

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

In re:

PROSOMNUS, INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-10972 (JTD)

(Joint Administration Requested)

**Re: Docket No. 4**

**INTERIM ORDER (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 CERTAIN PERSONALLY IDENTIFIABLE INFORMATION, AND (IV) GRANTING RELATED RELIEF**

Upon the motion (the “**Motion**”)<sup>2</sup> of the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”), for entry of an Interim order (this “**Interim Order**”) (i) authorizing the Debtors to file the Consolidated Top 20 Creditor List; (ii) modifying the requirements to file the Equity List and to provide notice to all equity holders; (iii) authorizing the redaction of certain PII within the Creditor Matrix; and (iv) granting related relief; and upon the First Day Declaration; and this Court having found that it has jurisdiction to consider the Motion pursuant to 28 U.S.C. § 1334; and this Court having found that the Motion is a core proceeding pursuant to 28 U.S.C. § 157(b), and that the Debtors consent to entry of a final order under Article III of the United States Constitution; and this Court having found that venue of these Chapter 11 Cases and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and

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<sup>1</sup> 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.

<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion or First Day Declaration, as applicable.



adequate notice of the Motion has been given and that no other or further notice is necessary; and this Court having reviewed the Motion and having heard statements in support of the Motion at a hearing held before this Court (the “**Hearing**”); and this Court having determined that the legal and factual bases set forth in the Motion and the First Day Declaration and at the Hearing establish just cause for the relief granted herein; and any objections to the relief requested in the Motion having been withdrawn or overruled on the merits; and after due deliberation thereon and good and sufficient cause appearing therefor, it is hereby

**ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Motion is GRANTED on an interim basis, as set forth herein.
2. All objections to the entry of this Interim Order, to the extent not withdrawn or settled, are overruled.
3. The Debtors are authorized to file the Consolidated Top 20 Creditor List in lieu of filing a top 20 list of unsecured creditors for each Debtor; provided, however, that the Debtors shall provide the Office of the U.S. Trustee with de-consolidated information upon request.
4. The requirement that Debtor ProSomnus, Inc. file a list of equity security holders pursuant to Bankruptcy Rule 1007(a)(3) is deemed satisfied by the filing of a list of the Debtors’ registered equity security holders as of the Petition Date; provided however, that the relief granted by this paragraph may be modified in the event that the Debtors move to establish a bar date for the filing of equity security interests.
5. Any requirement that Debtor ProSomnus Inc. provide notice directly to equity security holders under Bankruptcy Rule 2002(d) is waived, and the Debtors are authorized to serve the notices required under Bankruptcy Rule 2002(d) on the registered and nominee holders of

Debtor ProSomnus Inc.'s equity securities with instructions to serve such notices down to the beneficial holders of equity securities.

6. The Debtors are authorized to redact the home addresses and the email addresses of individuals (including employees, if applicable) listed on the Creditor Matrix, claims register, affidavits of service, Schedules and Statements, or other documents filed with this Court. The Debtors shall file an unredacted version of the Creditor Matrix with the Court and provide an unredacted version of the Creditor Matrix and any other filings redacted pursuant to this Interim Order to (i) the Clerk of the Court, (ii) the U.S. Trustee, (iii) counsel to any official committee appointed in these Chapter 11 Cases, and (iv) any party in interest upon a request to the Debtors (email is sufficient) or to the Court, that is reasonably related to these Chapter 11 Cases, subject to the restrictions of applicable privacy or data protection laws and regulations. The Debtors shall inform the U.S. Trustee and the Court after denying any request for an unredacted document pursuant to this Order. Parties in interest may also seek to obtain an unredacted version of the Creditor Matrix, claims register, affidavits of service, Schedules and Statements, and any other applicable filed documents upon motion and order of the Court.

7. Nothing in this Interim Order shall waive or otherwise limit the service of any document upon or the provision of any notice to any individual solely because such individual's PII is sealed or redacted pursuant to this Interim Order. Service of all documents and notices upon individuals whose PII is sealed or redacted pursuant to this Interim Order shall be confirmed in the corresponding certificate of service.

8. The Debtors are hereby authorized to take such actions and to execute such documents as may be necessary to implement the relief granted by this Interim Order.

9. The final hearing (the “**Final Hearing**”) to consider the entry of a final order granting the relief requested in the Motion shall be held on **June 5, 2024, at 10:00 a.m. Prevailing Eastern Time.**

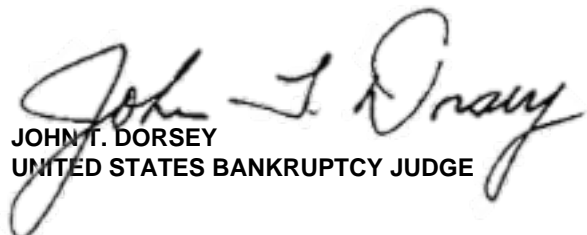
10. Any objection to the entry of a final order granting the relief requested in the Motion shall be filed with the Court and served on the following parties **no later than 4:00 p.m. Prevailing Eastern Time on May 29, 2024**, (a) the Debtors, c/o ProSomnus, Inc., 5675 Gibraltar Dr., Pleasanton, California 94588; (b) proposed counsel to the Debtors, Polsinelli PC, 222 Delaware Avenue, Suite 1101, Wilmington, Delaware 19801, Attn: Shanti M. Katona (skatona@polsinelli.com) and Katherine M. Devanney (kdevanney@polsinelli.com); (c) counsel to the Sponsoring Noteholders and proposed DIP Lenders, Kilpatrick Townsend & Stockton LLP, 1114 Avenue of the Americas, New York, New York 10036, Attn: David M. Posner (dposner@ktslaw.com) and Gianfranco Finizio (gfinizio@ktslaw.com) and Morris James LLP, 500 Delaware Avenue, Suite 1500, Wilmington, Delaware 19801, Attn: Eric J. Monzo (emonzo@morrisjames.com) and Brya M. Keilson (bkeilson@morrisjames.com); (d) counsel to the Prepetition Agents, Pryor Cashman LLP, 7 Times Square, 40th Floor, New York, New York 10036, Attn: Seth H. Lieberman (slieberman@pryorcashman.com); (e) counsel to the proposed DIP Agent, Seward & Kissel LLP, One Battery Park Plaza, New York, NY 10004, Attn: Gregg Bateman (bateman@sewkis.com); and (f) the Office of the United States Trustee, 844 King Street, Suite 2207, Lockbox 35, Wilmington, Delaware 19801, Attn: Jon Lipshie (jon.lipshie@usdoj.gov).

11. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and/or interpretation of this Interim Order.

Dated: May 9th, 2024  
Wilmington, Delaware

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JOHN T. DORSEY  
UNITED STATES BANKRUPTCY JUDGE