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

IN RE: ZACHRY INDUSTRIAL, INC.,	§	
	§	Case No. 24-90377 (MI)
Debtor.	§	Chapter 11
	§	

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,	§	(Jointly Administered) Adversary No. 24-03190
Plaintiffs,	§	
v.	§	
ZACHRY INDUSTRIAL, INC.; ZACHRY INDUSTRIES, INC.; JVIC DEMERGER FABRICATION, INC.; ZACHRY ENTERPRISE SOLUTIONS DEMERGER, INC.; CB&I LLC n/k/a; MCDERMOTT INTERNATIONAL LTD.; CHIYODA INTERNATIONAL CORPORATION; and PSRG, INC.,	§	Ref. Adv. P. Docket Nos. 13, 22, 27, 29
Defendants.	§	

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AGREED MOTION TO EXTEND TIME FOR REPLIES IN SUPPORT OF, AND SUR-REPLIES IN OPPOSITION TO, ZACHRY'S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 6(b) and Federal Rule of Bankruptcy Procedure 9006(b), Defendant Zachry Industrial, Inc. ("Zachry") files this Agreed Motion to Extend Time for Replies in Support of, and Sur-replies in Opposition to, Zachry's Motion to Dismiss.

1. Zachry filed a Rule 12(b)(6) Motion to Dismiss on October 9, 2024 (the "Motion") [Adv. P. Doc. No. 29]. Zachry's Motion included a Joinder to (1) CB&I, LLC's ("CB&I") Rule 12(b)(6) Motion to Dismiss, and (2) Chiyoda International Corporation's ("CIC") Rule 12(b)(6) Motion to Dismiss [*Id.*; Adv. P. Doc. Nos. 13, 22, 27].

2. Plaintiffs, 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 ("Plaintiffs") filed a Response to the Motion on October 23, 2024 [Adv. P. Doc. No. 35].

3. The Motion is set for hearing on November 18, 2024 [*see* Adv. P. Doc. No. 31].

4. Zachry's Reply is due October 30, 2024 [*see* Bankr. Local Rule 1001-1(b); S.D.Tex. Local Rule 7.4(e)].

5. Federal Rule of Civil Procedure 6(b) states 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 of "for cause shown").

6. In this case, good cause exists to extend the deadline. Zachry and Plaintiffs have conferred in good faith and agreed to extend their respective Reply and Sur-reply deadlines. Further, because both deadlines fall well before the Motion hearing date of November 18, 2024[1], the proposed extension will not cause delay in the proceedings. Moreover, because the parties have conferred and are agreed, there is no prejudice to any party. Finally, this Agreed Motion is filed before Zachry's deadline to file a Reply.

7. Zachry proposes the following agreed deadlines:

   a. Zachry's Reply in Support of the Motion - November 6, 2024;

   b. Plaintiffs' Sur-Reply in Opposition to the Motion - November 13, 2024.

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

WHEREFORE, PREMISES CONSIDERED, Zachry respectfully prays for a seven (7) day extension of time to file its Reply in Support of its Motion to Dismiss, and for a fourteen (14) day extension of time for Plaintiffs to file a Sur-reply in Opposition to Zachry's Motion to Dismiss. Zachry further prays for any other, further, or additional relief to which it may be justly entitled.

[1] CB&I and CIC's Rule 12(b)(6) Motions to Dismiss are also set for the same hearing on November 18, 2024 [Adv. P. Doc. No. 33].

Respectfully submitted,

/s/ D. Ryan Cordell, Jr.

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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 certify that on this 29th day of October, 2024, a copy of the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the court's electronic filing system.

/s/ D. Ryan Cordell, Jr.
D. Ryan Cordell, Jr.

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
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IN RE: ZACHRY INDUSTRIAL, INC., Debtor.	§ § § §	Case No. 24-90377 (MI) Chapter 11
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, v. ZACHRY INDUSTRIAL, INC.; ZACHRY INDUSTRIES, INC.; JVIC DEMERGER FABRICATION, INC.; ZACHRY ENTERPRISE SOLUTIONS DEMERGER, INC.; CB&I LLC n/k/a; MCDERMOTT INTERNATIONAL LTD.; CHIYODA INTERNATIONAL CORPORATION; and PSRG, INC., Defendants.	§ §	(Jointly Administered) Adversary No. 24-03190 Ref. Adv. P. Docket Nos. 13, 22, 27, 29

ORDER GRANTING AGREED MOTION TO EXTEND TIME FOR REPLIES IN SUPPORT OF, AND SUR-REPLIES IN OPPOSITION TO, ZACHRY'S MOTION TO DISMISS

Before the Court is Defendant Zachry Industrial, Inc.'s ("Zachry") Agreed Motion to Extend Time for Replies in Support of, and Sur-Replies in Opposition To, Zachry's Motion to Dismiss ("Motion"). After considering the Motion, the Court is of the opinion that the Motion is with merit and should be GRANTED.

It is therefore ORDERED that Zachry's deadline to file a Reply in Support of its Motion to Dismiss is extended to November 6, 2024.

It is further ORDERED that Plaintiffs' deadline to file a Sur-reply in Opposition of Zachry's Motion to Dismiss is extended to November 13, 2024.

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Judge Presiding