

Elaine A. Monson (A5523)  
**RAY QUINNEY & NEBEKER P.C.**,  
36 South State Street, 14<sup>th</sup> Floor  
Salt Lake City, UT 84111  
Telephone: (801) 532-1500  
Facsimile: (801) 532-7543  
Email: [emonson@rqn.com](mailto:emonson@rqn.com)

*Attorneys for DJB Gas Services, Inc.*

---

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

<p>In re:</p> <p>POLARITY TE, INC., a Delaware corporation,</p> <p style="text-align: center;">Debtor.</p> <hr/>	<p style="text-align: center;">Bankruptcy No. 23-22358</p> <p style="text-align: center;">Bankruptcy No. 23-22360</p> <p style="text-align: center;">Bankruptcy No. 23-22361</p>
<p>In re:</p> <p>POLARITY TE, MD, INC., a Nevada corporation,</p> <p style="text-align: center;">Debtor.</p>	<p style="text-align: center;"><b>DJB GAS SERVICES, INC.’S RESPONSE TO THE DEBTORS’ (A) MOTION TO SELL SUBSTANTIALLY ALL OF ITS ASSETS AND (B) MOTION OF INTENT TO ASSUME AND ASSIGN CERTAIN LEASES</b></p> <p style="text-align: center;">Honorable Kevin R. Anderson</p>
<p>In re:</p> <p>POLARITY TE, INC., a Nevada corporation,</p> <p style="text-align: center;">Debtor.</p>	



DJB Gas Services, Inc. (“**DJB**”) files this response to the Debtors’ (a) motion to sell substantially all of its assets, and (b) motion of intent to assume and assign certain leases.

DJB leases gas cylinders and equipment to one or more of the Debtors and also sells gas products that are placed in these cylinders and then used by the Debtors. DJB recently became aware of the Debtors’ sale and assumption motions. The contract with DJB for the gas products is one of those that is proposed to be assumed by the Debtors. DJB does not object to the sale or assumption motions per se but it has raised two issues with Debtors’ counsel that it requests be addressed in any orders approving the sale and/or assumption motions. The first issue is that DJB leases the following gas cylinders and equipment to the Debtor(s):

- 3- 50# CO2 Cylinders
- 3-233cf Breathing Air Cylinders
- 1-251cf Medical Oxygen Cylinder
- 1-450 Liter Liquid Nitrogen tank
- 1-Telemetry Device to remotely read their liquid nitrogen level

The above-referenced equipment is not owned by the Debtor and should not be included as part of the sale. The second issue is that the assumption motion does not provide a cure amount for the pre-petition sums due and owing to DJB and currently lists the cure amount as \$0. The pre-petition amount due and owing to DJB by the Debtors is \$660.06.

DJB’s counsel has been in contact with Debtors’ counsel and it is her understanding from email communications between them that the Debtors will add a provision to any proposed order approving the sale which specifically acknowledges that the above referenced cylinders and equipment are excluded from the sale to the buyer, and that any proposed order approving the assumption motion will be revised to reflect the \$660.06 cure amount.

If those two issues are addressed by the Debtor, DJB has no objection to either the sale or assumption motions.

DATED this 18<sup>th</sup> day of July, 2023.

RAY QUINNEY & NEBEKER P.C.

/s/ Elaine A. Monson  
*Elaine A. Monson*  
*Counsel for DJB Gas Services, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 18th, 2023, **DJB GAS SERVICES, INC.’S RESPONSE TO THE DEBTORS’ (A) MOTION TO SELL SUBSTANTIALLY ALL OF ITS ASSETS AND (B) MOTION OF INTENT TO ASSUME AND ASSIGN CERTAIN LEASES** was filed with the Clerk of the Court using the CM/ECF system, which sent notice of electronic filing to all electronic filing users in this case.

*/s/ Elaine A. Monson* \_\_\_\_\_