

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

In re: CYNERGY DATA, LLC, <i>et al.</i> , ¹ Debtors.	Chapter 11 Case No. 09-13038 (KG) Jointly Administered Related Docket No. 7
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**ORDER UNDER BANKRUPTCY CODE SECTIONS 105, 361, 362, 363,
1107(a) AND 1108 AUTHORIZING DEBTORS TO MAINTAIN EXISTING
INSURANCE POLICIES AND PAY ALL POLICY PREMIUMS AND
BROKERS' FEES ARISING THEREUNDER OR IN CONNECTION THEREWITH**

Upon the motion (the "Motion")² of the Debtors for an order, under Bankruptcy Code sections 105, 361, 362, 363, 1107(a) and 1108 authorizing the Debtors to maintain their existing insurance policies and pay all policy premiums, financed premiums and brokers' fees arising thereunder or in connection therewith; and upon the Moore Declaration; and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of these proceedings and the Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and due and sufficient notice of the Motion having been given under the particular circumstances; and it appearing that no other or further notice need be provided; and it appearing that the relief requested by the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and the Debtors having satisfied the standard for immediate relief under Fed R. Bankr. P 6003(b); and after due deliberation and sufficient cause appearing therefor, it is hereby

¹ 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.

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.



ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is GRANTED as set forth in this Order.
2. The Debtors are authorized, but not directed, to continue their Insurance Policies and to pay the premiums, including, without limitation, the Premium Financing Repayments (as defined in the Motion), broker's fees and related charges arising under or in connection with the Insurance Policies as such premiums and charges become due, provided such prepetition payments do not exceed \$26,770.73 in the aggregate, monthly.
3. Neither the provisions contained herein, nor any actions or payments made by the Debtor under this Order, shall be deemed an assumption of any executory contract arising out of an insurance program, agreement or contract, or otherwise shall constitute a waiver of the Debtors' rights under Bankruptcy Code section 365 or an admission by the Debtors that any such insurance program, agreement or contract constitutes an executory contract within the meaning of Bankruptcy Code section 365.
4. Neither the provisions contained herein, nor any actions or payments made by the Debtors under this Order, shall be deemed an admission as to the validity of the underlying obligation or a waiver of any rights the Debtors may have to subsequently dispute such obligation on any ground that applicable law permits.
5. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.
6. Notwithstanding the possible applicability of Bankruptcy Rules 6004(h), 7062 or 9014, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

7. The relief granted herein shall be binding upon any chapter 11 trustee appointed in these chapter 11 cases, or upon any chapter 7 trustee appointed in the event of a subsequent conversion of these chapter 11 cases to cases under chapter 7.

8. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Dated: Sept. 2, 2009


UNITED STATES BANKRUPTCY JUDGE