



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

A handwritten signature in black ink, which appears to read "Christopher M. Gravelle", is written over a horizontal line.

Honorable
United States



2422548241223000000000009

Debtor: CCA Construction, Inc.

Case No.: 24-_____ (____)

Caption of Order: Interim Order (I) Authorizing the Debtor to Pay and Honor Certain
Prepetition Wages, Benefits and Other Obligations, and
(II) Granting Related Relief

**INTERIM ORDER (I) AUTHORIZING THE DEBTOR TO
PAY AND HONOR CERTAIN PREPETITION WAGES, BENEFITS
AND OTHER OBLIGATIONS, AND (II) GRANTING RELATED RELIEF**

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

Upon CCA's motion filed on the Petition Date [Docket No. 7] (the "**Motion**")² pursuant to sections 105, 362, 363, 503, 507, 541, 1107, and 1108 of the Bankruptcy Code, for entry of an order (i) authorizing CCA to pay and honor certain prepetition wages, benefits and other obligations, 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 relief requested 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:

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

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

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 Rory B. Heller) and Cole Schotz P.C., 25 Main Street Hackensack, NJ, 07601 (Attn: Michael D. Sirota, Warren A. Usatine, Felice 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 further notice or hearing.

3. CCA is hereby authorized, but not directed, to honor and pay, in the ordinary course of business, in accordance with CCA's prepetition policies and practices and in CCA's sole discretion, prepetition amounts (if any) outstanding on account of the following Employee Obligations and to continue the following Employee Obligations postpetition in the ordinary course of business: (a) Compensation Obligations; (b) Payroll Processor Fees; (c) Expense Reimbursement Obligations; (d) Payroll Taxes; (e) Severance Practice; (f) Health and Welfare Plans; (g) the PTO Plan; (h) the 401(k) Plan and the Employer 401(k) Contributions; (i) Workers' Compensation Program; (j) Employee Referral Program; (k) Incentive Programs; and (l) Visa Program; *provided, however*, notwithstanding anything to the contrary contained herein, that, pending entry of the Final Order, and subject to paragraph 7 below, the relief granted in this order shall be subject to the caps as set forth under sections 507(a)(4) and 507(a)(5) of the Bankruptcy Code.

4. CCA is authorized in its discretion, to maintain, and continue to honor and pay all amounts with respect to, the Compensation Obligations and Employee Benefit Obligations as such

were in effect as of the commencement of the chapter 11 case and as such may be modified, amended, or supplemented from time to time, in the ordinary course of business and to honor and pay any fees, costs, and expenses incident to the Compensation Obligations and Employee Benefit Obligations, including amounts owed to third-party administrators.

5. Pursuant to section 362(d) of the Bankruptcy Code, the automatic stay is modified, without further order of this Court, if and solely to the extent necessary to authorize: (a) Employees to proceed with their claims (whether arising before or after the Petition Date) under the Workers' Compensation Program in the appropriate judicial or administrative forum, and Employees are authorized to so proceed; (b) CCA to continue the Workers' Compensation Program and pay all prepetition and postpetition amounts relating thereto in the ordinary course of business, consistent with prepetition practices, and (c) insurers and third-party administrators to handle, administer, defend, settle, or pay workers' compensation claims. The modification of the automatic stay set forth in this paragraph pertains solely to claims under the Workers' Compensation Program.

6. Nothing in this Interim Order authorizes CCA to accelerate any payment not otherwise due prior to the date of the Final Hearing.

7. CCA is authorized, but not directed, to pay and honor all COBRA Obligations, if any, whether arising prepetition or postpetition, on account of the Severance Practice and to continue to comply with its Severance Practice postpetition in the ordinary course of business consistent with prepetition practices; *provided* that pending entry of the Final Order, CCA shall not make any payment to, or on account of, any individual with respect to any prepetition claim in excess of \$15,150 as set forth in sections 507(a)(4) and 507(a)(5) of the Bankruptcy Code; and *provided, further*, that nothing in the Motion or this Interim Order shall be construed as approving any payment

pursuant to 503(c) of the Bankruptcy Code, and a separate motion will be filed for any requests that are governed by section 503(c) of the Bankruptcy Code and that CCA shall not make any severance payments to any Insiders (as that term is defined in section 101(31) of the Bankruptcy Code) without further order of this Court. Nothing in the Motion or this Interim Order shall constitute a determination by the Court as to whether any individual seeking payment pursuant to this Interim Order is or is not an “insider” as that term is defined in section 101(31) of the Bankruptcy Code.

8. CCA is authorized to forward any unpaid amounts on account of any Employee deductions or Payroll Taxes to the appropriate third-party recipients or Taxing Authorities, as applicable, in the ordinary course of business, consistent with prepetition practices.

10. All applicable banks and financial institutions are authorized, when requested by CCA, to receive, process, honor, and pay, any and all checks or electronic payment requests when presented for payment from CCA’s accounts to the extent of available funds, whether those checks or requests were presented or initiated before or after the Petition Date, and all such banks and financial institutions are authorized to rely on CCA’s designation of any particular check or electronic payment request as approved by this Interim Order.

11. CCA is authorized to issue postpetition checks or to effect postpetition fund transfer requests in replacement of any checks or fund transfer requests in respect of the any payments dishonored or rejected as a consequence of the commencement of CCA’s chapter 11 case.

12. 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.

14. 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.

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

16. A copy of this Interim Order shall be served on all required parties pursuant to Local Rule 9013-5(f) within two business days after the entry of this Interim Order.

17. 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.

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

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

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

Debtor: CCA Construction, Inc.

Case No.: 24-_____ (____)

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