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Proposed Co-Counsel to the Debtor and Debtor in Possession

Proposed Co-Counsel to the Debtor and Debtor in Possession

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

In re:

CCA Construction, Inc.,¹

Debtor.

Chapter 11

Case No. 24-22548 (CMG)

NOTICE OF FILING OF REVISED ORDER GRANTING DEBTOR RELIEF FROM THE AUTOMATIC STAY TO PROSECUTE AN APPEAL

PLEASE TAKE NOTICE that on December 22, 2024, the above-captioned debtor and debtor-in-possession (the “Debtor”) filed the *Debtor’s Motion for Entry of an Order Granting Relief from the Automatic Stay to Prosecute an Appeal* [Docket No. 14] (the “Motion”).

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



PLEASE TAKE FURTHER NOTICE that the proposed *Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal* is attached to the Motion as Exhibit A (the “Initial Proposed Order”).

PLEASE TAKE FURTHER NOTICE that on December 26, 2024, the Debtor filed a revised proposed form of *Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal* [Docket No. 45].

PLEASE TAKE FURTHER NOTICE that the Debtor hereby files a further revised proposed form of *Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal* (the “Further Revised Proposed Order”), which reflects comments received from the Office of the United States Trustee and BML Properties, Ltd.

PLEASE TAKE FURTHER NOTICE that the Further Revised Proposed Order is attached hereto as **Exhibit A** and a cumulative redline marked against the Initial Proposed Order is attached hereto as **Exhibit B**.

[Remainder of Page Intentionally Left Blank]

DATED: December 26, 2024

Respectfully submitted,

By: /s/Michael D. Sirota
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*Proposed Co-Counsel to the Debtor
and Debtor in Possession*

Exhibit A

Further Revised 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.,¹

Debtor.

Case No. 24-22548 (CMG)

Chapter 11

Judge: Christine M. Gravelle

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.

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Debtor: CCA Construction, Inc.

Case No.: 24-22548 (CMG)

Caption of Order: Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal

**ORDER GRANTING DEBTOR RELIEF FROM
THE AUTOMATIC STAY TO PROSECUTE AN APPEAL**

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

ORDERED.

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Debtor: CCA Construction, Inc.
Case No.: 24-22548 (CMG)
Caption of Order: Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal

Upon CCA's motion filed on the Petition Date [Docket No. 14] (the "**Motion**")² pursuant to sections 362(d) of the Bankruptcy Code, for entry of an order granting CCA relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) solely to the extent necessary to permit CCA to prosecute the Appeal, all as more fully set forth in the Motion; and upon consideration of the First Day Declaration; 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 considered the arguments in support of the relief requested therein; 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 that such relief is in the best interests of CCA, its estate, its creditors, and all parties in interest, and is necessary to avoid 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 as set forth herein.
2. The automatic stay provided in 11 U.S.C. § 362(a) is hereby modified pursuant to 11 U.S.C. § 362(d)(1), solely to the extent necessary to permit CCA and the other parties to the

² 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.: 24-22548 (CMG)

Caption of Order: Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal

Baha Mar Litigation to prosecute the Appeal in the case captioned *BML Props. Ltd. v China Construction America, Inc., et al.*, Nos. 2024-06623, 2024-06624 (N.Y. App. Div. 2024), in the Supreme Court of the State of New York, Appellate Division - First Department, to proceed in such court, without prejudice to any party's right to seek further or additional relief from the Court.

3. With the exception of the Appeal, all of CCA's rights to the automatic stay under 11 U.S.C. § 362 are not impacted by this Order and are fully preserved. For the avoidance of doubt, no party shall be permitted to enforce any judgment or execute against CCA or any property of its estate absent further order of the Court.

4. Consistent with prepetition practices, the fees incurred in connection with the Appeal are to be paid by the non-Debtor Defendants, and not CCA.

5. For the avoidance of doubt, the automatic stay under 11 U.S.C. § 362 does not apply to the non-Debtor Defendants, and this Order is not required for the Appeal to move forward with respect to the non-Debtor Defendants.

6. Under the circumstances of the chapter 11 case, notice of the Motion is adequate, and the notice requirements of Bankruptcy Rule 9014 and 4001 and the Local Rules are satisfied by such notice.

