

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670
Chapter 11

**SIXTH INTERIM APPLICATION FOR COMPENSATION AND REIMBURSEMENT
OF EXPENSES FOR BERNSTEIN, SHUR, SAWYER & NELSON, P.A., AS COUNSEL
TO ROBERT J. KEACH, ESTATE REPRESENTATIVE, FOR THE PERIOD
OCTOBER 1, 2018 THROUGH AND INCLUDING MARCH 31, 2019**

Name of Applicant:	Bernstein, Shur, Sawyer & Nelson, P.A.
Authorized to Provide Professional Services as:	Counsel to Robert J. Keach, estate representative of Debtor's post-effective date estate
Petition Date:	August 7, 2013
Date of Retention:	August 28, 2013 <u>nunc pro tunc</u> to August 21, 2013*
Period for Which Compensation and Reimbursement is Sought:	October 1, 2018 through and including March 31, 2019
Total Amount of Compensation sought as actual, reasonable and necessary:	\$314,651.00 [†]
Total Amount of Expenses sought as actual, reasonable and necessary:	\$8,306.19
Total Fees and Expenses Requested During Compensation Period:	\$322,957.19

This is an Interim Application.

* Bernstein, Shur, Sawyer & Nelson, P.A. ("BSSN") was retained on this date as counsel to Robert J. Keach in his capacity as chapter 11 trustee for the Debtor's estate. In his capacity of estate representative of the post-effective date estate of the Debtor (the "Estate Representative"), pursuant to the terms of the *Trustee's Revised First Amended Chapter 11 Plan of Liquidation, Dated July 15, 2015 (As Amended on October 8, 2015)* [D.E. 1822] (the "Plan"), Mr. Keach selected BSSN as counsel on the Effective Date (as defined in the Plan).

[†] This amount reflects a courtesy discount of \$79.50.00 shown as "No Charge" on Exhibit A.

COMPENSATION BY PROFESSIONAL DURING COMPENSATION PERIOD

	Department and Year Admitted	Hourly Billing Rate	Total Billed Hours	Value
Shareholders				
Robert J. Keach	BRI-1980	\$565.00	25.6	\$14,464.00
		\$590.00	31.3	\$18,467.00
Paul McDonald	LPG – 1987	\$430.00	7.3	\$3,139.00
		\$450.00	75.0	\$33,750.00
Lindsay Zahradka Milne	BRI - 2011	\$350.00	79.3	\$27,755.00
		\$395.00	96.0	\$37,920.00
John A. Woodcock III	LPG – 2006	\$260.00	22.2	\$5,772.00
		\$290.00	145.4	\$42,166.00
Of Counsel				
Roma Desai	BRI – 2009	\$260.00	12.4	\$3,224.00
		\$280.00	43.0	\$12,040.00
Associates				
Letson B. Douglass	LPG - 2017	\$200.00	38.0	\$7,600.00
		\$220.00	19.8	\$4,356.00
Patrick Marass	LPG - 2017	\$200.00	5.3	\$1,060.00
Benjamin Dexter	LPG - 2016	\$210.00	0.2	\$42.00
Adam R. Prescott	BRI - 2017	\$260.00	55.6	\$14,456.00
		\$270.00	47.6	\$12,852.00
Paralegals				
Giselle Paquette	BPG	\$220.00	0.3	\$ 66.00
Karla Quirk	BRI	\$190.00	43.5	\$8,265.00
Angela Stewart	BRI	\$225.00	290.4	\$65,340.00
Michelle A. Thomas	LPG	\$200.00	5.1	\$1,020.00
		\$210.00	3.5	\$735.00
Library				
Christine B. Bertsch	Library	\$115.00	2.1	\$241.50
		TOTALS:	1048.9	\$314,730.50

Blended hourly rate (excluding paraprofessional time): \$339.58

Blended hourly rate for paraprofessionals only: \$219.39

*Mr. Woodcock became a shareholder as of January 1, 2019.

COMPENSATION BY PROJECT CATEGORY DURING COMPENSATION PERIOD

PROJECT CODE	PROJECT DESCRIPTION	HOURS	AMOUNT
2	Asset Disposition	2.00	\$682.50
4	Case Administration	8.30	\$1,908.50
5	Claims Administration and Objections	135.90	\$45,088.00
7	Fee Employment / Applications	29.90	\$8,112.00
10	Litigation	167.20	\$47,310.50
10A	Litigation: CP Discovery	704.50	\$211,304.50
12	Plan and Disclosure Statement	0.70	\$245.00
TOTALS		1,048.50[‡]	\$314,651.00[§]

EXPENSE SUMMARY FOR COMPENSATION PERIOD

Expense Category	Amount
Filing Fees	\$500.00
Federal Express	\$1,014.00
Research Report Expenses	\$59.28
Travel Expenses	\$6,163.06
Translation Services	\$87.10
Transcripts	\$482.75
Total Charges & Disbursements	\$8,306.19

[‡] This total amount of hours reflects 0.4 hours that were written-off and appear as “No Charge” on Exhibit A.

[§] This amount reflects \$79.50 that was written-off and appear as “No Charge” on Exhibit A.

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**SIXTH INTERIM APPLICATION FOR COMPENSATION AND REIMBURSEMENT
OF EXPENSES FOR BERNSTEIN, SHUR, SAWYER & NELSON, P.A., AS COUNSEL
TO ROBERT J. KEACH, ESTATE REPRESENTATIVE, FOR THE PERIOD
OCTOBER 1, 2018 THROUGH AND INCLUDING MARCH 31, 2019**

Bernstein, Shur, Sawyer & Nelson, P.A. (“BSSN”), counsel to Robert J. Keach, the estate representative (the “Estate Representative”) of the post-effective date estate of Montreal Maine & Atlantic Railway, Ltd. (“MMA” or the “Debtor”),¹ submits this sixth application (the “Fee Application”) seeking compensation for professional services and reimbursement of expenses on an interim basis for the period from October 1, 2018 through and including March 31, 2019 (the “Compensation Period”). In support of the Fee Application, BSSN states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. §157(b)(2). The statutory predicates for the relief sought herein are sections 327(a) and 330 of the Bankruptcy Code, Federal Rule of Bankruptcy Procedure 2016(a), and Rule 2016-1 of the local rules of this Court (the “Local Rules”).

¹ In accordance with the Trustee’s confirmed chapter 11 plan (the “Plan”), Robert J. Keach became the Estate Representative of the post-effective date estate of MMA on the effective date of the Plan, December 23, 2015. See Plan, § 6.1(a).

BACKGROUND

2. On August 7, 2013 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Maine (the “Bankruptcy Court”). On August 21, 2013, the United States Trustee (the “U.S. Trustee”) appointed Robert J. Keach as chapter 11 trustee (the “Trustee”) to serve in the Debtor’s chapter 11 case (the “Case”) pursuant to 11 U.S.C. § 1163.

3. On August 21, 2013, the Trustee filed his *Application for Order, Pursuant to Sections 327 and 328 of the Bankruptcy Code, Authorizing the Employment of Bernstein, Shur, Sawyer & Nelson, P.A., as Attorneys for the Trustee* [D.E. 74] (the “Retention Application”). Thereafter, on August 28, 2013, the Court entered an order authorizing the employment of BSSN as counsel to the Trustee pursuant to sections 327 and 328 of the Bankruptcy Code [D.E. 107] (the “Retention Order”).

4. As set forth in the Retention Order, BSSN was authorized to, *inter alia*, “[advise] the Trustee with respect to his powers and duties in the Trustee’s continued management and operation of the Debtor’s business and property,” “[take] all necessary action to protect and preserve the Debtor’s estate,” and “[perform] all other necessary legal services and providing all other necessary legal advice to the Trustee in connection with the Case.” *See Retention Order*, at 2–3. The Retention Order further provides that BSSN shall receive compensation on an hourly basis and in accordance with the applicable provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Rules, the United States Trustee Guidelines for Reviewing Applications for Compensation & Reimbursement of Expenses filed under 11 U.S.C. § 330 (the “UST Guidelines”), and any applicable orders of the Court. *See Retention Order*, at 1; *see also Retention Application*, ¶¶ 13–14.

5. On October 9, 2015, this Court entered the *Order Confirming Trustee's Revised First Amended Plan of Liquidation Dated July 15, 2015 and Authorizing and Directing Certain Actions in Connection Therewith* [D.E. 1801] (the "Confirmation Order"), which, among other things, confirmed the *Trustee's Revised First Amended Plan of Liquidation Dated July 15, 2015 (As Amended on October 8, 2015)* [D.E. 1822] (the "Plan").

6. The effective date of the Plan occurred on December 22, 2015 (the "Effective Date").

7. Pursuant to the Plan, *inter alia*: (a) Robert J. Keach became the Estate Representative of the post-effective date estate of MMA (the "Post-Effective Date Estate"); (b) the Estate Representative was entitled to retain professionals in the ordinary course of business and without further order of the Court, including any professionals previously retained by the Trustee; and (c) the Estate Representative's professionals must file fee applications for approval by the Court. *See* Plan at § 6.2(d).

8. On the Effective Date, the Estate Representative retained BSSN.

9. Since the Effective Date and throughout the Compensation Period, BSSN has worked with the Estate Representative to meet the challenges presented by this Case in a manner beneficial to the Post-Effective Date Estate and the creditors of the Debtor's estate. The following discussion and materials annexed hereto cover the major categories of services for which allowance of compensation is sought.

10. On August 1, 2016, BSSN filed the *First Interim Application for Compensation and Reimbursement of Expenses for Bernstein, Shur, Sawyer & Nelson, P.A., as Counsel to Robert J. Keach, Estate Representative, for the Period December 23, 2015 Through and Including June 30, 2016* [D.E. 2215] (the "First Interim Fee Application"). The First Interim Fee

Application sought allowance of compensation for professional services in the amount of \$287,871.50 and reimbursement of expenses incurred in connection with rendering such services in the amount of \$2,767.21. By order of this Court entered on August 29, 2016 [D.E. 2234], the Court awarded BSSN \$287,871.50 in fees and \$2,767.21 in expenses in relation to the First Interim Fee Application.²

11. On April 25, 2017, BSSN filed the *Second Interim Application for Compensation and Reimbursement of Expenses for Bernstein, Shur, Sawyer & Nelson, P.A., as Counsel to Robert J. Keach, Estate Representative, for the Period July 1, 2016 Through and Including March 31, 2017* [D.E. 2342] (the “Second Interim Fee Application”). The Second Interim Fee Application sought allowance of compensation for professional services in the amount of \$415,125.50 and reimbursement of expenses incurred in connection with rendering such services in the amount of \$4,900.43. By order of this Court entered on May 22, 2017 [D.E. 2356], the Court awarded BSSN \$415,125.50 in fees and \$4,900.43 in expenses in relation to the Second Interim Fee Application.³

12. On November 1, 2017, BSSN filed the *Third Interim Application for Compensation and Reimbursement of Expenses for Bernstein, Shur, Sawyer & Nelson, P.A., as Counsel to Robert J. Keach, Estate Representative, for the Period December 23, 2015 Through and Including September 30, 2017* [D.E. 2401] (the “Third Interim Fee Application”). The Third Interim Fee Application sought allowance of compensation for professional services in the amount of \$509,320.00 and reimbursement of expenses incurred in connection with rendering such services in the amount of \$1,934.00. By order of this Court entered on November 27, 2017

² The First Interim Fee Application did not include any time for Robert J. Keach as counsel to himself as Estate Representative. Those fees are included in this Fee Application (thus the overlap in the period covered by the First Fee Application and this Fee Application).

³ The Second Interim Fee Application did not include any time for Robert J. Keach as counsel to himself as Estate Representative. Those fees are included in this Fee Application.

[D.E. 2421], the Court awarded BSSN \$509,320.00 in fees and \$1,934.00 in expenses in relation to the Third Interim Fee Application.

13. On April 24, 2018, BSSN filed the *Fourth Interim Application for Compensation and Reimbursement of Expenses for Bernstein, Shur, Sawyer & Nelson, P.A., as Counsel to Robert J. Keach, Estate Representative, for the Period October 1, 2017 Through and Including March 30, 2018* [D.E. 2449] (the “Fourth Interim Fee Application”).⁴ The Fourth Interim Fee Application sought allowance of compensation for professional services in the amount of \$261,181.50 and reimbursement of expenses incurred in connection with rendering such services in the amount of \$1,777.85. By order of this Court entered on May 22, 2018 [D.E. 2460], the Court awarded BSSN \$261,181.50 in fees and \$1,777.85 in expenses in relation to the Fourth Interim Fee Application.

14. On October 23, 2018, BSSN filed the *Fifth Interim Application for Compensation and Reimbursement of Expenses for Bernstein, Shur, Sawyer & Nelson, P.A. as Counsel to Robert J. Keach, Estate Representative, for the Period March 1, 2018 Through and Including September 30, 2019* [D.E. 2492] (the “Fifth Interim Fee Application”). The Fifth Interim Fee Application sought allowance of compensation for professional services in the amount of \$429,512.00 and reimbursement of expenses incurred in connection with rendering such services in the amount of \$1,379.12. By order of this Court entered on November 20, 2018 [D.E. 2499], the Court awarded BSSN \$429,512.00 in fees and \$1,379.12 in expenses in related to the Fifth Interim Fee Application.

