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

In re:	)	Chapter 11
COMPUTER SIMULATION & ANALYSIS, INC.,[1]	)	Case No. 24-90391 (MI)
Reorganized Debtor.	)	
ZACHRY HOLDINGS, INC., *et al*.,	)	
Plaintiffs,	)	Adv. Pro. No. 25-03025 (MI)
v.	)	
OMAHA PUBLIC POWER DISTRICT,	)	
Defendant.	)	

PLAINTIFFS' EMERGENCY MOTION FOR STATUS CONFERENCE

Emergency relief has been requested. Relief is requested not later than October 30, 2025.

If you object to the requested relief or you believe that emergency consideration is not warranted, you must appear at the hearing if one is set or file a written response prior to the date that relief is requested in the preceding paragraph. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

[1] The last four digits of the federal tax identification number for Computer Simulation & Analysis, Inc. are 4097. The location of the Reorganized Debtor's service address in this chapter 11 case is: P.O. Box 240130, San Antonio, Texas 78224. On June 27, 2025, the Bankruptcy Court entered the *Final Decree Closing Certain of the Chapter 11 Cases* (Case No. 24-90377 (MI), Docket No. 3178) closing the chapter 11 cases for Zachry Holdings, Inc., Zachry EPC Holdings, Inc., Zachry Engineering Corporation, ZEC New York, Inc., Zachry High Voltage Solutions, LLC, UE Properties, Inc., ZEC Michigan, Inc., Zachry Constructors, LLC, Zachry Industrial, Inc., Zachry Enterprise Solutions, LLC, Moss Point Properties, LLC, Zachry Nuclear Construction Inc., Zachry Nuclear, Inc., Zachry Nuclear Engineering, Inc., Zachry Plant Services Holdings, Inc., JVIC Fabrication, LLC, Zachry Industrial Americas, Inc., Zachry Maintenance Services, LLC, J.V. Industrial Companies, LLC, Madison Industrial Services Team, LLC (with Computer Simulation & Analysis, Inc., the "**Reorganized Debtors**").

Zachry Holdings, Inc. ("**ZHI**"), Zachry Industrial, Inc. ("**Zachry**"), and the other Reorganized Debtors (together with ZHI and Zachry, "**Plaintiffs**") submit this emergency motion (the "**Motion**") seeking entry of an order, substantially in the form attached hereto (the "**Proposed Order**"), scheduling a status conference in connection with *Defendant Omaha Public Power District's Motion to Transfer Venue* [Adv. Proc. Docket No. 13] (the "**Motion to Transfer Venue**") and other motions pending in the above-captioned adversary proceeding (the "**Adversary Proceeding**"). In support of the Motion, Plaintiffs respectfully state as follows:

Background

1. On February 5, 2025, Plaintiffs commenced the Adversary Proceeding by filing a complaint against OPPD [Adv. Proc. Docket No. 1]. On April 11, 2025, Plaintiffs filed their first amended complaint [Adv. Proc. Docket No. 22]. The dispute stems from a contract between Zachry and OPPD by which Zachry undertook to engineer, procure, and construct two electric generating stations and associated substations—the Standing Bear Lake Station and the Turtle Creek Station—and centers around the causes of Plaintiffs' purported failure to deliver the projects by the contractual milestone and the availability of liquidated damages for the purported breach.

2. On March 21, 2025, OPPD filed, among other motions, the Motion to Transfer Venue seeking to transfer the Adversary Proceeding to the United States District Court for the District of Nebraska. On April 11, 2025, Plaintiffs filed an objection to the Motion to Transfer Venue [Adv. Proc. Docket No. 24], and on April 18, 2025, OPPD filed a reply [Adv. Proc. Docket No. 31].

3. On July 9, 2025, the Court held oral argument on the Motion to Transfer Venue. At the conclusion of the argument, the Court strongly encouraged the parties to attempt to resolve the dispute. The Court directly addressed the parties' representatives and asked if the parties' respective chief executive officers would agree to meet and discuss a potential resolution of the

dispute. OPPD and Plaintiffs both agreed. The Court then took the matter under advisement and stated that it would issue its ruling on the Motion to Transfer Venue on August 29, 2025 absent indication that the parties had reached a consensual resolution.

4. On August 27, 2025, Plaintiffs and OPPD, through their chief executive officers and other senior executives, participated in an in-person mediation session in Omaha, Nebraska with Steve Nelson, the mutually-agreed mediator. The parties agreed to a process to expedite completion of the OPPD projects and to obtain information to facilitate a settlement of the damages claim. The parties memorialized that agreement by email and then requested that the Court defer ruling on the Motion to Transfer Venue until at least October 31, 2025 to allow the parties time to complete the process. The parties submitted a stipulation to that effect, which the Court so-ordered on September 2, 2025 [Adv. Proc. Docket No. 84]. The parties agreed to report promptly to the Court if they are able to make additional progress in resolving the issues in dispute.

5. Based on the progress made at the mediation session, Plaintiffs took concrete steps at their own substantial expense to complete the projects. Plaintiffs also continued to engage with OPPD—both through the mediator and directly— to implement the agreed resolution framework. OPPD was slow to engage, but it never disclaimed the agreed-upon process, and Plaintiffs remained optimistic that OPPD would uphold its commitment.

