

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

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Counsel to CSCEC Holding Company, Inc.

In re:

CCA Construction, Inc.,¹

Debtor.

Case No. 24-22548 (CMG)

Chapter 11

Judge: Christine M. Gravelle

**NOTICE OF CSCEC HOLDING COMPANY, INC.'S MOTION TO FILE
UNDER SEAL JOINT OCTOBER 6, 2025 LETTER TO THE COURT
REGARDING REDACTION DISPUTES**

PLEASE TAKE NOTICE that on **December 2, 2025 at 2:00 p.m. (ET)**, or as soon thereafter as counsel may be heard, CSCEC Holding Company, Inc. ("CSCEC Holding"), by and through its undersigned counsel, shall move (the "Motion") before the Honorable Christine M.

¹ The last four digits of the 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.



Gravelle, Chief United States Bankruptcy 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, substantially in the form submitted herewith, authorizing the filing under seal of its *Joint October 6, 2025 Letter To The Court Regarding Redaction Disputes* pursuant to Section 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 this motion, CSCEC Holding shall rely upon the brief filed herewith. A proposed form of order is also submitted herewith. Oral argument is requested in the event an objection is timely filed.

PLEASE TAKE FURTHER NOTICE that any objections to the Motion must be filed with the Clerk of the Court together with proof of service thereof, and served so as to be **actually received** **no later November 25, 2025** by counsel to CSCEC Holding: Lowenstein Sandler LLP: (i) One Lowenstein Drive, Roseland, New Jersey 07068, Attn.: Andrew Behlmann (abehlmann@lowenstein.com), Michael Kaplan (mkaplan@lowenstein.com), Colleen Restel (crestel@lowenstein.com) and Rasmeet Chahil (rchahil@lowenstein.com) and (ii) 1251 Avenue of the Americas, 17th Floor, New York, NY 10020, Attn: Jeffrey L. Cohen (jcohen@lowenstein.com).

PLEASE TAKE FURTHER NOTICE that objections to the Motion, if any, must: (a) be in writing; (b) comply with the Bankruptcy Rules and the Local Rules of the United States Bankruptcy Court for the District of New Jersey; and (c) state with particularity the legal and factual basis for the objection.

PLEASE TAKE FURTHER NOTICE that unless an objection is timely filed and served in accordance with this notice, it may not be considered by the Bankruptcy Court. In the event no

objections are filed, the relief requested in the Motion may be granted without a hearing. Oral argument is requested only in the event an objection is filed.

Dated: October 6, 2025

Respectfully submitted,

/s/ Michael A. Kaplan

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Colleen M. Restel

Rasmeet K. Chahil

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In re:

CCA Construction, Inc.,¹

Debtor.

Case No. 24-22548 (CMG)

Chapter 11

Judge: Christine M. Gravelle

**CSCEC HOLDING COMPANY, INC.'S MOTION TO FILE UNDER SEAL
JOINT OCTOBER 6, 2025 LETTER TO THE COURT
REGARDING REDACTION DISPUTES**

¹ The last four digits of the 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.

CSCEC Holding Company, Inc. (“CSCEC Holding”), the parent company of and postpetition senior secured lender to CCA Construction, Inc., the debtor in possession (“CCA” or “Debtor”) in the above-captioned chapter 11 case (the “Chapter 11 Case”), hereby files this motion (the “Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), under section 107(b)(1) of title 11 of the United States Code (the “Bankruptcy Code”), Rule 9037 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 9018-1 of the Local Rules of the United States Bankruptcy Court for the District of New Jersey (the “Local Rules”), for authority to redact and file under seal the *Joint October 6, 2025 Letter to the Court Regarding Redaction Disputes* (the “Joint Letter”), filed simultaneously herewith, and respectfully states as follows:

PRELIMINARY STATEMENT²

1. CSCEC Holding brings this Motion to file the Joint Letter under seal in accordance with the Court’s Protective Order, Bankruptcy Code § 107(b), and related Bankruptcy Rules and Local Rules.

2. CSCEC Holding seeks to file the Joint Letter under seal because it includes direct quotes from the confidential Committee Report, which is marked Confidential and was filed by the Debtor under seal. In the Joint Letter, CSCEC Holding asserts that these quotes (which contain its confidential information) should remain under seal. In addition, the Joint Letter attaches a copy of the confidential Committee Report that highlights the Parties’ respective unresolved proposed redactions for the Court’s ease of review.

² Capitalized terms not defined in this Preliminary Statement shall have the meanings given below.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334(b), 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 June 6, 2025 (Bumb, C.J.). This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). CSCEC Holding confirms its consent to the Court entering a final order in connection with this Motion if 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.

4. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

5. The statutory and legal bases for the relief requested herein are sections 105(a) and 107(b) of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1.

BACKGROUND

6. On January 22, 2025, the Court entered the Confidentiality Stipulation and Protective Order (the “Protective Order”), [Dkt. No. 86], which governs the production and exchange of confidential information by and between the Debtor, CSCEC Holding, and BML Properties, Ltd. (“BMLP”) (each a “Party,” and collectively, the “Parties”).

