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U.S. Bankruptcy Court
District of New Jersey

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

COLE SCHOTZ P.C.

Michael D. Sirota
Warren A. Usatine
Felice R. Yudkin
Ryan T. Jareck
25 Main Street
Hackensack, NJ, 07601
(201) 489-3000
msirota@coleschotz.com
wusatine@coleschotz.com
fyudkin@coleschotz.com
rjareck@coleschotz.com

-and-

DEBEVOISE & PLIMPTON LLP

M. Natasha Labovitz (admitted *pro hac vice*)
Erica S. Weisgerber (admitted *pro hac vice*)
Elie J. Worenklein
66 Hudson Boulevard
New York, NY 10001
Telephone: (212) 909-6000
Facsimile: (212) 909-6836
nlabovitz@debevoise.com
eweisgerber@debevoise.com
eworenklein@debevoise.com

Co-Counsel to the Debtor and Debtor in Possession

In re:

CCA Construction, Inc.,¹

Debtor.

Chapter 11

Case No. 24-22548 (CMG)

ORDER APPROVING EXAMINER'S SCOPE AND BUDGET FOR INVESTIGATION

The relief set forth on the following pages, numbered two (2) through seven (7), is
ORDERED.

DATED: June 2, 2025


Honorable Christine M. Gravelle, Chief Judge
United States Bankruptcy Judge

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, M



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The Court having entered the *Order Granting the Appointment of An Examiner* (the “Examiner Appointment Order”) [Docket No. 211]² stating in paragraph 4 that “[a]fter 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”)”; and this Court having conducted the Scope and Budget Hearing on May 22, 2025; and upon the record of the Scope and Budget Hearing, including the submissions provided by all parties in connection therewith; and after due deliberation and sufficient cause appearing therefor and for the reasons stated by the Court on the record during the Scope and Budget Hearing:

IT IS HEREBY ORDERED THAT:

1. The Examiner’s Authorized Investigation shall be limited to an examination of the scope and process of the ongoing investigation (the “Special Committee Investigation”) currently being undertaken by the special committee (the “Special Committee”) of the Debtor’s board of directors. During the Special Committee Investigation, the Examiner may provide (a) recommendations to the Special Committee and its advisors regarding: (i) the process, (ii) methodology, and (iii) breadth of the Special Committee Investigation, and/or (b) input or feedback to the Special Committee and its advisors regarding (i) potential topics of the Special

² Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Examiner Appointment Order.

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Committee Investigation and (ii) potential claims to consider.

2. The Special Committee shall conclude the Special Committee Investigation on or before forty-five (45) days from the entry of this Order (the “Special Committee Report Outside Date”). By the Special Committee Report Outside Date, the Special Committee will (a) transmit an unredacted report of its conclusions to the Court, the Examiner, the Debtor, BMLP, CSCEC Holding Company, Inc. (the “DIP Lender”), and the U.S. Trustee and (b) subject to the terms of the *Confidentiality Stipulation and Protective Order* [Docket No. 86] (the “Protective Order”), file a copy of such report on the case docket. The Special Committee Report Outside Date may be extended by agreement of the Special Committee, the Examiner, BMLP, the DIP Lender, and the U.S. Trustee or by further order of the Court.

3. The Examiner shall conclude the Authorized Investigation no later than forty-five (45) days from the Special Committee Report Outside Date (such date, the “Examiner Report Outside Date”). By the Examiner Report Outside Date, the Examiner will (a) transmit an unredacted report of its conclusions (the “Examiner Report”) to the Court, the Debtor, BMLP, the DIP Lender, and the U.S. Trustee and (b) subject to paragraph 4 hereof, file a copy of such report on the case docket (with appropriate redactions). The Examiner Report Outside Date may be extended by agreement of the Examiner, the Special Committee, BMLP, the DIP Lender, and the U.S. Trustee or by further order of the Court.

4. Notwithstanding any provision to the contrary in the Protective Order, the following procedures are authorized with respect to the filing of the Examiner Report:

- (a) The Examiner Report shall initially be filed under seal in its entirety without the need for a sealing motion. The Examiner Report shall be provided or otherwise made

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available, in unredacted form, to the Court, counsel to the Debtor, counsel to BMLP, counsel to the DIP Lender, and the U.S. Trustee. The foregoing parties shall receive each unredacted Examiner Report solely for the purpose of allowing the Examiner, the Debtor, BMLP, the DIP Lender and the U.S. Trustee (each a "Party" and collectively the "Parties") to discuss any potential redactions necessary to protect confidential or highly confidential information.