⁴ The title and cover page of the Fourth Interim Application inadvertently indicated that the application covered the period October 1, 2017 through March 30, 2018, but no March 2018 time was included.

COMPENSATION AND REIMBURSEMENT REQUEST

15. BSSN seeks allowance of compensation for professional services in the amount of \$314,651.00 and reimbursement of expenses incurred in rendering such services in the amount of \$8,306.19. Pursuant to Rule 2016(a) of the Federal Rules of Bankruptcy Procedure and Local Rule 2016-1(a)(3)(i), a detailed statement of professional services provided by BSSN to the Estate Representative during the Compensation Period (the “Billing Statement”) is set forth on **Exhibit A**, annexed hereto and incorporated herein by reference. BSSN has carefully reviewed the Billing Statement on a line-by-line basis to ensure that services have been billed under the correct fee category.⁵

16. Pursuant to Local Rule 2016-1(a)(3)(iv), a detailed statement setting forth billing rates, total hours billed, and total amounts billed for each professional and paraprofessional at BSSN during the Compensation Period, and associated expenses incurred, is contained in the tables located at the beginning of this Fee Application.

17. Other than an agreement between BSSN and the Estate Representative for the sharing of compensation with the Estate Representative as a shareholder of BSSN, no agreement or understanding exists between BSSN and any other entity for the sharing of compensation sought by this Fee Application. In addition, no payments have been made or promised to BSSN for services rendered or to be rendered in connection with the Case, except as set forth in the Retention Application and detailed in this Fee Application.

18. BSSN has substantial expertise in such areas as business restructuring and bankruptcy, energy and environmental law, and litigation and dispute resolution. Pursuant to

⁵ BSSN implements twenty-three (23) task codes for specific categories of work to permit a more detailed analysis of the fees incurred; seven (7) of those task codes were implemented for the work detailed in the Fee Application. Given the multitude of attorneys and professionals involved and the number of task codes, inconsistencies are inevitable despite BSSN’s best efforts to ensure that work on a specific topic is billed to a single task code.

Local Rule 2016-1(a)(3)(v), a brief biography of each BSSN professional and paraprofessional who has rendered services in connection with the fees and expenses described herein is set forth on **Exhibit B**, annexed hereto and incorporated herein by reference.

19. This Fee Application is BSSN's sixth application to this Court in this Case as counsel to the Estate Representative for compensation for professional services and reimbursement of expenses pursuant to sections 328 and 331 of the Bankruptcy Code, Rule 2016 of the Federal Rules of Bankruptcy Procedure, and Rule 2016-1 of the Local Rules. As required by paragraph (b)(v) of the UST Guidelines, the Estate Representative has been given the opportunity to review this Fee Application and has approved the requested amount.

SUMMARY OF SERVICES

20. BSSN serves as legal counsel to the Estate Representative with respect to all bankruptcy matters that arise in or relate to the administration of the Post-Effective Date Estate. In rendering professional services to the Estate Representative, BSSN's legal team includes professionals with extensive experience in bankruptcy, real estate, and litigation practices, among others. BSSN professionals have worked closely with the Estate Representative and his other professionals to coordinate assignments in order to maximize efficiency and avoid any duplication of effort.

21. All of the services for which BSSN requests compensation herein were rendered on behalf of the Estate Representative in connection with this Case, and all the time described on the attached exhibits represents the actual amount of time spent by BSSN professionals who rendered the described services.

22. BSSN does not wish to burden the Court with an overly detailed recitation of each and every matter with respect to which it has rendered services during the Compensation Period. Accordingly, this Fee Application is intended to serve as a summary description of the more

significant services rendered by BSSN, and to highlight the benefits which have been conferred upon the creditors of the Post-Effective Date Estate as a result of BSSN's efforts. The following section provides an overview of certain of the significant services rendered by BSSN during the Compensation Period, organized by project category.⁶

A. Claims Administration and Objections – Task Code 5

23. This project category includes services related to claims administration and objections. During the Compensation Period, services rendered by BSSN professionals under this project category included tasks related to appellate work in connection with the claim objection trial against New Brunswick Southern Railway and Maine Northern Railway. BSSN spent 135.9 hours on this project category resulting in \$45,088.00 in associated fees.

B. Fee/Employment Applications – Task Code 7

24. This project category includes services related to the preparation and prosecution of fee applications for the Estate Representative's professionals. During the Compensation Period, BSSN prepared and prosecuted BSSN's Fourth Interim Fee Application and began preparation of this Fee Application. BSSN spent 29.9 hours on this project category resulting in \$8,112.00 in associated fees.

C. Litigation – Task Code 10

25. This project category relates to time spent conducting legal research, drafting and filing various motions and pleadings, and the initiation of, as well as defense against, certain adversary proceedings, and time for related court appearances.⁷ During the Compensation

⁶ Only those task codes with greater than \$5,000 in accrued fees are summarized in this section, and the examples given under each such task code are not all-inclusive. **Exhibit A** contains comprehensive details for each code and category.

⁷ Neither this project category nor this Fee Application at large includes time incurred in connection with that certain litigation stylized as *Joe R. Whatley, Jr. v. Canadian Pacific Railway Limited et al.*, No. 16-cv-00074 (D.N.D. Apr.

Period, services rendered by BSSN under this project category include the following pertaining to the adversary proceeding stylized as *Wheeling & Lake Erie Railway Co. v. Robert Keach* (Adv. No. 13-01033):

- (a) research for and preparation of pre-trial brief;
- (b) Prepare for and attend trial;
- (c) research for and preparation of post-trial brief;
- (d) opposition to motion for stay pending appeal of Wheeling & Lake Erie Railway Co. ("Wheeling") filed with the Bankruptcy Court;
- (e) opposition to Wheeling's motion for stay pending appeal filed with the District Court, as well as preparation for and attendance at oral argument on motion;
- (f) research for and preparation of motion to dismiss appeal of Bankruptcy Court decision with District Court, as well as preparation for and attendance at oral argument on motion.

BSSN spent 167.20 hours on this project category resulting in \$47,310.50 in associated fees.

D. Canadian Pacific Litigation Discovery – Task Code 10A

26. This project category relates to time spent on extensive document review, negotiation of additional search terms for CP's document production to the Estate Representative, status conferences on discovery issues, and other discovery-related issues in connection with that certain adversary proceeding stylized as *Robert Keach v. Canadian Pacific Railway Corp. et al* (Adv. No. 14-01001). BSSN spent 704.50 hours on this project category resulting in \$211,304.50 in associated fees.

ACTUAL AND NECESSARY DISBURSEMENTS

27. As set forth on Exhibit A attached hereto, BSSN has disbursed \$8,306.19 as expenses incurred in providing professional services during the Compensation Period. The

12, 2016) (the "Carmack Litigation"), with respect to which the plaintiff, the WD Trustee (as defined in the Plan), has retained BSSN on a contingency basis.

expenses incurred arise from, *inter alia*, filing fees, Federal Express charges, travel expenses, translation services, transcripts, and the purchase price of reports stemming from the Derailment. These expenses represent the out-of-pocket disbursements incurred during the regular course of the provision of legal services.

**THE REQUESTED COMPENSATION AND REIMBURSEMENT OF
EXPENSES SHOULD BE ALLOWED ON AN INTERIM BASIS**

28. Pursuant to section 330 of the Bankruptcy Code, the Court may award professionals “reasonable compensation for actual, necessary services.” 11 U.S.C. § 330(a)(1)(A). In evaluating the amount of reasonable compensation to be awarded, the Court should consider:

the nature, the extent, and the value of such services, taking into account all relevant factors including:

- (A) the time spent on such services;
- (B) the rates charged for such services;
- (C) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title;
- (D) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed;
- (E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and
- (F) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title.

11 U.S.C. §§ 330(a)(3)(A–F).

29. BSSN submits that the services for which it seeks compensation in this Fee Application were necessary for and beneficial to the Post-Effective Date Estate. The services rendered by BSSN were performed economically, effectively, and efficiently. Accordingly, the

compensation requested herein is reasonable in light of the nature, extent, and value of such services to the Post-Effective Date Estate.

30. The work conducted was carefully assigned to appropriate professionals or paraprofessionals according to the experience and level of expertise required for each particular task. Whenever possible and where appropriate, BSSN sought to minimize the costs of its services by utilizing associates and paraprofessionals.

31. In sum, the services rendered by BSSN were necessary and beneficial to the Post-Effective Date Estate and such services were consistently performed in a timely manner, commensurate with the complexity and nature of the issues involved. Accordingly, approval of compensation sought herein is warranted.

CONCLUSION

WHEREFORE, BSSN respectfully requests that the Court enter an order: (a) approving on an interim basis, pursuant to 11 U.S.C. § 330, \$322,957.19 in fees and expenses for BSSN as counsel to the Estate Representative during the Compensation Period, comprising (i) compensation for \$314,651.00 in services rendered and (ii) reimbursement of \$8,306.19 in expenses and (b) granting such other relief as the Court deems just and proper.

DATED: April 23, 2019

BERNSTEIN, SHUR, SAWYER & NELSON, P.A.

/s/ Robert J. Keach, Esq.

Robert J. Keach, Esq.

Lindsay Zahradka Milne, Esq.

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Montreal Maine & Atlantic Railway

April 18, 2019
Invoice #: 3589505
Matter #: 047375-00001
Federal Tax ID: 01-0378211

RE: Chapter 11

For professional services rendered through March 31, 2019 in connection with the above mentioned matter:

FEES

SUMMARY

<u>Name</u>	<u>Rate</u>	<u>Hours</u>		<u>Amount</u>
ROBERT J. KEACH	565.00	25.60	\$	14,464.00
ROBERT J. KEACH	590.00	31.30		18,467.00
PAUL MCDONALD	430.00	7.30	\$	3,139.00
PAUL MCDONALD	450.00	75.00		33,750.00
LINDSAY ZAHRADKA MILNE	350.00	79.30	\$	27,755.00
LINDSAY ZAHRADKA MILNE	395.00	96.00		37,920.00
JOHN A. WOODCOCK III	260.00	22.20	\$	5,772.00
JOHN A. WOODCOCK III	290.00	145.40		42,166.00
LETSON B. DOUGLASS	200.00	38.00	\$	7,600.00
LETSON B. DOUGLASS	220.00	19.80		4,356.00
ADAM R. PRESCOTT	260.00	55.60	\$	14,456.00
ADAM R. PRESCOTT	270.00	47.60		12,852.00
PATRICK MARASS	200.00	5.30	\$	1,060.00
BENJAMIN W. DEXTER	210.00	0.20	\$	42.00
ROMA DESAI	260.00	12.40	\$	3,224.00
ROMA DESAI	280.00	43.00		12,040.00
KARLA QUIRK	190.00	43.50	\$	8,265.00
ANGELA STEWART	225.00	290.40	\$	65,340.00
MICHELLE A. THOMAS	200.00	5.10	\$	1,020.00
MICHELLE A. THOMAS	210.00	3.50		735.00
GISELLE PAQUETTE	220.00	0.30	\$	66.00
CHRISTINE B. BERTSCH	115.00	2.10	\$	241.50
	Summary Total		\$	314,730.50
	Less Courtesy Discount		\$	(79.50)
	Fees		\$	314,651.00



Matter #: 047375-00001

Montreal Maine & Atlantic Railway
RE: Chapter 11

DETAIL

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>		<u>Amount</u>
02 - Asset Disposition					
11/26/18	LKZ	Emails w/A.Stewart re: comparison of Railworld asset schedule & schedule of assets transferred to CMQ (at the request of Railworld counsel)	0.10	\$	35.00
11/27/18	LKZ	Review documents sent by counsel to Burkhardt re: dispute as to Railworld assets allegedly transferred in sale to CMQ (.2); confer w/B.Keach re: same (.1); emails w/counsel re: same (.1).	0.40		140.00
11/27/18	ALS	Review and respond to emails/messages from L. Milne re D. Rosenthal message regarding assets sold in sale to CMQ (.2); review attachment to D. Rosenthal email (.1)	0.30		67.50
01/07/19	LKZ	Emails w/State employee re: abandoned property.	0.10		39.50
01/07/19	ALS	Review and respond to email from R. Keach regarding request for Motion to Abandon Hermon Parcel and Court Order approving same (.1); review pleadings regarding Motion to Abandon Hermon Parcel (.1)	0.20		45.00
01/08/19	LKZ	Analysis re: Railworld request about improperly disposed of property (.2); call from and email to F.Caruso re: same (.1).	0.30		118.50
01/11/19	LKZ	Call w/F.Caruso re: Railworld inquiry on disposition of assets at CMQ.	0.10		39.50
01/14/19	LKZ	Call w/F.Caruso re: Railworld issue (.3); draft email response to Railworld counsel re: same (.2).	0.50		197.50
02 Total			2.00	\$	<u>682.50</u>
04 - Case Administration					
10/02/18	ALS	Review various entered orders for deadlines	0.30	\$	67.50
10/09/18	ALS	Research current events impacting litigants involved w/ MMA	0.10		22.50
10/10/18	LKZ	Analysis regarding upcoming case deadlines.	0.10		35.00
10/11/18	ALS	Review upcoming Court-related deadlines for main bankruptcy case and related appeal cases	0.20		45.00
10/16/18	KQ	Email with DSI regarding balance of operating account	0.10		19.00
10/19/18	ALS	Research current events impacting litigants involved w/ MMA.	0.10		22.50
10/19/18	KQ	Email to A. Cummings re: bank statements requested by the Monitor's office (.1); Email to L. Milne re: lock box fee paid to Bangor Savings Bank (.1).	0.20		38.00
10/22/18	KQ	Email from /to Monitor's office re: escrow account	0.10		19.00
10/23/18	KQ	Call from/to T. Caruso at DSI regarding operating account	0.10		19.00
10/24/18	LKZ	Review upcoming case deadlines.	0.10		35.00
10/26/18	ALS	Research current events impacting litigants involved w/ MMA (.1); email article to R. Keach, P. McDonald, etc. regarding derailment (.1)	0.20		45.00



