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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)

**NOTICE OF HEARING ON DEBTOR'S
MOTION TO FILE UNDER SEAL DEBTOR'S MOTION
FOR ENTRY OF AN ORDER DISQUALIFYING QUINN EMANUEL
URQUHART & SULLIVAN, LLP AS COUNSEL FOR BML PROPERTIES, LTD.**

PLEASE TAKE NOTICE that on **January 7, 2026 at 2:00 p.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 Debtor's Motion for Entry of an Order Disqualifying Quinn Emanuel Urquhart & Sullivan, LLP as Counsel for BML Properties, Ltd.* (the “**Motion**”) before the

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.



Honorable Christine M. Gravelle, Chief United States 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 authorizing the filing under seal of the Disqualification Motion and Levinson Declaration (as defined in the Motion) pursuant to sections 105(a) and 107(b) of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the “**Bankruptcy Code**”), Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and District of New Jersey Local Bankruptcy Rule 9018-1.

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.

[Remainder of page intentionally left blank.]

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: November 19, 2025

/s/ Michael D. Sirota

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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 DEBTOR'S
MOTION FOR ENTRY OF AN ORDER DISQUALIFYING QUINN EMANUEL
URQUHART & SULLIVAN, LLP AS COUNSEL FOR BML PROPERTIES, LTD.**

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 *Debtor's Motion for Entry of an*

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.

Order Disqualifying Quinn Emanuel Urquhart & Sullivan, LLP as Counsel for BML Properties, Ltd. (the “**Disqualification Motion**”) and Levinson Declaration (as defined herein) under seal, (ii) directing that the Disqualification Motion and Levinson Declaration 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 Disqualification Motion and Levinson Declaration, 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. Contemporaneously herewith, the Debtor filed the *Debtor’s Motion for Entry of an Order Disqualifying Quinn Emanuel Urquhart & Sullivan, LLP as Counsel for BML Properties, Ltd.*, which includes information that contains Confidential Information as defined in the Protective Order. In particular, the Confidential Information consists of documents, primarily from the files of the Debtor’s former counsel, Quinn Emanuel Urquhart & Sullivan, LLP (“**Quinn Emanuel**”), that contain information subject to protection from disclosure under the attorney-client privilege and the work product doctrine, and that support the Debtor’s Disqualification Motion. Those documents are attached as exhibits to the Declaration of Sidney P. Levinson (the Declaration and exhibits thereto, collectively, the “**Levinson Declaration**”) filed in support of the Disqualification Motion, and quoted in the Disqualification Motion, and the Debtor respectfully requests authority to file, under seal, unredacted versions of the Disqualification Motion and Levinson Declaration.

Basis for Relief

8. 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).

9. 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.

10. 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).

11. 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).

12. Notably, disclosures made to one’s attorneys or an attorney’s work product have been included within the protections afforded under section 107 of the Bankruptcy Code: “Certainly, a lawyer’s work product is one type of ‘confidential research’ that falls within the plain language of the statute’s protection. And certainly a client’s disclosures made in confidence to its attorneys is one kind of ‘confidential ... commercial information.’” *In re 50-Off Stores, Inc.* 213 B.R. 646, 655 (Bankr. W.D. Tex 1997) (sealing professionals’ retention hearing). At the same time, parties in interest in a bankruptcy proceeding need not rely solely on section 107 of the Bankruptcy Code to protect privileged information from public disclosure and can instead rely on

common law evidentiary principles which protect communications between an attorney and client or the work product of an attorney: “[T]hese evidentiary principles ... are entitled to deference, independent of § 107 [of the Bankruptcy Code].” *In re Fibermark, Inc.* 330 B.R. 480, 494 (Bankr. D. Vt. 2005) (sealing privileged information from a publicly filed bankruptcy examiner report).

13. 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).

14. Sufficient cause exists for the Court to grant the requested relief because the Disqualification Motion and Levinson Declaration contain information that is subject to attorney client privilege, constitutes attorney work product and qualifies as Highly Confidential Information as defined in the Protective Order. Failure to seal these documents would strip the Debtor and its co-defendants of its rights under section 107 of the Bankruptcy Code to protect confidential commercial information as well as infringe upon its right to maintain the confidentiality of communications with its former counsel. CCA would also suffer “commercial injury” if BMLP were to have access to such information, which includes matters such as CCA’s litigation strategy as disclosed to Quinn Emanuel at the time it represented CCA.

15. Here, sealing the privileged material and Highly Confidential Information in the Disqualification Motion and Levinson Declaration is “necessary to carry out the provisions” of the Bankruptcy Code and Bankruptcy Rules, specifically Rule 9010-1(b)(6) by which Rules 1.9(a) and 1.10(a) of the New Jersey Rules of Professional Conduct are made applicable to this proceeding. 11 U.S.C. 105(a). By the Disqualification Motion, CCA seeks to enforce its rights under these provisions. Sealing the privileged and confidential information in the Disqualification Motion and certain of the exhibits cited therein is the only way to enable the Debtor to provide

necessary support for the relief sought in the Disqualification Motion without disclosing the very documents and information that it seeks protect. Conversely, an inability to seal the privileged and confidential information would present CCA with a Hobson's choice: submit a motion lacking in sufficient evidentiary basis, namely without evidence of the privileged information to which Quinn Emanuel has access, or include the information but be required to disclose it to third parties, including BMLP, thus rendering the attorney-client and attorney work product protections nullities.

