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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 HEARING ON DEBTOR’S MOTION TO FILE
UNDER SEAL THE REPORT OF THE SPECIAL COMMITTEE
OF INDEPENDENT DIRECTORS OF CCA CONSTRUCTION, INC.**

PLEASE TAKE NOTICE that on **August 26, 2025 at 10:00 a.m. (prevailing Eastern Time)**, or as soon thereafter as counsel may be heard, the above-captioned debtor and debtor in possession (the “Debtor”), by and through its undersigned counsel, shall move the *Debtor’s Motion to File Under Seal the Report of the Special Committee of Independent Directors of CCA Construction, Inc.* (the “Motion”) before the Honorable Christine M. Gravelle, Chief United States

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.



Bankruptcy Court Judge, in Courtroom 3 of the United States Bankruptcy Court for the District of New Jersey, Clarkson S. Fisher U.S. Courthouse, 402 East State Street, Trenton, NJ 08608, for entry of an order (the “Order”) substantially in the form submitted herewith, (i) enlarging the period within which the Debtor may remove actions and (ii) granting related relief.

PLEASE TAKE FURTHER NOTICE that in support of the relief requested, the Debtor shall rely on the accompanying Motion, which sets forth the relevant legal and factual bases upon which the relief requested should be granted. A proposed Order granting the relief requested in the Motion is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion shall: (a) be in writing, (b) state with particularity the basis of the objection; and (c) be filed with the Clerk of the United States Bankruptcy Court electronically by attorneys who regularly practice before the Bankruptcy Court in accordance with the *General Order Regarding Electronic Means for Filing, Signing, and Verification of Documents dated March 27, 2002* (the “General Order”) and the *Commentary Supplementing Administrative Procedures* dated as of March 2004 (the “Supplemental Commentary”) (the General Order, the Supplemental Commentary, and the User’s Manual for the Electronic Case Filing System can be found at www.njb.uscourts.gov, the official website for the Bankruptcy Court) and, by all other parties-in-interest, on CD-ROM in Portable Document Format (PDF), and shall be served in accordance with the General Order and the Supplemental Commentary, so as to be received no later than seven (7) days before the hearing date set forth above.

PLEASE TAKE FURTHER NOTICE that copies of all documents filed in this chapter 11 case may be obtained free of charge by visiting the website of Kurtzman Carson Consultants, LLC dba Verita Global at <https://www.veritaglobal.net/ccaconstruction>. You may

also obtain copies of any pleadings by visiting the Court's website at <https://www.njb.uscourts.gov> in accordance with the procedures and fees set forth therein.

PLEASE TAKE FURTHER NOTICE that unless objections are timely filed and served, the Motion shall be decided on the papers in accordance with D.N.J. LBR 9013-3(d), and the relief requested may be granted without further notice or hearing.

Dated: July 31, 2025

Respectfully submitted,

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

In re:

CCA Construction, Inc.,¹

Debtor.

Chapter 11

Case No. 24-22548 (CMG)

DEBTOR’S MOTION TO FILE UNDER SEAL THE REPORT OF THE SPECIAL COMMITTEE OF INDEPENDENT DIRECTORS OF CCA CONSTRUCTION, INC.

The above-captioned debtor and debtor in possession (the “**Debtor**”) respectfully states the following in support of this motion (this “**Motion**”):

Relief Requested

1. The Debtor seeks entry of an order, substantially in the form attached hereto as **Exhibit A** (the “**Order**”), (i) authorizing the Debtor to file the *Report of the Special Committee of Independent Directors of CCA Construction, Inc.* (the “**Special Committee Investigation**”

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Report”) under seal, (ii) directing that the Special Committee Investigation Report remain under seal and confidential and not be made available to anyone, except for the Court and the parties entitled to receive an unredacted copy of the Special Committee Investigation Report pursuant to the Court’s *Order Approving Examiner’s Scope and Budget For Investigation* [Docket No. 351] (the “**Scope and Budget Order**”), and (iii) granting related relief.

Jurisdiction and Venue

2. The United States Bankruptcy Court for the District of New Jersey (the “**Court**”) has 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*, entered July 23, 1984, and amended on June 6, 2025 (Bumb, C.J.). The Debtor confirms its consent to the Court entering a final order in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

3. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The bases for the relief requested herein are sections 105(a) and 107(b) of title 11 of the United States Code (the “**Bankruptcy Code**”), Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rules 9013-1 and 9018-1 of the Local Bankruptcy Rules for the District of New Jersey (the “**Local Rules**”).

