

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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In re )  
 ) Chapter 11, No. 15-30033-HJB  
 )  
GML CONSTRUCTION, INC. )  
 )  
 )  
Debtor )  
 )  

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**MOTION TO AUTHORIZE DEBTOR TO PAY PRE-PETITION WAGES, SALARIES,  
AND BENEFITS**

To the HONORABLE HENRY J. BOROFF, Bankruptcy Judge:

Now comes GML CONSTRUCTION, INC. ("Debtor"), the Debtor and the Debtor-In-Possession in the above-captioned matter, through its counsel, the firm of Hendel & Collins, P.C., and it does hereby move this Court for the entry of an Order authorizing the Debtor to pay pre-petition wages, salaries, and other related obligations. In support of this Motion, the Debtor represents as follows:

1. The Debtor seeks authority to pay employee wages, salaries, vacation pay, and other benefits incurred pre-petition. A detailed itemization of the estimated amounts owed to each of the employees, and that the Debtor seeks authority to pay, is annexed hereto as Exhibit "A".

2. The Debtor also seeks authority to pay all federal and state tax obligations incurred in connection with the pre-petition wages, salaries, vacation pay, and other benefits, any voluntary deductions designated by employees, and wage

garnishments required to be withheld from any employee.

3. No single employee is owed more than \$12,475.00, the cap imposed by §§ 507(a)(4) and (5) of the United States Bankruptcy Code ("Bankruptcy Code"), on account of pre-petition wages, salaries, or benefits.

4. Payment of such pre-petition benefits is necessary to avoid the risk of substantial disruption to the Debtor's business and the negative economic impact on employees that would occur as a result of the Debtor's failure to pay its usual pre-petition obligations in the ordinary course of the Debtor's business.

5. Pursuant to § 105 of the Bankruptcy Code and Rule 6003 of the Federal Rules of Bankruptcy Procedure, this Court has the authority to grant the relief requested herein.

6. Several courts in this District have granted relief similar to the relief requested in this Motion. See e.g., New England Soup Factory, LTD, Case No. 14-10871 (Bankr. D. Mass. 2014) [Docket No. 24]; In re Northern Berkshire Healthcare, Inc., Case No. 11-31114 (Bankr. D. Mass. 2011) [Docket No. 43]; In re SW Boston Hotel Venture LLC, Case No. 10-14535 (Bankr. D. Mass. 2010) [Docket No. 39]; In re Erving Industries, Inc., Case No. 09-30623 (Bankr. D. Mass. 2009) [Docket No. 39].

7. Payment of the employee-related claims is necessary to enable the Debtor to retain employees, to preserve employee morale during the administration of this Chapter 11 bankruptcy case, and to avoid the substantial negative economic impact on the employees.

8. Based upon the foregoing, the Debtor submits that the relief requested herein is necessary, appropriate, and is in the best interests of the Debtor's Bankruptcy Estate.

9. Notice of this Motion has been served on the following parties: (i) the Office of the United States Trustee; (ii) the largest twenty (20) unsecured creditors; (iii) the Internal Revenue Service and other tax authorities; and (iv) all creditors having requested notice pursuant to Rule 2002.

WHEREFORE, the Debtor respectfully requests the entry of an Order, in substantially the form attached to this Motion as Exhibit "B", authorizing the Debtor to pay accrued, but unpaid, pre-petition wages, salaries, and other benefits, all federal and state tax liabilities in connection therewith, and any other related deductions or withholdings, and providing such other and further relief as the Court may deem just and proper.

GML CONSTRUCTION, INC.

Dated: January 16, 2015

By: /s/ Henry E. Geberth  
HENRY E. GEBERTH, JR., ESQ.  
(BBO No. 187940)  
For HENDEL & COLLINS, P.C.  
101 State Street  
Springfield, MA 01103  
Tel. (413) 734-6411  
hgeberth@hendelcollins.com

| <u>Employee</u>         | <u>Address</u>                                 | Gross Pay | Net Pay |
|-------------------------|--|-----------|---------|
| Costa, Sergio M.        | 29 Hillman Street Chicopee, MA 01020           | 860.5     | 521.32  |
| Dowd, Thomas J.         | 140 Dowd Court Ludlow, MA 01056                | 1201.84   | 926.44  |
| Facchini, Nico A        | 22 Carpenter Ave. Chicopee, MA 01020           | 727.4     | 540.35  |
| Germain, Kenneth R      | 327 Chapin St. Ludlow, MA, MA 01056            | 800       | 565.25  |
| Kumiega, Ryan S.        | 16 Dobek Ave. Chicopee, MA 01020               | 1176.76   | 824.23  |
| Lafleur, Neil G.        | 5 Coolidge Road Chicopee, MA 01013             | 665       | 452.25  |
| Lloyd, Jr., Peter J     | 310 Stafford Road Monson, MA, MA 01057         | 958.32    | 763.08  |
| Lloyd, Shawn M          | 41 Pinney St. Palmer, MA 01069-1611            | 1245.68   | 970.68  |
| Mann, Doug E            | 51 Monson Turnpike Rd Lot #1005 Ware, MA 01082 | 660       | 499.57  |
| McDonnell, Michael      | 421 North Westfield St Feeding Hills, MA 01030 | 711.4     | 529.41  |
| O'Brien, Jeannine C.    | 1 Carol Ann Drive South hadley, MA 01075       | 673.08    | 539.98  |
| O'Brien, Jr., Victor R. | 1 Carol Ann Drive South Hadley, MA 01075       | 769.5     | 602.43  |
| O'Brien, Mitchel R      | 1 Carol Ann Drive South Hadley, MA 01075       | 159.5     | 127.09  |
| O'Brien, Sr., Victor R. | 60 Chilson Road Wilbraham, MA 01095            | 1057.69   | 750.38  |
|                         | Total:   | 11666.67  | 8612.46 |

