

**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 (BLS)

)

) **Hearing Date: May 7, 2025 at 9:30 a.m. (ET)**

) **Objection Deadline: April 21, 2025 at 4:00 p.m. (ET)**

**COVER SHEET FOR THE FIRST INTERIM AND FINAL APPLICATION OF BIELLI &
KLAUDER, LLC FOR COMPENSATION FOR SERVICES RENDERED AND
REIMBURSEMENT OF EXPENSES AS COUNSEL TO FEE EXAMINER,
FOR THE PERIOD FROM OCTOBER 30, 2024 THROUGH MARCH 28, 2025**

Name of Applicant:

Bielli & Klauder, LLC

Authorized to Provide Professional Services to:

David M. Klauder, Fee Examiner

Date of Appointment:

December 5, 2024 *nunc pro tunc* to October 30, 2024

Compensation Period for which compensation and
reimbursement is sought:

October 30, 2024 Through March 28, 2025

Amount of compensation sought as actual,
reasonable, and necessary:

\$20,304.50

Amount of expense reimbursement sought as actual,
reasonable, and necessary:

\$22,000.00

This is an ☒ interim ☒ final application

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.

FIRST INTERIM AND FINAL COMPENSATION BY PROFESSIONAL
OCTOBER 30, 2024 THROUGH MARCH 28, 2025

Name of Professional Individual	Position of the Applicant	Hourly Billing Rate (including changes)	Total Billed Hours	Total Compensation
Thomas Bielli	Partner	\$490.00	17.60	\$8,624.00
Brooke Hoffmann	Legal Assistant	\$195.00	59.90	\$11,680.50
TOTAL			<u>77.50</u>	<u>\$20,304.50</u>

COMPENSATION BY PROJECT CATEGORY
OCTOBER 30, 2024 THROUGH MARCH 28, 2025

Project Category	Total Hours	Total Fees
Fee/Employment Applications – Retained Professionals	57.40	\$16,385.00
B110 - Case Administration	20.10	\$3,919.50
TOTAL	<u>77.50</u>	<u>\$20,304.50</u>

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

In re:	)	
	)	Chapter 11
VYAIRE MEDICAL, INC., <i>et al.</i> , ²	)	
	)	Case No. 24-11217 (BLS)
Debtors.	)	
	)	Hearing Date: May 7, 2025 at 9:30 a.m. (ET)
	)	Objection Deadline: April 21, 2025 at 4:00 p.m. (ET)

**FIRST INTERIM AND FINAL FEE APPLICATION OF BIELLI & KLAUDER, LLC
FOR COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT
OF EXPENSES AS COUNSEL TO FEE EXAMINER,
FOR THE PERIOD FROM OCTOBER 30, 2024 THROUGH MARCH 28, 2025**

Pursuant to, *inter alia*, sections 330 and 331 of Title 11 of the United States Code, §§ 101-1532 (the “Bankruptcy Code”), Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 2016-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), Bielli & Klauder, LLC (“BK”), counsel to David M. Klauder, the Fee Examiner (the “Fee Examiner”), for the bankruptcy estate (the “Bankruptcy Estate”) of Vyaire Medical, Inc., *et al.*, (the “Debtors”), hereby files this *First Interim and Final Fee Application of Bielli & Klauder, LLC for Compensation for Services Rendered and Reimbursement of Expenses as Counsel to Fee Examiner, for the Period from October 30, 2024 through March 28, 2025* (the “Application”). By the Application, BK seeks allowance with respect to the total sums of \$20,304.50 as compensation for necessary professional services rendered and reimbursement of expenses of \$22,000.00 for the first interim and final compensation period from October 30, 2024 through

² 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.

March 28, 2025 (the “First Interim and Final Compensation Period”). In support of this Application, BK submits the attorney certification attached hereto as Exhibit A (the “Certification”). In further support of this Application, the Fee Examiner respectfully represents as follows:

BACKGROUND

1. On June 9, 2024 (the “Petition Date”), the Debtors each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in this Court.

2. On October 30, 2024, David M. Klauder was appointed as the Fee Examiner for this case.

3. By Order of this Court dated December 5, 2024 [D.I. 819], BK was appointed as counsel to the Fee Examiner *nunc pro tunc* to October 30, 2024.

COMPENSATION AND ITS SOURCE

4. All services for which compensation is requested by BK were performed for or on behalf of the Bankruptcy Estate.

5. BK has received no payment and no promises for payment from any source for services rendered or to be rendered in any capacity whatsoever in connection with the matters covered by this Application. There is no agreement or understanding between BK and any other person for the sharing of compensation to be received for services rendered in this case.

