

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

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

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Co-Counsel to the Debtor and Debtor in Possession

In re:

CCA Construction, Inc.,¹

Debtor.



Order Filed on February 18, 2025
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No. 24-22548 (CMG)

Chapter 11

Judge: Christine M. Gravelle

DATED: February 18, 2025


Honorable Christine M. Gravelle
United States Bankruptcy Judge

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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Case 24-22548-CMG Doc 186 Filed 02/20/25 Entered 02/21/25 00:18:46 Desc
(Page | 2) Imaged Certificate of Notice Page 2 of 8
Debtor: CCA Construction, Inc.
Case No.: 24-22548 (CMG)
Caption of Order: Final Order (I) Authorizing the Debtor to (A) Continue its
Prepetition Insurance Programs and (B) Pay All Prepetition
Obligations Related Thereto, and (II) Granting Related Relief

**FINAL ORDER(I) AUTHORIZING THE
DEBTOR TO (A) CONTINUE ITS PREPETITION INSURANCE
PROGRAMS AND (B) PAY ALL PREPETITION OBLIGATIONS
RELATED THERETO, AND (II) GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through six (6), is
ORDERED.

Upon CCA's motion filed on the Petition Date [Docket No. 6] (the "**Motion**")² pursuant to sections 105(a), 363(b), 363(c), 1107(a), 1108 and 1112(b)(4)(C) of the Bankruptcy Code and rules 2002, 6003 and 6004 of the Federal Rules of Bankruptcy Procedure, for entry of this Final Order (i) authorizing CCA to (a) continue the Insurance Programs in the ordinary course of business and (b) pay all prepetition obligations relating to such programs, 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 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* 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 that such relief is in the best interests of CCA, its estate, its creditors, and all parties in interest, and 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 a final basis as set forth herein.

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

1. CCA is authorized, but not directed, to continue the Insurance Programs in the ordinary course of business and to take all appropriate actions in connection therewith, including revising, renewing, replacing or obtaining new insurance policies under such programs in the ordinary course of business.

2. CCA is further authorized, in its sole discretion, to pay all obligations relating to the Insurance Programs, including premiums, deductibles, retrospective adjustments, administrative fees, and fees owing to the Insurance Broker and Third Party Administrator, whether such obligations (a) were due and payable or related to the period before the Petition Date, or (b) are or become due and payable or related to the period after the Petition Date, in each instance without further order of the Court.

3. 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 Final Order.

4. 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 obligations under the Insurance Programs dishonored or rejected as a consequence of the commencement of CCA's chapter 11 case.

5. To the extent CCA subsequently becomes aware of additional insurance policies that have not previously been disclosed, or to the extent CCA enters into new insurance policies

under the Insurance Programs or renews any insurance policies, CCA shall disclose these policies and programs to the U.S. Trustee and the professional advisors to any statutory committee appointed in this chapter 11 case.

6. Nothing in this Final Order authorizes CCA to accelerate any payments not otherwise due.

7. To the extent that any insurance policies under the Insurance Programs or any related obligation, contract, or agreement are deemed an executory contract within the meaning of section 365 of the Bankruptcy Code, neither this Final Order nor any payments made in accordance with this Final Order shall constitute the postpetition assumption of any such insurance policies or any related obligation, contract, or agreement pursuant to section 365 of the Bankruptcy Code.

8. Notwithstanding the relief granted herein and any actions taken hereunder, nothing contained in the Motion or this Final Order or any payment made pursuant to this Final 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.

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

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

11. 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.

12. 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.

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

In re:
CCA Construction, Inc.
Debtor

Case No. 24-22548-CMG
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Feb 18, 2025

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 20, 2025:

| Recip ID | Recipient Name and Address |
|----------|--|
| db | + CCA Construction, Inc., 445 South Street, Suite 310, Morristown, NJ 07960-6475 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 20, 2025

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 18, 2025 at the address(es) listed below:

| Name | Email Address |
|-------------------|---|
| Andrew Behlmann | on behalf of Interested Party CSCEC Holding Company Inc. abehlmann@lowenstein.com |
| Brett S. Theisen | on behalf of Creditor BML Properties Ltd. btheisen@gibbonslaw.com, nmitchell@gibbonslaw.com |
| Felice R. Yudkin | on behalf of Debtor CCA Construction Inc. fyudkin@coleschotz.com, fpisano@coleschotz.com |
| Fran B. Steele | on behalf of U.S. Trustee U.S. Trustee Fran.B.Steele@usdoj.gov |
| Kyle McEvilly | on behalf of Creditor BML Properties Ltd. kmcevilly@gibbonslaw.com |
| Michael A. Kaplan | on behalf of Interested Party CSCEC Holding Company Inc. mkaplan@lowenstein.com, dclaussen@lowenstein.com |

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Feb 18, 2025

Form ID: pdf903

Total Noticed: 1

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Robert Malone

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Savanna Bierne

on behalf of U.S. Trustee U.S. Trustee savanna.bierne1@usdoj.gov

Shella Borovinskaya

on behalf of Interested Party Certain Non-Debtor Affiliates of CCA Construction Inc sborovinskaya@ycst.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 13