapter 11 Plan* [Docket No. 722] (the "Confirmation Brief").

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[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] 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 Vyaire Medical, Inc., in Support of Debtors' Chapter 11 Petitions and First Day Motions* [Docket No. 15] (the "First Day Declaration").

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 Local Rule 9013-1(f), 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 Local Rule that provides the basis for the relief requested herein is Local Rule 1001-1(c).

Background

5. On June 9, 2024 (the "Petition Date"), Vyaire Medical, Inc. and certain of its subsidiaries filed voluntary petitions 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. On June 11, 2024, the Court entered an order authorizing the procedural consolidation and joint administration of these chapter 11 cases pursuant to Bankruptcy Rule 1015(b) and Local Rule 1015-1. *See* Docket No. 84. No request for the appointment of a trustee or examiner has been made in these chapter 11 cases.

6. On June 26, 2024, the Office of the United States Trustee for the District of Delaware (the "U.S. Trustee") appointed the Official Committee of Unsecured Creditors (the "Committee"). *See* Docket No. 121.

7. On September 30, 2024, the Debtors filed the amended *Joint Chapter 11 Plan of Vyaire Medical, Inc. and its Debtor Affiliates* [Docket No. 581].

8. On November 11, 2024, the Debtors filed the *Second Amended Joint Chapter 11 Plan of Vyaire Medical, Inc. and its Debtor Affiliates* [Docket No. 719] (as may be amended, modified or supplemented from time to time, the "Plan").

9. A hearing to consider confirmation of the Plan is scheduled to be held on November 14, 2024 at 10:00 a.m. (prevailing Eastern Time) (the "Confirmation Hearing").

10. The Debtors have received one objection to confirmation of the Plan from the U.S. Trustee [Docket No. 705] (the "U.S. Trustee Objection") and various other informal comments to the Plan from parties in interest in these chapter 11 cases.

11. In connection with the Plan, on November 11, 2024, the Debtors filed the Confirmation Brief. The Confirmation Brief is approximately 66 pages (exclusive of any tables, exhibits, addenda or other supporting materials in accordance with Local Rule 3017-3) and not only provides affirmative arguments in support of the Plan, but also incorporates the resolutions reached with the U.S. Trustee, the Committee and various other parties in interest who provided informal comments on the Plan.

Basis for Relief

12. Local Rule 3017-3 provides, in relevant part, that "[i]n all chapter 11 cases, without leave of the Court[] . . . no brief in support of approval of a disclosure statement or confirmation of a plan . . . shall exceed sixty (60) pages (exclusive of any tables, exhibits, addenda or other supporting materials)." DEL. BANKR. L.R. 3017-3. Additionally, Local Rule 1001-1(c) provides that the Local Rules "may be modified by the Court in the interest of justice." DEL. BANKR. L.R.

1001-1(c). Accordingly, briefs such as the Confirmation Brief may exceed the applicable page limit requirements with leave of the Court.

13. The Debtors respectfully submit that their request to exceed the page limitation set forth in Local Rule 3017-3 is reasonable and appropriate under the circumstances. The Confirmation Brief describes in detail the Plan and the requirements for confirmation, which incorporate the resolutions reached with the U.S. Trustee, the Committee and various other parties in interest who provided informal comments on the Plan. While the Debtors have made the Confirmation Brief as succinct as possible under the circumstances, they cannot provide the Court with the information necessary for a full and fair adjudication of the matters presented without exceeding the page limits established by Local Rule 3017-3. Accordingly, the Debtors submit that there is more than ample justification for the relief requested herein.

Notice

14. The Debtors will provide notice of this Motion to: (a) the U.S. Trustee; (b) counsel to the Committee; (c) counsel to the 1L Ad Hoc Group; (d) the agent of the DIP Facility and counsel thereto; (e) the agent of the First Lien Credit Agreement and counsel thereto; (f) the Second Lien Credit Agreement Agent and counsel thereto; (g) the agent of the First Lien Notes and counsel thereto; and (h) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtors respectfully request entry of the Proposed Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein.

Dated: November 12, 2024
Wilmington, Delaware

/s/ Patrick J. Reilley

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