Matter #: 047375-00001

Montreal Maine & Atlantic Railway
RE: Chapter 11

DETAIL

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
11/07/18	ALS	Research currecnt events impacting litigants involved with MMA	0.10	22.50
11/12/18	ALS	Research current events impacting litigants involved with MMA	0.10	22.50
11/15/18	LKZ	Review emails re: filings in CAD case (.1); confer w/B.Keach re: same (.1).	0.20	70.00
11/19/18	ALS	Review and respond to email re Trustee's reports on CCAA proceedings (.1); review electronic files and Court docket in the main case for latest report on CCAA proceedings (.2); assist R. Desai with preparation of exhibits to status report (.2); telephone conference with R. Desai re same (.1)	0.60	135.00
11/19/18	ALS	Office conference with R. Keach re request for sale motion and bid procedures motion (.1); email to R. Keach re same (.1)	0.20	45.00
11/19/18	KQ	Email with DSI regarding balance of operating account	0.10	19.00
11/19/18	RND	Draft Estate Representative's status report re: Application for Stay and emails with R. Keach and A. Stewart re: same	0.50	130.00
11/20/18	ALS	Filing of Estate Representative's Report on CCAA Proceedings with Court (.1); emails from/to R. Keach and R. Desai re same (.1); revision to Estate Representative's Report on CCAA Proceedings (.1)	0.30	67.50
11/20/18	RND	Emails with R. Keach and A. Stewart re: filing of Estate Representative's status report on CCAA Filings	0.20	52.00
11/21/18	ALS	Review email from R. Keach to R. Desai re preparation of status report with respect to recent orders entered in the CCAA proceedings (.1); review orders re MMAC's Application for a Nineteenth Order Extending the Stay Period, for an Increase in the Administration Charge and for Approval of Professional Fees and Class Counsel's Application for a Direction of Payment to Counsel for the Court-Appointed Representatives of the Class Members (.2)	0.30	67.50
11/26/18	ALS	Review email from R. Desai re filing of Estate Representative's Report on CCAA proceedings (.1); filing Report on CCAA proceedings with Court (.1); email to R. Desai regarding filing of report on CCAA proceedings (.1)	0.30	67.50
11/26/18	RND	Draft Estate Representative's status report re: CCAA proceedings and emails with R. Keach and A. Stewart re: same	0.30	78.00
12/10/18	KQ	Email with DSI regarding balance of operating account	0.10	19.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
01/10/19	ALS	Email Amended CCAA Plan of Arrangement dated June 8, 2015 to R. Keach per his request (.1); review CCAA pleadings per R. Keach's request (.2)	0.30	67.50
01/28/19	KQ	Email with DSI regarding balance of operating account	0.10	19.00
01/29/19	KQ	Finalize and file the third interim fee application of Kugler Kandestin (.4) ; prepare and send service of same (.4); revise and file Certificate of Service (.2)	1.00	190.00
01/30/19	LKZ	Emails w/K,Quirk re: motion to extend time to file final decree.	0.10	39.50
01/30/19	KQ	Prepare seventh motion and proposed order to extend time to file the Estate Representative's final decree (.3), FOO (.1), and email same to L. Milne for review (.1)	0.50	95.00
01/30/19	ALS	Review draft seventh motion to extend time to file final decree	0.10	22.50
01/31/19	KQ	Finalize and file the seventh motion to extend time for the Estate Representative to file the final account and decree	0.30	57.00
01/31/19	LKZ	Revise motion to extend time to file final decree and FOO (.1), emails w/UST re: consent to same (.1) and emails w/K.Quirk re: filing same (.1).	0.30	118.50
02/01/19	KQ	Review order granting motion to extend time for the Estate Representative to file final decree.	0.10	19.00
02/04/19	ALS	Docket scheduling extended deadline to file application to file final decree	0.10	22.50
02/19/19	KQ	Call with Taylor Caruso (DSI) regarding escrow account and email to B. Keach re: same	0.10	19.00
02/22/19	KQ	Email with DSI regarding balance of operating account	0.10	19.00
02/25/19	KQ	Email with DSI regarding escrow account	0.10	19.00
02/26/19	KQ	Email from Taylor Caruso regarding balance in escrow account	0.10	19.00
03/18/19	KQ	Email with DSI regarding balance of operating account	0.10	19.00
		04 Total	8.30	\$ 1,908.50
05 - Claims Administration and Objections				
10/01/18	LKZ	Confer w/L.Douglass re: research in connection with designation of issues on appeal (.6); draft designation of record on appeal, statement of issues (1.6). Analysis re: MRS claim distribution (.1); emails w/counsel to B.Keach re: same (.1).	2.40	\$ 840.00
10/01/18	LBD	Research issue related to First Circuit appeal	1.80	360.00
10/02/18	LBD	Research issue related to First Circuit appeal	2.50	500.00
10/02/18	LKZ	Revise statement of issues and designation of record on appeal (2.3); emails w/B.Keach re: same (.1).	2.40	840.00
10/02/18	LKZ	Emails with B. Keach regarding designation of record and issues on appeal.	0.10	35.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
10/02/18	RJK	Review Statement of Issues (Irving Railroad appeal) (.3); e-mails and conference with Lindsay Zahradka Milne regarding same (.6)	0.90	508.50
10/03/18	LKZ	Finalize designation of record on appeal, issues on appeal for filing (.1); analysis re: deadline for and form of request to First Circuit for permission to direct appeal (.4).	0.50	175.00
10/04/18	LKZ	Attention to transcript for record on appeal (.1); draft request to First Circuit for direct appeal (3.0).	3.10	1,085.00
10/05/18	LKZ	Revise request for permission to direct appeal (.5) and substantial research re: same (1.6); confer w/B.Keach re: same (.1); emails w/counsel to Irving RR re: same (.1); review draft corporate disclosure statement in connection with same (.1).	2.40	840.00
10/05/18	RJK	Conference with Lindsay Zahradka Milne regarding direct appeal (Irving RR's)	0.40	226.00
10/08/18	ALS	Office conference with A. Cummings re petition to First Circuit with respect to Irving Railways appeal (.1); review emails from/to L. Milne and A. Lepene re same (.1)	0.20	45.00
10/08/18	LKZ	Call and emails with opposing counsel regarding comments to petition (.3); Call w/B.Keach regarding same (.3).	0.60	210.00
10/09/18	LKZ	Emails and calls w/counsel to Irving RRs re: petition for leave to file direct appeal with First Circuit (.8); revise petition (1.8); finalize same for filing (.3).	2.90	1,015.00
10/09/18	ALS	Messages from/to L. Milne re filing of petition with First Circuit with respect to Irving Railways appeal	0.10	22.50
10/09/18	RJK	Review and revise Petition for Direct Appeal (Irving Railroad); conference with Lindsay Zahradka Milne regarding same	0.50	282.50
10/09/18	LKZ	Call with counsel to Irving Railroads regarding filing corporate disclosure statement in connection with petition to appeal directly to First Circuit.	0.10	35.00
10/10/18	LKZ	Confer w/Irving RRs counsel (.1), R.Keach re: petition to First Circuit (.1).	0.20	70.00
10/12/18	LKZ	Review first circuit docket entries regarding petition for permission for direct appeal	0.10	35.00
10/19/18	LKZ	Revise addendum to NOA for First Circuit appeal.	0.20	70.00
10/23/18	LKZ	Review district court order in Wheeling v. NBSR case.	0.20	70.00
10/23/18	ALS	Docket scheduling telephonic conference in Wheeling v. Irving Railroads before Judge Torresen	0.10	22.50
10/24/18	LKZ	Revise NOA Attachment for First Circuit.	0.60	210.00
10/25/18	LKZ	Revise attachment to NOA.	0.30	105.00
10/29/18	ARP	Call w. bankruptcy court clerk re exhibits for appellate record re Irving	0.20	52.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
10/30/18	LKZ	Review upcoming appellate deadlines for District Court appeal (.1); research in connection with request from Bankruptcy Court clerk for record on appeal (.4).	0.50	175.00
10/31/18	LKZ	Emails with A. Prescott Re: record on appeal.	0.20	70.00
10/31/18	LKZ	Emails w/bankruptcy court clerk re: finalizing record on appeal.	0.10	35.00
11/02/18	LKZ	Review appellate deadlines and analysis re: same.	0.60	210.00
11/02/18	LKZ	Emails re: appellate deadlines.	0.10	35.00
11/02/18	LKZ	Emails with B.Keach regarding appellate deadlines	0.10	35.00
11/05/18	LKZ	Analysis re: running of appellate deadlines at District Court while Petitions for direct appeal pending w/ First Circuit	0.50	175.00
11/07/18	LKZ	Emails with B. Keach regarding briefing order from District Court.	0.10	35.00
11/07/18	LKZ	Analysis re: District Court briefing order while First Circuit reviews request for direct appeal (.1); emails w/B.Keach re: same (.1).	0.20	70.00
11/07/18	ALS	Review Bankruptcy Appeal Procedural Order with respect to Irving Railways appeal (.2); docket scheduling BAP deadlines with respect to Irving Railways appeal (.1); email to R. Keach and L. Milne re same (.1)	0.40	90.00
11/08/18	BWD	Introduction to case; discuss briefing for District Court.	0.20	42.00
11/08/18	LKZ	Confer w/B.Keach re: status of request for direct appeal with First Circuit, District Court briefing order (.6); call w/A.Lepene re: same (.2); emails w/B.Keach re: same (.1); confer w/B.Dexter re: briefing (.2).	1.10	385.00
11/14/18	LKZ	Confer w/B.Keach re: Irving RRs appeal opening brief (.3); confer w/B.Dexter re: same (.1); begin outline of same (.4).	0.80	280.00
11/16/18	LKZ	Revise outline for opening brief on Irving RRs appeal (1.1); research re: same (.5); confer w./B.Keach re: same (.1). Begin draft opening brief (2.0); research re: same (.4).	4.10	1,435.00
11/27/18	LKZ	Analysis of designation of record in connection with preparation of appendix.	0.30	105.00
11/27/18	RJK	Review outline regarding 1171 brief to Circuit; conference with Lindsay Zahradka Milne regarding same	0.50	282.50



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
11/28/18	LKZ	Revise outline for opening brief at district court as per RJK comments (.2); revise brief for same (.8); research for same (.2). Confer w/B.Keach about notifying district court of pendency of joint petition to First Circuit for permission to direct appeal (.1); confer w/counsel to Irving RRs re: same (.2); draft joint status report to District Court (.1); emails w/opposing counsel re: same (.1) and finalize same for filing (.1). Confer w/L.Douglass re: research for First Circuit brief (.3).	2.10	735.00
11/28/18	RJK	Conference with Lindsay Zahradka Milne regarding brief in Irving Railroads	0.20	113.00
11/28/18	RJK	Review precedent regarding First Circuit appeal	0.50	282.50
11/29/18	ALS	Office conference with L. Milne re performing record cite checks on brief regarding Irving Railways matter (.1); review email from L. Milne attaching Appendix for record cite check (.1)	0.20	45.00
11/29/18	LKZ	Further revise brief.	4.40	1,540.00
11/29/18	LKZ	Emails w/staff regarding revisions to Irving Railroads brief.	0.10	35.00
11/30/18	LKZ	Review revisions to local rules in anticipation of brief filing (.1); further revise brief (.6).	0.70	245.00
11/30/18	LKZ	Emails with B.Keach regarding Irving Railroad brief.	0.10	35.00
12/03/18	LBD	Research First Circuit case law for appeal brief.	1.60	320.00
12/03/18	ALS	Office conference with L. Milne re record cite check of brief with respect to Irving Railways appeal	0.10	22.50
12/03/18	LKZ	Revise Irving railroads brief.	1.10	385.00
12/03/18	LKZ	Revise Irving RRs brief.	0.30	105.00
12/04/18	ALS	Work on record cite checks with respect to Appellant's Brief to be filed in the Irving Railways appeal pending before the U.S. District Court for the District of Maine (.6); office conferences (x2) with L. Milne and A. Cummings re logistics of filing brief and appendix (.3)	0.90	202.50
12/04/18	LKZ	Revise Irving RRs brief.	2.60	910.00
12/04/18	RJK	Conference with Lindsay Zahradka Milne regarding Irving Railroad brief	0.20	113.00
12/04/18	RJK	Review and revise US District Court brief in Irving Railway appeal	1.30	734.50
12/04/18	RJK	Conference with Lindsay Zahradka Milne regarding Irving Railroad Appeal	0.50	282.50
12/04/18	RJK	Attention to Irving Railroads Brief	0.90	508.50
12/05/18	KQ	Email from L. Milne re: Irving RR brief (.1) and office conference with L. Milne re: same (.1)	0.20	38.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
12/05/18	ALS	Complete record cite checks with respect to Appellant's Brief to be filed in the Irving Railways appeal pending before the U.S. District Court for the District of Maine (4.1); revise Brief accordingly (.5)	4.60	1,035.00
12/05/18	LKZ	Further revise Irving RRs brief.	5.60	1,960.00
12/05/18	RJK	Review and revise Irving Railroad brief (US District Court appeal)	0.40	226.00
12/06/18	LKZ	Revise Irving RRs brief.	2.90	1,015.00
12/06/18	KQ	Blue-book cite check the Irving Railroads Appeal in the District Court (4.3); Emails to/from L. Milne re: same (.1)	4.40	836.00
12/06/18	ALS	Review and revise record citations in Appellant's Brief to be filed in the Irving Railways appeal pending before the U.S. District Court for the District of Maine	3.60	810.00
12/06/18	LKZ	Further revise Irving Railroads brief (1.3); review and revise status report to District Court in anticipation of First Circuit's grant of permission to take direct appeal (.1); emails w. A.Stewart regarding same, brief status (.2).	1.60	560.00
12/06/18	LKZ	Call with A. Stewart regarding revisions to Irving railroads brief.	0.20	70.00
12/06/18	RND	Emails with L. Zahradka re: review of Appellant's brief in Irving RR claims objection litigation	0.10	26.00
12/07/18	ALS	Multiple revisions to Appellant's Brief with respect to Irving Railways appeal (2.6); emails to/from A. Cummings re revisions to brief (.1); telephone conference with R. Desai re review of brief (.1); assist A. Cummings with filing of Appellant's Brief and Appendix with District Court (.8); emails from/to L. Milne re status of Appellant's Brief (.2)	3.80	855.00
12/07/18	LKZ	Emails w/A.Stewart re: brief status (.2); call with District Court Clerk regarding First Circuit petition (.2); research regarding motion to extend time (1.1); confer w/ BKeach regarding same (.2); call w/ R.Desai regarding revisions to brief (.2).	1.90	665.00
12/07/18	RND	Review and revise Appellant's brief re: Irving RR Claims Objection	4.70	1,222.00
12/31/18	LKZ	Review upcoming briefing deadlines for Irving RRs appeal.	0.10	35.00
01/03/19	LKZ	Email w/team re: responsibilities for Irving RRs reply brief.	0.20	79.00
01/04/19	KQ	Review email from L. Milne re: timing for filing Irving RR reply brief	0.10	19.00
01/08/19	ALS	Docket Research for reply deadlines with respect Irving Railways appeal	0.10	22.50



