

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

In re:

VYAIRE MEDICAL, INC.,¹

Liquidating Debtor.

Chapter 11

Case No. 24-11217 (BLS)

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

Obj. Deadline: April 22, 2025, at 4:00 p.m. (ET)

**PLAN ADMINISTRATOR’S (I) FIRST MOTION TO EXTEND THE CLAIMS
OBJECTION DEADLINE AND (II) SECOND MOTION
TO EXTEND THE ADMINISTRATIVE CLAIMS OBJECTION DEADLINE**

David M. Barse, solely in his capacity as the Plan Administrator of Vyair Medical, Inc., *et al.* (the “Plan Administrator”), appointed pursuant to the *Second Amended Joint Chapter 11 Plan of Vyair Medical, Inc. and Its Debtor Affiliates* [Docket No. 719] (the “Plan”), which was confirmed by the Order of the United States Bankruptcy Court for the District of Delaware (the “Court”) on November 14, 2024 [Docket No. 745] (the “Confirmation Order”),² hereby moves (the “Motion”) pursuant to sections 105 and 502 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), and Rules 3007 and 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the (i) Administrative Claims Objection Bar Date for ninety (90) days through and including August 25, 2025 and (ii) Claims

¹ This chapter 11 case is now being administered by the Plan Administrator pursuant to the terms of the *Findings of Fact, Conclusions of Law, and Order Approving the Debtors' Disclosure Statement for, and Confirming the Second Amended Joint Chapter 11 Plan of Vyaire Medical, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 745] (the "Confirmation Order"). The Plan Administrator's mailing address is Vyaire Medical, Inc., Attn: David M. Barse, Plan Administrator, c/o Cole Schotz P.C., 500 Delaware Avenue, Suite 1410, Wilmington, DE 19801

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Confirmation Order or Plan, as applicable.

Objection Deadline for one-hundred and eighty-one (181)³ days through and included November 24, 2025. In support of the Motion, the Plan Administrator respectfully represents as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider the Motion under 28 U.S.C. §§ 157 and 1334, and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware* dated February 29, 2012. This is a core proceeding under 28 U.S.C. § 157(b). Pursuant to Rule 9013-1(f) of the Local Rules of the United States Bankruptcy Court for the District of Delaware (“Local Rules”), the Plan Administrator consents to the entry of a final order by the Court in connection with the Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

2. Venue is proper in this District under 28 U.S.C. §§ 1408 and 1409.

3. The statutory basis for the relief requested herein are sections 105 and 502 of the Bankruptcy Code. Such relief also is warranted under Bankruptcy Rule 3007 and 9006, and Local Rule 3007-1.

BACKGROUND

4. On June 9, 2024, Vyair Medical, Inc. and its affiliated debtors (collectively, the “Debtors”) each commenced a voluntary case under chapter 11 of the Bankruptcy Code with the Court.

5. On July 9, 2024, the Court entered the *Order (I) Setting Bar Dates for Filing Proofs of Claim, Including Under Section 503(b)(9), (II) Establishing Amended Schedules Bar Date and Rejection Damages Bar Date, (III) Approving the Form of and Manner for Filing Proofs of Claim,*

³ One-hundred and eighty days from the current Claims Objection Deadline is Sunday, November 23, 2025.

Including Section 503(b)(9) Requests, and (IV) Approving Form and Manner of Notice Thereof [Docket No. 227] (the “Bar Date Order”).

6. On November 14, 2024, the Court entered the Confirmation Order.

7. On November 27, 2024 (the “Effective Date”), the Plan became effective in accordance with its terms [Docket No. 810].

8. On January 25, 2025, the Court entered a *Final Decree Closing Certain Cases* [Docket No. 974], *inter alia*, closing all cases other than the above-captioned case and authorizing that relief in connection with any of the Debtors be filed in the above-captioned case.

9. On the Effective Date, David M. Barse, in his capacity as Plan Administrator, became the sole representative of the Debtors’ estates for the purpose of, *inter alia*, reconciling claims filed against the Debtors’ estates and facilitating distributions in accordance with the Plan. See Plan, Art. IV.E., VII.

