

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

In re:

VYAIRE MEDICAL, INC., *et al.*,¹

Debtor.

Chapter 11

Case No. 24-11217 (BLS)

COVINGTON & BURLING LLP² and
REED SMITH LLP,

Plaintiffs,

v.

VYAIRE MEDICAL, INC. and VYAIRE
HOLDING CO., as WIND-DOWN
DEBTORS, DAVID M. BARSE, in his
capacity as Plan Administrator of Vyair
Medical, Inc., and JOHN DOE
LIQUIDATING TRUST,

Defendants.

Adv. Proc. No.: 25-52381 (BLS)

**[PROPOSED] STIPULATED ORDER
CONCERNING CONFIDENTIAL INFORMATION**

Pursuant to Fed. R. Civ. P. 26(c) made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7026, the parties hereby stipulate and agree to the terms of the following Order Concerning Confidential Information governing the discovery and disclosure of certain information in this action, and further stipulate, as necessary, to the entry of an Order adopting and enforcing the terms hereof. This Stipulated Order Concerning Confidential Information

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 Vyair Medical, Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 745]. The Plan Administrator's mailing address is Vyair Medical, Inc., Attn: David M. Barse, Plan Administrator, c/o Cole Schotz P.C., 500 Delaware Avenue, Suite 600, Wilmington, DE 19801.

² Capitalized, yet undefined, terms herein have the meaning ascribed to them in the Plaintiff's Complaint [Adversary Docket No. 1] or the Plan [Docket No.348].

shall govern all documents and information produced by any person served with a Subpoena or produced by Plaintiffs or any Defendant in this Action, whether produced informally or pursuant to a formal discovery request and shall also include all documents, or information contained in a document, information revealed during a deposition, in any interrogatory answer or otherwise disclosed in discovery, except as limited below.

- (a) The following documents and information may be designated as “confidential,” provided such documents are not public and have not previously been disclosed by the producing party to anyone except those in its employment or those retained by it:
 - i. Sensitive Personal Data, such as personal identifiers, financial information, tax records, and employer personnel records;
 - ii. The Settlement Agreement in the Insurance Coverage Action, as that term is defined in the Complaint.
- (b) Defendants shall produce to Plaintiffs an unredacted copy of the Settlement Agreement in the Insurance Coverage Action no later than two (2) business days of entry of this Order or a substantially similar Order.
- (c) An attorney for the producing party may designate documents or parts thereof as confidential by stamping the word “confidential” on each page.
- (d) If such information is provided in an answer to an interrogatory, the attorney may designate answers as confidential by stamping or otherwise clearly marking the answer “confidential.”
- (e) At the time of a deposition or within ten (10) days after receipt of the deposition transcript, a party may designate as confidential specific portions of the transcript that contain confidential information under the standards set forth in paragraph (a) above.

This designation shall be in writing and served upon all counsel. Transcripts will automatically be treated as confidential for this initial ten (10) day period after receipt of the deposition transcript. Thereafter, any portion(s) of a transcript designated confidential shall be treated confidential in accordance with this Order. The confidential portion of the transcript and any exhibits referenced solely therein shall be bound in a separate volume and marked “Confidential Information” by the reporter.

- (f) Documents designated as “confidential” shall be shown only to the parties, attorneys for the parties, the parties’ insurers and counsel to insurers, outside vendors or service providers engaged by the parties, experts engaged by the parties, mediators or arbitrators engaged by the parties, actual or proposed witnesses, court personnel and other persons necessary to review the documents for the prosecution or defense of this lawsuit. Each person who is permitted to see the confidential documents shall first be shown a copy of this Order and shall further be advised of the obligation to honor the confidential designation. Each person who is permitted to see confidential documents, who is not a party, an attorney for a party, or court personnel, shall be required to sign an agreement to be bound by this Order, attached hereto as Exhibit “A.” The parties agree that any confidential discovery material produced in this litigation may only be used in connection with this litigation.
- (g) Review of confidential documents and information by counsel, experts, or consultants for the litigants in this litigation shall not waive the confidentiality of the documents or the objections to production.

- (h) The inadvertent, unintentional, or *in camera* disclosure of a confidential document and information shall not generally be deemed a waiver, in whole or in part, of any party's claims of confidentiality. If at any time prior to trial, a producing party realizes that some portion(s) of the discovery material that the party produced should be designated as "confidential," the party may so designate by apprising all parties in writing and providing that the material has not already been published or otherwise disclosed, such portion shall thereafter be treated as confidential under this Order.
- (i) If a party believes that a document designated or sought to be designated as confidential by the producing party does not warrant such designation, the party shall first make a good-faith effort to resolve such a dispute with opposing counsel. In the event that such a dispute cannot be resolved by the parties, either party may apply to the Court for a determination as to whether the designation is appropriate. The burden rests on the party seeking confidentiality to demonstrate that such designation is proper.
- (j) If a party wishes to file a document designated as confidential, the party shall comply with the Local Rules of the United States Bankruptcy Court for the District of Delaware for e-filing sealed documents.
- (k) Within a reasonable period after the conclusion of the litigation, all confidential material shall be either returned to the producing party OR destroyed by the recipient.
- (l) In any application to the Court referred to or permitted by this Order, the Court may exercise discretion in determining whether the prevailing party in such a dispute may recover costs incurred by it and, if so, the amount to be awarded.

(m) This Court shall retain jurisdiction over all persons subject to this order to the extent necessary to enforce any obligation arising hereunder.

CIARDI CIARDI & ASTIN

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John D. McLaughlin, Jr.

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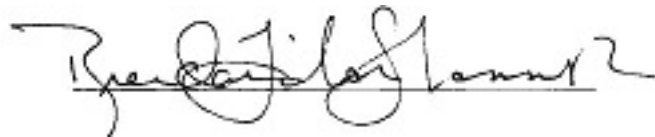
Counsel for Plaintiff Reed Smith LLP

BY THE COURT

Dated: _____, 2026

Dated: January 7th, 2026

Wilmington, Delaware

A handwritten signature in black ink, appearing to read "Francis J. Lannan", written over a horizontal line.

United States Bankruptcy Judge

EXHIBIT A

I have been informed by counsel that certain documents or information to be disclosed to me in connection with the matter captioned *Covington & Burling LLP and Reed Smith LLP v. Vyair Medical, Inc. et al. Adv. Pro. No. 25-52382* pending in the United States Bankruptcy Court for the District of Delaware, have been designated as confidential. I have been informed that any such document(s) or information labeled “confidential” are confidential by Order of the Court.

I hereby agree that I will not disclose any information contained in such documents to any other person. I further agree not to use any such information for any purpose other than this litigation.

Dated: _____, 2026

(signature)