16. The Debtor will, contemporaneously with the filing of the Disqualification Motion, serve a copy of the unredacted Disqualification Motion and the Levinson Declaration on the Court; the General Counsel of Quinn Emanuel, Harry A. Olivar, Jr.; and the U.S. Trustee contemporaneously with the filing of this Motion. Importantly, the Debtor requests that this Court order Mr. Olivar and Quinn Emanuel not to share the unredacted Disqualification Motion or the Levinson Declaration filed under seal with BMLP or with any of the Quinn Emanuel attorneys who are representing BMLP in the bankruptcy case, including without limitation Eric Winston, Eric Kay, Michael Carlinsky and Lance Frankel. The Debtor will also share a secondary version of the redacted Disqualification Motion and Levinson Declaration with Eric Winston and Eric Kay of Quinn Emanuel, which includes information and exhibits related to the period in 2015 when Messrs. Winston and Kay personally represented CCA and had indisputable access to such documents and information, including emails that they sent and received. This will ensure that the current Quinn Emanuel team representing BMLP does not obtain any further access to the Debtors' privileged documents and information beyond that previously made available.

17. Accordingly, pursuant to sections 105(a) and 107(b) of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1, the Debtor requests that this Court enter the Order permitting the filing of the Disqualification Motion and Levinson Declaration under seal.

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., and (iv) 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.

[Remainder of page intentionally left blank.]

WHEREFORE, the Debtor respectfully requests entry of the Order, substantially in the form attached hereto as **Exhibit A** authorizing the Debtor to file the Disqualification Motion and Levinson Declaration under seal.

Dated: November 19, 2025

/s/ Michael D. Sirota

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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	
Caption in Compliance with D.N.J. LBR 9004-1(b)	
DEBEVOISE & PLIMPTON LLP M. Natasha Labovitz (admitted <i>pro hac vice</i>) Sidney P. Levinson (admitted <i>pro hac vice</i>) Elie J. Worenklein 66 Hudson Boulevard New York, NY 10001 Telephone: (212) 909-6000 Facsimile: (212) 909-6836 nlabovitz@debevoise.com slevinson@debevoise.com eworenklein@debevoise.com	
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<i>Co-Counsel to the Debtor and Debtor in Possession</i>	
In re:	Case No. 24-22548 (CMG)
CCA Construction, Inc., ¹	Chapter 11
Debtor.	Judge: Christine M. Gravelle

**ORDER GRANTING DEBTOR'S
MOTION TO FILE UNDER SEAL DEBTOR'S MOTION
FOR ENTRY OF AN ORDER DISQUALIFYING QUINN EMANUEL
URQUHART & SULLIVAN, LLP AS COUNSEL FOR BML PROPERTIES, LTD.**

The relief set forth on the following pages numbered two (2) and three (3) 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.

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Debtors: CCA CONSTRUCTION, INC.

Case No. 24-22548 (CMG)

Caption of Order: Order Granting Debtor's Motion to Seal Debtor's Motion for Entry of an Order Disqualifying Quinn Emanuel Urquhart & Sullivan, LLP as Counsel for BML Properties, Ltd.

Upon the *Motion to File Under Seal Debtor's Motion for Entry of an Order Disqualifying Quinn Emanuel Urquhart & Sullivan, LLP as Counsel for BML Properties, Ltd.* (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 Disqualification Motion and Levinson Declaration 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 Disqualification Motion and Levinson Declaration shall be sealed until the expiration of the judiciary records retention period at which time the documents will be permanently deleted.

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

(Page | 3)

Debtors: CCA CONSTRUCTION, INC.

Case No. 24-22548 (CMG)

Caption of Order: Order Granting Debtor's Motion to Seal Debtor's Motion for Entry of an Order Disqualifying Quinn Emanuel Urquhart & Sullivan, LLP as Counsel for BML Properties, Ltd.

2. The Debtor is authorized to cause the unredacted versions of the Disqualification Motion and Levinson Declaration filed under seal to be shared with the Court; the General Counsel of Quinn Emanuel, Harry A. Olivar, Jr.; and the U.S. Trustee. Mr. Olivar and Quinn Emanuel shall be prohibited from sharing the unredacted versions of the Disqualification Motion or Levinson Declaration filed under seal with BMLP or with any member of the team at Quinn Emanuel representing BMLP, including without limitation Eric Winston, Eric Kay, Michael Carlinsky, and Lance Frankel.

3. The Debtor is authorized to cause partially unredacted versions of the Disqualification Motion and Levinson Declaration, as further described in the Motion, to be shared with Eric Winston and Eric Kay.

4. 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 Disqualification Motion or Levinson Declaration, or any part(s) thereof.

5. Any party who receives the Disqualification Motion or Levinson Declaration 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.