7. 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. Paragraph E.4 of the Protective Order also provides:

If 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.

8. A special committee (the “Special Committee”) of CCA’s board of directors investigated potential claims held by the Debtor’s estate. The Special Committee issued its report (the “Committee Report”) on July 31, 2025, which the Debtor marked as “Confidential” as defined by the Protective Order. [Dkt. No. 421.] On the same day, the Debtor filed the *Motion to File Under Seal the Report of the Special Committee of Independent Directors of CCA Construction, Inc.*, (the “Motion to Seal the Committee Report”), [Dkt. No. 422].

9. The Parties met and conferred in connection with the Motion to Seal the Committee Report and reached an agreement regarding some of the redactions to be made in a version of the Committee Report. The Parties, however, still dispute whether other portions of the Committee Report should be redacted.

10. Contemporaneously herewith, the Parties filed the Joint Letter seeking the Court’s assistance in resolving the remaining disputes regarding information that should be redacted from the public version of the Committee Report.

RELIEF REQUESTED

11. CSCEC Holding requests entry of the Proposed Order (i) authorizing CSCEC Holding to redact and file the Joint Letter under seal, and (ii) sealing the Joint Letter until the expiration of the judiciary records retention period, at which time the document will be permanently deleted.

BASIS FOR RELIEF

12. Section 107(b) of the Bankruptcy Code gives bankruptcy courts the authority to permit documents to be filed under seal. It provides that “[o]n request of a party in interest, the bankruptcy court shall . . . protect an entity with respect to a trade secret or confidential research, development, or commercial information.” 11 U.S.C. § 107(b).

13. Section 107(b)(1) contemplates “broad protection in bankruptcy proceedings for confidential commercial information” to protect the interests of “debtors who are engaged in good faith efforts to reorganize and would risk greater financial distress if sensitive commercial information were to be made publicly available” as well as the interests of “other parties . . . involved in a bankruptcy proceeding.” *Mesabi Metallics Co. LLC v. Cleveland-Cliffs, Inc. (In re Essar Steel Minn. LLC & ESML Holdings)*, Adv. Pro. No. 17-51210, 2025 WL 2551029, at *4 (Bankr. D. Del. Sep. 4, 2025) (citing *Video Software Dealers Ass’n v. Orion Pictures Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 27–28 (2d Cir. 1994)).

14. Bankruptcy courts are required to grant a motion to seal when the information qualifies as one of the categories identified in section 107(b) of the Bankruptcy Code. *See Mesabi Metallics Co. LLC v. Cleveland-Cliffs, Inc. (In re ESML Holdings Inc.)*, 135 F.4th 80, 96 (3d Cir. 2025) (“[Section] 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.”).

15. As used in section 107(b), confidential commercial information is “defined as information which would cause an unfair advantage to competitors by providing them information as to the commercial operations of the debtor.” *Bloomberg L.P. v. FTX Trading Ltd. (In re FTX Trading Ltd.)*, No. 22-11068, 2024 WL 4948827, at *7 (D. Del. Dec. 3, 2024) (quoting *In re Orion Pictures Corp.*, 21 F.3d at 28). Commercial information can be withheld as confidential even if it does not amount to a trade secret because section 107(b) is “carefully drafted to avoid merging ‘trade secrets’ with ‘confidential commercial information.’” *Id.* (quoting *In re Orion Pictures Corp.*, 21 F.3d at 28). Confidential commercial information may include, among other things, “pricing formulae, short and long term marketing strategies, . . . terms of agreements . . . ,

information regarding the sale or retention of assets, internal strategic deliberations, and internal drafts that contain commercially sensitive information.” *In re Essar Steel Minn.*, 2025 WL 2551029, at *4 (internal quotations and citations omitted).

16. Commercial information may be withheld as confidential when disclosure would have a “chilling effect on business negotiations” or “could reasonably be expected to cause the entity commercial injury.” *In re FTX Trading*, 2024 WL 4948827, at *7 (internal quotations and citations omitted). For example, courts deny access to judicial documents “where open inspection may be used as a vehicle for improper purposes,” such as “sources of business information that might harm [a] litigant’s competitive standing.” *In re Orion Pictures Corp.*, 21 F.3d at 27.

17. Bankruptcy Rule 9018 and Local Rule 9018-1 define the procedures by which a party may file a motion to seal pursuant to Bankruptcy Code section 107. Bankruptcy Rule 9018 states that “[o]n motion . . . the court may . . . issue any order which justice requires to . . . protect the estate or any entity regarding a trade secret or other confidential research, development, or commercial information.” Fed. R. Bankr. P. 9018.

18. Bankruptcy Rule 9018 gives bankruptcy courts the authority and discretion to “strike a document in order to protect legitimate interests,” such as “business information that might harm a litigant’s competitive standing.” *The Copley Press, Inc. v. Peregrine Sys. (In re Peregrine Sys.)*, 311 B.R. 679, 690, 690 n.9 (D. Del. 2004).

