

The Debtor requests that the Court authorize the Debtor, in lieu of serving a copy of the Plan, the Disclosure Statement and the Approval Motion on all creditors, to serve a copy of the form of notice attached as Exhibit A (the "Notice") on all creditors and parties in interest. The Debtor would serve copies of the Plan, the Disclosure Statement and the Approval Motion only on: (a) the Office of the United States Trustee, (b) all secured creditors, (c) all governmental agencies asserting priority tax claims, (d) counsel to the Committee (as defined below), (e) the creditors holding the twenty (20) largest general unsecured claims, and (f) each party who has filed a notice of appearance and request for service of papers (collectively the "Primary Parties"). The Notice identifies the objection deadline and hearing date with respect to the Approval Motion and provides instructions (including a free website) by which creditors and parties in interest may obtain copies of the Plan, the Disclosure Statement and the Approval Motion. The Debtor submits that the foregoing service complies with the Federal Rules of Bankruptcy Procedure and is appropriate in this case.

In support of this motion, the Debtor respectfully states as follows:

BACKGROUND

1. On June 23, 2008 (the "Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Massachusetts (the "Court").
2. The Debtor continues to operate its business and manage its property under Sections 1107 and 1108 of the Bankruptcy Code.
3. 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 (the "Committee").

4. Contemporaneously with the filing of this motion, the Debtor has filed the Plan, the Proposed Disclosure Statement, and the Approval Motion.

RELIEF REQUESTED AND BASIS FOR RELIEF

5. There are over eight hundred creditors in the Debtor's Chapter 11 case, most of whom have had little or no participation in the case. The Plan, Proposed Disclosure Statement and the Approval Motion are voluminous and the cost of mailing them to the full creditor list would be substantial.

6. Federal Rule of Bankruptcy Procedure 2002(b) requires that creditors and parties in interest receive at least 25 days notice by mail of "the time fixed for filing objections and the hearing to consider approval of a disclosure statement" Fed. R. Bankr. Proc. 2002(b).

7. MLBR 9013-3(a) provides, in relevant part, that "[u]pon filing a motion requesting action by the Court . . . counsel . . . shall immediately serve the motion upon all interested parties and upon all parties who have filed their appearances and requested service of all pleadings filed in the case." MLBR 9013-3(a).

8. Rule 3017(a) of the Federal Rules of Bankruptcy Procedure, which governs hearings on disclosure statements and objections thereto, provides, in pertinent part that "[t]he plan and the disclosure statement shall be mailed with the notice of the hearing only to the debtor, any trustee or committee appointed under the Code, the Securities and Exchange Commission and any party in interest who requests in writing a copy of the statement or plan." Fed. R. Bankr. P. 3017(a).

9. The manner of service proposed by the Debtor therefore complies with the applicable rules of procedure as the Primary Parties will receive copies of the Plan, Disclosure Statement, Approval Motion and Notice, and all other creditors and parties will receive notice of

the objection deadline and the hearing date on the Approval Motion. *See* Fed. R. Bankr. Proc. 2002, 3017; MLBR 9013-3.

10. The Debtor submits that the Notice includes all information required to comply with the applicable rules of procedure. The Notice also includes instructions by which creditors and other parties may obtain copies, free of charge, of the Plan, the Proposed Disclosure Statement and the Approval Motion by mail, electronic mail or via the Internet.

11. No creditor or party in interest will be prejudiced by the manner of service proposed in this motion.

12. The Debtor requests expedited consideration of this motion pursuant to MLBR 9013-1(g) in order to enable the Debtor to serve the Notice, if approved by the Court, as promptly as possible so as to permit creditors and parties in interest with the maximum amount of time to consider and respond to the Approval Motion.

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WHEREFORE, the Debtor respectfully requests that this Court enter an order: (a) granting the relief requested in this motion on an expedited basis, (b) approving the manner of service of the Plan, Disclosure Statement, Approval Motion and Notice described in this motion, (c) approving the form of the notice attached as Exhibit A, and (d) 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 counsel,

/s/ Christian J. Urbano

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