

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
(Eastern Division)**

In re:	)	
	)	
MODERN CONTINENTAL	)	<b>Chapter 11</b>
CONSTRUCTION CO., INC.,	)	
	)	<b>Case No. 08-14558 (WCH)</b>
Debtor.	)	
	)	

**LIMITED OBJECTION OF BECHTEL/PARSONS  
BRINCKERHOFF TO MOTION FOR RELIEF FROM STAY**

Bechtel/Parsons Brinckerhoff (“B/PB”) hereby objects to the Motion for Relief from the Automatic Stay (“Relief Motion”) filed by Angel Del Valle and Raquel Ibarra Mora, Co-Administrators of the Estate of Milena Del Valle, and Angel Del Valle, individually (collectively, “Del Valle”)¹. In support of its objection, B/PB states as follows:

1. B/PB is a co-defendant with Modern Continental Construction Co., Inc. (the “Debtor”) and others in certain Massachusetts state court litigation commenced by Del Valle (the “Del Valle Litigation”).
2. B/PB has reviewed the Objection to the Relief Motion filed earlier today by National Union Fire Insurance Company of Pittsburg, Pennsylvania (“National Union”).
3. B/PB is also an insured under the National Union insurance policy (“Policy”) that is referenced in the National Union Objection.

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¹ Because of the expedited nature of the Relief Motion and the only recent filing of the Objection by National Union, B/PB is unable to respond to each allegation set forth in the Relief Motion as prescribed by Local Rule 4001-1(c). B/PB disputes many of the factual allegations alleged in the Relief Motion and accordingly reserves all of its rights with respect thereto. One allegation that B/PB specifically disputes is Del Valle’s contention that discovery is 75% complete in the Del Valle Litigation. To the contrary, for multiple reasons, including the criminal charges filed against the Debtor and others, substantial deposition discovery has been delayed and physical evidence has not been reviewed. B/PB does not believe that discovery will be completed by October 31, 2008.

4. The National Union Objection raises issues related to the Debtor's motivation and ability to defend itself in the Del Valle Litigation and the possible denial by National Union of coverage for the claims asserted by Del Valle in the Del Valle Litigation. Del Valle has not agreed to limit its recovery to whatever insurance proceeds, if any, may be available to cover its claim. As a creditor of the Debtor and holder of substantial contractual and common law indemnification, contribution and other claims against the Debtor's estate, B/PB is concerned about the impact that a denial of coverage would have on the Debtor's estate and on any possible recovery by B/PB on account of its claims.

5. As a co-defendant in the Del Valle Litigation, B/PB is concerned about the apparent inability or lack of motivation on the part of the Debtor to have its employees and agents adequately prepared for the depositions scheduled by Del Valle and to otherwise adequately defend itself in the Del Valle Litigation. The scheduling of numerous critical depositions at a time in the Debtor's bankruptcy case when its resources and limited personnel need to be focused on the bankruptcy case is likely to negatively affect both the debtor's creditors and the other defendants in the Del Valle Litigation, including B/PB. Further, the apparent lack of communication between the Debtor and its assigned defense counsel in the Del Valle Litigation creates similar concerns.

6. B/PB contends that the automatic stay should remain in effect at least until these important issues regarding cooperation, coverage and defense of the Del Valle Litigation can be reviewed, analyzed and presented to the Court by the Creditors' Committee and the Debtor. Otherwise, the Debtor's estate and the Debtor's creditors may be irreparably harmed where, on the other hand, Del Valle will not be irreparably harmed by a limited extension of the automatic stay.

WHEREFORE, Bechtel/Parsons Brinkerhoff respectfully requests that this Court enter an order:

1. Denying the Relief Motion; and
2. Providing for such other relief as is just.

Dated: July 8, 2008

Respectfully submitted,

BECHTEL/PARSONS BRINCKERHOFF

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