

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

mgm 3024

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In Re:

Case No. 09-75473-reg

SUFFOLK READY MIX, LLC,

Chapter 11

Debtor.

APPLICATION

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TO THE HONORABLE ROBERT E. GROSSMAN, U.S. BANKRUPTCY JUDGE:

The above named debtor (the "Debtor") respectfully shows this Honorable Court and represents:

1. On July 24, 2009, the Debtor filed a voluntary petition for relief under chapter 11 of the United States Bankruptcy Code, 11 U.S.C. Section 101-et seq.

2. No trustee has been appointed in the Debtor's case. Consequently, the Debtor is continuing in the operation of its business and the management of its property as a Debtor in Possession, with all the rights, duties, and obligations set forth at §§1107(a) and 1108 of the Bankruptcy Code.

3. The Debtor desires to immediately retain and employ The Law Offices of Michael G. Mc Auliffe, Esq., 48 South Service Road, Suite 102, Melville, NY 11747, phone no: (631) 465-0044, Fax No: (631) 465-0045 (the "Mc Auliffe Firm") to act as its attorney in this case.

4. The Debtor selected the Mc Auliffe Firm for the reason that said Firm has extensive experience in matters of this character and the Debtor believes that said Firm is well qualified to represent it herein.

5. The professional services which the Mc Auliffe Firm as the Debtor's counsel is to render herein will include the following:

- (a) assisting the Debtor in preparing and filing (and serving as necessary) schedules, statements, monthly financial statements, and other necessary and appropriate documents;
- (b) preparing and filing, on behalf of the Debtor, all motions, applications, documents in connections with adversary proceedings, and proposed orders or other legal papers;
- (c) appearing at all appropriate meetings and before any appropriate forum (including this Court) in order to represent and protect the interests of the Debtor and the Estate herein;
- (d) explaining to the Debtor its responsibilities in a case under chapter 11, and ensuring insofar as practicable that it complies with its responsibilities;
- (e) representing the Debtor in its negotiations with secured and unsecured creditors, and Committees who may be appointed in the case;
- (f) assisting the Debtor in formulating a plan of reorganization and disclosure statement; and
- (g) performing such other further legal services for the Debtor which may be necessary herein.

6. To the best of the Debtor's knowledge, the Mc Auliffe Firm is a disinterested person as that term is defined in Section 101 of the Bankruptcy Code; and the Mc Auliffe Firm does not hold, or represent any entity with, an adverse interest in or in connection with this case.

7. The Debtor desires to employ the Mc Auliffe Firm under a general retainer because of the extent of legal services required. The normal billing rates of the Mc Auliffe Firm, which will be employed in this case, are as follows: members - \$300.00 per hour; paralegals/legal assistants - \$95.00 per hour.

8. The Mc Auliffe Firm received a retainer of \$20,000.00. from the Debtor, together with \$1,039.00 for the court filing fee.

9. The Debtor has not previously applied to this or any other Court for the relief sought herein.

WHEREFORE, the Debtor hereby respectfully requests this Court to immediately enter the annexed proposed Order in its entirety, together with such other, further relief as is just and proper.

Dated: Melville, New York
July 29, 2009

SUFFOLK READY MIX, LLC

By: /s/ Anthony T/ Persico
Anthony T. Persico, President

Prepared and reviewed by:
The Mc Auliffe Firm, LLC

By: /s/ Michael G. Mc Auliffe
Michael G. Mc Auliffe, Esq.
48 South Service Road, Suite 102
Melville, NY 11747
(631) 465-0044

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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SUFFOLK READY MIX, LLC,

Chapter 11

Debtor.