6. The fee statements for the First Interim and Final Compensation Period are attached hereto as Exhibit B. These statements contain daily time logs describing the time spent by BK during the First Interim and Final Compensation Period. To the best of BK’s knowledge, this Application complies with sections 330 and 331 of the Bankruptcy Code, the Bankruptcy

Rules, the applicable Local Rules and BK believe that this Application also constitutes a reasonable effort to comply with the *Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed under 11 U.S.C. § 330 by Attorneys in Larger Chapter 11 Cases Effective as of November 1, 2013* (the “U.S. Trustee Guidelines”).

SUMMARY OF SERVICES RENDERED

7. In general, the services that BK rendered in the bankruptcies included, without limitation, the following:

- a. Reviewing Monthly Fee Applications and Interim Fee Applications filed by each Applicant in this chapter 11 case, along with the Fee Detail related thereto;
- b. Consulting with each Applicant concerning such Applications;
- c. Assisting the Fee Examiner with respect to his duties as such, including legal issues that arose; and
- d. General case administration and case review.

8. The legal services rendered by BK in the bankruptcy have been provided with as little duplication as possible and are detailed by professional and project category in Exhibit B.

9. As set forth in the Retention Application, BK on behalf of itself and the Fee Examiner, is charging a monthly flat fee of \$5,500.00 for the costs of Legal Decoder, Inc., (“Legal Decoder”) whose fee data analytics the Fee Examiner and BK used to assist in performing their analyses in this case. Legal Decoder’s flat fee is incorporated in the expenses requested for reimbursement herein. This monthly cost is directly attributable to this case and is based on the size of the case and the number of professionals who fee applications are to be reviewed. The invoices from Legal Decoder are attached hereto as Exhibit C.

SUMMARY OF SERVICES BY PROJECT

10. The services rendered by BK during the First Interim and Final Compensation Period can be grouped into the categories set forth below. These categories are generally described as follows:

a. B110 - Case Administration

First Interim and Final Compensation Period:

Fees: \$3,919.50; Total Hours: 20.10

This category includes time spent regarding coordination and compliance activities, and general case review.

b. Fee/Employment Applications – Retained Professionals

First Interim and Final Compensation Period:

Fees: \$16,385.00; Total Hours: 57.40

This category includes time spent reviewing fee applications and preparing fee application reports for retained professionals.

VALUATION OF SERVICES

11. BK has extended a total of 77.50 hours in connection with this matter during the First Interim and Final Compensation Period, as follows:

FIRST INTERIM COMPENSATION PERIOD

<u>NAME</u>	<u>HOURS</u>	<u>HOURLY RATE</u>
Thomas Bielli	17.60	\$490.00
Brooke Hoffmann	59.90	\$195.00

The nature of the work performed by BK is fully set forth in Exhibit B attached hereto. This is BK's normal hourly rate for work of this character. The reasonable value of the services rendered

by BK for the Bankruptcy Estate during the First Interim and Final Compensation Period is \$20,304.50.

12. In accordance with the factors enumerated in section 330 of the Bankruptcy Code, it is respectfully submitted that the amount requested by the Fee Examiner is fair and reasonable given (a) the complexity of this case, (b) the time expended, (c) the nature and extent of the services rendered, (d) the value of such services and (e) the costs of comparable services other than in a case under this title. Moreover, BK submits that this Application is compliant with Local Rule 2016-2.

DISCLOSURES PURSUANT TO THE U.S. TRUSTEE GUIDELINES

13. Section C.5 of the U.S. Trustee Guidelines requires an applicant to respond to six questions relating to its fee application. BK's disclosures in response to the six questions are contained in the Certification attached hereto as Exhibit A.

NOTICE

14. BK shall provide notice of this Application on the date hereof to: (i) the Office of the United States Trustee for the District of Delaware; and (ii) all parties who filed a request for service of notices under Bankruptcy Rule 2002. BK submits that no further notice is necessary under the circumstances.

WHEREFORE, BK respectfully requests that the Court authorize that for the period from October 30, 2024 through March 28, 2025 allowance with respect to the total sums of \$20,304.50 as compensation and \$22,000.00 as reimbursement of expenses, and that such sums be authorized for payment and for such other and further relief as this Court may deem just and proper.

Dated: March 31, 2025

BIELLI & KLAUDER, LLC

/s/ David M. Klauder

David M. Klauder (No. 5769)

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Fee Examiner