

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

In re:

CYNERGY DATA, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 09-13038 (KG)

Jointly Administered

Related Docket No. 6

**ORDER AUTHORIZING DEBTORS TO PAY PREPETITION  
TAXES AND ASSESSMENTS**

Upon the motion (the "Motion")<sup>2</sup> of the above-captioned Debtors for entry of an order authorizing the Debtors to pay prepetition taxes and assessments; and upon the Moore Declaration; the Bankruptcy Court having found that: (a) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334(b); (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) the relief requested in the Motion is in the best interest of the Debtors, their estates and their creditors; (d) proper and adequate notice of the Motion and the hearing on the Motion has been given and that no other or further notice is necessary or required; (e) it appearing that the requirements of Bankruptcy Rule 6003 have been satisfied; and (f) upon the record and after due deliberation, good and sufficient cause exists for the granting of the relief as set forth in this Order; it is hereby

**ORDERED, ADJUDGED, AND DECREED that:**

1. The Motion GRANTED in its entirety.

<sup>1</sup> The Debtors are the following entities (with the last four digits of their federal tax identification numbers in parentheses): Cynergy Data, LLC (8677); Cynergy Data Holdings, Inc. (8208); Cynergy Prosperity Plus, LLC (4265). The mailing address for the Debtors is 30-30 47th Avenue, 9th Floor, Long Island City, New York 11101.

<sup>2</sup> Capitalized terms used but not otherwise defined in this Order shall have the meanings ascribed to them in the Motion.



2. The Debtors are authorized, but not directed, to pay, in their sole discretion and in the ordinary course of business, all prepetition Taxes and Assessments to the applicable Taxing Authority.

3. The Banks are authorized, when requested by the Debtors in their sole discretion, to receive, honor, process and pay any and all checks or electronic transfers drawn on the Debtors' accounts to pay the Taxes and Assessments, whether those checks were presented before or after the Petition Date, provided that sufficient funds are available in the applicable accounts to make the payments.

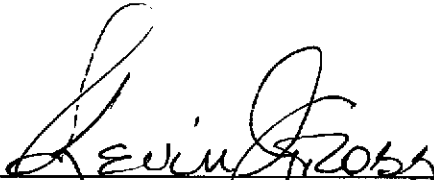
4. To the extent the Taxing Authorities have not otherwise received payment for all prepetition Taxes and Assessments owed, the Debtors shall be and hereby are authorized to issue replacement checks or provide for other means of payment to the Taxing Authorities, to the extent necessary to pay all outstanding prepetition Taxes and Assessments.

5. Nothing in the Motion or this Order shall be construed as impairing the Debtors' right to contest the validity, priority or amount of any Taxes and Assessments that may be due to any Taxing Authorities.

6. The Debtors, their officers, employees and agents are authorized to take or refrain from taking such acts as are necessary and appropriate to implement and effectuate the relief granted in this Order without further order of the Bankruptcy Court.

7. The Bankruptcy Court shall retain exclusive jurisdiction to enforce the terms of this Order.

Dated: Sept. 2, 2009

  
UNITED STATES BANKRUPTCY JUDGE