



2. The Settlement Agreement and the Settlement Motion (collectively, the “Settlement Pleadings”) have been filed contemporaneously with this motion.

**Relief Requested and Basis for Relief**

3. The Debtor requests that this Court limit notice respecting the Settlement Pleadings. Absent an order of this Court, MLBR 9019-1(c) requires the Debtor to serve all of the Settlement Pleadings on all creditors and parties in interest.

4. There are over eight hundred creditors in the above-captioned case, most of whom have had little or no participation in this case and are unlikely to have an interest in or respond to the Settlement Motion. The cost of mailing full copies of the Settlement Pleadings to the full creditor list is substantial and would unnecessarily deplete the Debtor’s resources.

5. The Debtor requests that notice and service of the Settlement Pleadings be limited to the following parties: (a) the Office of the United States Trustee, (b) any secured creditors of the Debtor, (c) any taxing authorities that the Debtor believes may have claims against the Debtor, (d) counsel to the Committee, (e) creditors named on the Debtor’s list of the twenty largest general unsecured claims against the Debtor; (f) all parties that have filed a notice of appearance in this case; and (g) counsel to the parties to the Action.

6. The Debtor is in the process of serving the Settlement Pleadings on the foregoing parties, and will serve notice of any hearing established by the Court on the same parties.

7. The Court has authority to approve the relief requested in this motion pursuant to 11 U.S.C. § 105(a), Rule 2002(m) of the Federal Rule of Bankruptcy Procedure and MLBR 9019-1(c).

8. The purpose of this motion is to avoid the burdensome costs associated with serving the Settlement Pleadings themselves on all creditors and parties in interest. Accordingly, no party in interest will be prejudiced by the relief requested in this motion.

**WHEREFORE**, the Debtor respectfully requests that this Court enter an Order: (a) granting the relief requested in this motion; (b) finding that service of and notice with respect to the Settlement Pleadings will be sufficient if served as described in this motion; and (c) granting to the Debtor such other and further relief as this Court deems just and proper in the circumstances.

Respectfully submitted,

MODERN CONTINENTAL  
CONSTRUCTION CO., INC.,

By its attorneys,

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