

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

In re: CYNERGY DATA, LLC, Debtor.	Chapter 11 Case No. 09-_____ ()
In re: CYNERGY DATA HOLDINGS, INC., Debtor.	Chapter 11 Case No. 09-_____ ()
In re: CYNERGY PROSPERITY PLUS, LLC, Debtor.	Chapter 11 Case No. 09-_____ ()

**MOTION OF DEBTORS FOR ENTRY OF
ORDER DIRECTING JOINT ADMINISTRATION OF
CHAPTER 11 CASES PURSUANT TO FED. R. BANKR. P. 1015(b)**

The above-captioned debtors and debtors-in-possession (collectively, the “Debtors”), hereby move this Court (the “Motion”) for entry of an order, under sections 105(a), 345, 363, 364, and 503(b)(1) of title 11 of the United States Code (the “Bankruptcy Code”), consolidating these cases **for procedural purposes only** and directing joint administration of chapter 11 cases pursuant to Fed. R. Bankr. P. 1015(b) and Rule 1015-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”). In support of the Motion, the Debtors rely upon and incorporate by reference the declaration of Charles M. Moore filed in support of the Debtors’ chapter 11 petition and various first day applications and motions (the “Moore Declaration”), filed with the Court concurrently herewith. In further support of the Motion, the Debtors, by and through their undersigned proposed counsel, respectfully represent:



JURISDICTION

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

2. On the date hereof (the “Petition Date”), each of the Debtors commenced a voluntary case under chapter 11 of title 11, United States Code (the “Bankruptcy Code”) in this Court. The Debtors are authorized to continue to operate their businesses and manage their properties as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

3. No trustee, examiner, or statutory creditors’ committee has been appointed in these chapter 11 cases.

4. Pursuant to this motion, the Debtors request joint administration of the chapter 11 cases pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

RELIEF REQUESTED

5. As stated by this Motion, the Debtors seek entry of an order directing joint administration of these cases for procedural purposes only pursuant to Bankruptcy Rule 1015(b).

6. Bankruptcy Rule 1015(b) provides, in relevant part, that if “two or more petitions are pending in the same court by or against . . . a debtor and an affiliate, the court may order a joint administration of the estates.” Fed. R. Bankr. P. 1015(b). The Debtors are “affiliates” as that term is defined in section 101(2) of the Bankruptcy Code. Accordingly, this Court is authorized to grant the requested relief.

7. On the date hereof, the Debtors commenced the above-captioned chapter 11 cases by filing the appropriate petitions with this Court. Given the provisions of the Bankruptcy Code and the Debtors' affiliation, joint administration of these cases is warranted. Joint administration will avoid the preparation, replication, service, and filing, as applicable, of duplicative notices, applications, and orders, thereby saving the Debtors considerable expense and resources. The relief requested will not adversely affect creditors' rights, as this Motion requests only the administrative, not substantive, consolidation of the estates. In fact, the reduced costs that will result from the joint administration of these cases will inure to the benefit of all creditors. The relief requested also will relieve the Court of the burden of entering duplicative orders and maintaining duplicative files, as well as simplify supervision of the administrative aspects of these chapter 11 cases by the Office of the United States Trustee. Moreover, each creditor may still file its claim against a particular estate.

8. Accordingly, the Debtors respectfully request that the Court modify the captions of their cases to reflect their joint administration, as follows:

**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-_____ () Jointly Administered
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9. The Debtors seek the Court’s direction that in each of the Debtors’ cases, a notation substantially similar to the following notation be entered on the docket maintained by the Clerk of the Court to reflect the joint administration of these cases:

An Order has been entered in this case directing the procedural consolidation and joint administration of the chapter 11 cases of Cynergy Data, LLC, Case No. _____, Cynergy Data Holdings, Inc., Case No. _____ and Cynergy Prosperity Plus, LLC, Case No. _____. The docket in Case No. 09-____ (__) should be consulted for all matters affecting this case.

10. In view of the benefits attendant to the joint administration of these cases and the absence of harm to any party in interest, the Debtors submit that the relief requested is appropriate and should be granted in all respects.

NOTICE

11. The Debtors have provided notice of this Motion by facsimile, electronic transmission, overnight delivery, or hand delivery to: (a) the United States Trustee for the District of Delaware; (b) the Debtors’ twenty-five (25) largest unsecured creditors on a consolidated basis; (c) counsel to Comerica Bank; (d) counsel to Wells Fargo Foothill LLC; (e) counsel to Dymas Funding Company LLC; (f) counsel to Ableco Finance LLC; (g) counsel to A3 Funding LP; (h) counsel to Garrison Credit Investments; (i) counsel to Harris, N.A; and (j) all

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.

other parties required to receive notice pursuant to Bankruptcy Rule 2002. The Debtors submit that, under the circumstances, no other or further notice is necessary.

NO PRIOR REQUEST

12. No prior request for the relief requested herein has been made to this or any other Court.

WHEREFORE the Debtors respectfully request entry of an order granting the relief requested herein and such other and further relief as is just.

Dated: September 1, 2009
Wilmington, Delaware

Respectfully submitted,
PEPPER HAMILTON LLP

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

In re: CYNERGY DATA, LLC, Debtor.	Chapter 11 Case No. 09-_____ ()
In re: CYNERGY DATA HOLDINGS, INC., Debtor.	Chapter 11 Case No. 09-_____ ()
In re: CYNERGY PROSPERITY PLUS, LLC, Debtor.	Chapter 11 Case No. 09-_____ ()

**ORDER PURSUANT TO FED. R. BANKR. P. 1015(b)
DIRECTING JOINT ADMINISTRATION OF CHAPTER 11 CASES**

Upon the motion (the “Motion”) of the Debtors,¹ pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 1015-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), for entry of an order consolidating these chapter 11 cases **for procedural purposes** only and directing the joint administration of these chapter 11 cases; and upon the Moore Declaration; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and

¹ Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

proper notice of the Motion having been given and it appearing that no other or further notice need be provided; and a hearing having been held to consider the relief requested in the Motion (the “Hearing”); and upon the record of the Hearing and all of the proceedings had before the Court; and the Court having found and determined that the relief sought in the Motion is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDICATED, AND DECREED THAT:

1. The Motion is granted as provided herein.
2. The above-captioned chapter 11 cases are hereby consolidated for procedural purposes only and shall be jointly administered by the Court.
3. Nothing contained in this Order shall be deemed or construed as directing or otherwise effecting the substantive consolidation of any of the above-captioned cases.
4. The caption of the jointly administered cases shall read as follow:

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

In re:	Chapter 11
CYNERGY DATA, LLC, <i>et al.</i> , ¹	Case No. 09-_____ ()
Debtors.	Jointly Administered

¹ The Debtors are the following entities (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.

5. A docket entry shall be made in the chapter 11 cases of Cynergy Data Holdings, Inc., Case No. _____ (___) and Cynergy Prosperity Plus, LLC, Case No. _____ (___) substantially as follows:

An Order has been entered in this case directing the procedural consolidation and joint administration of the chapter 11 cases of Cynergy Data, LLC, Case No. _____, Cynergy Data Holdings, Inc., Case No. _____ and Cynergy Prosperity Plus, LLC, Case No. _____. The docket in Case No. 09-____ (___) should be consulted for all matters affecting this case.

6. This Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

7. This Order shall take effect immediately upon its entry.

Dated: _____ 2009

UNITED STATES BANKRUPTCY JUDGE