

**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)

Re: Docket No. 1081

**CERTIFICATION OF COUNSEL REGARDING PLAN ADMINISTRATOR'S THIRD
OMNIBUS OBJECTION (NON-SUBSTANTIVE) TO CERTAIN CLAIMS
(Duplicate, Late Filed, Insufficient Documentation)**

The undersigned counsel to David M. Barse, solely in his capacity as the Plan Administrator of Vyaire Medical, Inc., *et al.* (the “Plan Administrator”), hereby certifies as follows:

1. On May 8, 2025, the Plan Administrator filed the *Plan Administrator’s Third Omnibus Objection (Non-Substantive) to Certain Claims (Duplicate, Late Filed, Insufficient Documentation)* [Docket No. 1081] (the “Objection”) with the United States Bankruptcy Court for the District of Delaware (the “Court”). Attached thereto as Exhibit A was a proposed form of order granting the relief requested in the Objection (the “Proposed Order”).

2. Pursuant to the *Notice of the Plan Administrator’s Third Omnibus Objection (Non-Substantive) to Certain Claims (Duplicate, Late Filed, Insufficient Documentation)* [Docket No. 1081-1] (the “Notice of Objection”), responses to the Objection were required to have been filed with the Court and served on undersigned counsel no later than 4:00 p.m. (ET) on June 4, 2025

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 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 600, Wilmington, DE 19801.

(the “Response Deadline”). The Notice of Objection also provided notice that a hearing on the Objection is scheduled for June 11, 2025 at 10:30 a.m. (ET) (the “Hearing”).

3. Prior to the Response Deadline, the Plan Administrator received an informal response to the Objection from Hogan Lovells US LLP (“Hogan Lovells”) with respect to Claim No. 239 set forth on Schedule 2 to the Proposed Order. Upon review of the correspondence, the Plan Administrator has determined that the claim should be removed from the Objection and revised the Proposed Order to remove the claim from Schedule 2.

4. Prior to the Response Deadline, the Plan Administrator received correspondence from counsel to Owens & Minor Distributions, Inc. (“Owens & Minor”) requesting an extension of time to respond to the Objection as to Owens & Minor’s Claim No. 223 set forth on Schedule 3 to the Proposed Order. Upon review of the correspondence, the Plan Administrator has revised the Proposed Order to (i) remove the claim from Schedule 3 to the Proposed Order granting the Objection, and (ii) adjourn the hearing on that claim to a date to be determined, on agreement of the parties.

5. Prior to the Response Deadline, the Plan Administrator received correspondence from the Georgia Department of Revenue (“Georgia DOR”) informing him that it has withdrawn the duplicate claim which is subject to the Objection. Upon review of the withdrawal of claim filed by the Georgia DOR at Docket No. 1093, the Plan Administrator has determined that the Objection to Georgia DOR’s Claim No. 2 was rendered moot, and thus removed that claim from Schedule 1 to the Proposed Order.

6. On June 3, 2025, the Tennessee Department of Revenue (“TDOR”) filed the *Response by the Tennessee Department of Revenue to the Plan Administrator’s Third Omnibus Objection to Claims* [Docket No. 1095] (the “TDOR Response”) with respect to Claim No. 216 filed against Vyaire Medical Inc., Claim No. 8 filed against Vyaire Medical 202 Inc., and Claim

No. 32 filed against Vyaire Medical 211, Inc. set forth on Schedule 2 to the Proposed Order. Following the filing of the TDOR Response, the parties agreed to an adjournment of the Objection as it relates to TDOR's claims. Thus, the Plan Administrator has revised the Proposed Order to (i) remove the claims from Schedule 2 to the Proposed Order granting the Objection, and (ii) adjourn the hearing on that claim to a date to be determined, on agreement of the parties.

7. Other than the responses of Hogan Lovells, Owens & Minor, Georgia Department of Revenue, and TDOR, the Plan Administrator has not received any other responses to the Objection, and none have been filed on the docket.

8. Accordingly, the Plan Administrator respectfully requests that the Court enter the revised proposed form of order (the "Revised Proposed Order") sustaining the Objection as to all claims other than the Hogan Lovells, Owens & Minor Claims, the Georgia DOR, and TDOR which have been removed from the Revised Proposed Order.

9. The Revised Proposed Order is attached hereto as **Exhibit A**.

10. A redline comparing the Revised Proposed Order against the Proposed Order filed with the Objection is attached hereto as **Exhibit B**.

11. The Plan Administrator respectfully requests that the Court enter the Revised Proposed Order at its earliest convenience.

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Dated: June 6, 2025
Wilmington, Delaware

/s/ Patrick J. Reilley

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