7. 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.

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

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Debtor: CCA Construction, Inc.

Case No.: 24-22548 (CMG)

Caption of Order: Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal

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

Exhibit B

Redline

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b)	
DEBEVOISE & PLIMPTON LLP M. Natasha Labovitz (<i>pro hac vice</i> pending) Sidney P. Levinson (<i>pro hac vice</i> pending) Elie J. Worenklein Rory B. Heller (<i>pro hac vice</i> pending) 66 Hudson Boulevard New York, NY 10001 Telephone: (212) 909-6000 Facsimile: (212) 909-6836 nlabovitz@debevoise.com slevinson@debevoise.com eworenklein@debevoise.com rbheller@debevoise.com	
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<i>Proposed Co -Counsel to the Debtor and Debtor in Possession</i>	
In re: CCA Construction, Inc., ¹ Debtor.	Case No. 24-22548 (CMG) Chapter 11 Judge: Christine M. Gravelle

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.

(Page | 2)

Debtor: CCA Construction, Inc.

Case No.: 24-22548 (CMG)

Caption of Order: Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal

**ORDER GRANTING DEBTOR RELIEF FROM
THE AUTOMATIC STAY TO PROSECUTE AN APPEAL**

The relief set forth on the following pages, numbered two (2) through ~~four~~five (45), is

ORDERED.

(Page | 3)

Debtor: CCA Construction, Inc.

Case No.: 24-22548 (CMG)

Caption of Order: Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal

Upon CCA's motion filed on the Petition Date [Docket No. [14](#)] (the "**Motion**")² pursuant to sections 362(d) of the Bankruptcy Code, for entry of an order granting CCA relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) solely to the extent necessary to permit CCA to prosecute the Appeal, all as more fully set forth in the Motion; and upon consideration of the First Day Declaration; 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~~considered the arguments in support of the relief requested therein~~at a hearing before this Court (the "**Hearing**")~~; 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 that such relief is in the best interests of CCA, its estate, its creditors, and all parties in interest, and is necessary to avoid 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.

(Page | 4)

Debtor: CCA Construction, Inc.
Case No.: 24-22548 (CMG)
Caption of Order: Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal

1. The Motion is granted as set forth herein.

2. The automatic stay provided in 11 U.S.C. § 362(a) is hereby modified pursuant to 11 U.S.C. § 362(d)(1), solely to the extent necessary to permit CCA and the other parties to the Baha Mar Litigation to prosecute the Appeal in the case captioned *BML Props. Ltd. v China Construction America, Inc., et al.*, Nos. 2024-06623, 2024-06624 (N.Y. App. Div. 2024), in the Supreme Court of the State of New York, Appellate Division - First Department, to proceed ~~to resolution~~ in such court, ~~including any appeals therefrom or related proceedings~~ without prejudice to any party's right to seek further or additional relief from the Court.

3. With the exception of the Appeal, all of CCA's rights to the automatic stay under 11 U.S.C. § 362 are not impacted by this Order and are fully preserved. For the avoidance of doubt, no party shall be permitted to enforce any judgment or execute against CCA or any property of its estate absent further order of the Court.

4. Consistent with prepetition practices, the fees incurred in connection with the Appeal are to be paid by the non-Debtor Defendants, and not CCA.

5. For the avoidance of doubt, the automatic stay under 11 U.S.C. § 362 does not apply to the non-Debtor Defendants, and this Order is not required for the Appeal to move forward with respect to the non-Debtor Defendants.

46. Under the circumstances of the chapter 11 case, notice of the Motion is adequate, and the notice requirements of Bankruptcy Rule 9014 and 4001 and the Local Rules are satisfied by such notice.

(Page | 5)

Debtor: CCA Construction, Inc.

Case No.: 24-22548 (CMG)

Caption of Order: Order Granting Debtor Relief from the Automatic Stay to Prosecute an Appeal

| 57. 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.

| 68. CCA is authorized and empowered to take all actions as may be necessary and appropriate to implement the terms of this Order.

| 79. This Court shall retain jurisdiction to hear and determine all matters arising from or relating to the interpretation, implementation, or enforcement of this Order.