

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

SUFFOLK READY MIX,

Debtor.

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Chapter 11

Case No. 09-75473-reg

**ORDER PURSUANT TO SECTIONS 363(b) AND 105(a)
OF THE BANKRUPTCY CODE AUTHORIZING
PAYMENT OF PREPETITION WAGES AND RELATED RELIEF**

Upon the Application (“Application”) dated July 27, 2009, of SUFFOLK READY MIX (the “Debtor”), seeking entry of an Order pursuant to Sections 105(a) and 363(b) of Chapter 11 of title 11, United States Code (the “Bankruptcy Code”), authorizing the payment of certain prepetition employee wages and withholding taxes and related processing fees (collectively, the “Obligations”), as set forth in the Application, the Affidavit of Anthony T. Persico, President of the Debtor, dated July 23, 2009, pursuant to EDNY LBR 1007-4; and the Affidavit of Michael G. Mc Auliffe, Esq. dated July 27, 2009, pursuant to EDNY LBR 9077-1; and it appearing that the relief requested is in the best interests of the Debtor’s estate, its creditors and other parties in interest, will provide a net benefit to the Debtor’s estate taking into account the rights of the payees under the Bankruptcy Code, and is necessary to avoid immediate and irreparable harm to the Debtor and its creditors; and after due deliberation and sufficient cause appearing therefor; it is hereby

ORDERED, that the Application is granted in all respects; and it is further

ORDERED, that the Debtor is authorized, but not directed, to pay (i) pre-petition wages to all employees as they become due in the ordinary course of business for the weekly payroll

period ending July 25, 2009; (ii) salaries from employee checks that were issued but not paid prior to the filing of the Debtor's petition and (iii) payroll taxes for the two weekly payroll periods ending July 18, 2009 and July 25, 2009, respectively and related ordinary course processing fees; provided, however, that such aggregate amount for any individual employee shall not exceed the administrative priority limit established pursuant to Bankruptcy Code Section 507(a); and it is further

ORDERED, that all applicable banks and other financial institutions shall be and hereby are authorized and directed to receive, process honor and pay all checks presented for payment and to honor all fund transfer requests made by the Debtor related to the Obligations, whether such checks were presented or fund transfer requests were submitted prior to or after the Filing Date; and it is further

ORDERED, that nothing contained herein shall constitute an admission as to the validity of the underlying obligations, a waiver of any rights the Debtor may have to dispute such obligation, or an approval or assumption of any agreements, policies or procedures by the Debtor relating to any obligations under Section 365 of the Bankruptcy Code.

Dated: Central Islip, New York
July 31, 2009

/s/Alan S. Trust
Alan S. Trust acting for Robert E. Grossman
United States Bankruptcy Judge