Docket #0012 Date Filed: 7/29/2024

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

ALLIANZ GLOBAL RISKS US INSURANCE CO.; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NO. B0180ME2219036; GREAT LAKES INSURANCE SE; GUIDEONE NATIONAL INSURANCE COMPANY; and TOKIO MARINE AMERICA INSURANCE COMPANY, *as subrogees of FLNG Policy Procurement, LLC; FLNG Liquefaction, LLC; FLNG Liquefaction 2, LLC; and FLNG Liquefaction 3, LLC*,	§	
Plaintiffs,	§	Adv. Pro. No. 3:24-cv-00208
v.	§	
ZACHRY INDUSTRIAL, INC.; ZACHRY INDUSTRIES, INC.; JVIC DEMERGER FABRICATION, INC.; ZACHRY ENTERPRISE SOLUTIONS DEMERGER, INC.; CB&I LLC; MCDERMOTT INTERNATIONAL LTD., f/k/a CB&I LLC; CHIYODA INTERNATIONAL CORPORATION; and PSRG, INC.,	§	Removed from: 239th Judicial District Court Brazoria County, Texas Cause No. 128926-CV Related to: In re: Zachry Holdings, Inc., *et al.* Case No. 24-90377 (MI)
Defendants.	§	

ZACHRY DEFENDANTS' <u>UNOPPOSED</u> MOTION TO TRANSFER ACTION TO HOUSTON DIVISION AND TO BANKRUPTCY JUDGE MARVIN ISGUR

Pursuant to Bankruptcy Local Rule 1014-1 and 28 U.S.C. § 1404(a), Defendants Zachry Industrial, Inc.; Zachry Industries, Inc.; JVIC Demerger Fabrication, Inc.; and

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Zachry Enterprise Solutions Demerger, Inc. (collectively, "Zachry Defendants") respectfully move to transfer this action to the Houston Division of this Court and to Bankruptcy Judge Marvin Isgur. In support of their **unopposed** motion, the Zachry Defendants would show as follows:

1. The Zachry Defendants removed this action to this Court on July 5, 2024. *See* Doc. 1. Because the action was then pending in Brazoria County, the Zachry Defendants removed it to the Court's Galveston Division. *See* Fed. R. Bankr. P. 9027(a)(1) ("A notice of removal shall be filed with the clerk for the **district and division** within which is located the state or federal court where the civil action is pending," (emphasis added)).

2. Removal was effected primarily pursuant to 28 U.S.C. § 1452(a), in that this Court has jurisdiction over the claims asserted under (at least) 28 U.S.C. § 1334(b), which grants the Court "original but not exclusive jurisdiction of all civil proceedings . . . related to cases under title 11," and it "is well established that '[f]ederal courts have "related to" subject matter jurisdiction over litigation arising from a bankruptcy case if the proceeding could conceivably affect the estate being administered in bankruptcy.'" *In re KSRP, Ltd.*, 809 F.3d 263, 266 (5th Cir. 2015) (quoting *Lone Star Fund V (U.S.), L.P. v. Barclays Bank PLC*, 594 F.3d 383, 386 (5th Cir. 2010)). Moreover, cases "are 'related to' a bankruptcy case if they involve legal claims by and against the debtor." *Menggui Zhang v. Rothrock*, 2006 WL 8446467, at *1 (S.D. Tex. Jan. 4, 2006). The removed action falls under "related to" jurisdiction because it involves legal claims against Defendant Zachry Industrial, Inc., which (together with affiliated entities) filed voluntary petitions for relief under Chapter 11 of the U.S. Bankruptcy Code in this Court, consolidated into Case No. 24-90377.

3. The Zachry Chapter 11 proceedings are pending in the Houston Division of this Court before Judge Isgur. Moreover, pursuant to General Order 2012–6, Order of Reference to Bankruptcy Judges ¶ 1 (S.D. Tex. May 24, 2012), in general, "proceedings . . . related to a case under Title 11 of the United States Code are automatically referred to the bankruptcy judges of this district." In these circumstances, judicial economy, convenience of the parties, and the interest of justice support transfer of this action to the Houston Division and to Judge Isgur.

4. Accordingly, **all parties** agree that this action should be transferred to the Houston Division and to Judge Isgur pursuant to Bankruptcy Local Rule 1014–1, which provides that on "motion of a party in interest or on its own motion, the judge may transfer a case, an adversary proceeding, or a contested proceeding to another judge or division in this district." *See also* 28 U.S.C. 1404(a) ("For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action . . . to any district or division to which all parties have consented.").

For the foregoing reasons, the Zachry Defendants' motion to transfer should be granted, and this action should be transferred to the Houston Division and to Judge Isgur.

Dated: July 29, 2024

Respectfully submitted,

/s/ John B. Thomas

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Counsel for Defendants Zachry Industrial, Inc.; Zachry Industries, Inc.; JVIC Demerger Fabrication, Inc.; and Zachry Enterprise Solutions Demerger, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served this date on most parties via the Court's ECF noticing system and on the following other parties via e-mail as follows:

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Dated: July 29, 2024

/s/ John B. Thomas
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

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ZACHRY INDUSTRIAL, INC.; ZACHRY INDUSTRIES, INC.; JVIC DEMERGER FABRICATION, INC.; ZACHRY ENTERPRISE SOLUTIONS DEMERGER, INC.; CB&I LLC; MCDERMOTT INTERNATIONAL LTD., f/k/a CB&I LLC; CHIYODA INTERNATIONAL CORPORATION; and PSRG, INC.,	§	Removed from: 239th Judicial District Court Brazoria County, Texas Cause No. 128926-CV Related to: In re: Zachry Holdings, Inc., *et al.* Case No. 24-90377 (MI)
Defendants.	§	

ORDER GRANTING ZACHRY DEFENDANTS' UNOPPOSED MOTION TO TRANSFER ACTION TO HOUSTON DIVISION AND TO BANKRUPTCY JUDGE MARVIN ISGUR

Pursuant to Bankruptcy Local Rule 1014-1 and 28 U.S.C. § 1404(a), and for good cause shown, the unopposed motion of Defendants Zachry Industrial, Inc.; Zachry Industries,

Inc.; JVIC Demerger Fabrication, Inc.; and Zachry Enterprise Solutions Demerger, Inc. to transfer this action to the Houston Division of this Court and to Bankruptcy Judge Marvin Isgur is GRANTED.

The Clerk shall take all necessary and appropriate steps to effect such transfer.

IT IS SO ORDERED.

Dated: _____, 2024

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Hon. JEFFREY V. BROWN
United States District Judge