

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

	)	
In re:	)	Chapter 11
	)	
VYAIRE MEDICAL, INC., <i>et al.</i> , ¹	)	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)

**COVER SHEET FOR THE FIRST INTERIM AND FINAL APPLICATION OF DAVID
M. KLAUDER FOR COMPENSATION FOR SERVICES RENDERED AND
REIMBURSEMENT OF EXPENSES AS FEE EXAMINER, FOR THE PERIOD
FROM OCTOBER 30, 2024 THROUGH MARCH 28, 2025**

Name of Applicant: David M. Klauder, Fee Examiner

Date of Appointment: 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: \$16,695.00

Amount of expense reimbursement sought as actual,
reasonable, and necessary: \$0.00

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.

**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
David M. Klauder	Fee Examiner	\$525.00	31.80	\$16,695.00
TOTAL				<u>\$16,695.00</u>

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

Project Category	Total Hours	Total Fees
Fee/Employment Applications - Retained Professionals	28.10	\$14,752.50
B110 - Case Administration	0.60	\$315.00
BK/Fee Examiner - Retention and Fee Applications	3.10	\$1,627.50
TOTAL	<u>31.80</u>	<u>\$16,695.00</u>

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**FIRST INTERIM AND FINAL APPLICATION OF DAVID M. KLAUDER FOR
COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF
EXPENSES AS 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”), David M. Klauder, the Fee Examiner (the “Fee Examiner”), for the bankruptcy estate (the “Bankruptcy Estate”) of Vyair Medical, Inc., *et al.*, (the “Debtors”), hereby files this *First Interim and Final Application of David M. Klauder for Compensation for Services Rendered and Reimbursement of Expenses as Fee Examiner, for the Period of October 30, 2024 through March 28, 2025* (the “Application”). By the Application, the Fee Examiner seeks interim and final allowance with respect to the total sums of \$16,695.00 as compensation and \$0.00 for reimbursement of actual and necessary expenses, for the first interim and final fee period from October 30, 2024 through March 28, 2025 (the “First Interim and Final Compensation Period”).

² 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.

In support of this Application, the Fee Examiner 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.

COMPENSATION AND ITS SOURCE

3. All services for which compensation is requested by the Fee Examiner were performed for or on behalf of the Bankruptcy Estate.

4. The Fee Examiner 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 the Fee Examiner and any other person for the sharing of compensation to be received for services rendered in this case.

5. 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 the Fee Examiner during the First Interim and Final Compensation Period. To the best of the Fee Examiner’s knowledge, this Application complies with sections 330 and 331 of the Bankruptcy Code, the Bankruptcy Rules, the applicable Local Rules and the Fee Examiner believes 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

6. The Fee Examiner received no payment and no promise for payment from any source for services rendered other than in accordance with the Bankruptcy Code. There is no agreement or understanding between the Fee Examiner and any other person for the sharing of compensation to be received for the services rendered in this case.

7. In general, the services that the Fee Examiner 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; and
- c. General case administration and case review.

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

SUMMARY OF SERVICES BY PROJECT

9. The services rendered by the Fee Examiner 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. BK/Fee Examiner – Retention and Fee Applications

First Interim and Final Compensation Period:

Fees: \$1,627.50; Total Hours: 3.10

This category includes time spent regarding preparation of employment and fee applications for Bielli & Klauder, LLC and self.

b. B110 - Case Administration

First Interim and Final Compensation Period:

Fees: \$315.00; Total Hours: 0.60

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

c. Fee/Employment Applications – Retained Professionals

First Interim and Final Compensation Period:

Fees: \$14,752.50; Total Hours: 28.10

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

VALUATION OF SERVICES

10. The Fee Examiner has extended a total of 31.80 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>
David M. Klauder	31.80	\$525.00

The nature of the work performed by the Fee Examiner is fully set forth in Exhibit B attached hereto. This is the Fee Examiner’s normal hourly rate for work of this character. The reasonable value of the services rendered by the Fee Examiner for the Bankruptcy Estate during the First Interim and Final Compensation Period is \$16,695.00.

11. 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, the Fee Examiner submits that this Application is compliant with Local Rule 2016-2.

DISCLOSURES PURSUANT TO THE U.S. TRUSTEE GUIDELINES

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

NOTICE

13. The Fee Examiner 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. The Fee Examiner submit that no further notice is necessary under the circumstances.

WHEREFORE, the Fee Examiner respectfully requests that the Court authorize that for the period from October 30, 2024 through March 28, 2025, an allowance be made to the sum of \$16,695.00 as compensation and \$0.00 for reimbursement of actual and necessary 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
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Fee Examiner