



Order Filed on December 23, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**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.,¹

Debtor.

Case No. 24-22548 (CMG)

Chapter 11

Judge: Gravelle

DATED: December 23, 2024

Honorable
United States



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Debtor: CCA Construction, Inc.
Case No.: 24-22548
Caption of Order: Interim Order (I) Authorizing the Debtor to (A) Continue to Use its Bank Accounts and Maintain Existing Business Forms, (B) Honor Certain Prepetition Obligations Related Thereto, and (C) Continue to Perform Intercompany Transactions, and (II) Granting Related Relief

**INTERIM ORDER (I) AUTHORIZING THE DEBTOR TO
(A) CONTINUE TO USE ITS BANK ACCOUNTS AND MAINTAIN
EXISTING BUSINESS FORMS, (B) HONOR CERTAIN PREPETITION
OBLIGATIONS RELATED THERETO, AND (C) CONTINUE TO PERFORM
INTERCOMPANY TRANSACTIONS, AND (II) GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through eight (8), is
ORDERED.

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Upon CCA's motion filed on the Petition Date [Docket No. 5] (the "**Motion**")² pursuant to sections 105(a), 345, 363, 1107 and 1108 of the Bankruptcy Code, for entry of an order (i) authorizing CCA to (a) continue to use its bank accounts and maintain existing business forms, (b) honor certain prepetition obligations related thereto, and (c) continue to perform intercompany transactions, whether relating to the prepetition or postpetition period, in the ordinary course of business, and (ii) 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 the requested relief is necessary to avoid immediate and irreparable harm to CCA and its estate; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor IT IS HEREBY ORDERED THAT:

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

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1. The Motion is granted on an interim basis as set forth herein.

The Final Hearing on the Motion will be held on **January 30, 2025**, at **10:00AM(Eastern Time)**. Any objections or responses to the Motion and entry of the Final Order shall be in writing, filed with the Court on or before **January 28, 2025 at 4:00 p.m. (Eastern Time)**, and

served on: (a) proposed co-counsel to CCA, Debevoise & Plimpton LLP, 66 Hudson

Boulevard, New York, NY 10001 (Attn: M. Natasha Labovitz, Sidney P. Levinson, Elie J.

Worenklein and Shefit Koboci) and Cole Schotz P.C., Court Plaza North, 25 Main Street

Hackensack, NJ 07601 (Attn: Michael D. Sirota, Warren A. Usatine, Felice R. Yudkin and

Ryan T. Jareck), (b) the Office of the United States Trustee, One Newark Center, 1085

Raymond Boulevard, Suite 2100, Newark, NJ 07102 (Attn: Fran B. Steele and Peter J.

D'Auria), and (c) counsel to any statutory committee appointed in this chapter 11 case. If no

objections or responses are filed and served, this Court may enter the Final Order without

3. further notice or hearing.

CCA is authorized, on an interim basis, pursuant to sections 345(b), 363(c) and 105(a) of the Bankruptcy Code, to (a) continue to manage its cash in its Bank Accounts in the same manner as prior to the Petition Date, (b) collect, concentrate, and disburse cash in the ordinary course of business, and (c) make ordinary course changes to its Bank Accounts, including opening and closing bank accounts (provided that any new bank account opened by CCA is (i) with a bank that is insured with the FDIC and (ii) designated as an authorized depository by the Office of the United States Trustee for Region 3). CCA shall provide the U.S. Trustee and any statutory committee appointed in this case with not less than three business days' notice prior to making any material changes to the Bank Accounts.

CCA shall give notice

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to the U.S. Trustee within five days after opening any new bank account or closing any existing bank account. The U.S. Trustee and any statutory committee appointed in this chapter 11 case will have 14 days (or until such later date as may be extended by the Court or agreed to between CCA, the U.S. Trustee or any statutory committee appointed in this case) from receipt of such notice to file any objection with regard to the opening or closing of a bank account. Any new debtor in possession bank account must bear the designation “Debtor in Possession” and be designed as “Debtor in Possession” accounts with the case number.

