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**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

In re:

CCA Construction, Inc.,<sup>1</sup>

Debtor.

Chapter 11

Case No. 24-\_\_\_\_\_ (\_\_\_)

**DEBTOR’S MOTION SEEKING ENTRY OF AN ORDER EXTENDING TIME TO FILE SCHEDULES, STATEMENTS AND RULE 2015.3 FINANCIAL REPORTS**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

The above-captioned debtor and debtor in possession (“CCA” or the “Debtor”) respectfully states as follows in support of this motion:

**Relief Requested**

1. CCA seeks entry of an order, substantially in the form attached hereto as **Exhibit A** (the “**Order**”): (a) authorizing CCA to extend the deadline by which CCA must file (i) its

<sup>1</sup> The last four digits of CCA’s federal tax identification number are 4862. CCA’s service address for the purposes of this chapter 11 case is 445 South Street, Suite 310, Morristown, NJ 07960.



schedules of assets and liabilities, schedules of current income and expenditures, schedules of executory contracts and unexpired leases, and statement of financial affairs (collectively, the “**Schedules and Statements**”) by 22 days, for a total of 36 days from the Petition Date (as defined herein), to and including January 27, 2025 without prejudice to CCA’s ability to request additional extensions for cause shown; and (ii) its initial reports of financial information with respect to entities in which CCA holds a controlling or substantial interest as set forth in Federal Rule of Bankruptcy Procedure 2015.3 (the “**2015.3 Reports**”) to and including the later of (1) seven days before the meeting of creditors (the “**341 Meeting**”) to be held pursuant to section 341 of the Bankruptcy Code and (2) 36 days from the Petition Date; and (b) granting related relief.

#### **Jurisdiction and Venue**

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11*, entered July 23, 1984, and amended on September 18, 2012 (Simandle, C.J.). This is a core proceeding pursuant to 28 U.S.C. § 157(b), and CCA consents to the entry of a final order by the Court in connection with this motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

3. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The bases for the relief requested herein are sections 105(a) and 521 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “**Bankruptcy Code**”), and rules 1007(c), 2015.3(d), and 9006(b) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”).

### **Background**

5. CCA is headquartered in New Jersey and provides construction management, program management, and general contracting services for public and private clients through its non-debtor operating subsidiaries (the “**Non-Debtor Subsidiaries**” and, together with CCA, the “**CCA Group**”). CCA supports its Non-Debtor Subsidiaries by providing them with key shared services to enable them to deliver large-scale projects in civil, commercial, residential, and public infrastructure sectors.

6. On the date hereof (the “**Petition Date**”), CCA filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. CCA is operating its business and managing its property as debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or examiner has been made in this chapter 11 case and no statutory committees have been appointed or designated.

7. Additional information regarding CCA, the events leading up to the Petition Date, and the facts and circumstances supporting the relief requested in this motion is set forth in the *Declaration of Yan Wei, Chairman and Chief Executive Officer of the Debtor, in Support of Chapter 11 Petition* (the “**Wei Declaration**”) and the *Declaration of Evan Blum in Support of First Day Pleadings and Debtor-in-Possession Financing* (the “**BDO Declaration**” and, together with the Wei Declaration, the “**First Day Declarations**”)<sup>1</sup> which are filed contemporaneously herewith and incorporated herein by reference.

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<sup>1</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the First Day Declarations.

### **Basis for Relief**

#### **I. Cause Exists to Extend the Time to File the Schedules and Statements.**

8. Section 521 of the Bankruptcy Code and Bankruptcy Rule 1007(c) normally require a debtor to file its schedules of assets and liabilities, schedules of current income and expenditures, schedules of executory contracts and unexpired leases, and statements of financial affairs within 14 days after its petition date. However, pursuant to Bankruptcy Rules 1007(c), and 9006(b), the Court has authority to extend the time required for the filing of the Schedules and Statements “for cause shown.” Fed. R. Bankr. P. 1007(c), and 9006(b). Showing “cause” merely requires that a debtor “demonstrate some justification for the issuance of the order” and bankruptcy courts will normally grant such extensions “in the absence of bad faith or prejudice to the adverse party.” *See, e.g., Bryant v. Smith*, 165 B.R. 176, 182 (W.D. Va. 1994) (discussing the standard for granting extensions under Bankruptcy Rule 1007) (internal citations and quotation marks omitted). Additionally, section 105(a) of the Bankruptcy Code grants the Court broad authority to issue any order that is necessary and appropriate to carry out the provisions of the Bankruptcy Code. 11 U.S.C. § 105(a).

