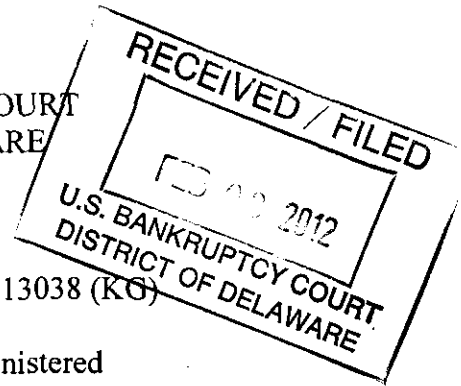


UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE



In re: )  
 )  
CYNERGY DATA, LLC, *et al.*, )  
 )  
Debtors. )  
 )  
 )  
 )  
 )

Chapter 11  
Case No. 09-13038 (KG)  
Jointly Administered  
Re: D.I. 1483, 1484

**CONFIDENTIAL FILED UNDER SEAL:  
Exhibit D of Notice of Filing Proposed Final Pretrial Order**

Dated: January 26, 2012

MORRIS, NICHOLS, ARSHT & TUNNELL LLP  
Derek C. Abbott (#3376)  
Curtis S. Miller (#4593)  
1201 North Market Street  
P. O. Box 1347  
Wilmington, DE 19899-1347  
Telephone: (302) 658-9200  
Facsimile: (302) 658-3989  
Email: dabbott@mnat.com

Mitchell C. Shapiro, Esq. (#9019)  
LAW OFFICES OF MITCHELL C. SHAPIRO  
245 West 17<sup>th</sup> St.  
New York, New York 10011  
Telephone: (516) 570-2773  
Facsimile: (516) 829-1555  
Email: mcs@mcs Shapiro law.com

Counsel for the Tribul Parties

4939081.1



091303812020300000000004