10. Pursuant to Article I.A.6. of the Plan, the Plan Administrator’s initial deadline for filing objections to requests for payment of Administrative Claims was “the later of (a) 60 days after the Effective Date [i.e., January 27, 2025]⁴ and (b) 60 days after the Filing of the applicable request for payment of the Administrative Claims.” (the “Administrative Claims Objection Bar Date”).

11. On February 11, 2025, the Court entered an *Order Approving the Plan Administrator’s First Motion to Extend the Administrative Claims Objection Deadline* [Docket No. 987], pursuant to which the (i) Administrative Claims Objection Bar Date was extended to

⁴ Because 60 days after the Effective Date falls on Sunday, January 26, 2025, the Administrative Claims Objection Bar Date rolls until the next business day – i.e., Monday, January 27, 2025. See FED. R. BANKR. P. 9006(a).

May 27, 2025, and (ii) deadline to respond to any motions or requests for payment of an administrative claim was extended to May 27, 2025.

12. Pursuant to Article VII.E. of the Plan, the Plan Administrator's deadline to file objections to all Claims other than Administrative Claims (e.g. priority and non-priority general unsecured claims and secured claims) is 180 days after the Effective Date (i.e. May 27, 2025)⁵ (the "Claims Objection Deadline"). See Plan, Art. VII.E. The Plan permits the Court to extend the Claims Objection Deadline upon a motion by the Reorganized Debtors. *Id.*

13. Since the Effective Date, the Plan Administrator has been diligently attending to obligations under the Plan. The Plan Administrator has expended substantial time working with international professionals to address immediate matters as to the Debtors' international affiliate, including winding down entities under local laws, working with tax professionals to address ongoing tax obligations, including filing extensions, and attending to matters concerning the terms of transition services agreements with purchasers of the Debtors' assets.

14. In addition, the Plan Administrator has addressed and continues to address numerous Administrative Claims and motions and requests for payment of Administrative Claims. As to Administrative Claims alone, to date, approximately fifty Administrative Claims, and fifteen (15) motions for allowance and payment of Administrative Claims, have been filed in these chapter 11 cases.

15. On January 27, 2025, the Plan Administrator filed *The Plan Administrator's First Notice of Satisfaction of Claims* addressing the satisfaction of numerous Bankruptcy Code section 503(b)(9) claims.

⁵ Because 180 days falls on May 26, 2025, a Court holiday, the Claims Objection Deadline rolls until the next business day (i.e. May 27, 2025). See FED. R. BANKR. P. 9006(a).

16. On February 28, 2025, the Court entered orders approving the Plan Administrator's first and second omnibus objections to certain priority claims. *See* Docket Nos. 1001, 1002.

17. In addition, the Plan Administrator has already resolved more than fifty percent of the motions for allowance and payment of Administrative Claims and has filed three objections.

18. As to the non-priority claims, as of the date of this filing, it is not clear what funds will be available for distribution to allowed general unsecured claims under the Plan. The Plan Administrator intends to defer the resolution of general unsecured claims until such time as it becomes clear that funds will be available to distribute. Therefore, the Plan Administrator has prioritized the claims reconciliation process with respect to administrative and priority claims and with the assistance of his professionals is continuing to review, analyze and reconcile such claims so that distributions may be made in compliance with the Plan. While the Plan Administrator is seeking an extension of the Administrative Claims Objection Bar Date and the Claims Objection Deadline, he does intend to address the remainder of the administrative and priority claims in the near future.

RELIEF REQUESTED

19. By this Motion, the Plan Administrator respectfully requests that the Court enter the Proposed Order extending the Administrative Claims Objection Bar Date to August 25, 2025, and the Claims Objection Deadline to November 24, 2025, without prejudice to the right of the Plan Administrator or any other party in interest to seek further extensions of such deadlines.