AFFIDAVIT

-----X

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

MICHAEL G. Mc AULIFFE, ESQ., being duly sworn, deposes and says under penalties of perjury:

1. I am an attorney and counselor-at-law duly admitted to practice before the Federal Courts in the Eastern District of New York, and I am the principal attorney of the Law Offices of Michael G. Mc Auliffe, Esq., 48 South Service Road, Suite 102, Melville, NY 11747, phone no: (631) 465-0044, Fax No: (631) 465-0045 (the “Mc Auliffe Firm”)

2. To the best of my knowledge, information, and belief, the Mc Auliffe Firm is a disinterested person as that term is defined in the Bankruptcy Code, and neither I nor my Firm nor any other member, partner, or associate thereof represents professionally, or is associated with, the Debtor, any of the Debtor’s creditors, any other party in interest, or his attorneys and accountants. Additionally, to the best of my knowledge, information, and belief, neither I, nor my Firm, nor any other member, partner, or associate thereof has any relationship with any of the employees of the Office of the United States Trustee.

3. The Mc Auliffe Firm does not hold, or represent any entity which holds, an adverse interest in this case, and I know of no reason why my Firm cannot act as counsel for the Debtor herein.

4. During the pendency of this case, my Firm will not represent any other entity in connection with this case.

5. I swear that:

-I am the attorney who will bear primary responsibility for the representation which is sought herein;

- I have read and am generally familiar with the Bankruptcy Code, the Federal Rules of the Bankruptcy Procedure, and the Local Rules and Orders of this court; and

- I believe that my Firm and I are competent and qualified to represent the debtor in connection with this case.

/s/ Michael G. Mc Auliffe
MICHAEL G. Mc AULIFFE, ESQ.

Sworn to before me this
29th of July, 2009

/s/ Marianne J. Gallipoli
Notary Public

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

mgm 3024

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Case No. 09-75473-reg
Chapter 11

SUFFOLK READY MIX, LLC,

Debtor.

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ORDER

UPON the annexed application dated July 29, 2009 ("Application") of SUFFOLK READY MIX, LLC, the above-named chapter 11 debtor in possession (the "Debtor"), seeking an Order under 11 U.S.C. Sections 327(a) and 328 and Local Rule 2014-1 of this Court, authorizing the Debtor to retain and employ The Law Offices of Michael G. Mc Auliffe, Esq., 48 South Service Road, Suite 102, Melville, NY 11747, phone no: (631) 465-0044, Fax No: (631) 465-0045 (the "Mc Auliffe Firm") as its counsel herein effective as of the filing date of the Debtor's bankruptcy case herein for the reasons set forth in the Application; and.

UPON the affidavit duly sworn to on July 29, 2009 by Michael G. Mc Auliffe, Esq., the principal attorney of the Mc Auliffe Firm, which is annexed to the Application at Exhibit "A"; and

NO ADVANCE notice of or hearing on the Application being required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or the Local Rules of this Court; and no adverse interest having been represented; and after due deliberation, it appearing to the satisfaction of this Court that; (a) the Debtor's retention and employment of the Mc Auliffe Firm as of the filing date of its chapter 11 petition herein is in the interests of the Debtor and its creditors and the Estate, (b) the Mc Auliffe Firm is a disinterested person within the meaning of that term in 11 U.S.C. Section 101, and (c) the Mc Auliffe Firm does not hold or represent any

interest adverse to the Debtor or to the creditors or the Estate herein with respect to the matters upon which it is to be engaged; it is hereby

ORDERED, under 11 U.S.C. Sections 327(a) and 328 and Local Rule 2014-1 of this Court:

1. The Debtor is authorized to employ and retain the Mc Auliffe Firm as its general counsel of record herein as of the filing date of its chapter 11 petition under a general retainer.

2. The Mc Auliffe Firm's compensation and reimbursement in connection with its services as counsel for the Debtor shall be subject to approval of this Court, after notice and a hearing, under 11 U.S.C. Sections 330 and/or 331; Federal Rules of Bankruptcy Procedure 2002, 2016, and 2017; the applicable Local Rules and Orders of this Court.

Dated: Central Islip, New York
August ____, 2009

United States Bankruptcy Judge

NO OBJECTION:

Office of the U.S. Trustee