6. Then, in early October, after obtaining the benefit of Zachry's work to deliver the completed projects, OPPD changed course. Its chief executive officer cancelled a scheduled call with Zachry's chief executive officer to discuss progress. OPPD then expressly abandoned the agreed resolution framework and sought to impose new conditions on any further settlement discussions.

7. In light of OPPD's about-face, Plaintiffs deem the mediation a failure. Plaintiffs have been and remain committed to a consensual resolution as opposed to wasteful and disruptive litigation, but Plaintiffs cannot continue to delay resolution when OPPD has demonstrated through its clear and unambiguous actions that it is unwilling to participate in good faith. While OPPD has recently indicated willingness to reengage in mediation, Plaintiffs seek this Court's guidance before reengaging to ensure that the process is constructive and best designed to facilitate a consensual resolution.

Relief Requested

8. As a consequence of the foregoing, Plaintiffs request an emergency status conference before the Court issues its ruling on the Motion to Transfer Venue to allow parties to address the Court and seek this Court's guidance on a path forward. OPPD has not agreed to join Plaintiffs in this request.

Emergency Consideration

9. Plaintiffs request emergency consideration of this Motion in light of the Court's expected ruling on the Motion to Transfer Venue on October 31, 2025. Plaintiffs believe that holding a status conference prior to the Court's ruling will allow the parties to receive the full benefit of this Court's guidance on a possible resolution of the dispute.

[*Remainder of Page Intentionally Left Blank*]

Conclusion

10. Plaintiffs respectfully request that the Court enter the Proposed Order scheduling a status conference in connection with the Motion to Transfer Venue and other matters pending before this Court in the Adversary Proceeding.

Dated: October 20, 2025
Houston, Texas

/s/ Charles R. Koster

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Counsel to Plaintiffs

Certificate of Accuracy

I certify that the foregoing statements are true and accurate to the best of my knowledge. This statement is being made pursuant to Bankruptcy Local Rule 9013-1(i).

/s/ *Charles R. Koster*
Charles R. Koster

Certificate of Service

I certify that on October 20, 2025, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ *Charles R. Koster*
Charles R. Koster

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

In re:	)	Chapter 11
COMPUTER SIMULATION & ANALYSIS, INC.,[1]	)	Case No. 24-90391 (MI)
Reorganized Debtor.	)	
ZACHRY HOLDINGS, INC., *et al*.,	)	
Plaintiffs,	)	Adv. Pro. No. 25-03025 (MI)
v.	)	
OMAHA PUBLIC POWER DISTRICT,	)	**Re: Adv. Proc. Docket No. [●]**
Defendant.	)	

ORDER SCHEDULING STATUS CONFERENCE

Upon *Plaintiffs' Emergency Motion for Status Conference* [Adv. Proc. Docket No. [●]] (the "**Motion**"),[2] IT IS HEREBY ORDERED THAT:

1. The Court will hold a status conference on the Motion to Transfer Venue and other matters pending before this Court in the Adversary Proceeding on October [●], 2025, at [●]

[1] The last four digits of the federal tax identification number for Computer Simulation & Analysis, Inc. are 4097. The location of the Reorganized Debtor's service address in this chapter 11 case is: P.O. Box 240130, San Antonio, Texas 78224. On June 27, 2025, the Bankruptcy Court entered the *Final Decree Closing Certain of the Chapter 11 Cases* (Case No. 24-90377 (MI), Docket No. 3178) closing the chapter 11 cases for Zachry Holdings, Inc., Zachry EPC Holdings, Inc., Zachry Engineering Corporation, ZEC New York, Inc., Zachry High Voltage Solutions, LLC, UE Properties, Inc., ZEC Michigan, Inc., Zachry Constructors, LLC, Zachry Industrial, Inc., Zachry Enterprise Solutions, LLC, Moss Point Properties, LLC, Zachry Nuclear Construction Inc., Zachry Nuclear, Inc., Zachry Nuclear Engineering, Inc., Zachry Plant Services Holdings, Inc., JVIC Fabrication, LLC, Zachry Industrial Americas, Inc., Zachry Maintenance Services, LLC, J.V. Industrial Companies, LLC, Madison Industrial Services Team, LLC (with Computer Simulation & Analysis, Inc., the "**Reorganized Debtors**").

[2] Capitalized terms used but not defined in this Order shall have the meanings ascribed to such terms in the Motion.

[a.m./p.m.] (prevailing Central Time) at Courtroom 404, 4th floor, 515 Rusk, Houston, Texas 77002.

2. Parties may participate in the status conference either in person or by an audio and video connection. Audio communication will be by use of the Court's dial-in facility. Parties may access the facility at (832) 917-1510. Once connected, parties will be asked to enter the conference room number. Judge Isgur's conference room number is 954554. Video communication will be by use of the GoToMeeting platform. Parties can connect via the free GoToMeeting application or click the link on Judge Isgur's home page. The meeting code is "JudgeIsgur." Parties should click the settings icon in the upper right corner and enter their name under the personal information setting. Hearing appearances must be made electronically in advance of both electronic and in-person hearings. To make an appearance, parties should click the "electronic appearance" link on Judge Isgur's home page. Parties should select the case name, complete the required fields, and click "submit" to complete their appearance.

3. Plaintiffs shall serve a copy of this Order on counsel to OPPD.

Houston, Texas
Dated: _____, 2025

_____
MARVIN ISGUR
UNITED STATES BANKRUPTCY JUDGE