

MCDERMOTT WILL & EMERY LLP

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Proposed Counsel to the Examiner

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

In re:

CCA Construction, Inc.,

Debtor.

(Hon. Christine M. Gravelle)

Chapter 11

Case No. 24-22548 (CMG)

**DECLARATION OF COURT-APPOINTED EXAMINER TODD HARRISON
IN SUPPORT OF EXAMINER'S LIMITED STATEMENT IN RESPONSE TO
DEBTOR'S SUPPLEMENTAL BRIEF IN CONNECTION WITH THE SCOPE AND
BUDGET OF THE AUTHORIZED INVESTIGATION OF THE EXAMINER**

I, Todd Harrison, being of full age, hereby declare as follows:

1. I am an attorney at law and partner of McDermott Will & Emery LLP
("McDermott" or the "Firm"). I am also the court-appointed examiner (the "Examiner") in the
above-captioned chapter 11 case (the "Chapter 11 Case").

2. I am, and have been, a member in good standing of the bar of the State of New
York since 1997, no disciplinary proceedings are pending against me in any jurisdiction and no
discipline has previously been imposed on me in any jurisdiction.



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3. I am a former federal prosecutor who specializes in white-collar and corporate defense, internal investigations, regulatory and compliance matters, and complex civil litigation in both state and federal courts. I served for more than five years as an Assistant United States Attorney and Deputy Chief for the United States Attorney's Office for the Eastern District of New York, and previously served as an Assistant District Attorney for the New York County District Attorney's Office. In 2003, the US Department of Justice recognized my work with the Director's Award for Superior Performance by an Assistant US Attorney.

4. I have represented numerous companies facing government investigations, prosecutions and enforcement actions from both state and federal agencies, including the US Department of Justice, US attorneys and state attorneys general offices, the Treasury Department, the Internal Revenue Service (IRS), the US Securities and Exchange Commission (SEC), the Financial Industry Regulatory Authority (FINRA), various congressional committees of the US House and Senate, the Inspectors General of numerous federal agencies, the US Alcohol and Tobacco Tax and Trade Bureau (TTB – formerly ATF), as well as the New York State Attorney General's office, the New York State Department of Taxation and Finance and the New York State Department of Financial Services.

5. Specifically, I have handled numerous cross-border investigations, have represented boards of directors in internal investigations, and I have litigated issues involving fraudulent transfers and investigations of officers and directors. I have handled cases around the country, including in New Jersey courts.

6. I submit this Declaration to respond to certain statements contained in the *Debtor's Supplemental Brief in Connection with the Scope and Budget of the Authorized Investigation of the Examiner* [Docket No. 307] (the "Debtor's Brief").

7. The Debtor's Brief complains in Paragraph 19 that I did not disclose in my verified statement [Docket No. 281] (the "Verified Statement") that McDermott is co-counsel with Gibbons P.C. ("Gibbons") in an unrelated bankruptcy case, *In re Invitae Corp.*, Case No. 24-11362-MBK, Bankr. D. N.J. ("Invitae"). Gibbons is counsel for a creditor in this case, BMLP ("Creditor").

8. I have the following five responses.

9. First, to the best of my recollection and knowledge, I have never personally worked on any matters where the Firm is or was co-counsel with either Gibbons or Cole Schotz. At the time of the submission of the Verified Statement, I was not even aware of the Firm's co-counsel relationship with Gibbons referenced in Paragraph 19 of the Debtor's Brief, nor was I aware of the Firm's co-counsel roles with Cole Schotz in other unrelated active bankruptcy matters.

10. Second, even had I ran a search against my Firm's conflict database, it would not have revealed the co-counsel relationship complained of in the Debtor's Brief. The Firm's conflict database does not include or track the law firms who are co-counsel to Firm clients and/or who are counsel or co-counsel to the adverse parties to our clients on the matters therein.

11. Third, the question posed in the Verified Statement asked me whether "I" have any "connections with the debtor, creditors, any other parties in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee...". I responded accurately and truthfully that I personally do not have any such connections.