19. Here, Paragraph E of the Protective Order instructs that “pleadings, documents, or other papers (or attachments thereto) containing Confidential or Highly Confidential Information shall be redacted to remove all portions containing Confidential or Highly Confidential Information,” and further, that a party seeking to file such confidential information should do so with the proper “redactions on the Court’s electronic docket.” [Protective Order, ¶ E.1.]

20. Paragraph E of the Protective Order also instructs:

The Filing Party shall, contemporaneously with the aforementioned redacted filing, file (i) a motion to seal . . . and (ii) unredacted copies of the pleadings, documents, or other papers under seal

[*Id.*, ¶ E.2.]

21. Under the Protective Order, once papers are filed, the Court “shall decide whether sealing is appropriate,” and “[u]ntil the Court decides the Motion to Seal, the pleading, document, or other paper (or attachments thereto) shall remain under seal.” [*Id.*, ¶ E.5.]

22. The Court should allow the portions of the Joint Letter containing information that the Debtor marked as Confidential from the Committee Report to be redacted and filed under seal. *See* 11 U.S.C. § 107(b).

23. Indeed, other courts have granted similar requests to file information under seal that 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, 2016 WL 234838, at *2–4 (D.N.J. Jan. 19, 2016) (granting motions to seal documents where they were subject to non-disclosure agreements and the court’s entry of a discovery confidentiality order); *In re Essar Steel Minn.*, 2025 WL 2551029, at *5 (sealing documents where court had entered a protective order limiting the use of confidential information given the “very real risk that otherwise confidential information that is required to be produced because it is relevant to the parties’ dispute before this Court might be misused in other proceedings”).

24. The very purpose of the Joint Letter is to show the Court why the confidential commercial information contained in the Committee Report should be redacted. To argue this point, the Joint Letter contains direct quotations of the confidential and commercially sensitive financial information and agreement terms used in the Committee Report, and attaches a

highlighted copy of the Committee report showing the proposed redactions. This is the exact type of information that courts protect through granting motions to seal. *See, e.g., China Falcon Flying Ltd. v. Dassault Falcon Jet Corp.*, No. 15-6210, 2017 WL 3718108, at *3 (D.N.J. Aug. 29, 2017) (granting motion to seal confidential business agreements and sensitive pricing information); *HomeSource, Corp. v. Retailer Web Servs., LLC*, No. 18-11970, 2024 WL 5245558, at *1–4 (D.N.J. Oct. 3, 2024) (granting motion to seal information concerning revenues, profits, investments, business operations, and corporate structure).

25. CSCEC Holding will provide confidential, unredacted copies of the Joint Letter to the Court, the Debtor, BMLP, the Examiner, and the Office of the United States Trustee contemporaneously with the filing of a redacted version of the Joint Letter.

26. Accordingly, under section 107(b) of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1, CSCEC Holding requests that this Court enter the Proposed Order permitting the filing of the Joint Letter under seal.

NO PRIOR REQUEST

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

NOTICE

28. CSCEC Holding will provide notice of this Motion via email to: (a) Debevoise & Plimpton, LLP and Cole Schotz PC, co-counsel to the Debtor; (b) Office of the United States Trustee for this Region, (c) McDermott, Will & Emery, counsel to Todd Harrison, Esq., Examiner, and (d) Gibbons P.C., counsel to BMLP. CSCEC Holding will also provide notice to any party that has filed a notice of appearance in this Chapter 11 Case within one business day of its filing, or any party that requests notice under Bankruptcy Rule 2002. CSCEC Holding submits that, in light of the nature of the relief requested, no other or further notice is required.

CONCLUSION

WHEREFORE, CSCEC Holding respectfully requests that the Court grant the Motion, enter an order substantially in the form of the Proposed Order attached hereto as Exhibit A, and grant any other relief that is just and proper.

Dated: October 6, 2025

Respectfully submitted,

/s/ Michael A. Kaplan

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Counsel to CSCEC Holding Company, Inc.

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
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Counsel to CSCEC Holding Company, Inc.

In re:

CCA Construction, Inc.,¹

Debtor.

Case No. 24-22548 (CMG)

Chapter 11

Judge: Christine M. Gravelle

ORDER CONCERNING REQUEST TO SEAL DOCUMENT

The relief set forth on the following page is **ORDERED**.

¹ The last four digits of the 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.

Debtor: CCA Construction, Inc.
Case No.: 24-22548 (CMG)
Order: *Order Concerning Request to Seal Document*

On request of CSCEC Holding Company, Inc. to seal the *Joint October 6, 2025 Letter to the Court Regarding Redaction Disputes* (the “Joint Letter”), and the Court having considered the request and any objection thereto, it is

☐ **ORDERED** that the request is DENIED and the Joint Letter shall be deleted from the Court’s electronic filing system.

☐ **ORDERED** that the request is GRANTED and the Joint Letter shall be sealed until the expiration of the judiciary records retention period at which time the Joint Letter will be permanently deleted.