4. CCA is further authorized, on the terms set forth in this Interim Order, to (a) designate, maintain, and continue to use its existing Bank Accounts, in the names and with the account numbers existing immediately before the Petition Date, (b) deposit funds in, and withdraw funds from, such Bank Accounts by all usual means, including checks, wire transfers, automated clearing house transfers, and other debits, and (c) pay any Bank Fees or other charges associated with the Bank Accounts, whether arising before or after the Petition Date.

5. CCA is authorized, on an interim basis, to continue to use, in their present form, all preprinted correspondence and business forms (including letterhead, checks, purchase orders and invoices) without reference to its status as a debtor in possession; *provided, however*, that once CCA’s existing checks have been used, CCA shall, when reordering checks, require the designation “Debtor in Possession” and the corresponding bankruptcy case number on all checks. Further, within 14 days of the entry of this Interim Order, CCA shall update any electronically produced checks to reflect its status as a debtor in possession and to include the corresponding bankruptcy case number.

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6. To the extent required, CCA is authorized, pursuant to section 363(c) of the Bankruptcy Code, to continue the Shared Services Program and to perform under and honor Intercompany Transactions, whether arising under or relating to the prepetition or postpetition period, in the ordinary course of business and pursuant to the terms of the applicable Shared Services Agreements, so long as such Intercompany Transactions are materially consistent with CCA's operation of its business in the ordinary course during the prepetition period.

7. CCA shall maintain accurate and detailed records of all transfers, including but not limited to Intercompany Transactions, so that all transactions may be readily ascertained, traced, recorded properly, and distinguished between prepetition and post-petition transactions.

8. CCA is authorized to issue postpetition checks or to effect postpetition fund transfer requests in replacement of any checks or fund transfer requests that are dishonored or rejected as a consequence of the commencement of CCA's chapter 11 case with respect to prepetition amounts owed in connection with the relief granted herein, provided that CCA shall only instruct or request HSBC to pay or honor any check, draft or other payment as authorized by an order of the Court.

9. Within five days of the date of the entry of this Interim Order, CCA shall (a) contact HSBC, (b) provide HSBC with CCA's employer identification number and (c) identify each of the Bank Accounts held at HSBC as being held by a debtor in possession and provide the bankruptcy case number.

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10. Notwithstanding anything in this Order to the contrary, in the event HSBC Bank USA, N.A. ceases to be an approved depository with the Office of the United States Trustee during the pendency of this chapter 11 case, the rights of all parties are fully reserved.

11. Notwithstanding the relief granted herein and any actions taken hereunder, nothing contained in the Motion or this Interim Order or any payment made pursuant to this Interim Order shall constitute, nor is it intended to constitute: (a) an admission as to the amount, basis, or validity of any particular claim against CCA; (b) a waiver of CCA's rights to dispute any particular claim on any grounds; (c) a promise or requirement to pay any particular claim; (d) an implication or admission that any particular claim is of a type specified or defined in the Motion; (e) a request or authorization to assume any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; (f) an admission relating to any lien, security interest or other encumbrance on property of CCA's estate; or (g) a waiver or limitation of any of CCA's rights under the Bankruptcy Code or other applicable law.

12. Under the circumstances of this chapter 11 case, notice of the Motion is adequate, and the notice requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.

13. Any party may move for modification of this Order in accordance with Local Rule 9013-5(e).

14. A copy of this Interim Order shall be served on all required parties pursuant to Local Rule 9013-5(f).

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15. The requirement set forth in Local Rule 9013-1(a)(3) that any motion be accompanied by a memorandum of law is hereby satisfied by the contents of the Motion or otherwise waived.

16. The requirements set forth in Bankruptcy Rule 6003(b) have been satisfied.

17. Notwithstanding any applicability of Bankruptcy Rule 6004(h), this Interim Order shall be immediately effective and enforceable upon its entry.

18. CCA is authorized and empowered to take all actions as may be necessary and appropriate to implement the terms of this Interim Order.

19. This Court shall retain jurisdiction to hear and determine all matters arising from or relating to the interpretation, implementation, or enforcement of this Interim Order.