

**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.	)	(Jointly Administered)
	)	

**NOTICE OF INTENT TO SERVE SUBPOENA
DUCES TECUM DIRECTED TO SACHIN MURTHY**

PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, as made applicable by Rules 7034 and 9016 of the Federal Rules of Bankruptcy Procedure, notice is hereby given that the Plan Administrator for Vyaire Medical, Inc., by and through its counsel of record, intend to serve the subpoena attached hereto as **Exhibit A** on Sachin Murthy.

[Remainder of Page Intentionally Left Blank]

¹ The 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.

Dated: November 10, 2025
Wilmington, Delaware

/s/ Patrick J. Reilley

COLE SCHOTZ P.C.

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- and -

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Counsel to the Plan Administrator

EXHIBIT A

Sachin Murthy Subpoena

UNITED STATES BANKRUPTCY COURT

District of Delaware

In re VYAIR MEDICAL, INC.

Debtor

(Complete if issued in an adversary proceeding)

Case No. 24-11217 (BLS)

Chapter 11

Plaintiff

v.

Adv. Proc. No.

Defendant

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: Sachin Murthy, 269 Mill Road Chelmsford, MA 01824

(Name of person to whom the subpoena is directed)

☒ Production: **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attached **Schedule A**

PLACE Cole Schotz P.C.
500 Delaware Ave, Suite 600
Wilmington, DE 19801

DATE AND TIME
November 24, 2025 at 5:00 p.m.

☐ Inspection of Premises: **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE

DATE AND TIME

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 11/10/2025

CLERK OF COURT

OR

/s/ Patrick J. Reilley

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party) Plan Administrator for Vyair Medical, Inc., who issues or requests this subpoena, are:

Patrick J. Reilley, 500 Delaware Ave, Suite 600, Wilmington, DE 19801, preilley@coleschotz.com, 302-651-2004

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*: _____
on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true and correct.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...
(g) **Contempt.** The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

SCHEDULE A

DEFINITIONS

For the purposes of these Document Requests, the following definitions apply:

1. “510 Technology Drive” shall mean that portion of the Premises located at 510 Technology Drive, Irvine, CA.
2. “520 Technology Drive” shall mean that portion of the Premises located at 520 Technology Drive, Irvine, CA.
3. “Bankruptcy Case” shall mean the above captioned bankruptcy case pending in the United States Bankruptcy Court for the District of Delaware, bearing case no. 24-11217 (BLS).
4. “Bankruptcy Code” shall mean Title 11 of the United States Code.
5. “Communication” shall mean any transmission of information by oral, graphic, written, pictorial or other perceptible means, including but not limited to, telephone conversations, letters, documents, memoranda, notes, telegrams, facsimile, transmissions, electronic mail, meetings and personal conversations.
6. “Concerning” shall mean relating to, referring to, describing, evidencing, reflecting, regarding, constituting, discussing, mentioning, noting, memorializing, analyzing, commenting upon, evaluating, having any connection with or having a tendency to prove or disprove.
7. “Court” shall mean the United States Bankruptcy Court for the District of Delaware.
8. “Debtors” shall mean, collectively, Vyaire Medical Inc. and its debtor affiliates in the Bankruptcy Case.
9. “Document” shall be synonymous in meaning and equal in scope to the use of this term in Federal Rule 34(a), or meeting the definition of “writings and recordings” set forth in Rule

1001 of the Federal Rules of Evidence, and shall include therefore, without limitation, any recording of information in whatever form, including but not limited to memoranda, correspondence, e-mails, personal notes, spreadsheets, databases, work papers, telephone logs, text messages, calendars, plan books, diaries, journals and daily records of activity, drawings, graphs, charts, maps, photographs, video or audio recordings and other data compilations from which information can be obtained or translated (with or without the use of detection devices), including electronic files, records and archives. Document includes not only originals but also any copies or reproductions of all such written, printed, typed, recorded or graphic matter upon which any notations, comments or markings of any kind have been made that do not appear on the original documents or that are otherwise not identical to the original documents. Any document with marks such as initials, comments or notations of any kind is not deemed to be identical to one without such marks and is to be produced as a separate document. For purposes of these Document Requests, a document that is a copy of another document is intended to be separately requested if the copy differs in any way by virtue of any changes, additions, redactions, annotations or recipients.

10. “Including” shall mean including but not limited to.

