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Proposed Co-Counsel to the Debtor and Debtor in Possession

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

In re:

CCA Construction, Inc.,¹

Debtor.

Chapter 11

Case No. 24-_____ (____)

**APPLICATION FOR ORDER SHORTENING TIME FOR
DEBTOR’S MOTION FOR ENTRY OF AN ORDER GRANTING
RELIEF FROM THE AUTOMATIC STAY TO PROSECUTE AN APPEAL**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

The above-captioned debtor and debtor in possession (“CCA” or the “Debtor”) respectfully requests that the time period to notice a hearing on the *Debtor’s Motion for Entry of an Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal*

¹ 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.



(the “**Motion**”),² as required by Fed. R. Bankr. P. 2002 be shortened pursuant to Fed. R. Bankr. P. 9006(c)(1), and respectfully submits:

1. **A shortened time hearing is requested because:** As set forth in the Motion, CCA’s chapter 11 case was precipitated by the crippling Baha Mar Judgment. Together with the other Defendants, CCA has appealed the Baha Mar Judgment and believes it will be able to demonstrate that it has *no liability at all* in connection with the Baha Mar Litigation. For the reasons set forth in the Motion, CCA submits that its participation in the Appeal is crucial to judicial economy and the success of this chapter 11 case. If CCA is not able to participate in the Appeal together with the other Defendants, the Appeal will continue and could prejudice CCA under the doctrines of res judicata and collateral estoppel if the First Department makes findings and judgments against the other Defendants that may impact CCA. The Defendants intend to file their opening brief by December 30, 2024, in order to have oral argument during the First Department’s February 2025 term. Accordingly, a hearing on the Motion on shortened time is required to ensure that CCA is authorized to join the other Defendants in pursuing the Appeal, including filing an opening brief on December 30, 2024.

2. **State the hearing dates requested:** CCA respectfully requests that the Court hear the Motion on a *remote basis (if possible)* at the Court’s earliest availability, but in no event later than Friday, December 27, 2024. This will enable CCA to meet the deadline of Monday, December 30, 2024, to file its brief in order to have the appeal be heard on the February calendar, consistent with CCA’s objective to have the appeal adjudicated as quickly as practicable.

3. Reduction of the time period is not prohibited under Fed. R. Bankr. P 9006(c)(1).

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

WHEREFORE, CCA respectfully requests entry of the proposed order attached hereto as **Exhibit A** shortening time, in substantially the form submitted herewith, granting the relief requested herein and such other relief as is just and proper under the circumstances.

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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In re:
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Judge:

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Debtor: CCA Construction, Inc.
Case No.: 24-____ (____)
Caption of Order: Order Shortening Time Period for Notice

ORDER SHORTENING TIME PERIOD FOR NOTICE

The relief set forth on the following page, numbered two (2) through three (3), is hereby

ORDERED.

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Debtor: CCA Construction, Inc.
Case No.: 24-____ (____)
Caption of Order: Order Shortening Time Period for Notice

Upon review of CCA's *Application for Order Shortening Time for Hearing on Debtor's Motion for Entry of an Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal* (the "**Application**")² for entry of an order (this "**Order**") requesting that the time period for the *Debtor's Motion for Entry of an Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal* (the "**Motion**"), be shortened pursuant to Fed. R. Bankr. P. 9006(c)(1), IT IS HEREBY ORDERED THAT:

1. A hearing will be conducted on the Motion via Zoom on December [•], 2024 at _____:_____ .m. (E.T.), before the Honorable [•].
2. CCA must serve a copy of this Order, and all related documents to all parties in interest by either regular mail or email, as applicable.
3. Service must be made within _____ days of the date of this Order.
4. Notice by telephone is not required.
5. Any objections to the Motion must be filed no later than _____ days before the hearing.
6. Parties must request to appear by Zoom by submitting an email request to Chambers (_____) prior to the return date.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Application.