

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

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

STIPULATION AND ORDER FOR RELIEF FROM THE AUTOMATIC STAY

WHEREAS, Cheryl Cila (the "Plaintiff"), in her capacity as administratrix of the estate of Vincent P. Cila, filed her *Motion For Relief From The Automatic Stay* (the "Motion") pertaining to Civil Action No. 2006-3845C (the "State Court Action") pending in the Suffolk County Superior Court (the "Superior Court") against, among others, Modern Continental Construction Co., Inc. (the "Debtor");

WHEREAS, the Plaintiff and the Debtor, subject to the approval of the Bankruptcy Court, have agreed to the terms and conditions pursuant to which the Motion may be allowed; **Now, therefore, it is agreed as follows:**

1. The Plaintiff is hereby granted relief from the automatic stay provisions of 11 U.S.C § 362 to prosecute the State Court Action; provided that, any judgment, assessment or other recovery by the Plaintiff against the Debtor arising from or related to the State Court Action shall be limited solely to the Debtor's insurers and/or to the extent of insurance proceeds available through applicable insurance policies. The Plaintiff shall not be entitled to any recovery against the Debtor, the Debtor's bankruptcy estate and/or the assets of each of the

foregoing (except to the extent that applicable insurance policies and/or their proceeds constitute assets of the foregoing).

2. This Stipulation and Order is effective immediately upon approval by the Bankruptcy Court, and is not subject to the ten day stay provided for in Federal Rule of Bankruptcy Procedure 4001 (a) (3).

Cheryl Cila,
By her counsel,

/s/ Annette Gonthier Kiely

Annette Gonthier Kiely (BBO No. 201150)
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Dated: August 8, 2008

[signatures cont'd on next page]

**Modern Continental Construction Co., Inc.,
Debtor-in-Possession**

By its counsel,

/s/ D. Ethan Jeffery

Harold B. Murphy (BBO #326610)
D. Ethan Jeffery (BBO #631941)
Christian J. Urbano (BBO #644471)
HANIFY & KING, Professional Corporation
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Fax: (617) 556-8985

Dated: August 8, 2008

IT IS SO ORDERED.

Signed in said District this 11th day of August, 2008.



Honorable William C. Hillman
U.S. Bankruptcy Judge

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