BASIS FOR RELIEF

20. Pursuant to section 502(a) of the Bankruptcy Code, "a claim or interest. . . is deemed allowed, unless a party in interests . . . objects." As stated above, the Plan expressly established the Administrative Claims Objection Bar Date and the Claims Objection Deadline.

The Plan also provided that the Claims Objection Deadline may be fixed by order of the Court, implicitly recognizing that circumstances may warrant one or more extensions of time.

21. Bankruptcy Rule 9006(b)(1) provides that the Court can extend unexpired time periods as follows

when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion ... with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order

FED. R. BANKR. P. 9006(b)(1).

22. In addition, section 105(a) of the Bankruptcy Code provides that “[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). It is also generally recognized that “[s]ection 105(a) authorizes the bankruptcy court, or the district court sitting in bankruptcy, to fashion such orders as are required to further the substantive provisions of the Code.” *See In re Morristown & E. R. Co.*, 885 F.2d 98, 100 (3d Cir. 1989) (citing Collier on Bankruptcy ¶ 105.04 at 105–15 & n.5 (15th rev. ed. 1989)).

23. The Plan Administrator respectfully submits that sufficient cause exists to extend the Administrative Claims Objection Bar Date and the Claims Objection Deadline.

24. As discussed above, immediately following the Effective Date, the Plan Administrator began to identify and resolve pending issues required to implement the Plan. Among other things, the Plan Administrator worked with international professionals to address immediate matters as to the Debtors’ international affiliates. The Plan Administrator also worked with tax professionals to address tax filing obligations and has further tended to post-closing

matters with the purchasers of the Debtors' assets, including among other things, matters concerning the terms of transition services agreements and asset purchase agreements.

25. Separately, the Plan Administrator has already commenced his review and reconciliation of certain claims asserted against the Debtors' estates, including Administrative Claims and priority claims. Such claims contain multiple components and require a careful review by the Plan Administrator and his professionals.

26. To date, the Plan Administrator has reconciled and paid numerous claims asserted under section 503(b)(9) of the Bankruptcy Code, resolved more than one-half of the Administrative Claims asserted by motion, filed three objections to administrative claim motions, filed two omnibus claims objections, filed one notice of satisfaction of claims, and has been working closely with his professional advisors to review and reconcile remaining administrative and priority unsecured claims, and prepare objections or responses to such claims where appropriate. With respect to the general unsecured claims, given the sheer volume of claims and the uncertainty that any funds will be available for distribution to such creditors, the Plan Administrator submits that an extension of time to review and object to such claims is appropriate.

27. In light of the foregoing, the claims reconciliation process is ongoing, and the Plan Administrator requires additional time to effectively review, resolve and/or object to Claims, including remaining Administrative Claims. Notwithstanding, the Plan Administrator will endeavor to reconcile and pay undisputed Administrative Claims and priority Claims as soon as practicable. Thus, the requested extension will not prejudice any creditor or other party in interest. Absent an extension, the Plan Administrator may forfeit valuable potential claim objections to the detriment of the Debtors' other, legitimate stakeholders.

28. Based on the foregoing the Plan Administrator respectfully submits that cause exists to extend the Administrative Claims Objection Bar Date and the Claims Objection Deadline to August 25, 2025, and November 24, 2025, respectively.

PRIOR REQUESTS

29. This is the second request by the Plan Administrator to extend the Administrative Claims Objection Bar Date.

30. No prior request to extend the Claims Objection Deadline has been made to this or any other court.

NOTICE

31. Notice of the Motion will be provided to: (i) the U.S. Trustee; (ii) all parties entitled to notice under Bankruptcy Rule 2002 and Local Rule 2002-1(b); and (iii) parties that have filed Administrative Claims. The Plan Administrator submits that no further notice is required.

CONCLUSION

WHEREFORE, the Plan Administrator respectfully requests that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A** approving the Motion and granting such other and further relief as may be just and proper.

Dated: April 8, 2025
Wilmington, Delaware

COLE SCHOTZ P.C.

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the Plan Administrator of Vyair Medical, Inc., et al.*