Background

5. On December 22, 2024 (the “**Petition Date**”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code.

6. On January 22, 2025, the Court entered the *Confidentiality Stipulation and Protective Order* [Docket No. 86] (the “**Protective Order**”), which governs the production of confidential information in this case. Paragraph E.2 of the Protective Order permits a “Filing

Party” (as defined therein) to file a motion to seal along with a redacted filing. *Id.* Paragraph E.4 of the Protective Order also provides that, “[i]f a Filing Party believes in good faith that a pleading relies on Confidential or Highly Confidential Information to such a degree that it is impractical for the Filing Party to conclusively determine all aspects of the pleading that could disclose Confidential or Highly Confidential Information, the Filing Party may file the entire pleading under seal, and serve the producing Parties with proposed redactions.” *Id.*

7. On June 2, 2025, the Court entered the Scope and Budget Order, which provides in paragraph 2, in relevant part, as follows:

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.

8. Contemporaneously herewith, the Debtor filed the *Notice of Filing of Report of the Special Committee of Independent Directors of CCA Construction, Inc.*, which includes information that contains Confidential Information as defined in the Protective Order.

Basis for Relief

9. Section 107(b) of the Bankruptcy Code provides bankruptcy courts with authority to issue orders that will protect entities from potential harm that may result from the disclosure of certain confidential information. This section provides, in relevant part:

(b) On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court’s own motion, the bankruptcy court may:

- (1) protect an entity with respect to a trade secret or confidential research, development, or commercial information; or
- (2) protect a person with respect to a scandalous or defamatory matter contained in a paper filed in a case under this title.

11 U.S.C. § 107(b).

10. In addition, under Bankruptcy Code section 105(a), the Court may “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions” of the Bankruptcy Code. 11 U.S.C. § 105(a).

11. Bankruptcy Rule 9018 defines the procedures by which a party may move for relief under section 107 of the Bankruptcy Code. Specifically, Bankruptcy Rule 9018 provides, in relevant part, that, upon motion, “the court may make any order which justice requires . . . to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information . . .” Fed. R. Bankr. P. 9018.

12. If the material sought to be protected satisfies one of the categories identified in section 107(b) of the Bankruptcy Code, “the court is *required* to protect a requesting interested party and has no discretion to deny the application.” *Video Software Dealers Ass’n v. Orion Pictures Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 27 (2d Cir. 1994) (emphasis in original); *In re ESML Holdings Inc.*, 135 F.4th 80, 96 (3d Cir. 2025) (“Second, § 107(b) uses the mandatory term ‘shall’ to direct the bankruptcy court’s protection of the categories of information that follow, meaning the bankruptcy court lacks discretion to decline to protect covered information.”). Stated differently, section 107(b) of the Bankruptcy Code does not require a party seeking its protections to demonstrate “good cause.” *Orion Pictures*, 21 F.3d at 28. “Courts have supervisory power over their records and files and may deny access to those records and files to prevent them from being used for an improper purpose.” *In re Kaiser Aluminum Corp.*, 327 B.R. 554, 560 (D. Del. 2005). Courts are required to provide such protections “generally where open inspection may be used as a vehicle for improper purposes.” *Orion Pictures*, 21 F.3d at 27. Indeed, the “authority goes not just to the protection of confidential documents, but to other confidentiality restrictions

that are warranted in the interests of justice.” See *In re Glob. Crossing Ltd.*, 295 B.R. 720, 724 (Bankr. S.D.N.Y. 2003).

13. Confidential commercial information “has been defined as information which would cause ‘an unfair advantage to competitors by providing them information as to the commercial operations of the debtor.’” *In re Faucett*, 438 B.R. 564, 567–68 (Bankr. W.D. Tex. 2010) (quoting *Orion Pictures Corp.*, 21 F.3d at 27)). Commercial information “need not rise to the level of trade secret to be protected” under section 107(b) of the Bankruptcy Code. *In re FTX Trading Ltd.*, 2024 WL 4948827, * 7 (D. Del. 2024) (citing *Orion Pictures Corp.*, 21 F.3d at 27). Rather, it simply needs to be “information which would cause an unfair advantage to competitors” or “could reasonably be expected to cause the entity commercial injury.” *Id.* (citations omitted).

