Docket #0076 Date Filed: 12/19/2024

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. No. 60**
CB&I, INC.; ZACHRY INDUSTRIAL, INC.; and CHIYODA INTERNATIONAL CORPORATION,	§	
	§	
***Defendants*.**	§	

JOINT STIPULATION AND AGREED ORDER TO EXTEND TIME TO RESPOND TO PLAINTIFFS' FIRST AMENDED COMPLAINT

This Stipulation and Agreed Order (the "Stipulation") is entered into pursuant to Federal Rule of Bankruptcy Procedure 9006, Federal Rule of Civil Procedure 6, Federal Rule of Bankruptcy Procedure 7015, Federal Rule of Civil Procedure 15, and made among the above-captioned plaintiffs (the "Plaintiffs") and defendants Chiyoda International Corporation ("CIC"), CB&I LLC ("CB&I"), and Zachry Industrial, Inc. ("Zachry," with CIC, CB&I and the Plaintiffs,

[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.

24903772412190000000000003

each individually a "Party" and together the "Parties"). The Parties hereby stipulate and agree as follows:

RECITALS

WHEREAS, on December 3, 2024, Plaintiffs filed their First Amended Complaint [Adv. P. Doc. No. 60] (the "Amended Complaint").

WHEREAS, on December 4, 2024, defendant Zachry filed its *Supplemental Brief in Support of Rule 12(b)(6) Motion to Dismiss Plaintiffs' Claim for Consequential Damages* [Adv. P. Doc. No. 39] (the "Motion to Dismiss").

WHEREAS, on December 5, 2024, CIC filed its *Joinder to Zachry Industrial, Inc.'s Rule 12(b)(6) Motion to Dismiss Plaintiffs' Claims for Consequential Damages* [Adv. P. Doc. No. 62].

WHEREAS, on December 13, 2024, the Court granted the Motion to Dismiss and dismissed Plaintiffs' claims for gross negligence and any related consequential damages;

WHEREAS, CIC's, CB&I's, and Zachry's current deadline to answer the Amended Complaint is December 27, 2024;

WHEREAS, the Plaintiffs have agreed to extend CIC's, CB&I's, and Zachry's deadline to file responsive pleadings to the Amended Complaint until January 17, 2025.

ORDER

NOW, THEREFORE, UPON THE FOREGOING RECITALS, WHICH ARE INCORPORATED AS THOUGH FULLY SET FORTH HEREIN, IT HEREBY IS STIPULATED AND AGREED, BY AND BETWEEN THE PARTIES, THROUGH THE UNDERSIGNED, AND UPON COURT APPROVAL HEREOF, IT SHALL BE ORDERED THAT:

1. CIC's, CB&I's, and Zachry's deadline to answer or otherwise respond to the Amended Complaint is extended through and including January 17, 2025.

2. This Stipulation is without prejudice to the Parties agreeing to further extend CIC's, CB&I's, and Zachry's deadline to answer or otherwise respond to the Amended Complaint.

3. The undersigned who execute this Stipulation by or on behalf of each respective Party represents and warrants that he or she has been duly authorized and empowered to execute and deliver this Stipulation on behalf of such Party.

4. This Stipulation shall not be modified, altered, amended, or vacated without the written consent of all Parties hereto or by further order of the Court.

5. The Court shall retain jurisdiction to resolve any disputes or controversies arising from or related to this Stipulation.

Dated: _____

_____
HONORABLE MARVIN ISGUR
UNITED STATES BANKRUPTCY JUDGE

As agreed to by:

/s/ Charles M. Jones II
HAYNES AND BOONE, LLP
Charles A. Beckham, Jr. (TX Bar No. 02016600)
Kelli Norfleet (TX Bar No. 24070678)
Imaan Patel (TX Bar No. 24139247)
1221 McKinney Street, Suite 4000
Houston, Texas 77010
Telephone: (713) 547-2000
Email: charles.beckham@haynesboone.com
kelli.norfleet@haynesboone.com
imaan.patel@haynesboone.com

-and-

Charles M. Jones II (TX Bar No. 24054941)
Martha Wyrick (TX Bar No. 24101606)
2801 N. Harwood Street, Suite 2300
Dallas, Texas 75201
Telephone: (214) 651-5000
Email: charlie.jones@haynesboone.com
martha.wyrick@haynesboone.com

-and-

Brian Singleterry (TX Bar No. 24098433)
301 Commerce Street, Suite 2600
Fort Worth, Texas 76102
Telephone: (817) 347-6600
Email: brian.singleterry@haynesboone.com

COUNSEL TO CHIYODA INTERNATIONAL CORPORATION

/s/ *Jack W. Massey*
BAKER & McKENZIE LLP
Jack W. Massey
Federal ID No. 658576
State Bar No. 24051004
Matthew C. Rawlinson
Federal ID No. 24546
State Bar No. 24013379
800 Capitol St., Suite 2100
Houston, Texas 77002
Telephone: (713) 427-5000
Facsimile: (713) 427-5099
jack.massey@bakermckenzie.com
matthew.rawlinson@bakermckenzie.com

COUNSEL FOR CB&I LLC

/s/ *Christopher Taylor*
KING & SPALDING, LLP
Mike Stenglein
Texas Bar No. 00791729
mstenglein@kslaw.com
Christopher Taylor
Texas Bar No. 24013606
ctaylor@kslaw.com
500 West 2nd Street, Suite 1800
Austin, Texas 78701
Telephone: (512) 457-2000

COUNSEL FOR PLAINTIFFS

/s/ *John B. Thomas*
HICKS THOMAS LLP
John B. Hicks
Texas Bar No. 19856150
jthomas@hicks-thomas.com
Eric Grant
Texas Bar No. 24076167
grant@hicks-thomas.com
D. Ryan Cordell, Jr.
Texas Bar No. 24109754
S.D. Tex. ID No. 3455818
rcordell@hicks-thomas.com
Cameron Pope
Texas Bar No. 24032958
S.D. Tex. ID No. 35172
cpope@hicks-thomas.com
Hicks Thomas LLP
700 Louisiana Street, Suite 2300
Houston, Texas 77002
Telephone: (713) 547-9100
Facsimile: (713) 547-9150

COUNSEL FOR ZACHRY INDUSTRIAL, INC.

Certificate of Service

I hereby certify that on December 19, 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/ Charles M. Jones II
Charles M. Jones II