Docket #0035 Date Filed: 10/10/2024

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

In re:	§	
	§	**Chapter 11**
ZACHRY HOLDINGS, INC., *et al.*[1]	§	
	§	**Case No. 24-90377 (MI)**
Debtors.	§	
	§	**(Jointly Administered)**
FLNG LIQUEFACTION, LLC; FLNG LIQUEFACTION 2, LLC; and FLNG LIQUEFACTION 3, LLC,	§	
	§	
***Plaintiffs*,**	§	
	§	**Adv. P. No. 24-03195**
V.	§	
	§	**Ref. Doc. Nos. 6 & 29**
CB&I, INC.; ZACHRY INDUSTRIAL, INC.; and CHIYODA INTERNATIONAL CORPORATION,	§	
	§	
***Defendants*.**	§	

DEFENDANTS CHIYODA INTERNATIONAL CORPORATION'S AND CB&I LLC'S AGREED MOTION TO EXTEND TIME TO ANSWER OR OTHERWISE 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") and Defendant CB&I LLC ("CB&I") (collectively the "Defendants") jointly file this *Agreed Motion to Extend Time to Answer or Otherwise Respond to Plaintiffs' Original Petition*, and respectfully shows as follows:

[1] The debtors in these chapter 11 cases (the "Debtors"), along with the last four digits of each Debtor's federal tax identification number, may be obtained on the website of the Debtors' claims and noticing agent at https://veritaglobal.net/zhi. The Debtors' service address in these chapter 11 cases is: P.O. Box 240130, San Antonio, Texas 78224.

1. This dispute is new. On April 23, 2024, Plaintiffs filed this action in Texas state court, and on July 31, 2024, the Debtors removed it to this Court. (Doc. No. 1.)[2] Plaintiffs then filed a motion to remand, which on September 25, 2024, they subsequently withdrew. (Doc. Nos. 18, 28.)

2. The Defendants previously filed a second uncontested motion to extend its time to answer. (Doc. Nos. 20, 21.) The Court granted those motions and extended CIC's deadline to answer or otherwise respond until thirty (30) days following the withdrawal of Plaintiffs' Motion to Remand and CB&I's until thirty (30) days following a ruling on the Motion to Remand. (Doc. Nos. 27, 29.). Plaintiffs subsequently agreed that CB&I's answer deadline is thirty days following the withdraw of the Motion to Remand, so Defendants' answer deadline is October 25, 2024 (the "Current Answer Deadline").

3. Now, the parties are engaging in settlement negotiations. To reduce costs, Plaintiffs agreed to the Defendants moving to further extend their answer deadline while settlement negotiations are ongoing. Therefore, the Defendants seek a thirty-day extension of the Current Answer Deadline to November 25, 2024.

4. Thirty days may be insufficient to settle the dispute, and the Defendants may need flexibility for further extensions. To avoid filing additional motions, the Defendants request that the Court allow the Defendants to obtain further extensions of its answer deadline, provided Plaintiffs agree to the extension, by filing a stipulation with the Court before the expiration of the then-current deadline. If the parties do not agree on a further extended answer deadline, the Defendants' answer deadline shall be fifteen days after the expiration of the then-current deadline.

[2] All references to "Doc. No." refer to the pleadings filed in adversary proceeding number 24-03195.

5. Federal Rule of Civil Procedure 6(b) states that "the court may, for good cause, extend the time with or without motion or notice if the court acts, or 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). The Court's discretion animates the meaning of good cause. *Deutsche Bank Nat'l Trust Co. v. Navarro*, No. 5:18-CV-109, 2019 WL 13191608, at *2 (S.D. Tex. May 8, 2019). In this case, good cause exists to extend the deadline because the extension, and subsequent extensions, may assist the parties in settlement discussions. Moreover, the extension will not prejudice any party. Plaintiffs agree to the extension, and the underlying facts are less than one-year old. Even if the parties fail to reach a settlement, the parties' efforts may narrow the issues and streamline litigation.

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

WHEREFORE, PREMISES CONSIDERED, CIC and CB&I respectfully request that the Court enter an order, substantially in the form attached hereto, (i) extending the Current Answer Deadline by thirty days to November 25, 2024; (ii) allowing the Defendants to further extend the answer deadline, with Plaintiffs' agreement, by filing with the Court one or more stipulations on the terms in the proposed order; and (iii) granting the Defendants any other, further or additional relief to which they may be justly entitled.

Dated: October 10, 2024

Respectfully submitted,

/s/ Charles M. Jones II

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CERTIFICATE OF CONFERENCE

On October 2, 2024, counsel for Chiyoda International Corporation conferred regarding this motion with counsel for Plaintiffs, and Plaintiffs' counsel agreed to the requested relief.

/s/ *Charles M. Jones II*
Charles M. Jones II

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 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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V.	§	
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CB&I, INC.; ZACHRY INDUSTRIAL, INC.; and CHIYODA INTERNATIONAL CORPORATION,	§	
	§	
***Defendants*.**	§	

ORDER GRANTING AGREED MOTION TO EXTEND TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' ORIGINAL PETITION

Before the Court is Defendant Chiyoda International Corporation's ("CIC") and Defendant CB&I LLC's ("CB&I") *Agreed Motion to Extend Time to Answer or Otherwise Respond to Plaintiffs' Original Petition* ("Motion"). After considering the Motion, the Court is of the opinion that the Motion is with merit and should be GRANTED.

[1] The debtors in these chapter 11 cases (the "Debtors"), along with the last four digits of each Debtor's federal tax identification number, may be obtained on the website of the Debtors' claims and noticing agent at https://veritaglobal.net/zhi. The Debtors' service address in these chapter 11 cases is: P.O. Box 240130, San Antonio, Texas 78224.

It is therefore ORDERED that CIC's and CB&I's deadline to answer or otherwise respond to Plaintiffs' Original Petition is extended by thirty (30) days to November 25, 2024 (the "Answer Deadline").

It is further ORDERED that the Answer Deadline shall be further extended if the Parties agree on additional extensions, with such agreement to be documented by filing with the Court a stipulation before the expiration of the then-current answer deadline.

It is further ORDERED that if the Parties do not agree on an additional extended answer deadline, CIC's and CB&I's deadline to file an answer shall be fifteen days after the expiration of the then-current answer deadline.

_____
Marvin Isgur
United States Bankruptcy Judge