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
01/08/19	LKZ	Review Irving RRs response brief (.6); begin outline of reply brief (1.3).	1.90	750.50
01/09/19	LKZ	Continue outline for reply brief in Irving RRs appeal (2.1); meet w/ L.Douglass re: research assignment for same (.3); begin draft reply brief (2.1).	4.50	1,777.50
01/09/19	LBD	Discuss research question on "law of the case" rebuttal argument for brief in NBSR case w/ L. Milne (.3); begin research on same (1.3)	1.60	352.00
01/10/19	LKZ	Continue revising Irving Railroads reply brief (2.5); research re: same (.9).	3.40	1,343.00
01/11/19	LKZ	Further revise Irving RRs reply brief.	1.10	434.50
01/14/19	ALS	Review Court's CM/ECF notification with respect to deadline for filing corporate disclosure statement for MMA in Irving Railways appeal pending before U.S. District Court for the District of Maine	0.10	22.50
01/14/19	LKZ	Attn to District Court docket entry re: corp disclosure statement for opening brief (.2); revise corp. DS (.1), research re: same (.1), emails w/B.Keach re: same (.1); revise reply brief (1.0); and substantial research re: same (1.1); emails w/L.Douglass (.1) re: same.	2.60	1,027.00
01/14/19	RJK	Exchange e-mail; telephone call with Lindsay Zahradka Milne regarding corporate disclosure statement	0.20	118.00
01/15/19	LBD	Draft "law of the case" section of argument for NBSR brief.	2.80	616.00
01/15/19	LKZ	Further revise Irving RRs reply brief.	3.70	1,461.50
01/16/19	LBD	Cite check and proof NBSR/Irving RRs Reply Brief.	2.80	616.00
01/16/19	LKZ	Emails with A. Cummings regarding cite check (.1). Emails with L. Douglass regarding bluebook, cite check (.1).	0.20	79.00
01/16/19	ALS	Perform record cite check in Estate Representative's Reply Brief for filing in Irving Railways appeal	1.40	315.00
01/16/19	LKZ	Proofread Irving RRs reply brief (1.6); revise as per RJK comments (.2); review record cite check comments from A.Stewart (.2); review bluebook and cite check comments from L.Douglass (.2).	2.20	869.00
01/16/19	RJK	Review and revise brief (reply) in Irving Railroads appeal (.9); conference with Lindsay Milne regarding same (.2)	1.10	649.00
01/18/19	LKZ	Review and implement bluebook and cite-checking revisions (.3); further revise Irving RRs brief (2.6); conference w/B.Keach re: further revisions to same (.2).	3.10	1,224.50



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
01/22/19	ALS	Draft table of authorities for reply brief with respect to Irving Railways appeal (.3); comparison of table of authorities with cases cited in reply brief (.8); assist A. Cummings with revisions to table of authorities and filing of reply brief with Court (.3)	1.40	315.00
01/22/19	LKZ	Revise Irving railroads brief	1.10	434.50
02/12/19	LKZ	Review First Circuit decision on request to direct appeal (.1); emails w/opposing counsel re: same (.1).	0.20	79.00
02/13/19	LKZ	Emails w/Irving RRs counsel re: First Circuit transmission of grant of petition to direct appeal to District Court.	0.10	39.50
02/14/19	ALS	Review First Circuit's notification of deadlines for filing docketing statement, appearance form and payment of fee in Irving Railways appeal	0.10	22.50
02/27/19	ALS	Office conference with K. Quirk re draft docketing statement with respect to Keach v. NBSR appeal	0.20	45.00
02/27/19	KQ	Prepare docketing statement in the matter of Keach v. NBSR (.5); office conference with L. Milne re: docketing statement (.1); revisions to same (.2)	0.80	152.00
02/27/19	LKZ	Research for and revise Attachment A to First Circuit NOA for Irving RRs appeal (.3); revise docketing statement for same (.3); confer w/K.Quirk re: same (.1).	0.70	276.50
02/28/19	KQ	Revision to certificate of service with respect to the docketing statement filed in Keach v. NBSR (.1); finalize and file (.3); office conference with L. Milne re: revision to filed statement (.1); revise and re-file (.4)	0.90	171.00
02/28/19	LKZ	Revise Attachment A for Notice of Appearance, Docketing Statement for First Circuit appeal (.1); review final versions of same for filing (.1); emails w/opposing counsel re: revised versions of same (.1); revise accordingly (.2); research for same (.1).	0.60	237.00
02/28/19	ALS	Office conference with K. Quirk regarding docket statement filed in Irving Railways appeal (.2); review Bankruptcy Court and Appeal Court dockets to verify information from docketing statement (.2)	0.40	90.00
03/08/19	KQ	Email from L. Milne re: timeline for filing the appellant's brief in the matter of Keach v. Irving Railway	0.10	19.00
03/12/19	ALS	Review First Circuit's Briefing Schedule issued in Keach v. New Brunswick S. Rwy. appeal matter (.1); docket scheduling deadlines contained in First Circuit's Briefing Schedule (.1)	0.20	45.00
03/14/19	ALS	Review and respond to emails from A. Cummings and L. Milne re preparation for filing brief in Irving appeal	0.20	45.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
03/14/19	LKZ	Emails w/L.Douglass re: research for First Circuit brief (.1); emails w/A.Lepene re: appendix and analysis re: same (.1).	0.20	79.00
03/14/19	RJK	Review e-mail exchange with Alan Lepene regarding appendix	0.10	59.00
03/19/19	LKZ	Begin draft brief for First Circuit.	1.60	632.00
03/19/19	RJK	E-mail to Lindsay Zahradka Milne regarding brief	0.20	118.00
03/20/19	LKZ	Further revise Irving RRs opening brief.	0.70	276.50
03/21/19	LKZ	Continue revision to Irving RRs brief at First Circuit and research in connection with same (2.5); research FRAP, First Circuit rules governing same, appendix, addendum, requirements, deadlines (.7).	3.20	1,264.00
03/22/19	LKZ	Emails w/A.Stewart re: appendix revisions to Irving RRs brief.	0.10	39.50
03/22/19	ALS	Research for inclusion into First Circuit Addendum with respect to Irving appeal	0.30	67.50
03/26/19	LKZ	Further revise First Circuit brief (1.5) and substantial research re: same (.6).	2.10	829.50
03/27/19	LKZ	Confer w/A.Cummings re: revisions to Addendum for brief at First Circuit (.1); revise brief (1.1).	1.20	474.00
03/28/19	LKZ	Review brief addendum, TOC therefor (.3) and confer w/A.Cummings re: FRAP & local rules for same (.1).	0.40	158.00
03/29/19	LBD	Research on "law of the circuit" rule for 1st Circuit brief.	1.20	264.00
05 Total			135.90	\$ 45,088.00
07 - Fee/Employment Applications				
10/05/18	LKZ	Analysis re: BSSN fee application	0.10	\$ 35.00
10/05/18	KQ	Email with L. Milne re: invoice review for task code compliance	0.10	19.00
10/09/18	KQ	Emails with L. Milne re: preparation of fifth interim fee application of BSSN	0.10	19.00
10/09/18	LKZ	Review BSSN September bill for privilege, confidentiality issues, task code compliance.	1.20	420.00
10/10/18	LKZ	Draft BSSN fee app (.7) and exhibit (.1); draft form of order (.1); draft NOH (.1).	1.00	350.00
10/15/18	KQ	Office conference with L. Milne re: status of draft fee application	0.10	19.00
10/18/18	KQ	Preparation of Exh. A to BSSN's fifth interim fee application	0.30	57.00
10/19/18	KQ	Revision to summary charts in fifth interim fee application for BSSN	0.60	114.00
10/22/18	KQ	Email to L. Milne re: revisions to BSSN invoice for fifth interim fee application of BSSN	0.10	19.00