14. Sufficient cause exists for the Court to grant the requested relief because the Special Committee Investigation Report contains extensive Confidential Information throughout that the parties have agreed to keep confidential in accordance with the terms of the Protective Order. Courts in this District and elsewhere have granted requests to file information under seal where such information, as here, was subject to a non-disclosure agreement or protective order. See, e.g., *City of Sterling Heights Gen. Emps.’ Ret. Sys. v. Prudential Fin., Inc.*, No. 2:12- cv-05275 (MCA) (LDW), 2016 WL 234838, at *2-4 (D.N.J. Jan. 19, 2016) (granting motions to seal exhibits, citing the application of non-disclosure agreements to the documents as one factor); *Ramirez v. Temin & Co., Inc.*, No. 20 Civ. 6258 (ER), 2020 WL 6781222, at *4 (S.D.N.Y. Nov. 18, 2020) (“When a document is protected by a non-disclosure agreement, it will serve as an additional, although not dispositive, factor in determining whether the document contains confidential information or a trade secret and therefore should be sealed.”).

15. In addition, the Special Committee will serve a copy of the unredacted Special Committee Investigation Report on the Court, the Examiner, the Debtor, BMLP, CSCEC Holding Company, Inc., and the U.S. Trustee contemporaneously with the filing of this Motion in accordance with the Scope and Budget Order. As a result, the key case parties will have also access to an unredacted version of the Special Committee Investigation Report.

16. Accordingly, pursuant to section 107(b), Bankruptcy Rule 9018, and Local Rule 9018-1, the Debtor requests that this Court enter the Order permitting the filing of the Special Committee Investigation Report under seal.

Waiver of Memorandum of Law

17. The Debtor respectfully requests that the Court waive the requirement to file a separate memorandum of law pursuant to Local Rule 9013-1(a)(3) because the legal basis upon which the Debtor relies is set forth herein and the Motion does not raise any novel issues of law.

No Prior Request

18. No prior request for the relief sought in this Motion has been made to this or any other court.

Notice

19. The Debtor will provide notice of this Motion to the following parties and/or their respective counsel, as applicable: (i) the Office of the United States Trustee, (ii) BML Properties, Ltd., (iii) CSCEC Holding Company, Inc., (iv) the Examiner, and (v) any other party that has filed a notice of appearance in the above-captioned case within one business day of its filing. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtor respectfully requests entry of the Order, substantially in the form attached hereto as **Exhibit A** authorizing the Debtor to file the Special Committee Investigation Report under seal.

Dated: July 31, 2025

Respectfully submitted,

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*Co-Counsel to the Debtor
and Debtor in Possession*

Exhibit A

Proposed Order

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
In re:	Chapter 11
CCA Construction, Inc., ¹	Case No. 24-22548 (CMG)
Debtor.	

**ORDER GRANTING DEBTOR'S MOTION TO
SEAL SPECIAL COMMITTEE INVESTIGATION REPORT**

The relief set forth on the following pages numbered three (3) through four (4) is **ORDERED.**

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.

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

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(Page | 3)

Debtors: CCA CONSTRUCTION, INC.

Case No. 24-22548 (CMG)

Caption of Order: Order Granting Debtor's Motion to Seal Special Committee Investigation Report

Upon the *Motion to File Under Seal Certain the Report of the Special Committee of Independent Directors of CCA Construction, Inc.* (the “**Motion**”),² of the above-captioned debtor and debtor in possession (collectively, the “**Debtor**”) for entry of an order (this “**Order**”) (a) authorizing the Debtor to redact and file under seal the Special Committee Investigation Report and (b) granting related relief, all as more fully set forth in the Motion; 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 June 6, 2025 (Bumb, 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 sufficient cause exists for the relief set forth herein; and this Court having found that the Debtor'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 this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; 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 request is granted and the Special Committee Investigation Report shall be sealed until the expiration of the judiciary records retention period at which time the document will be permanently deleted.

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

(Page | 4)

Debtors: CCA CONSTRUCTION, INC.

Case No. 24-22548 (CMG)

Caption of Order: Order Granting Debtor's Motion to Seal Special Committee Investigation Report

2. The Debtor is authorized to cause the unredacted version of the Special Committee Investigation Report to the Court, the Examiner, the Debtor, BMLP, CSCEC Holding Company, Inc., and the U.S. Trustee.

3. For the avoidance of doubt, this Order is without prejudice to the rights of the U.S. Trustee or any party in interest to seek to unseal the Special Committee Investigation Report, or any part thereof.

4. Any party who receives the Special Committee Investigation Report in accordance with this Order shall not disclose or otherwise disseminate such information to any other person or entity, including in response to a request under the Freedom of Information Act.