



Order Filed on March 5, 2025
by Clerk
U.S. Bankruptcy Court
District of New Jersey

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

In re:

CCA Construction, Inc.,¹

Debtor.

(Hon. Christine M. Gravelle)

Chapter 11

Case No. 24-22548-CMG

ORDER GRANTING THE APPOINTMENT OF AN EXAMINER

The relief set forth on the following pages, numbered two (2) through four (4), is hereby
ORDERED.

DATED: March 5, 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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Upon the *Motion of BML Properties, Ltd. for Entry of an Order Appointing an Examiner* (the “Motion”);² 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* from 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 notice of the Motion was appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establish cause for the relief set forth in the Motion; 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 United States Trustee (“U.S. Trustee”) is directed to expeditiously appoint an examiner (the “Examiner”) pursuant to 11 U.S.C. § 1104(c), subject to approval of this Court, upon the earlier of (i) if the Supreme Court of the State of New York, Appellate Division – First Department (the “New York Appellate Division”), affirms the decision of the Supreme Court of the State of New York, New York County in *BML Props. Ltd. v China Constr. Am., Inc.*, Index No. 657550/2017 (Sup Ct, NY County, Commercial Division) (the “New York Action”) and/or upholds the judgment entered in the New York Action against the Debtor and in favor of BML

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

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Properties Ltd. (“BMLP”), twenty-one (21) days after such ruling affirming the decision in the New York Action and/or upholding the judgment entered in the New York Action against the Debtor and in favor of BMLP, or (ii) June 1, 2025 (which date may be extended with the consent of BMLP and the U.S. Trustee). The Debtor shall file with the Court a notice of any decision by the New York Appellate Division within two (2) business days of such decision being entered on the docket, attaching a copy of the decision and serving such notice on counsel to BMLP, CSCEC Holding Company, Inc., and the U.S. Trustee by electronic mail, and such notice shall indicate whether such decision establishes a date pursuant to (i) above and if so what that date is.

3. Notwithstanding the foregoing, the U.S. Trustee may appoint an examiner at an earlier date upon the filing of a Notice with the Court by BMLP and/or the U.S. Trustee indicating that there has been a change in circumstances in this chapter 11 case and explaining the basis therefor. Upon the filing of such Notice, the Court shall set a reasonable timeline for the U.S. Trustee to appoint the Examiner, in consultation with the U.S. Trustee.

4. After the U.S. Trustee files a notice appointing the Examiner, the Court shall convene a conference (the “Scope and Budget Hearing”) with the Debtor, BMLP, CSCEC Holding Company, Inc. and the U.S. Trustee, to determine the scope and budget for the Examiner’s investigation (the “Authorized Investigation”). Any party wishing to submit supplemental briefing to the Court on the appropriate scope and budget may do so no later than five (5) business days prior to the Scope and Budget Hearing. The final scope and budget of the Authorized Investigation shall be set forth in a subsequent order of the Court.

5. The Examiner, upon his or her appointment, may retain professionals (including his or her professional services firm, if applicable) if he or she determines that such retention is

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necessary to discharge his or her duties, with such retention to be subject to Court approval under standards equivalent to those set forth in 11 U.S.C. § 327. The Examiner and any professionals retained shall be compensated and reimbursed for their expenses upon application to the Court on notice to parties pursuant to 11 U.S.C. § 330.

6. The Examiner shall be authorized to issue subpoenas pursuant to Bankruptcy Rule 2004 and Local Rule 2004-1, if appropriate, to obtain information necessary in connection with the Authorized Investigation.

7. The Examiner shall prepare and file a written report of his or her findings with respect to the Authorized Investigation (the “Report”) pursuant to 11 U.S.C. §§ 1106(a)(4) and (b).

8. The Examiner shall be a “party in interest” under 11 U.S.C. § 1109(b) with respect to matters that are within the scope of the Authorized Investigation and shall be entitled to appear at hearings and be heard with respect to the Authorized Investigation.

9. Nothing in this Order shall impede the right of the U. S. Trustee or of any other party in interest to request any other lawful relief, including but not limited to the expansion or limitation of the scope of the Authorized Investigation.

10. Notwithstanding anything in this Order to the contrary, the rights of the U. S. Trustee under sections 1104 and 1112 of the Bankruptcy Code are fully preserved separate and independent from the relief granted herein.