

2. No trustee or examiner has been appointed in this case. On July 2, 2008, the United States Trustee for the District of Massachusetts appointed the Official Committee of Unsecured Creditors.

3. Contemporaneously with the filing of this motion, the Debtor has filed the Crawford Motion, seeking an order from the Court directing the Servicers to deliver certain funds they are holding, which constitute property of the Debtor's estate, to the Debtor.

RELIEF REQUESTED AND GROUNDS FOR RELIEF

4. The Debtor requests that the Court consider the Crawford Motion on an expedited basis. MLBR 9013-1(g) authorizes expedited consideration of a motion “[i]f a movant seeks to have a motion considered by the Court earlier than seven (7) court days after the motion is filed” if the movant files a separate motion setting forth in detail “all facts and circumstances which necessitate” expedited consideration. MLBR 9013-1(g)(1).

5. Sufficient grounds exist to consider the Crawford Motion on an expedited basis. Under the Service Agreement, the Servicers retained counsel and, in certain instances, expert witness, in connection with pending litigation. Certain of these professionals have threatened to withdraw from representation or withhold their services unless and until they are paid. Expedited consideration of the Crawford Motion is therefore necessary to enable the funds to be released so arrangements for payment can be made.

6. Accordingly, the Debtor respectfully requests that this Court consider the Crawford Motion on an expedited basis.

NOTICE

7. The Debtor will serve this motion and the Crawford Motion by overnight mail, postage prepaid, by facsimile, and/or by this Court's ECF System on (a) counsel to the Servicers,

(b) counsel to Companies, (c) the Office of the United States Trustee for the District of Massachusetts, (d) counsel for the Debtor's secured lenders; (e) the Debtor's twenty (20) largest general unsecured creditors; (f) counsel to the Official Committee of Unsecured Creditors, and (g) all parties who have filed a notice of appearance in this case. In light of the nature of the relief requested, the Debtor submits that no other or further notice is required.

WHEREFORE, the Debtor respectfully requests that this Court grant the relief requested in this motion, consider the Crawford Motion on an expedited basis, and grant to the Debtor such other and further relief as the Court deems just and proper in the circumstances.

Respectfully submitted,

MODERN CONTINENTAL
CONSTRUCTION CO., INC.,

By its counsel,

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