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10/23/18	KQ	Revision to the fifth interim fee application of BSSN, proposed order and notice of hearing (1.3); office conference with L. Milne re: same (.1); finalize and file the fee application (.4); prepare and send service of same (.3); draft and file Certificate of Service (.3)	2.40	456.00
10/23/18	LKZ	Revise fee app for revisions to final bill.	0.40	140.00
10/23/18	LKZ	Finalize BSSN fee app and related docs for filing.	1.00	350.00
10/23/18	ALS	Docket scheduling hearing date and objection deadline for Bernstein Shur's Fifth Interim Fee Application	0.10	22.50
10/23/18	ALS	Review email from R. Keach re Bernstein Shur's Fifth Interim Fee Application	0.10	22.50
10/25/18	KQ	Respond to email from L. Whiting at the UST's office re: the fifth interim fee application of BSSN	0.10	19.00
10/29/18	KQ	Telephone call with L. Whiting at UST's office re: Ledes files with respect to BSSN's fifth interim fee application	0.10	19.00
11/14/18	KQ	Email from L. Milne re: BSSN's fifth interim fee application	0.10	19.00
11/19/18	KQ	Telephone calls to/from the US Bankruptcy Court re: hearing on BSSN's fifth interim fee application and email to L. Zahradka re: same	0.20	38.00
11/19/18	LKZ	Confer w/B.Keach re: status of various workstreams in preparation for hearing on BSSN fee app.	0.40	140.00
11/19/18	ALS	Review emails from/to L. Milne and K. Quirk re status of Bernstein Shur's interim fee application	0.10	22.50
11/19/18	LKZ	Prep for hearing on the BSSN fee app.	0.10	35.00
11/20/18	ALS	Email to/from R. Keach and L. Milne re: Order Granting Bernstein Shur's Fifth Interim Fee Application	0.20	45.00
11/20/18	LKZ	Prep for (.3), travel to ([1/2] .1), attend (.2), travel from ([1/2] .1) hearing on BSSN fee app. Confer w/B.Keach re: same (.1); attend to entry of order (.1).	0.90	315.00
11/29/18	KQ	Review October proformas for compliance with US Trustee's task code requirements	0.80	152.00
12/03/18	KQ	Review November proformas for compliance with Trustee's task code requirements	0.90	171.00
12/03/18	ALS	Office conference with K. Quirk re review of pro formas for November 2018 re: task code requirements	0.10	22.50
12/06/18	LKZ	Review BSSN October, November invoices for privilege, confidentiality issues.	2.50	875.00
12/13/18	LKZ	Emails w/ S.Baker re: revisions to Oct, Nov BSSN invoice.	0.10	35.00
01/08/19	KQ	Review BSSN Nov. and Dec. bills for compliance with US Trustee's task code requirements	1.10	209.00
01/11/19	ARP	Emails w. J. Cuttler re Kugler fee app	0.20	54.00
01/17/19	LKZ	Begin review of Dec bill for privilege issues.	0.20	79.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
01/18/19	KQ	Preparation of the third interim fee application of Kugler Kandestin	3.40	646.00
01/23/19	KQ	Revisions to third interim fee application of Kugler Kandestin (.3); email from/to L. Milne re: timing of filing/compliance with local rules (.1)	0.40	76.00
01/28/19	KQ	Emails with L. Milne (x2) re: Kugler Kandestin fee application (.1); draft Certificate of Service re: same (.2)	0.30	57.00
01/28/19	LKZ	Review & revise Kugler Kandestin fee app (.3), FOO (.1), NOH and bios (.1), invoice (.1); emails w/KK re: summary of services for same (.1); emails w/K.Quirk re: finalizing same (.1).	0.80	316.00
01/29/19	LKZ	Revise Kugler Kandestin fee app as per Kugler Kandestin comments.	0.10	39.50
01/29/19	KQ	Finalize and file the third interim fee application of Kugler Kandestin (.4); prepare and send service of same (.4); file Certificate of Service (.2)	1.00	190.00
01/29/19	ALS	Docket scheduling hearing date and objection deadline with respect to Third Interim Fee Application of Kugler Kandestin	0.10	22.50
01/30/19	KQ	Research related to BSSN expenses for compliance with US Trustee guidelines	0.40	76.00
02/08/19	KQ	Email to L. Milne re: research related to confirming expenses appearing on BSSN bills complying with UST guidelines	0.20	38.00
02/08/19	KQ	Review proformas for compliance with US Trustee's task code requirements	0.90	171.00
02/11/19	LKZ	Email w/K.Quirk re: preparation of BSSN fee app (.1); analysis re: same (.1).	0.20	79.00
02/20/19	KQ	Complete review of January proformas for compliance with US Trustee's task code requirements	0.30	57.00
02/22/19	ALS	Review Order approving Interim Fee Application of Kugler Kandestin LLP	0.10	22.50
02/22/19	KQ	Email to L. Milne re: order granting the third interim fee application of Kugler Kandestin	0.10	19.00
02/27/19	KQ	Office conference and email with L. Milne re: timing for preparation of sixth interim fee application of BSSN	0.10	19.00
02/27/19	LKZ	Review BSSN December bills for privilege, confidentiality issues.	1.50	592.50
02/27/19	ALS	Email to S. Baker regarding revisions to Bernstein Shur pro forma billing statements for February 2019 to confirm task codes for compliance with UST guidelines (.1); telephone conference with L. Milne re revisions to Bernstein Shur pro forma billing statements for February 2019 (.1)	0.20	45.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
02/28/19	KQ	Email with S. Baker re: analysis of BSSN expenses to ensure compliance with UST guidelines	0.10	19.00
02/28/19	LKZ	Review BSSN January bills for privilege, confidentiality issues (.7); analysis re: same for next fee app (.2).	0.90	355.50
03/01/19	KQ	Coordinate re-allocation of expenses between MMA and Carmack cases	0.30	No Charge
03/07/19	LKZ	Begin review of BSSN Feb pro forma for privilege, confidentiality issues.	0.20	79.00
03/11/19	KQ	Begin drafting the sixth interim fee application of BSSN	1.20	228.00
03/19/19	LKZ	Review BSSN Feb bill for privilege, confidentiality issues, task code compliance.	1.70	671.50
		07 Total	29.90	\$ 8,112.00
10 - Litigation				
10/01/18	LKZ	Review District Court decision on motion to dismiss Wheeling appeal, Wheeling motion for a stay.	0.20	\$ 70.00
10/01/18	ALS	Email to R. Keach and A. Prescott re Order on Motion to Dismiss and Order on Motion for Stay and Injunctive Relief entered in Wheeling v Keach District Court appeal (.1); update pleadings file with same (.1)	0.20	45.00
10/01/18	RJK	Review US District Court opinions regarding dismissal and stay motions (.7); e-mails to Monitor, etc. regarding same (.4); conference with Adam Prescott regarding same (.6)	1.70	960.50
10/02/18	ALS	Emails to/from to A. Cummings re: assistance with designation of record and statement of issues in Irving Railroads Claim Objection Appeal (.1); research exhibits used at trial for Irving Railroads matter (.3)	0.40	90.00
10/02/18	ALS	Docket scheduling Briefing deadlines in Wheeling v Keach appeal pending in the U.S. District Court	0.10	22.50
10/02/18	ALS	Emails to R. Keach and A. Prescott re: Bankruptcy Appeal Procedural Order entered in Wheeling v Keach appeal	0.10	22.50
10/02/18	RJK	Telephone call with counsel to Quebec regarding CP	0.40	226.00
10/02/18	RJK	Review designation of record, etc. (Irving Railroad appeal); e-mail regarding same	0.40	226.00
10/03/18	KQ	Finalize and file the Appellant's Designation and Statement of Issues with respect to Irving Railways (.1); prepare and file Certificate of Service for same (.2)	0.30	57.00
10/03/18	ALS	Review draft certificate of service re Designation of Record and Statement of Issues with respect to Irving Railroads appeal (.1); emails from/to K. Quirk re same (.1)	0.20	45.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
10/03/18	ALS	Docket scheduling appellees' designation deadline and deadline for Bankruptcy Court to transmit appeal re Irving Railroads matter	0.10	22.50
10/03/18	ALS	Review and respond to message from A. Cummings re upcoming deadlines in Irving Railroads appeal (.1): office conference with A. Cummings re same (.1)	0.20	45.00
10/04/18	ALS	Email to L. Milne and A. Cummings re request for transcript of hearing held on August 22, 2018 with respect to Irving Railroads matter (.1); docket scheduling deadline to request permission to take a direct appeal to the First Circuit re Irving Railroads matter (.1); review emails from/to R. Keach and L. Milne re same (.1)	0.30	67.50
10/05/18	ARP	Draft letter to Wheeling counsel re district court appeal	1.40	364.00
10/09/18	LKZ	Review Rule 11 letter to Wheeling counsel re: appeal.	0.20	70.00
10/09/18	ALS	Follow up email with R. Keach and P. McDonald re new book re derailment (.1); review emails from R. Keach and P. McDonald re same (.1)	0.20	45.00
10/09/18	RJK	Revise letter to Marcus Clegg regarding appeal (Rule 8020)	0.50	282.50
10/09/18	RJK	Revise letter to Marcus Clegg regarding appeal (Rule 8020)	0.60	339.00
10/09/18	RJK	Review Rule 8020 letter to Marcus Clegg	0.20	113.00
10/12/18	PM	Review and analyze CP's en banc hearing request brief.	0.50	215.00
10/24/18	ALS	Attend meeting with R. Keach, L. Milne, J. Woodcock, R. Desai, A. Prescott and M. Thomas re next steps in CP litigation pending in U.S. Bankruptcy Court for the District of Maine (partial)	0.40	90.00
10/25/18	RJK	Review depo notices (CP); e-mail to Jack Woodcock regarding same	0.40	226.00
10/25/18	RJK	Review e-mails regarding Caldwell deposition	0.20	113.00
11/01/18	ALS	Email to R. Keach and A. Prescott attaching Brief and Appendix filed by Wheeling in pending District Court appeal (.1); review same (.1)	0.20	45.00
11/09/18	ALS	Review message from A. Prescott re review of appellee briefs (.1); review briefing materials from electronic files (.2); email to A. Prescott re same (.1)	0.40	90.00
11/09/18	ARP	Review Wheeling's appellate brief in district court	1.20	312.00
11/14/18	JW1	Weekly team meeting to analyze task list and discovery strategy (.5); follow-up emails re: same (.1)	0.60	156.00
11/14/18	RJK	Exchange e-mails regarding Caldwell deposition	0.40	226.00
11/14/18	ARP	Continue drafting brief re Wheeling appeal	3.40	884.00
11/15/18	ARP	Continue researching and drafting appellee brief re Wheeling appeal	4.10	1,066.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
11/16/18	ARP	Continue preparing appellee brief re Wheeling appeal	0.80	208.00
11/19/18	ARP	Continue drafting brief re Wheeling appeal	2.30	598.00
11/20/18	ARP	Continue preparing appellee brief re Wheeling appeal	0.90	234.00
11/26/18	RJK	Telephone call with Mark Rosenberg regarding mediation	0.70	395.50
11/26/18	RJK	Conference with Paul McDonald; conference with Lindsay Zahradka Milne regarding Rosenberg call	0.50	282.50
11/28/18	ALS	Attend meeting regarding CP litigation with R. Keach, P. McDonald, J. Woodcock, etc. to discuss status and next steps	0.80	180.00
11/28/18	PM	Meeting with team to discuss status and strategy (.8); review task matrix prepared by Lindsay Milne (.1);	0.90	387.00
11/28/18	ARP	Continue drafting appellee brief re Wheeling appeal	6.90	1,794.00
11/29/18	KQ	Email from A. Prescott and to Leti Douglass regarding the Estate Representatives Appellee Brief in the Wheeling appeal	0.20	38.00
11/29/18	LBD	Add record citations to Wheeling appeal brief.	2.70	540.00
11/29/18	ARP	Continue drafting and revising appellee brief re Wheeling appeal	7.60	1,976.00
11/29/18	ALS	Review Association of American Railroads Motion for Leave to File Brief as Amicus Curiae filed with the U.S. District Court in the Wheeling Appeal (.2); docket scheduling response deadline re same (.1)	0.30	67.50
11/30/18	ARP	Continue revising appellate brief re Wheeling (2.2); confer w. R. Keach re edits to same (.3); continue preparation of appellate brief, including research, updating draft and coordinating cite check/TOA/TOC prep (2.0)	4.50	1,170.00
11/30/18	ALS	Office conference with A. Prescott re assistance with Appellee's Brief to be filed in Wheeling appeal pending in the U.S. District Court (.2); preparation of draft Table of Authorities (.2); assist A. Prescott with addition of record cites to Appellee's Brief (2.0)	2.40	540.00
11/30/18	RJK	Review and revise Reply Brief (Wheeling appeal) (.9); conference with Adam Prescott regarding same (.2)	1.10	621.50
11/30/18	RJK	Attention to reply brief (Wheeling appeal)	0.60	339.00
11/30/18	LBD	Cite check Wheeling appeal brief.	2.80	560.00
12/03/18	ALS	Assist A. Prescott with review and revisions to record cite check in Appellee's brief with respect to Wheeling appeal (3.7); check cites for table of authorities in Appellee's brief (.6); filing of Appellee's brief with the U.S. District Court (.2)	4.50	1,012.50
12/03/18	JW1	Proofreading and editing of Appellee's brief in Wheeling adversary proceeding.	2.00	520.00
12/03/18	LBD	Cite check Wheeling appeal brief (1.1); prepare motion for costs (1.7).	2.80	560.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
12/03/18	ALS	Follow up email to J. Woodcock re FOIA request to Office of the Secretary of Transportation at the Department of Transportation	0.10	22.50
12/03/18	ARP	Continue revising appellee brief re Wheeling appeal, including implementing edits/comments from R. Keach (3.8); proofread, cite check, review TOA/TOC and finalize for filing re same (1.9)	5.70	1,482.00
12/03/18	RJK	Review and revise Brief of Appellee in Wheeling v. Keach	1.20	678.00
12/03/18	ARP	Review and comment on/edit motion for costs of appeal	0.40	104.00
12/04/18	LBD	Prepare motion for costs.	3.90	780.00
12/06/18	ARP	Review and revise motion for costs re Wheeling appeal	1.20	312.00
12/06/18	ARP	Call D. Rosenthal re Wheeling appeal schedule	0.20	52.00
12/10/18	LBD	Prepare motion for costs in Wheeling litigation	1.70	340.00
12/11/18	LBD	Prepare motion for costs in Wheeling appeal.	0.20	40.00
12/12/18	LBD	Prepare motion for costs in Wheeling appeal.	1.20	240.00
12/13/18	LBD	Prepare motion for costs in Wheeling appeal	0.80	160.00
12/13/18	JW1	Weekly team meeting updating as to case developments.	0.40	104.00
12/13/18	ALS	Attend meeting with R. Keach, L. Milne, J. Woodcock, etc. regarding status of CP litigation and current assignments (partial)	0.30	67.50
12/17/18	LBD	Discuss and prepare motion for costs in Wheeling appeal and supporting affidavit for Wheeling litigation.	1.20	240.00
12/17/18	ARP	Review R. Keach comments on motion for cost in Wheeling appeal and confer w. L. Douglass re same (.5); review AAR amicus brief and research case law re same (1.1)	1.60	416.00
12/18/18	KQ	Research for A. Prescott re: the amicus briefs of the American Association of Railroads	0.40	76.00
12/18/18	LBD	Finalize motion for costs and supporting affidavit for Wheeling litigation.	0.20	40.00
12/18/18	ARP	Call w. J. Cuttler re Canadian legal standards for discovery (.3); review AAR proposed amicus brief and perform research re amicus brief case law (1.1)	1.40	364.00
12/18/18	RJK	Review e-mail from Jack Woodcock regarding Quebec request	0.10	56.50
12/19/18	LKZ	Emails with A. Prescott regarding brief in opposition to leave to file amicus.	0.10	35.00
12/19/18	PM	Emails with Adam Prescott re. privilege issues.	0.10	43.00
12/19/18	ARP	Continue drafting objection to AAR motion for leave to file amicus brief	2.20	572.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
12/20/18	ARP	Continue drafting objection to AAR motion for leave to file amicus brief (4.2); review edits from R. Keach re same (.2); proofread and finalize same for filing (.8)	5.20	1,352.00
12/20/18	RJK	Review and revise objection to AAR amicus brief	0.60	339.00
12/20/18	RJK	Review and revise objection to AAR amicus brief	0.20	113.00
12/20/18	LBD	Finalize motion for costs and supporting affidavit for Wheeling litigation.	0.90	180.00
12/20/18	LKZ	Emails w/ A. Prescott re: opposition to motion for leave to file amicus brief in Wheeling appeal.	0.20	70.00
12/20/18	ARP	Review and revise motion for costs in Wheeling appeal and affidavit in support of same (.7); confer w. L. Douglass re same (.2)	0.90	234.00
12/21/18	KQ	Preparation of exhibits to motion for costs in the Wheeling v. Keach adversary proceeding (1.8); finalize exhibits to the Affidavit of R. Keach (.2);	2.00	380.00
12/21/18	LBD	Revise affidavit for costs information into motion for costs and affidavit for Wheeling litigation (.3); gather exhibits for same (.2).	0.50	100.00
12/21/18	ARP	Revise affidavit re motion for costs against Wheeling (.4); review bills re identifying time entries for motion for costs (.4); proofread and finalize motion for costs, affidavit, and exhibits for filing (.6)	1.40	364.00
12/23/18	ALS	Docket scheduling deadlines associated with Wheeling appeal pending in the District Court	0.20	45.00
12/26/18	ALS	Emails from/to R. Keach re message from Court on Motion for fees filed in District Court in Wheeling appeal matter	0.10	22.50
01/03/19	ALS	Email to R. Keach and A. Prescott attaching AAR's Reply in Support of their Motion for Leave to File a Brief as Amicus Curiae (.1); email to R. Keach and A. Prescott attaching Wheeling's Opposition to Motion for Damages and Costs (.1); docket scheduling reply deadline with respect to Wheeling's Opposition to Motion for Damages and Costs (.1)	0.30	67.50
01/03/19	LBD	Review opposition to motion for costs in the Wheeling litigation.	0.70	154.00
01/03/19	ALS	Email attaching Wheeling's Joinder to AAR's Reply to Estate Rep's Objection to Motion for Leave to file Amicus Brief (.1); update pleadings file in Wheeling appeal case (.1)	0.20	45.00
01/04/19	LBD	Meet with A. Prescott to discuss reply to opposition to motion for costs in the Wheeling litigation (0.2); draft reply (0.1).	0.30	66.00
01/04/19	ARP	Review Wheeling response to sanctions motion (.3) and confer w. L. Douglass re same (.2)	0.50	135.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
01/07/19	ALS	Research deadline for filing response to AAR's Amicus Brief filed in Wheeling appeal before the U.S. District Court (.6); emails to/from A. Prescott re same (.1); docket scheduling response deadline per A. Prescott's direction (.1)	0.80	180.00
01/08/19	LBD	Continue to draft reply to opposition to motion for costs in the Wheeling litigation.	0.90	198.00
01/09/19	LBD	Continue to draft reply to opposition to motion for costs in the Wheeling litigation.	1.60	352.00
01/09/19	ALS	Update task tracker with respect to CP litigation (.1); email to L. Milne and J. Woodcock attaching task tracker and requesting review/input on same (.1)	0.20	45.00
01/09/19	ALS	Continue research on deponents, including review of documents produced by Canadian Pacific, for upcoming depositions in CP litigation	1.20	270.00
01/10/19	LBD	Continue to draft reply to opposition to motion for costs in the Wheeling litigation.	2.00	440.00
01/10/19	ARP	Review Wheeling appellant's reply brief (.4); review Wheeling response to motion for costs (.2); revise draft reply in support of motion for costs (4.3); confer w. R. Keach re same (.2)	5.10	1,377.00
01/10/19	JW1	Analyze discrepancies in document tagging for production of documents to CP (1.0); analyze privilege assertions regarding same (1.2).	2.20	638.00
01/10/19	JW1	Call with CP Canadian counsel regarding scheduling of depositions of former MMA employees.	0.20	58.00
01/11/19	ALS	Filing of Reply in Support of Motion for Damages and Costs filed in Wheeling v Keach appeal pending at the U.S. District Court	0.20	45.00
01/11/19	ARP	Revise reply in support of motion for costs in Wheeling appeal (2.8); confer w. R. Keach re same (.2)	3.00	810.00
01/16/19	LBD	Attend weekly CP discovery meeting	1.00	220.00
01/16/19	ARP	Continue drafting response to AAR amicus brief	5.10	1,377.00
01/18/19	ARP	Continue drafting response to AAR amicus brief (1.6); revise same, including comments from R. Keach (.5)	2.10	567.00
01/18/19	ALS	Filing of Estate Representative's Response to Brief of Association of American Railroads as Amicus Curiae with Court with respect to Wheeling appeal (.1); perform record cite check on Estate Representative's Response to Brief of Association of American Railroads as Amicus Curiae prior to filing with Court (.2); email to R. Keach and A. Prescott re: same (.1)	0.40	90.00
02/06/19	JW1	Analyze CP produced spreadsheet and FAQ document.	1.00	290.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
02/12/19	ALS	Review judgment from First Circuit with respect to direct appeal in Irving Railways case (.1); emails from/to L. Milne re notification to District Court of First Circuit judgment (.1); telephone call to Judge Levy's case manager at District Court with respect to Judgment from First Circuit (.1)	0.30	67.50
02/13/19	PM	Prepare for (2.2) and take deposition of Jim Kozey (8.0).	10.20	4,590.00
02/13/19	JW1	Participate in the deposition of Jim Kozey.	8.00	2,320.00
02/14/19	LKZ	Emails w/B.Keach re: timing for response to petition for cert.	0.10	39.50
02/14/19	ALS	Office conference with A. Cummings re assistance with preparation for R. Keach's oral argument in Wheeling appeal pending before the U.S. District Court (.1); review email from A. Cummings re same (.1)	0.20	45.00
02/14/19	JW1	Prepare for (1) and take deposition of Darlene Nagy (8).	9.00	2,610.00
02/22/19	ALS	Assist R. Keach and A. Prescott with case research and organization in advance of oral argument in Wheeling v Keach appeal before the U.S. District Court (2.1); emails from/to C. Bertsch regarding assistance with certain case citations in briefing (.1); email to R. Keach and A. Prescott regarding cases cited in case briefing (.1); follow up email to R. Keach and A. Prescott regarding research performed by C. Bertsch regarding cases referenced in AAR's Amicus Brief (.1)	2.40	540.00
02/22/19	CBB	Legal research in coonnection with prep for oral argument in Wheeling appeal	2.10	241.50
02/26/19	PM	Review CP deposition transcripts.	1.60	720.00
02/26/19	ARP	Review briefing re Wheeling appeal and sanctions motion (1.2); attend district court oral argument on Wheeling appeal (1.5)	2.70	729.00
10 Total			167.20	\$ 47,310.50
10 A - CP Discovery				
10/01/18	LKZ	Research re: CP securities filings re: disclosure of Trustee's litigation.	0.10	\$ 35.00
10/04/18	ALS	Analysis re: Evidox data storage	0.10	22.50
10/04/18	KQ	Analysis re: Evidox data storage	0.10	19.00
10/08/18	ALS	Analysis of Evidox invoices with respect to Canadian Pacific litigation (.2); email to Evidox regarding same (.1)	0.30	67.50
10/10/18	RND	Call with CP Team re: update on discovery requests to CP and production re: same	1.10	286.00
10/10/18	LKZ	Attend weekly CP discovery strategy meeting (1.1); meeting w/B.Keach re: same (.3); emails w/team re: next steps (.2).	1.60	560.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
10/10/18	RJK	CP Litigation meeting (1.1), follow-up (.3)	1.40	791.00
10/10/18	ALS	Office conference with R. Keach re review of documents produced by CP (.1); research re same (.3); email to R. Keach attaching requested documents (.1)	0.50	112.50
10/10/18	ALS	Attend meeting with R. Keach, L. Milne, J. Woodcock and A. Prescott regarding status of CP litigation and next steps (partial)	0.30	67.50
10/13/18	ALS	Review news article with respect to Canadian Pacific's history of shipping Bakken from North Dakota	0.20	45.00
10/14/18	ALS	Draft summary of Irving Oil refinery explosion for R. Keach and P. McDonald's review (.4); review news articles with respect to Irving Oil refinery explosion (.5)	0.90	202.50
10/15/18	LKZ	Review A.Stewart summary of Irving Oil fire re: sweet crude.	0.10	35.00
10/15/18	PM	Emails with Angela Stewart re. Irving refinery fire.	0.10	43.00
10/17/18	LKZ	Emails w/CP discovery team re: next steps.	0.20	70.00
10/17/18	ALS	Draft deposition notices for J. Kozey, D. Nagy and L. Kennedy for attorney review with respect to CP litigation	0.40	90.00
10/18/18	PM	Email from Jack Woodcock re: discovery status.	0.10	43.00
10/24/18	RND	Meeting with CP Discovery Team re: status of document production and discovery requests (.6); follow-up e-mails re: same (.1)	0.70	182.00
10/24/18	JW1	Weekly team meeting to analyze discovery strategy (.6); follow-up re: same (.2)	0.80	208.00
10/24/18	ALS	Revisions to draft deposition notices for service in Trustee's litigation against CP	0.10	22.50
10/24/18	LKZ	Attend weekly CP discovery meeting (.6); follow-up analysis re: same (.2).	0.80	280.00
10/24/18	MT	Attend team discovery meeting (.6); emails w/ team re: next steps (.1)	0.70	140.00
10/24/18	ARP	Attend team discovery meeting (.6); follow-up re: same (.2)	0.80	208.00
10/24/18	RJK	CP Litigation Meeting (.6); follow-up (.1)	0.70	395.50
10/25/18	JW1	Review draft notices of deposition (.1); email to Bob Keach regarding same (.1); email to opposing counsel regarding notices (.1).	0.30	78.00
10/25/18	PM	Emails re: depositions.	0.10	43.00
10/25/18	ALS	Further revisions to deposition notices in Trustee's litigation against CP (.2); emails to/from R. Keach and J. Woodcock re same (.2)	0.40	90.00
10/25/18	ALS	Work on preparation for depositions of Jim Kozey, Darlene Nagy and Lori Kennedy, including preparation of saved searches of documents produced by Canadian Pacific and related to deponents	1.00	225.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
10/28/18	ALS	Summarize witness interviews from "The Lac-Megantic Rail Disaster" book	1.00	225.00
10/29/18	ALS	Continue review and summary of documents in The Lac-Megantic Rail Disaster book	2.20	495.00
10/30/18	ALS	Work on deposition preparation with respect to Trustee's litigation against Canadian Pacific	0.60	135.00
10/30/18	ALS	Continue review and notation of documents in The Lac-Megantic Rail Disaster book	1.00	225.00
10/30/18	JW1	Email Evidox regarding new CP proposed search terms (.2); message to CMQ regarding electronic files (0.2); revise and edit supplemental interrogatory responses (1.2).	1.60	416.00
10/30/18	ALS	Telephone conference with L. Zahradka re deposition preparation and related document searches	0.10	22.50
10/30/18	LKZ	Confer w/A.Stewart re: prep for CP depositions (.1); follow-up analysis re: same (.1)	0.20	70.00
10/30/18	RND	Emails with A. Stewart re: potential deposition of parties in Trustee's litigation	0.20	52.00
10/30/18	ALS	Emails to/from R. Keach, A. Prescott and J. Woodcock re service of process for World Fuels (.2); review registered agent information for World Fuels (.2)	0.40	90.00
10/30/18	ALS	Refine document searches in preparation for upcoming depositions in Trustee litigation against Canadian Pacific (.8); review documents and timeline in preparation for upcoming depositions (.8)	1.60	360.00
10/31/18	JW1	Review court's order on discovery time frame and email to Evidox re: date limitations for document searches.	0.20	52.00
10/31/18	RND	Meeting with CP Team to discuss status of discovery requests, deposition preparations, and document production	0.70	182.00
10/31/18	PIM	Meeting to discuss research regarding ethical rules related to contacting a former employee of a represented party.	0.20	40.00
10/31/18	JW1	Attend weekly team meeting providing update on discovery and outstanding tasks.	0.70	182.00
10/31/18	MT	Attend discovery meeting (.7); update searches for deposition preparation (.6).	1.30	260.00
10/31/18	LKZ	Attend weekly CP discovery meeting (.7); confer w/P.Marass re: research issue (.2).	0.90	315.00
10/31/18	ALS	Attendance at meeting with R. Keach, P. McDonald, etc. to discuss status of CP litigation	0.70	157.50
10/31/18	ALS	Office conference with M. Thomas to discuss preparation for upcoming depositions in CP litigation (.1); email to M. Thomas re same (.1)	0.20	45.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
10/31/18	ALS	Continue review and summarize of documents in The Lac-Megantic Rail Disaster book	1.60	360.00
10/31/18	PM	Attend meeting re. discovery status and next steps.	0.70	301.00
11/01/18	ALS	Emails from/to M. Thomas re deposition prep and refined searches of documents produced by CP	0.10	22.50
11/01/18	MT	Research in preparation for CP depositions (1.1); email to group regarding depositions and potential deposition exhibits and tagging of same (.2).	1.30	260.00
11/01/18	PM	Review and revise supplementary interrogatory answers.	0.60	258.00
11/01/18	LKZ	Emails w/A.Stewart re: results of FOIA requests.	0.20	70.00
11/01/18	ALS	Review FOIA request logs on PHMSA's website (.6); email to R. Keach, P. McDonald, etc. re same (.1)	0.70	157.50
11/01/18	RND	Emails with A. Stewart, R. Keach, L. Zahradka, and M. Thomas re: upcoming depositions and preparation re: same	0.50	130.00
11/02/18	JW1	Call with Gaynor Ryan regarding pst files (0.2); review results of new search terms proposed by CP (0.2); call to Paul Hemming regarding outstanding discovery issues (.1)	0.50	130.00
11/02/18	PM	Revise supplemental interrogatory answers.	1.90	817.00
11/05/18	ALS	Finalize summary for L. Milne and P. Marass regarding potential witnesses in CP-related litigation (.8); review response from P. Marass re same (.1); review portions of Lac-Megantic book by B. Campbell for CP-related information (.7); continue to review regulatory filings and activity of CP pre-and-post derailment (.6)	2.20	495.00
11/05/18	PIM	Research regarding contacting certain witnesses and relevant ethical implications (4.8); drafting email to summarize research (.3).	5.10	1,020.00
11/05/18	JW1	Call with opposing counsel to discuss outstanding discovery issues.	0.20	52.00
11/05/18	JW1	Respond to email from Evidox regarding running of search terms on MMA dataset.	0.20	52.00
11/05/18	ALS	Research re: CP's Revelstoke incident	0.30	67.50
11/06/18	LKZ	Analysis re: status of various CP discovery related workstreams.	0.50	175.00
11/06/18	JW1	Call with CMQ employee regarding Ed Burkhart pst file; emails with Evidox regarding uploading of MMA documents.	0.20	52.00
11/06/18	PM	Emails with Lindsay Milne and Bob Keach re. potential CP witnesses.	0.30	129.00
11/06/18	ALS	Review and respond to email from L. Milne re L. Douglass attendance at weekly CP litigation meetings	0.10	22.50