9. CCA is mobilizing its employees and enlisting help from its professional advisors to work diligently and expeditiously on preparing the Schedules and Statements, but resources are strained. Given the amount of work entailed in completing the Schedules and Statements, the holiday timing of this chapter 11 case, the competing demands on CCA’s employees and professionals to assist with stabilizing business operations during the initial postpetition period, and the critical matters that CCA’s management and professionals were required to address prior to the commencement of the chapter 11 case, CCA likely will not be able to properly and accurately complete the Schedules and Statements within the required time period.

10. Additionally, in the days leading up to the Petition Date, CCA's primary focus has been on pursuing all value-maximizing options for all stakeholders and preparing for the chapter 11 filing (including negotiating and securing postpetition financing for CCA and a separate financing facility on behalf of the Non-Debtor Subsidiaries) as expeditiously and efficiently as possible, including preparing the business to transition into chapter 11. CCA intends to focus the attention of key personnel on critical operational and chapter 11 compliance issues during the early days of the chapter 11 case. These efforts will facilitate CCA's smooth transition into chapter 11 for the benefit of all stakeholders.

11. Accordingly, although CCA has commenced the process that will enable it to prepare and finalize the Schedules and Statements and is working diligently to move the process forward, CCA anticipates that it may require up to 22 additional days to complete the Schedules and Statements. CCA submits that the amount of information that must be assembled and compiled and the amount of employee and professional hours required to complete the Schedules and Statements constitute good and sufficient cause for granting the requested extension of time. Further complicating CCA's efforts to gather the information necessary to prepare the Schedules and Statements is that the 14-day postpetition period provided under Bankruptcy Rule 1007 will overlap with certain holidays, where many of CCA's employees may be unavailable thereby delaying CCA's good faith efforts to promptly file its Schedules and Statements. No party in interest will be prejudiced by the extension requested herein because CCA has financial and operational incentives to progress the chapter 11 case as expeditiously as possible. In fact, all parties will benefit from the enhanced accuracy of the information-gathering process. CCA therefore requests that the Court extend the 14-day period for an additional 22 days, without prejudice to CCA's right to request further extensions, for cause shown.

12. Courts in this district have granted similar relief to that requested herein in a number of cases. *See, e.g., In re Sam Ash Music Corp.*, Case No. 24-14727 (SLM) (Bankr. D.N.J. May 10, 2024) (granting debtors a total of 35 days from the petition date to file their schedules and statements); *BowFlex, Inc.*, Case No. 24-12364 (ABA) (Bankr. D.N.J. Mar. 6, 2024) (total of 35 days); *In re Invitae Corp.*, Case No. 24-11362 (MBK) (Bankr. D.N.J. Feb. 16, 2024) (total of 34 days); *In re Careismatic Brands, LLC*, Case No. 24-10561 (VFP) (Bankr. D.N.J. Jan. 24, 2024) (total of 50 days); *In re DirectBuy Home Improvement, Inc.*, Case No. 23-19159 (SLM) (Bankr. D.N.J. Oct. 10, 2023) (total of 35 days); *In re WeWork Inc.*, Case No. 23-19865 (JKS) (Bankr. D.N.J. Nov. 8, 2023) (total of 60 days); *In re Rite Aid Corp.*, Case No. 23-18993 (MBK) (Bankr. D.N.J. Oct. 19, 2023) (total of 52 days); *In re Cyxtera Techs., Inc.*, No. 23-14853 (JKS) (Bankr. D.N.J. June 6, 2023) (total of 36 days).