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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In re )  
 ) Chapter 11, No. 15-3  
 )  
GML CONSTRUCTION, INC. )  
 )  
 )  
Debtor )  
 )  
 )

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**ORDER ON MOTION TO AUTHORIZE DEBTOR TO PAY  
PRE-PETITION WAGES, SALARIES, AND BENEFITS**

Upon the Motion to Authorize Debtor to Pay Pre-Petition Wages, Salaries, and Benefits ("Motion") of GML CONSTRUCTION, INC. ("Debtor"), the Debtor in the above-captioned case, after notice and hearing, and for good cause shown, it is hereby

ORDERED that the Debtor is authorized to pay accrued, but unpaid, pre-petition wages, salaries, and other benefits, in an amount not to exceed \$12,475.00 per employee, and certain related expenses including payroll taxes, withholdings, and deductions, as set forth in Exhibit A to the Motion.

Dated:

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HONORABLE HENRY J. BOROFF  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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|                        |   |                      |
|------------------------|---|----------------------|
| In re                  | ) |                      |
|                        | ) | Chapter 11, No. 15-3 |
| GML CONSTRUCTION, INC. | ) |                      |
|                        | ) |                      |
|                        | ) |                      |
| Debtor                 | ) |                      |

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**CERTIFICATE OF SERVICE**

I, HENRY E. GEBERTH, JR., of the law firm of HENDEL & COLLINS, P.C., 101 State Street, Springfield, Massachusetts do hereby certify that I caused a copy of the attached Motion to be served via first class mail and/or the Court's CM/ECF System upon each of the parties listed on the attached Exhibit "A" on the 16th day of January, 2015.

Dated: January 16, 2015

/s/ Henry E. Geberth, Jr.  
HENRY E. GEBERTH, JR., ESQ.  
(BBO No. 187940)  
For HENDEL & COLLINS, P.C.  
101 State Street  
Springfield, MA 01103  
Tel. (413) 734-6411  
hgeberth@hendelcollins.com

**Exhibit "A"**

James Wong  
MASSACHUSETTS DEPARTMENT OF REVENUE  
P.O. Box 7010  
Boston, MA 02204  
Telephone: (617) 626-3875  
Fax: (617) 626-2330  
Email: wongj@dor.state.ma.us

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Dennis McCarthy  
INTERNAL REVENUE SERVICE  
Attn: Bankruptcy Unit  
P.O. Box 9112  
Boston, MA 02203-9112  
Telephone: (617) 565-4959

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PRIDE  
246 Cottage Street  
Springfield, MA 01104-4002  
Telephone: (413) 737-6992  
Fax: (413) 737-5852

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GREENWOOD CREDIT UNION  
2669 Post Road  
Warwick, RI 02886  
Telephone: (401) 739 4600  
Email: [info@greenwoodcu.org](mailto:info@greenwoodcu.org)

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DUFAULT, VANN & CARELLA  
P.O. Box 401  
Chicopee, MA 01021  
Telephone: (413) 543-6177  
Fax: (413) 543-4040

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TED ONDRICK CO., LLC  
58 Industry Road  
Chicopee, MA 01020  
Telephone: (413) 592-2081  
Fax: (413) 592-7451

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FORD MOTOR COMPANY  
1 American Road  
Dearborn, MI 48126  
Telephone: (800) 392-3673

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ADLER TANK RENTALS  
916 Southbridge Road  
Auburn, MA 01501  
Telephone: (908) 462-9800  
Fax: (908) 561-6474

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ARROW CONCRETE, INC.  
560 Salmon Brook Street  
Granby, CT 06035  
Telephone: (860) 653-5063  
Fax: (860) 653-0257

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BLUE CROSS BLUE SHIELD  
P.O. Box 371318  
Pittsburg, PA 15250-7318  
Telephone: (800) 262-2583

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CHADWICK & BAROSS, INC.  
237 Sheep Davis Road  
Concord, NH 03301  
Telephone: (800) 477-4063  
Fax: (603) 224-3001  
Email: mace@chadwick-baross.com

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CONTRACTORS SALES COMPANY, INC.  
P.O. Box 12010  
Albany, NY 12212  
Telephone: (518) 456-1445  
Fax: (518) 456-8600  
Email: gcalamari@contractorssales.com

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VACUUM TRUCK RENTALS  
305 Walker Circle  
Richland, MS 39218  
Telephone: (508) 754-3550  
Fax: (601) 933-4653  
Email: bgaff@vactruckrental.com

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ELEMENT FINANCIAL CORP.  
655 Business Center Drive, Suite 250  
Horsham, PA 19044  
Telephone: (267) 960-4000  
Fax: (267) 960-4001

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