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
11/06/18	ALS	Review and respond to email from L. Milne regarding status of various assignments relating to the CP litigation	0.20	45.00
11/06/18	ALS	Review Canadian regulatory data and transcripts of CP employees with respect to various committees involving rail safety and crude-by-rail	1.50	337.50
11/06/18	RND	Emails with L. Zahradka and P. McDonald re: potential deponents for Trustee's litigation.	0.30	78.00
11/07/18	ALS	Review Evidox invoices for database hosting and assistance with CP-related discovery (.1); email to A. Cummings re: same (.1)	0.20	45.00
11/08/18	ALS	Continue work reviewing FOIA logs and electronic reading rooms of various U.S. Government entities with respect to classification of Bakken, crude-by-rail, rail safety, etc.	1.80	405.00
11/09/18	ALS	Reply email to M. Van Nostrand re PHMSA FOIA request	0.10	22.50
11/09/18	ALS	Review electronic reading room documents and FOIA request information for the Office of the Secretary of Transportation (.8); draft FOIA request letter for service upon the Office of the Secretary of Transportation (.3); email to J. Woodcock attaching same for his review (.1)	1.20	270.00
11/12/18	ALS	Work on summaries of potential deponents with respect to CP litigation	1.70	382.50
11/14/18	ALS	Attendance at meeting with R. Keach, P. McDonald, J. Woodcock, etc. regarding status of CP litigation and next steps	0.50	112.50
11/14/18	RND	Meeting with CP Discovery Team re: status of depositions, potential other deponents, and updates on case progress	0.50	130.00
11/14/18	ALS	Work on summaries of potential witness, including review of background materials, for P. McDonald and L. Milne's review with respect to CP litigation	2.00	450.00
11/14/18	LKZ	Attend weekly CP discovery meeting (.5); confer w/L.Douglass re: research assignment flowing from same (.3); summarize tasks flowing from meeting (.3).	1.10	385.00
11/14/18	MT	Attend team discovery meeting.	0.50	100.00
11/14/18	PM	Attend meeting to discuss discovery status and next steps (partial)	0.30	129.00
11/14/18	ARP	Participate in weekly team meeting re CP litigation	0.50	130.00
11/14/18	RJK	Prepare for and attend CP litigation meeting	1.00	565.00
11/15/18	PM	Review memo. re: discovery status and next steps	0.10	43.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
11/15/18	ALS	Work on summaries of potential witness, including review of background materials, for P. McDonald and L. Milne's review with respect to CP litigation	0.70	157.50
11/20/18	KQ	Email from/to L. Milne re: order granting the joint motion to amend the pretrial scheduling order in Keach v. CP	0.10	19.00
11/20/18	ALS	Docket Research in trustee's litigation	0.20	45.00
11/20/18	ALS	Continue review and coding of key documents for upcoming depositions in Trustee's litigation against Canadian Pacific (.7); update witness summaries based on research regarding interviews, public speaking events and other published materials (.6)	1.30	292.50
11/21/18	ALS	Continue review and coding of key documents for upcoming depositions in Trustee's litigation against Canadian Pacific	1.40	315.00
11/26/18	ALS	Research articles regarding Lac-Megantic derailment for information on state of industry knowledge about Bakken crude.	0.20	45.00
11/26/18	ALS	Continue review and tagging of key documents for upcoming depositions in Trustee's litigation against Canadian Pacific	1.00	225.00
11/26/18	RJK	E-mail to Plante (CP) regarding depositions	0.30	169.50
11/28/18	ALS	Research regarding improvements to transport of danderous goods in Canada.	0.20	45.00
11/28/18	RND	Meeting with CP discovery team to discuss next steps	0.80	208.00
11/28/18	ALS	Review L. Milne's task tracker with respect to CP litigation (.1); note updates to task tracker for next litigation meeting (.1)	0.20	45.00
11/28/18	LBD	Prepare request for letter rogatory; status meeting on CP litigation.	0.80	160.00
11/28/18	MT	Attend discovery status meeting.	0.80	160.00
11/28/18	LKZ	Confer w/L.Douglass re: request for letters rogatory (.4); attend weekly CP discovery meeting (.8); confer w/L.Douglass re: follow-up research for same (.4); revise task list for CP discovery issues (.4).	2.00	700.00
11/28/18	JW1	Analyze documents responsive to new CP search terms (.6); email Evidox regarding scope of documents (.1)	0.70	182.00
11/28/18	JW1	Weekly team meeting discussing case strategy and updates.	0.80	208.00
11/28/18	RJK	Exchange e-mails with L. Comtois regarding discovery from CP in province prosecution	0.20	113.00
11/28/18	RJK	CP litigation meeting	1.10	621.50