13. CCA reserves the right to seek further extensions of the deadline to file its Schedules and Statements and requests that any relief granted with respect to this motion be without prejudice to CCA's ability to seek further extensions or modifications of the requirements of section 521 of the Bankruptcy Code and Bankruptcy Rule 1007.

## **II. Cause Exists to Extend the Time to File the 2015.3 Reports.**

14. Pursuant to Bankruptcy Rule 2015.3, a chapter 11 debtor must file, no later than seven days before the date set for the 341 Meeting and no less than every six months thereafter, periodic financial reports of the value, operations, and profitability of each entity that is not a publicly traded corporation or a debtor in the chapter 11 cases, and in which the estate holds a substantial or controlling interest. *See* Fed. R. Bankr. P. 2015.3(a)–(c). Bankruptcy Rule 9006(b)(1) provides the Court with authority to extend the period of time to file the 2015.3 Reports “for cause.” Fed. R. Bankr. P. 9006(b)(1). Additionally, Bankruptcy Rule 2015.3(d) provides the Court with the ability, after notice and a hearing, to modify the reporting requirements for cause,

including that the debtor is “not able, after a good faith effort, to comply with those reporting requirements, or that the information . . . is publicly available.” *See* Fed. R. Bankr. P. 2015.3(d).

15. For the same considerations supporting an extension of the date by which CCA must file its Schedules and Statements, it will be unduly challenging for CCA to complete the initial 2015.3 Reports within the time required under Bankruptcy Rule 2015.3. Accordingly, extending the deadline to file the initial 2015.3 Reports will provide CCA with the necessary time to examine the books and records of the Non-Debtor Subsidiaries that may be subject to Bankruptcy Rule 2015.3. The additional time will also enable CCA to work with its financial advisors and the Office of the United States Trustee for the District of New Jersey to determine the appropriate nature and scope of the reports and any proposed modifications to the reporting requirements established by Bankruptcy Rule 2015.3.

16. CCA therefore requests that the Court extend the time by which CCA must file its initial 2015.3 Reports to the later of (a) seven days before the 341 Meeting, or (b) 36 days from the Petition Date pursuant to Bankruptcy Rule 2015.3(d), without prejudice to CCA’s right to request further extensions, for cause shown.

17. Courts in this district have granted similar relief to that requested herein in a number of cases. *See e.g., BowFlex, Inc.*, Case No. 24-12364 (ABA) (Bankr. D.N.J. Mar. 6, 2024) (extension through later of 7 days prior to the 341 meeting and 35 days from the petition date); *In re Careismatic Brands, LLC*, Case No. 24-10561 (VFP) (Bankr. D.N.J. Jan. 24, 2024) (extension through later of 30 days after 341 meeting and 50 days from the petition date); *In re WeWork Inc.*, Case No. 23-19865 (JKS) (Bankr. D.N.J. Nov. 8, 2023) (extension through later of 30 days after the 341 meeting and 60 days from the petition date); *In re Aceto Corporation*, Case No. 19-13448

(VFP) (Bankr. D.N.J. Feb. 21, 2019) (extension through later of 30 days after the 341 meeting and 60 days from the petition date).

18. CCA reserves the right to seek further extensions of the deadline to file its initial 2015.3 Reports and requests that any relief granted with respect to this motion be without prejudice to CCA's ability to seek further extensions or modifications of the requirements of Bankruptcy Rule 2015.3.

**Waiver of Memorandum of Law**

19. CCA respectfully requests that the Court waive the requirement to file a separate memorandum of law pursuant to rule 9013-1(a)(3) of the Local Bankruptcy Rules for the District of New Jersey (the "**Local Rules**") because the legal basis upon which CCA relies is set forth herein and the motion does not raise any novel issues of law.