- (b) To the extent the Parties do not seek to redact any portion of the Examiner Report, then the Examiner shall file a fully unredacted version of the Examiner Report so that it is publicly available on the docket on or before seven days from the initial filing of the Examiner Report. If the Parties do seek to redact portions of the Examiner Report, and no Party objects to the proposed redactions, then on or before seven days from the initial filing of the Examiner Report, (i) the Examiner shall file the Examiner Report so that it is publicly available on the docket reflecting the agreed-upon redactions and (ii) the Debtor shall file a sealing motion seeking approval of such redactions. If the Parties are unable to reach agreement on any proposed redactions by seven days from the initial filing of the Examiner Report, then seven days from the initial filing of the Examiner Report, (i) the Examiner shall file the Examiner Report so that it is publicly available on the docket reflecting agreed-upon redactions in addition to all disputed redactions and (ii) the Debtor shall file a sealing motion or motions seeking Court approval of the agreed-upon redactions and Court resolution on the disputed redactions. The redactions shall remain under seal until the sealing motion is resolved. For the avoidance of doubt, the disclosure of the unredacted version of the Examiner Report to

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the Parties for purposes of identifying potential redactions shall neither constitute nor be deemed a waiver by any Party of, as applicable, work-product protection, attorney-client privilege, or any other applicable privilege or protection.

- (c) The proposed redactions shall be approved upon (i) the agreement of the Parties approved by Court order or (ii) a Court ruling, memorialized by a Court order as to what material (if any) should be redacted from the Examiner Report. If the Court's order does not approve all of the redactions reflected in the Examiner Report filed seven days from the initial filing of the Examiner Report, then within three business days of entry of the Court's order, the Examiner shall file on the public docket a copy of the Examiner Report reflecting only the Court-approved redactions. The Examiner, the Debtor, BMLP, and the DIP Lender shall thereafter maintain the confidentiality of the unredacted version of the Examiner Report, unless otherwise ordered by the Bankruptcy Court. The U.S. Trustee shall not disclose the redacted parts of the applicable Examiner Report (if any) consistent with 11 U.S.C. §107(c), unless otherwise ordered by the Bankruptcy Court.

5. The fees and expenses of the Examiner and all professionals retained by the Examiner in connection with the Authorized Investigation shall not exceed \$100,000 in the aggregate (the "Budget"); *provided, however*, nothing herein shall preclude (i) the Special Committee and the Examiner from agreeing on additional funding for the Budget or (ii) the Examiner from seeking Court approval for an increase in the Budget, subject to the Special Committee's and the Debtor's right to oppose such relief.

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6. To facilitate the Examiner's Authorized Investigation, as soon as practicable following entry of this Order, the Debtor shall (i) provide the Examiner with all non-privileged interview notes from interviews conducted by the Special Committee prior to the date of this Order and (ii) coordinate with the Examiner on the scheduling of future interviews. The Debtor and/or the Special Committee shall also provide to the Examiner as soon as practicable following entry of this Order all non-privileged documents and information relied upon in the course of the Special Committee Investigation or such other information that the Examiner may reasonably request that the Examiner deems relevant to perform the Authorized Investigation. If the Examiner seeks the disclosure of documents or information as to which the Debtor asserts a claim of privilege or otherwise objects to disclosing, and the Examiner and the Debtor are unable to reach a resolution on whether or on what terms such documents or information should be disclosed to the Examiner, the matter may be brought before the Court for resolution.

7. For the avoidance of doubt (a) nothing in this Order shall be deemed to require any party to waive any applicable privilege, and in all events, redactions shall be permitted where necessary to protect or preserve work-product, attorney-client, or other privilege, and (b) the disclosure of documents or information to the Examiner shall neither constitute nor be deemed a waiver by the disclosing party of, as applicable, work-product, attorney-client, or other privilege or the confidential nature of such documents or information, and all such documents and information subject to the Special Committee Investigation and the Authorized Investigation shall be accorded all protections to the fullest extent under Federal Rule of Evidence 502(d).

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8. Neither the Examiner nor the Examiner's representatives or agents shall make any public disclosures concerning the performance of the Authorized Investigation or the Examiner's duties until the Examiner Report is filed with the Court.

9. The Debtor and the Special Committee shall fully cooperate with the Examiner in the performance of any of the Examiner's duties and the Authorized Investigation, and the Debtor shall use its best efforts to coordinate with the Examiner to avoid unnecessary interference with, or duplication of, the Authorized Investigation.

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

11. This Order shall be effective and enforceable immediately upon its entry.