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
11/28/18	ALS	Continue work on memo to P. McDonald and L. Milne re potential witnesses in CP litigation, including review of document database for references to potential witnesses	0.70	157.50
11/28/18	ALS	Continue review and tagging of documents in preparation for upcoming depositions in CP litigation	1.90	427.50
11/28/18	ARP	Attend group meeting re CP discovery	0.80	208.00
11/29/18	JW1	Analyze documents responsive to new search terms (.3) and call with Evidox regarding review process for new documents (.3).	0.60	156.00
11/29/18	LKZ	Emails w/L.Douglass re: request for issuance of letters rogatory in connection with trustee's litigation.	0.10	35.00
11/29/18	JW1	Analyze documents responsive to new search terms for responsiveness and privilege.	0.70	182.00
11/29/18	LBD	Prepare request for letters rogatory in trustee's litigation.	0.90	180.00
11/29/18	LKZ	Emails w/L.Douglass regarding petition for letters rogatory in trustee's litigation.	0.10	35.00
11/29/18	ALS	Review and respond to emails from L. Douglass regarding documents in support of letters rogatory with respect to CP litigation (.2); review pleadings file in response to email from L. Douglass (.1)	0.30	67.50
11/29/18	ALS	Research in connection with J. Woodcock review of docs for privilege issues	0.10	22.50
11/29/18	ALS	Finalize memo to P. McDonald and L. Milne re potential witnesses in CP litigation	0.80	180.00
11/29/18	ALS	Continue review and tagging of documents in preparation for upcoming depositions in CP litigation	2.10	472.50
11/30/18	ALS	Research re improvements to Canadian transportation of dangerous goods regs.	0.20	45.00
11/30/18	ALS	Continue research re transloading facilities located in New Town, North Dakota in connection with the CP litigation	1.80	405.00
11/30/18	LBD	Prepare request for letter rogatory.	4.20	840.00
11/30/18	RND	Emails with J. Woodcock, P. McDonald, and R. Keach re: potential deposition dates	0.20	52.00
11/30/18	JW1	Call with opposing counsel re: deposition scheduling.	0.20	52.00
12/04/18	ALS	Research regarding testing and reporting requirements of transloading facilities in New Town, ND with respect to transportation of crude oil by rail, review EPA records, including permit applications and agreements with owners/operators of crude transloading facilities	3.70	832.50
12/05/18	LBD	MMA CP litigation status meeting (.6); review request for letters rogatory (.3).	0.90	180.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
12/05/18	ALS	Attendance at meeting with R. Keach, P. McDonald, etc. regarding status of CP litigation and next steps (partial)	0.50	112.50
12/05/18	ALS	Perform translation of Application for Partial Exclusion of the Obligation of Confidentiality filed in the CP action pending in Quebec	0.20	45.00
12/05/18	JW1	Edit and send draft FOIA request to USDOT (.4); analyze case law on Fed. R. Civ. P. 31 (.4); attend weekly meeting regarding case updates and strategy (.6).	1.30	338.00
12/05/18	LKZ	Attend weekly CP status meeting (.6). Begin review of petition for letters rogatory (.5).	1.10	385.00
12/05/18	MT	Attend discovery team meeting (partial)	0.50	100.00
12/05/18	RND	Meeting with CP team to discuss status and next steps	0.60	156.00
12/05/18	PM	Review memo re. witness information (.2); attend discovery team meeting (.6).	0.80	344.00
12/05/18	RJK	CP Litigation meeting (partial)	0.50	282.50
12/06/18	ALS	Research corporate status of Dakota Plains, Inc. and affiliated entities per R. Keach's request, including review of bankruptcy court dockets and SEC filings (1.1); preparation of memorandum to R. Keach re status of Dakota Plains, Inc. and affiliated entities in relation operation of the Pioneer Terminal in New Town, ND (.7)	1.80	405.00
12/06/18	ALS	Docket scheduling potential deposition dates for February 2018 in Keach v CP litigation	0.10	22.50
12/06/18	JW1	Email opposing counsel regarding deposition dates.	0.10	26.00
12/06/18	JW1	Analyze CP and MMA production of documents.	2.00	520.00
12/07/18	ALS	Respond to email from R. Keach re research on corporate status of Dakota Plains Holdings, Inc. and related entities (.1); review Dakota Plains Holdings, Inc.'s bankruptcy docket (.1)	0.20	45.00
12/07/18	JW1	Analyze MMA documents for responsiveness and privilege.	2.00	520.00
12/07/18	PM	Emails with team re. transloading facility issues.	0.10	43.00
12/07/18	ALS	Emails to R. Keach, P. McDonald, etc. regarding re-scheduling of CP litigation status meeting	0.10	22.50
12/07/18	ALS	Review and respond to emails regarding scheduling of depositions in CP litigation	0.10	22.50
12/10/18	ALS	Draft list of questions for potential witnesses based on review of Bruce Campbell's book "The Lac-Megantic Rail Disaster; Public Betrayal, Justice Denied" and other materials per L. Milne's request	1.60	360.00
12/10/18	LKZ	Emails w/ A.Stewart regarding Lac Megantic witness questions.	0.10	35.00