12. In addition to the Verified Statement, the Trustee provided me another form, the "Affidavit of Examiner in Support of Appointment," which likewise was directed at me

personally – not my Firm. For example, it asked me to confirm that “I have filed income tax returns for the three tax years preceding my appointment in this case”; “I owe no delinquent tax obligations to any taxing authority”; “I have never been convicted of a felony”, and the like. I understood both of these forms as directing me to answer as to me personally, not on behalf of my Firm. I was the one being appointed to serve as Examiner – not my Firm.

13. Fourth, as it relates to any needed disclosures with regard to my Firm’s connections, I was aware of and relied upon the fact that my Firm would be making fulsome disclosures as per the bankruptcy rules in connection with its application to be retained as counsel to the Examiner, in conjunction with the Verified Statement.

14. Fifth, the fact that the Firm happens to be co-counsel with Creditor’s counsel – and Debtor’s counsel for that matter – in other completely unrelated bankruptcy matters in which I have no involvement does not alter my ability to be fair and impartial and should not call my independence into question.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: May 19, 2025

/s/ Todd Harrison
Todd Harrison

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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

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In Re: *Proposed Counsel to the Examiner*

CCA Construction, Inc.,

Debtor.

Case No.: 24-22548-CMG

Chapter: 11

Adv. No.: _____

Hearing Date: 5/22/2025 @ 11 a.m.

Judge: Christine M. Gravelle

CERTIFICATION OF SERVICE

1. I, Deanna D. Boll :

☒ represent Todd Harrison, Examiner in this matter.

☐ am the secretary/paralegal for _____, who represents
_____ in this matter.

☐ am the _____ in this case and am representing myself.

2. On May 19, 2025, I sent a copy of the following pleadings and/or documents to
the parties listed in the attached lists.

Declaration of Court-Appointed Examiner Todd Harrison in Support of Examiner's Limited
Statement in Response to Debtor's Supplemental Brief in Connection with the Scope and
Budget of the Authorized Investigation of the Examiner

3. I certify under penalty of perjury that the above documents were sent using the mode of service
indicated.

Date: May 19, 2025

/s/ Deanna D. Boll

Signature

Certificate of Service
Parties Served by ECF or E-mail

Description	Creditor Name	Creditor Notice Name	Email Address	Method
Top 20 Creditor	American International Companies	Lanlan Chen	Lanlan.chen@wtw.com	E-mail
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Top 20 Creditor	Swiss Re Corporate Solutions	Lanlan Chen	Lanlan.chen@wtw.com	E-mail
		Courtney M. Brown and Michael L. Schein	mschein@vedderprice.com; cmbrown@vedderprice.com	E-mail ECF
Counsel to Korcomptenz Inc	Vedder Price P.C.			

Certificate of Service ^{Master Service List} Page 3 of 3

Parties Served by U.S. Mail

Description	CreditorName	Creditor Notice Name	Address1	Address2	Address3	City	State	Zip
Top 20 Creditor	Analysis Group, Inc.		111 Hunting Avenue	14th Floor		Boston	MA	02199
Debtor	CCA Construction, Inc.		445 South Street, Suite 310			Morristown	NJ	07960
IRS	Internal Revenue Service	Centralized Insolvency Operation	PO Box 7346			Philadelphia	PA	19101-7346
IRS	Internal Revenue Service	Centralized Insolvency Operation	2970 Market St			Philadelphia	PA	19104
New Jersey Attorney General Office	New Jersey Attorney General Office	Division of Law	Richard J. Hughes Justice Complex	25 Market St	PO Box 112	Trenton	NJ	08625-0112
New Jersey Division of Taxation	New Jersey Division of Taxation	Compliance and Enforcement - Bankruptcy Unit	3 John Fitch Way, 5th Fl	PO Box 245		Trenton	NJ	08695-0245
Top 20 Creditor	Quench USA, Inc.		630 Allendale Road, Suite 200			King of Prussia	PA	19406
Top 20 Creditor	Thomas Reuters	Alyssa Risch	PO Box 6292			Carol Stream	IL	60197
US Attorney for District of New Jersey	US Attorney for District of New Jersey	Philip R. Sellinger	970 Broad Street, 7th Floor			Newark	NJ	07102
Top 20 Creditor	USI Insurance Services	Amy Silverman	180 Park Avenue, 1st Floor			Florham Park	NJ	07932