

and manage its property as a debtor-in-possession pursuant to sections 1107 and 1108 of the Bankruptcy Code.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction to consider and determine this Motion pursuant to 28 U.S.C. § 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408.

4. The statutory predicates for the relief requested in this Motion are Sections 105 and 521(a)(1)(B) of the Bankruptcy Code, Bankruptcy Rule 1007(c) and MLBR 1007-1(g).

BACKGROUND

5. The Debtor is a closely-held Massachusetts corporation formed in 1967 to perform general contracting services. At one time, the Debtor was the largest heavy civil construction company in the northeastern United States and one of the largest in the country. The Debtor served as the largest contractor (in terms of the dollar amount of contracts awarded), on the historic “Big Dig” Central Artery/Tunnel project in Boston, Massachusetts (the “CA/T Project”).

6. The scope of the Debtor’s construction expertise included heavy civil, marine, transportation, power, design/build and microtunneling projects. Some of the Debtor’s more prominent projects included the construction of the San Francisco-Oakland Bay Bridge Seismic Retrofit, Back Bay Station and the Southwest corridor in Boston, MBTA Silver Line Immersed Tube Tunnels, Route 3 reconstruction from Route 128 to the New Hampshire border, Terminal E at Boston Logan Airport, the Deer Island Inter-Island Tunnel and a major portion of the CA/T Project.

7. The filing of this bankruptcy petition was precipitated by the Debtor's failure to receive payment from Massachusetts Highway Department/Massachusetts Transportation Authority (the "Authority") for work previously performed on the CA/T Project, and for work that the Debtor continues to perform on CA/T Project.

8. The purpose of the bankruptcy filing is to permit the Debtor to continue the orderly completion of its remaining contracts and conclude the wind-up of its business while the Debtor fulfills its obligations to its employees, project owners, subcontractors, vendors and suppliers.

9. The Section 341 meeting of creditors has been scheduled for July 30, 2008 at 1:00 p.m.

RELIEF REQUESTED

10. Pursuant to Section 521 of the Bankruptcy Code and Bankruptcy Rule 1007(a) and (c), the Debtor is required to file its Schedules within fifteen (15) days after the Petition Date. The Debtor requests that this Court extend the deadline for the filing of the Schedules to Thursday, July 24, 2008. This is an extension of seventeen (17) days.

Cause Exists to Extend the Deadline for Filing the Debtor's Schedules

11. Bankruptcy Rule 1007(c) gives the Court the power to grant extensions of time for the filing of the Schedules for cause shown. *See* Fed. R. Bankr. P. 1007(c). In order to prepare complete and accurate Schedules, the Debtor must gather and review a substantial amount of information and numerous documents. The Debtor is a party to multiple complex construction contracts involving many subcontractors, potential warranty claims and other related issues.

12. Due to the scope of the Debtor's operations, collection of the necessary information and compilation of the Schedules will require a significant expenditure of time and effort on the part of the Debtor and its professionals. Given the pressing administrative and procedural issues inherent at the outset of every large bankruptcy proceeding, the Debtor will not be in a position to complete the Schedules within the time specified in Bankruptcy Rule 1007(c).

13. Since the Petition Date, the Debtor's senior management has been engaged in three (3) days of mediation regarding the CA/T Project, and has devoted significant time and effort towards the mediation. This effort has taken time away from the preparation of the Schedules. The occurrence of the July 4th holiday likewise will reduce the working days available for the Debtor to prepare and file the Schedules.

14. As set forth above, the Section 341 meeting of creditors is scheduled for July 30, 2008. If the requested extension is granted, the United States Trustee and other parties in interest will have six (6) days to review the Schedules before the Section 341 meeting of creditors. As a result, the Debtor submits that no party in interest will be prejudiced by the relief requested in this Motion.

NOTICE

15. The Debtor has served this Motion on: (a) the Office of the United States Trustee; (b) counsel to the Debtor's prepetition secured creditors; (c) the creditors holding the twenty (20) largest unsecured claims against the Debtor's estate; and (d) all parties who have filed a notice of appearance and request for documents in this case. In light of the nature of the relief requested herein, the Debtor submits that no other or further notice is required.

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WHEREFORE, the Debtor respectfully requests that this Court enter an Order: (a) extending to **July 24, 2008** the deadline for the Debtor to file its Schedules; and (b) granting 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 proposed counsel,

/s/ D. Ethan Jeffery

Harold B. Murphy (BBO #326610)

D. Ethan Jeffery (BBO #631941)

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Dated: July 2, 2008

EXHIBIT A

(Proposed Order)

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

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

**ORDER EXTENDING THE TIME TO FILE SCHEDULE OF ASSETS
AND LIABILITIES AND STATEMENT OF FINANCIAL AFFAIRS**

Upon the Motion of the above captioned debtor and debtor in possession (the “Debtor”) for entry of an order extending the time to file its schedules of assets and liabilities and statement of financial affairs (collectively, the “Schedules”), all as set forth more fully in the Motion; and it appearing that the relief requested is in the best interests of the Debtor’s estate, its creditors, and other parties in interest; and upon the record established at the hearing; and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this Motion is a core proceeding pursuant to 28 U.S.C. § 157; and adequate notice of the Motion and opportunity for objection having been given; and it appearing that no other notice need be given; and after due deliberation and sufficient cause therefor; it is hereby:

ORDERED, that the Motion is granted; and it is further

ORDERED, that the deadline for the Debtor to file the Schedules, is extended to (and including) **Thursday, July 24, 2008**; and it is further

ORDERED, that entry of this Order shall be without prejudice to the Debtor’s right to seek further extensions of time within which to file its Schedules or to seek other relief from the Court regarding the filing of Schedules; and it is further

ORDERED, that the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

Dated: _____, 2008

The Honorable William C. Hillman
United States Bankruptcy Judge