**No Prior Request**

20. No prior request for the relief sought in this motion has been made to this Court or any other court.

**Notice**

21. CCA will provide notice of this motion to: (a) the Office of the United States Trustee for the District of New Jersey; (b) the entities listed on the *List of Creditors Holding the 20 Largest Unsecured Claims*; (c) the Internal Revenue Service; (d) the Office of the United States Attorney for the District of New Jersey; and (e) any party that has requested notice pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested, CCA respectfully submits that no further notice is necessary.

*[Remainder of page intentionally left blank]*



WHEREFORE, CCA respectfully requests that the Court (a) enter the Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and (b) grant such other and further relief as is just and proper.

Dated: December 22, 2024

*/s/ Michael D. Sirota*

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**EXHIBIT A**

**Proposed Order**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

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*Proposed Co-Counsel to the Debtor and Debtor in Possession*

In re:  
CCA Construction, Inc.,<sup>1</sup>  
  
Debtor.

Case No. 24-\_\_\_\_ (\_\_\_)

Chapter 11

Judge:

<sup>1</sup> The last four digits of CCA's federal tax identification number are 4862. CCA's service address for the purposes of this chapter 11 case is 445 South Street, Suite 310, Morristown, NJ 07960.

Page (2)

Debtor: CCA Construction, Inc.

Case No.: 24-\_\_\_\_\_ (\_\_\_)

Caption of Order: Order Extending Time to File Schedules, Statements and 2015.3 Financial Reports

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**ORDER EXTENDING TIME TO FILE SCHEDULES,  
STATEMENTS AND RULE 2015.3 FINANCIAL REPORTS**

The relief set forth on the following pages, numbered two (2) through five (5), is

**ORDERED.**

Page (3)

Debtor: CCA Construction, Inc.

Case No.: 24-\_\_\_\_\_ (\_\_\_)

Caption of Order: Order Extending Time to File Schedules, Statements and 2015.3 Financial Reports

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Upon CCA's motion filed on the Petition Date [Docket No. \_\_\_\_] (the "**Motion**")<sup>2</sup> pursuant to sections 105 and 521 of the Bankruptcy Code and Bankruptcy Rules 1007(c), 2015.3(d) and 9006(b), for entry of an order (a) extending the deadline by which CCA must file (i) its Schedules and Statements by 22 days, for a total of 36 days from the Petition Date, to and including January 27, 2025 without prejudice to CCA's ability to request additional extensions for cause shown, and (ii) its 2015.3 Reports to and including the later of (1) seven days before the 341 Meeting and (2) January 27, 2025, without prejudice to CCA's ability to request additional extensions for cause shown to seek further extensions of such deadline, and (b) granting related relief, all as more fully set forth in the Motion; and upon consideration of the First Day Declarations; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey, entered July 23, 1984, and amended on September 18, 2012 (Simandle, C.J.); and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that CCA's notice of the Motion was appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor IT IS HEREBY ORDERED THAT:

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<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

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Debtor: CCA Construction, Inc.

Case No.: 24-\_\_\_\_\_ (\_\_\_)

Caption of Order: Order Extending Time to File Schedules, Statements and 2015.3 Financial Reports

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1. The Motion is granted as set forth herein.
2. Pursuant to section 521 of the Bankruptcy Code and Bankruptcy Rules 1007(c) and 9006(b), the time by which CCA shall file the Schedules and Statements is extended by an additional 22 days beyond the 14 days provided for pursuant to Bankruptcy Rule 1007(c), to and including January 27, 2025.
3. The time within which CCA must file its initial 2015.3 Reports is extended to the later of (a) seven days before the 341 Meeting or (b) January 27, 2025.
4. The foregoing extensions are without prejudice to CCA's right to file a motion with this Court seeking a further extension.
5. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).
6. CCA is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.
7. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of the Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.
8. The requirement set forth in Local Rule 9013-1(a)(3) that any motion be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Motion or otherwise waived.
9. Any party may move for modification of this Order in accordance with Local Rule 9013-5(e).

Page (5)

Debtor: CCA Construction, Inc.

Case No.: 24-\_\_\_\_\_ (\_\_\_)

Caption of Order: Order Extending Time to File Schedules, Statements and 2015.3 Financial Reports

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10. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.