Docket #0006 Date Filed: 8/7/2024

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FLNG LIQUEFACTION, LLC; FLNG LIQUEFACTION 2, LLC; and FLNG LIQUEFACTION 3, LLC,	*	**Case No. 4:24-cv-02841**
Plaintiffs,	*	
v.	*	
CB&I INC.; ZACHRY INDUSTRIAL, INC.; and CHIYODA INTERNATIONAL CORPORATION,	*	
Defendants.	*	

DEFENDANT CHIYODA INTERNATIONAL CORPORATION'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' ORIGINAL PETITION

Pursuant to Federal Rule of Civil Procedure 6(b) and Federal Rule of Bankruptcy Procedure 9006(b), defendant Chiyoda International Corporation ("CIC") files this unopposed motion for extension of time to respond to Plaintiffs' Original Petition, and respectfully show as follows:

1. CIC expected to have almost three months to respond to Plaintiffs' Original Petition—only to have that time shrink by over two months. On April 23, 2024, Plaintiffs filed this lawsuit in the 133rd Judicial District Court of Harris County, Texas. (ECF 1-2 at 12.) Weeks later, Plaintiffs filed a letter with the 133rd Judicial District Clerk that

memorialized the parties' agreement to extend all defendants' answer deadlines to October 31, 2024. (ECF 1-2 at 50.) One week after that agreement, on May 21, 2024, co-defendant Zachry Industrial Inc. ("Zachry") filed its bankruptcy case under Chapter 11 in the United States Bankruptcy Court for the Southern District of Texas, Houston Division, Case No. 24-9038.[1]

2. On July 31, 2024—three months before the agreed-to answer deadline—Zachry removed this lawsuit to this Court pursuant to 28 U.S.C. §§ 1334(b) and 1452(a). (ECF 1.) After removal, defendants' deadline to answer or otherwise respond to Plaintiffs' Original Petition accelerated from October 31, 2024, to August 7, 2024. FED. R. BANKR. P. 9027(g) ("[T]he defendant shall answer or present the other defenses or objections available under the rules of Part VII . . . within seven days following the filing of the notice of removal.").

3. Federal Rule of Civil Procedure 6(b) provides that "the court may, for good cause, extend the time . . . if a request is made, before the original time or its extension expires." FED. R. CIV. P. 6(b); FED. R. BANKR. P. 9006(b) (containing similar language). In this case, good cause exists to extend the deadline by thirty days for three reasons. *First*, Plaintiffs consent to CIC receiving a thirty-day extension to its deadline—to September 6, 2024. This deadline is still almost two months earlier than the previously agreed-to deadline of October 31. *Second*, the extra time may help the parties develop a proposal for

[1] The Court ordered that Zachry's Chapter 11 case to be procedurally consolidated and jointly administered with *In re Zachry Holdings, Inc.*, Case Number 24-90377 (ECF 21). These cases are still pending before the Honorable United States Bankruptcy Judge Marvin Isgur.

dealing with the automatic stay, which applies to Zachry and may independently cause delay. *Last*, CIC just recently retained Haynes and Boone LLP to represent it in this matter. To prepare the most accurate and developed response, CIC's counsel requires more than six days.

4. This request is not sought for delay but so that justice may be done.

5. For these reasons, CIC respectfully requests that the Court extend CIC's time to respond to Plaintiffs' Original Petition by thirty days: to September 6, 2024.

Date: August 7, 2024

Respectfully submitted,

HAYNES AND BOONE, LLP

/s/ Brian Singleterry

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COUNSEL TO CHIYODA INTERNATIONAL CORPORATION

CERTIFICATE OF CONFERENCE

On August 2, 2024, counsel for Chiyoda International Corporation conferred regarding this Motion with counsel for Plaintiffs, and he has agreed to the requested relief.

/s/ *Brian Singleterry*
Brian Singleterry

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2024, I caused a copy of the foregoing document to be served by electronic mail via the Court's ECF system to all parties authorized to receive electronic notice in this case.

/s/ *Brian Singleterry*
Brian Singleterry

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Defendants.	*	

ORDER GRANTING DEFENDANT CHIYODA INTERNATIONAL CORPORATION'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' ORIGINAL PETITION

On this day came on for consideration the Unopposed Motion for Extension of Time to Respond to Plaintiffs' Original Petition (the "Motion") filed by defendant Chiyoda International Corporation ("CIC"). The Court, having reviewed the Motion and any responses and replies thereto, concludes that the Motion should be GRANTED. It is, therefore,

ORDERED that CIC's time to respond to Plaintiffs' Original Petition is extended by thirty days to September 6, 2024.

SIGNED this ___ day of _____, 2024.

_____
JUDGE PRESIDING