

**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)

(Jointly Administered)

Re: Docket Nos. 11 and 76

**DEBTORS' WITNESS AND EXHIBIT LIST FOR HEARING
SCHEDULED FOR JUNE 12, 2024 AT 1:30 P.M. (ET)**

ProSomnus, Inc. and its affiliated debtors and debtors-in-possession (collectively, the “**Debtors**”) in the above-captioned cases, by and through their undersigned counsel, hereby designate the following witnesses and exhibits (the “**Witness and Exhibit List**”) for the hearing scheduled to commence on June 12, 2024, at 1:30 p.m. (EST) (the “**Hearing**”) before the Honorable John T. Dorsey at the United States Bankruptcy Court for the District of Delaware (the “**Court**”), 824 N. Market Street, 5th Floor, Courtroom No. 5, Wilmington, Delaware 19801, on i) *Motion of Debtors for Entry of Interim and Final Orders Authorizing Payment of Prepetition Obligations Owed to Critical Vendors* [Docket No. 11], and ii) *Motion of Debtors for Entry of an Order Authorizing the Retention and Payment of Certain Professionals Utilized by the Debtors in the Ordinary Course of Business* [Docket No. 76].

A. WITNESSES

1. Brian Dow, Chief Financial Officer of Debtors; and
2. Any person listed on the witness list of another party.

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.



B. EXHIBITS

The Debtors may offer into evidence any or all of the following at the Hearing:

Debtors' Exhibits	Description of Exhibit	Offered	Objection	Admitted
1.	Declaration of Brian Dow, Chief Financial Officer of the Debtors, in Support of Chapter 11 Petitions and First Day Pleadings [Docket No. 14]			
2.	Declaration of Brian Dow, Chief Financial Officer of the Debtors, in Further Support of Second Day Relief [Docket No. 110]			
3.	Supplemental Declaration of Brian Dow, Chief Financial Officer of the Debtors, in Further Support of Second Day Relief [Docket No. 138]			

The Debtors reserve the right to supplement this Witness and Exhibit List at any time prior to the conclusion of the scheduled hearing(s) and further reserve the right to use additional exhibits for purposes of rebuttal or impeachment and to further supplement the foregoing lists of witnesses and exhibits as appropriate. The Debtors also reserve the right to rely upon and use as evidence (i) any additional documents produced by creditors and/or parties in interest, (ii) exhibits included on the exhibit lists of any other parties in interest or any documents that may be produced by such parties in interest, and (iii) any pleading, hearing transcript, or other document filed with the Court in the above-captioned cases.

[signature page follows]

Dated: June 10, 2024
Wilmington, Delaware

POLSINELLI PC

/s/ Shanti M. Katona

Shanti M. Katona (Del. Bar No. 5352)
Katherine M. Devanney (Del. Bar No. 6356)
Michael V. DiPietro (Del. Bar No. 6781)
222 Delaware Avenue, Suite 1101
Wilmington, Delaware 19801
Telephone: (302) 252-0920
Facsimile: (302) 252-0921
skatona@polsinelli.com
kdevanney@polsinelli.com
mdipietro@polsinelli.com

-and-

Mark B. Joachim (Admitted Pro Hac Vice)
1401 Eye Street, N.W., Suite 800
Washington, D.C. 20005
Telephone: (202) 783-3300
Facsimile: (202) 783-3535
mjoachim@polsinelli.com

*Counsel to the Debtors and
Debtors in Possession*