

**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)

Objection Deadline: May 29, 2024 at 4:00 p.m. (ET)

Hearing Date: June 5, 2024 at 10:00 a.m. (ET)

**OMNIBUS NOTICE OF (I) ENTRY OF INTERIM ORDERS,
AND (II) SCHEDULING OF FINAL HEARING**

PLEASE TAKE NOTICE that on May 7, 2024, the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) filed, among others, the following first day pleadings (collectively, the “**First Day Pleadings**”) with the United States Bankruptcy Court for the District of Delaware (the “**Bankruptcy Court**”):

1. 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 Certain Personally Identifiable Information, and (IV) Granting Related Relief [Docket No. 4; Filed: 5/7/2024];
2. 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];
3. 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

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.



- (III) Establishing Procedures for Resolving Requests for Additional Adequate Assurance of Payment [Docket No. 6; Filed: 5/7/2024];
4. 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];
 5. Motion of Debtors for Entry of Interim and Final Orders Authorizing Payment of Prepetition Taxes and Fees [Docket No. 8; Filed: 5/7/2024];
 6. 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];
 7. 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];
 8. 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]; and
 9. 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].

PLEASE TAKE FURTHER NOTICE that a hearing on the First Day Pleadings, and certain other motions and applications, was held on May 9, 2024, at which time the Bankruptcy Court approved the First Day Pleadings identified above on an interim basis. *See* Docket Nos. 42, 43, 44, 45, 46, 47, 48, 49, and 54 (collectively, the “**Interim Orders**”). Copies of the First Day

Pleadings and Interim Orders are being served concurrently herewith upon the respective applicable notice parties as identified in the First Day Pleadings.

PLEASE TAKE FURTHER NOTICE that objections, if any, to entry of final orders approving the First Day Pleadings must be filed on or before **May 29, 2024 at 4:00 p.m. (ET)** (the “**Objection Deadline**”) with the Clerk of the Bankruptcy Court, 824 N. Market Street, 3rd Floor, Wilmington, Delaware 19801 and served upon (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 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 (sliebman@pryorcashman.com); and (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), or as described in the Interim Orders.

PLEASE TAKE FURTHER NOTICE that a hearing to consider final approval of the First Day Pleadings will be held on **June 5, 2024 at 10:00 a.m. (ET)** before the Honorable John T. Dorsey, at the Bankruptcy Court, 824 N. Market Street, 5th Floor, Courtroom No. 5,

Wilmington, Delaware 19801. Only those objections made in writing and timely filed and served in accordance with the above procedures will be considered by the Bankruptcy Court at such hearing.

PLEASE TAKE FURTHER NOTICE THAT IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE BANKRUPTCY COURT MAY GRANT THE FINAL RELIEF REQUESTED IN THE FIRST DAY PLEADINGS WITHOUT FURTHER NOTICE OR HEARING.

Dated: May 9, 2024
Wilmington, Delaware

POLSINELLI PC

/s/ Shanti M. Katona

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