11. “Objection” shall mean the *Plan Administrator’s Omnibus Objection to (I) Proof of Claim No. 132 Filed by Quad DBC Holdings LLC and (II) Quad DBC Holdings LLC Motion for Allowance of Administrative Expense Claim* [Docket No. 1056]

12. “Person” shall mean any natural person or legal entity, including without limitation, any business or governmental entity or association.

13. “Premises” shall have the meaning set forth in the Lease.

14. “Quad DBC” shall mean Quad DBC Holdings LLC and/or its affiliates, subsidiaries, or related persons or entities.

15. “Relating” shall mean consisting of, referring to, pertaining to, reflecting, evidencing or in any way logically or factually connected with the matter discussed.

16. “Representative” of a Person shall mean any officer, director, partner, agent, employee, broker, advisor or attorney of such Person.

17. “Vyair” shall mean Vyair Medical Inc.

18. “You” or “Your” shall mean Sachin Murthy and any of his assigns, heirs, Representatives and other Persons acting or purporting to act for or on his behalf.

19. Any other term used but not otherwise defined herein shall have the meaning given such term by the Bankruptcy Code, the Bankruptcy Rules, the Federal Rules or common usage unless otherwise required by the context.

INSTRUCTIONS

The following instructions apply to these Document Requests:

(i) The use of the singular shall be deemed to include the plural, and the use of one gender shall include the other, as appropriate in the context.

(ii) The connectives “and” and “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of the Request all Documents that might otherwise be construed to be outside of its scope.

(iii) The terms “any,” “all” and “each” shall be construed as necessary to bring within the scope of each Request all Documents that might otherwise be construed as outside of its scope.

(iv) Each Request seeks production of each Document in its entirety, without abbreviation or redaction, and all drafts and non-identical copies of each Document.

(v) If a Document is withheld under claim of privilege, at the time of production, You shall (a) state with specificity the claim of privilege or other reason used to withhold the information or Document and (b) identify all information or Documents by date and subject matter, without disclosing their contents, in a manner sufficient to allow them to be described to the Court for ruling on the privilege or other reason asserted. You shall also provide all requested Documents that are not subject to a claim of privilege or other reason for non-production by exercising or otherwise protecting the portions for which a privilege is asserted, if such a technique does not result in disclosing the contents of the portions for which some privilege is asserted.

(vi) If any Document called for was formerly in Your possession, custody or control and has been destroyed, discarded or otherwise disposed of, You shall furnish a list setting forth, as to each Document or part thereof, the following information: (i) the nature of the Document (e.g., letter, memorandum, e-mail, etc.); (ii) the name, address, occupation, title and business affiliation of each person who prepared, received, viewed and has or had possession, custody or control of the Document; (iii) the date of the Document; (iv) a description of the subject matter of the Document; (v) the date of destruction or other disposition; (vi) a statement of the reasons for destruction or other disposition; (vii) the name, address, occupation, title and business affiliation of each person who authorized destruction or other disposition; (viii) the name, address, occupation, title and business affiliation of each person who destroyed or disposed of the Document; and (ix) the paragraph(s) or subparagraph(s) of the Requests that call for the production of the Document.

(vii) Except as otherwise noted, these Requests cover all Documents in Your possession, custody or control, including any Documents in Your constructive possession

whereby You have the right to compel production of Documents from a third party as well as Documents maintained at such third party's present or former offices, its attorneys' offices or elsewhere.

(viii) In making production, You shall produce all Documents as kept in the normal course of business and identify the file from which each Document was taken or organize and label the Documents to correspond with the categories in these Requests.

(ix) In producing electronically stored information, You shall produce those items in accordance with the attached "Document Production Requirements."

(x) Each Request herein should be construed independently and not with reference to any other Request for the purpose of limitation.

(xi) These Requests are continuing and You shall promptly produce supplemental Documents as they become known.

(xii) Unless otherwise specified, these Requests cover all Documents and Communications prepared, written, generated, sent, dated or received at any time.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All Documents and Communications concerning or relating to any potential tenants and/or subtenants in connection with 510 Technology Drive between 2023 and 2024.

2. All Documents and Communications concerning or relating to possible tenants and/or subtenants in relation to 520 Technology Drive between 2023 and 2024.

3. All Documents and Communications concerning or relating to Quad DBC, 510 Technology Drive, or 520 Technology Drive.