

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

In re:

PROSOMNUS, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-10972 (JTD)

(Joint Administration Requested)

**NOTICE OF (I) FILING OF CHAPTER 11 BANKRUPTCY PETITIONS
AND FIRST DAY PLEADINGS, AND (II) SCHEDULING OF FIRST DAY HEARING**

PLEASE TAKE NOTICE that on May 7, 2024 (the “**Petition Date**”), the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “**Chapter 11 Petitions**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

PLEASE TAKE FURTHER NOTICE that in connection with the filing of the Chapter 11 Petitions, the Debtors filed with the Court the following motions and application (collectively, the “**First Day Pleadings**”):

1. Motion of Debtors for Entry of an Order Directing Joint Administration of Related Chapter 11 Cases [Docket No. 2; Filed: 5/7/2024];
2. Application of Debtors Authorization to Employ and Retain Kurtzman Carson Consultants LLC as Claims and Noticing Agent Effective as of the Petition Date [Docket No. 3; Filed: 5/7/2024];
3. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors to File Consolidated Top 20 Creditors List, (II) Modifying Requirements to File a List of, and Provide Notice to, All Equity Holders, (III) Authorizing Redaction of

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number are: ProSomnus, Inc. (8216), ProSomnus Holdings, Inc. (3855), and ProSomnus Sleep Technologies, Inc. (0766). The location of the Debtors’ principal place of business and the Debtors’ mailing address is 5675 Gibraltar Dr., Pleasanton, California 94588.



Certain Personally Identifiable Information, and (IV) Granting Related Relief [Docket No. 4; Filed: 5/7/2024];

4. Motion of Debtors for Entry of Interim and Final Orders Authorizing (I) Continued Use of Existing Cash Management System, Including Maintenance of Existing Bank Accounts, Checks, and Business Forms, and (II) Continuation of Existing Deposit Practices [Docket No. 5; Filed: 5/7/2024];
5. Motion of Debtors for Entry of Interim and Final Orders (I) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Service, (II) Approving the Debtors' Proposed Adequate Assurance of Payment for Postpetition Services, and (III) Establishing Procedures for Resolving Requests for Additional Adequate Assurance of Payment [Docket No. 6; Filed: 5/7/2024];
6. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Continuation of, and Payment of Prepetition Obligations Incurred in the Ordinary Course of Business in Connection with Various Insurance Policies, (II) Authorizing Banks to Honor and Process Checks and Electronic Transfer Requests Related Thereto, (III) Preventing Insurance Companies from Giving Any Notice of Termination or Otherwise Modifying Any Insurance Policy Without Obtaining Relief from the Automatic Stay, and (IV) Authorizing the Debtors to Continue Installment Payments and Brokerage Obligations [Docket No. 7; Filed: 5/7/2024];
7. Motion of Debtors for Entry of Interim and Final Orders Authorizing Payment of Prepetition Taxes and Fees [Docket No. 8; Filed: 5/7/2024];
8. Motion of Debtors for Entry of Interim and Final Orders Authorizing Debtors to (I) Maintain and Administer Customer Programs, Promotions, and Practices and (II) Pay and Honor Related Prepetition Obligations [Docket No. 9; Filed: 5/7/2024];
9. Motion of Debtors for Entry of Interim and Final Orders Authorizing Payment of (I) Certain Prepetition Employee Claims, Including Wages, Salaries, and Other Compensation, (II) Certain Employee Benefits and Confirming Right to Continue Employee Benefits on Postpetition Basis, (III) Reimbursement to Employees for Prepetition Expenses, (IV) Withholding and Payroll-Related Taxes, (V) Workers' Compensation Obligations, and (VI) Prepetition Claims Owing to Administrators and Third-Party Providers [Docket No. 10; Filed: 5/7/2024];
10. Motion of Debtors for Entry of Interim and Final Orders Authorizing Payment of Prepetition Obligations Owed to Critical Vendors [Docket No. 11; Filed: 5/7/2024];
11. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Senior Subordinate Secured Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and

(V) Granting Related Relief [Docket No. 12; Filed: 5/7/2024] (the “**DIP Motion**”); and

12. Motion of Debtors for Entry of Interim and Final Orders (I) Establishing Notification Procedures and Approving Restrictions on Certain Transfers of, or Worthlessness Deductions with Respect to, Stock of the Debtors and (II) Granting Related Relief [Docket No. 15; Filed: 5/7/2024].

PLEASE TAKE FURTHER NOTICE that in support of the Chapter 11 Petitions and First Day Pleadings, the Debtors rely upon the *Declaration of Brian Dow, Chief Financial Officer of the Debtors, in Support of Chapter 11 Petitions and First Day Pleadings* [Docket No. 14] (the “**First Day Declaration**”). In support of the DIP Motion, the Debtors also rely upon the *Declaration of Edward T. Gavin, CTP, NCPM, in Support of the Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Senior Subordinate Secured Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief* [Docket No. 13; Filed: 5/8/2024] (the “**DIP Declaration**”).

PLEASE TAKE FURTHER NOTICE that copies of the Chapter 11 Petitions, First Day Pleadings, First Day Declaration, and DIP Declaration are available to view at no charge via the claims and noticing agent’s website (www.kccllc.net/prosomnus).

PLEASE TAKE FURTHER NOTICE that a virtual hearing on the First Day Pleadings (the “**First Day Hearing**”) has been scheduled for **May 9, 2024 at 10:00 a.m. (ET)** before the Honorable John T. Dorsey via Zoom. Please refer to Judge Dorsey’s Chambers Procedures and the Court’s website (<http://www.deb.uscourts.gov/ecourt-appearances>) for information on the method of allowed participation (video or audio), Judge Dorsey’s expectations of remote participants, and the advance registration requirements. Registration is required by 4:00 p.m.

(Eastern time) the business day before / one-hour prior to the hearing unless otherwise noticed using the *eCourtAppearances* tool available on the Court's website.

Dated: May 8, 2024
Wilmington, Delaware

POLSINELLI PC

/s/ Michael V. DiPietro

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