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12/11/18	JW1	Analyze court's order on CP motion to withdraw the reference and authorities cited therein (.1); analyze operation classification materials by Pipeline and Hazardous Materials Administration (.1); revise interrogatory responses (.4).	2.40	624.00
12/11/18	ALS	Redline CP litigation task tracker (.2); email to L. Milne with redlined version of CP litigation task tracker (.1)	0.30	67.50
12/11/18	ALS	Review Evidox invoices with respect to CP litigation (.2); email to A. Cummings regarding payment of Evidox invoices (.1)	0.30	67.50
12/11/18	ALS	Update summary of Bruce Campbell book "The Lac-Megantic Rail Disaster" with respect North Dakota inspection report and the mislabeling of oil	0.20	45.00
12/11/18	ALS	Continue to work through CP litigation assignments, including work on litigation timeline, specifically relating to the derailment in White River, and flagging of potential exhibits for use at upcoming depositions	2.80	630.00
12/11/18	KQ	Email to A. Stewart forwarding the Evidox Nov invoices	0.10	19.00
12/12/18	ALS	Continue preparation for upcoming depositions scheduled in CP litigation, including tagging and organization of documents for attorney review	2.70	607.50
12/13/18	LKZ	Prep for (.2) and attend (.4) weekly CP discovery meeting.	0.60	210.00
12/13/18	RND	CP Discovery team meeting to discuss status and next steps	0.40	104.00
12/13/18	ALS	Continue preparation for upcoming depositions scheduled in CP litigation, including tagging and organization of documents for attorney review (2.1); finalize White River derailment memo/timeline of communications with TSB with document links (1.3)	3.40	765.00
12/13/18	ALS	Emails to/from L. Milne regarding update to CP litigation task tracker prior to meeting to discuss case status and assignments (.1); update task tracker (.1); email to R. Desai attaching task tracker prior to team meeting (.1)	0.30	67.50
12/13/18	RJK	Prepare for (.6) and attend CP Litigation meeting (.4)	1.00	565.00
12/13/18	LBD	Status meeting regarding CP litigation.	0.40	80.00
12/14/18	ALS	Update litigation task tracker with respect to CP case (.2); email to L. Milne attaching same for review and circulation (.1); circulate revised task tracker to R. Keach, P. McDonald, etc. with respect to CP litigation (.1)	0.40	90.00
12/14/18	LKZ	Revise task tracker for CP discovery workstreams.	0.60	210.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
12/14/18	JW1	Analyze letter from Quebec government regarding discovery (.1) and analysis with Bob Keach regarding same (.2).	0.30	78.00
12/14/18	LKZ	Emails regarding CP discovery.	0.10	35.00
12/14/18	ALS	Research in connection with upcoming depositions in Calgary with respect to CP litigation (.3); emails to/from R. Keach, P. McDonald and J. Woodcock regarding same.	0.50	112.50
12/14/18	ALS	Continue preparation for upcoming depositions scheduled in CP litigation, including tagging and organization of documents for attorney review	2.30	517.50
12/14/18	RJK	Various e-mails regarding Caldwell & McGonigle depositions	0.40	226.00
12/14/18	RJK	Review Quebec motion regarding CP documents (.2); e-mail to Jack Woodcock regarding same (.1)	0.30	169.50
12/14/18	RJK	E-mail to; telephone call with Mark Rosenberg regarding mediation, status	0.50	282.50
12/15/18	RJK	Exchange e-mails with McGonigle; e-mail Plante regarding depositions	0.50	282.50
12/17/18	LKZ	Emails w/CP discovery team re: covering MMA employee depositions in January (.2); revise request for letters rogatory in trustee's ME litigation (1.3).	1.50	525.00
12/17/18	LKZ	Emails with L. Douglas regarding revisions to request for letters rogatory.	0.10	35.00
12/17/18	ALS	Emails from/to J. Woodcock re translation of CP-related pleading from Quebec litigation	0.20	45.00
12/18/18	LBD	Prepare request for letter rogatory.	2.20	440.00
12/18/18	JW1	Respond to email from Lindsay Milne regarding electronic discovery agreements and protocols.	0.50	130.00
12/18/18	LKZ	Call w/ L. Douglass re: revisions to request for letters rogatory in Maine litigation (.2); confer w/B. Keach re: same (.2); research Soo Line requests (.2) and further revise request for letters rogatory (.3); additional conferral w/L.Douglass re: revised request (.2). Research in preparation for interviews with witnesses from Lac Megantic book (1.5) and emails w/A.Stewart, P.McDonald re: same (.2).	2.80	980.00
12/18/18	PM	Emails with team re. depositions (.1); emails with Jack Woodcock and Lindsay Milne re. discovery issues (.1); review Quebec Application re. discovery sharing and confidentiality (.1).	0.30	129.00
12/18/18	RJK	Conference with Lindsay Zahradka Milne regarding letters rogatory	0.20	113.00
12/19/18	RND	Meeting with CP Discovery team to discuss next steps and status of upcoming depositions	0.60	156.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
12/19/18	LBD	Attend weekly CP litigation meeting (.6); follow-up re same (.1)	0.70	140.00
12/19/18	JW1	Team discovery update and planning meeting.	0.60	156.00
12/19/18	LKZ	Emails w/team re: CP discovery meeting (.1); prep for (.1) and call w/(.2) Canadian counsel re: interviewing former CP employees; follow-up discussion re: same (.2). Revise task list for CP discovery (.2); prep for (.1) and attend (.6) weekly CP discovery meeting; Revise task list for same (.2); research for contacting Campbell witnesses (.5).	2.20	770.00
12/19/18	JW1	Edit supplemental interrogatory responses and email Paul McDonald regarding same.	0.20	52.00
12/19/18	JW1	Analyze filing from Quebec government regarding document exchange between parties to Lac Megantic litigation.	0.20	52.00
12/19/18	RJK	CP Litigation meeting (partial)	0.50	282.50
12/19/18	ALS	Emails to/from M. Thomas and L. Milne with respect to CP litigation task tracker for upcoming team meeting (.2); review CP litigation task tracker for possible update (.1)	0.30	67.50
12/20/18	LKZ	Confer w/B.Keach re: revisions to petition for letters rogatory (.1); emails w/B.Keach re: same (.1).	0.20	70.00
12/20/18	PM	Review and revise supplementary interrogatory answers.	0.40	172.00
12/20/18	RJK	Review and revise requests for letters rogatory (Irving)	0.90	508.50
12/21/18	LKZ	Revise petition for letters rogatory.	0.60	210.00
12/26/18	ALS	Update CP litigation task tracker (.1); email to J. Woodcock and L. Milne regarding court reporter arrangements for upcoming depositions (.1)	0.20	45.00
12/26/18	ALS	Continue review and tagging of documents for potential use as exhibits in upcoming depositions of Jim Kozey, Darlene Nagy and Lori Kennedy.	1.20	270.00
12/27/18	LBD	Research format of letter rogatory (.7); draft letter rogatory (.3).	1.00	200.00
12/27/18	JW1	Email Calgary-based counsel regarding CP deposition.	0.20	52.00
12/27/18	JW1	Analyze draft FOIA request to EPA (.2); revise request (.3).	0.50	130.00
12/27/18	LKZ	Revise motion for letters rogatory to the District of Maine (.2); draft form letter rogatory for inclusion (.2); emails w/K.Quirk re: form of order for same (.1).	0.50	175.00
12/27/18	ALS	Draft FOIA letter to EPA with respect to testing at Dakota Plains' facility (.4); emails to/from J. Woodcock regarding revisions to FOIA letter (.1)	0.50	112.50



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
12/27/18	ALS	Research articles, environmental and testing/laboratory documents relating to Dakota Plains' transloading facility in North Dakota filed with EPA or other governmental facilities	1.70	382.50
12/27/18	ALS	Continue review and tagging of documents for potential use as exhibits in upcoming depositions of Jim Kozey, Darlene Nagy and Lori Kennedy	0.70	157.50
12/28/18	JW1	Review and implement changes to draft supplemental interrogatories (.6) email to Bob Keach regarding supplemental responses (.6).	1.20	312.00
12/28/18	LBD	Continue to draft letter rogatory (1.2); review requirements for cover letter to letter rogatory (0.2).	1.40	280.00
12/28/18	LKZ	Revise form letter rogatory (.6) and research re: same (.8); revise form of order (.2) and research re: relief requested without hearing (.3); revise motion for issuance of same (.2). Review emails from J. Woodcock re: status of FOIA requests, other CP discovery matters (.2).	2.30	805.00
12/28/18	ALS	Work on White River derailment timeline of communications with the TSB, including additional searches for responsive documents in Evidox document database	1.80	405.00
12/31/18	KQ	Revision to Certificate of Service with respect to the Motion for Issuance of Letter Rogatory (.2); finalize and file the motion for same (.2).	0.40	76.00
12/31/18	LBD	Review requirements for cover letter to letter rogatory (.5); draft cover letter (.2).	0.70	140.00
12/31/18	LKZ	Revise form letter rogatory (.1), finalize motion for filing (.1).	0.20	70.00
12/31/18	ALS	Update CP litigation task tracker	0.20	45.00
12/31/18	ALS	Transmittal of FOIA request to EPA with respect to Dakota Plains terminal and testing requirements	0.20	45.00
12/31/18	ALS	Continue review and tagging of documents for potential use as exhibits in upcoming depositions of Jim Kozey, Darlene Nagy and Lori Kennedy	0.80	180.00
01/02/19	LBD	Draft cover letter for letter rogatory (.9); review CP status update (.2)	1.10	242.00
01/02/19	LKZ	Revise task tracker (.2) and emails w/team re: status of various tasks in connection with update (.2). Revise cover letter for letter rogatory (.1) and emails w/L.Douglass re: additional research for same (.1).	0.60	237.00
01/02/19	ALS	Update CP litigation task tracker (.1); email to L. Milne and M. Thomas attaching same (.1); continue work on organization of documents for attorneys review in preparation for upcoming depositions of Jim Kozey, Darlene Nagy and Lori Kennedy (.5)	0.70	157.50



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
01/02/19	ALS	Reply email to L. Milne re status of FOIA request served upon EPA in connection with Dakota Plains transloading facility in North Dakota	0.10	22.50
01/03/19	LBD	Research avenues to expedite transmission of letter rogatory to Canadian court.	0.50	110.00
01/03/19	JW1	Email and call with CP Canadian counsel regarding deposition scheduling of MMA employees.	0.40	116.00
01/03/19	JW1	Analyze procedural posture of pending petition for letters rogatory with Lindsay Milne.	0.20	58.00
01/03/19	LKZ	Prep for (.2) and confer w/J.Woodcock re: motion for letters rogatory (.2); emails w/L.Douglass re: transmission of letter rogatory (.1)	0.50	197.50
01/03/19	PM	Review memo re. discovery issues.	0.10	45.00
01/04/19	PM	Review revised draft scheduling order.	0.10	45.00
01/04/19	ALS	Continue flagging documents for use as potential exhibits for use in upcoming depositions of Jim Kozey, Darlene Nagy and Lori Kennedy in CP litigation	0.80	180.00
01/07/19	JW1	Email Bob Keach regarding issues in the Canadian proceedings, update on US discovery.	0.40	116.00
01/08/19	ALS	Multiple emails to/from J. Woodcock re J. McGonigle's deposition in Quebec litigation (.2); research in connection with J. McGonigle's deposition in Elizabeth City (.8)	1.00	225.00
01/08/19	JW1	Call with Bob Keach regarding Lac Megantic Canadian proceeding developments.	0.40	116.00
01/08/19	JW1	Analyze motion in Canadian proceeding regarding sharing of information (.1); email CP counsel regarding same (.2).	0.30	87.00
01/08/19	LKZ	Emails w/J.Woodcock regarding upcoming CP depositions in CAD litigation.	0.10	39.50
01/08/19	PM	Emails re. depositions.	0.10	45.00
01/08/19	ALS	Continue research on deponents, including review of documents produced by Canadian Pacific, for upcoming depositions in CP litigation	2.70	607.50
01/09/19	JW1	Case update and strategy with Angela Stewart and Lindsay Milne.	0.50	145.00
01/09/19	LKZ	Prep for (.1) and meet w/J.Woodcock, A.Stewart re: February CP depo prep (.5); revise task tracker for same (.2).	0.70	276.50
01/09/19	ALS	Attend meeting with L. Milne and J. Woodcock re preparation for upcoming depositions in CP litigation and related tasks	0.50	112.50
01/09/19	ALS	Emails to/from L. Milne and J. Woodcock regarding meeting to discuss preparation for upcoming depositions and other related tasks in CP litigation	0.20	45.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
01/09/19	ALS	Review Evidox invoice with respect to CP litigation (.1); email to A. Cummings re processing Evidox invoice (.1)	0.20	45.00
01/09/19	ALS	Revisions to deposition notices for Kozey, Nagy and Kennedy with respect to CP litigation (.2); email to J. Woodcock re revised deposition notices with respect to CP litigation (.1)	0.30	67.50
01/10/19	JW1	Analyze MMA documents to produce to CP and review for production (2.6); email Jamie Kerr of Evidox to start production process (.2).	2.80	812.00
01/10/19	ALS	Emails from/to J. Woodcock re scheduling of team meeting to discuss status of CP litigation, upcoming deposition and next steps (.1); review and respond to email from L. Douglass re attendance at CP litigation team meeting (.1); email to R. Desai attaching litigation task tracker in advance of CP litigation team meeting (.1)	0.30	67.50
01/10/19	ALS	Circulate memorandum with respect to White River derailment to R. Keach, P. McDonald, et al. for use in CP litigation (.1); messages from/to L. Milne re questions regarding memorandum and timeline relating to White River (.2); update documents referenced in White River derailment memorandum (.2)	0.50	112.50
01/10/19	RND	CP Discovery Team meeting to discuss status of upcoming depositions as well as preparation of same	0.80	224.00
01/10/19	ARP	Participate in weekly team meeting re CP discovery	0.80	216.00
01/10/19	JW1	Participate in team meeting to analyze discovery schedule and case updates.	0.80	232.00
01/10/19	RJK	Telephone call with L. Comtois regarding CP depositions	0.40	236.00
01/10/19	LKZ	Strategy conference w/B.Keach re: CP depositions in February (.3); emails w/L.Douglass, A.Stewart re: doc review of 1/15 CP production (.1); review A. Stewart memo re: White River communications (.6); attend weekly CP meeting (.8).	1.80	711.00
01/10/19	RJK	Exchange e-mail with McGonigle regarding CP depositions	0.20	118.00
01/10/19	RJK	Conference with Lindsay Zahradka Milne regarding CP depositions	0.30	177.00
01/10/19	RJK	Review plan documents regarding e-mail to CP counsel (2.3); CP litigation group meeting (.8); exchange e-mails regarding Caldwell & McGonigle depositions (.3); telephone call with Quebec counsel (.2); attention to CP litigation (.9)	5.50	3,245.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
01/10/19	PM	Numerous emails re. deposition issues (.1); meet with discovery team to discuss status and next steps (.7).	0.80	360.00
01/10/19	ALS	Continue research on deponents, including review of documents produced by Canadian Pacific, for upcoming depositions in CP litigation	2.80	630.00
01/10/19	RND	Review emails from A. Stewart and L. Zahradka re: certain documents produced by CP during discovery	0.20	56.00
01/11/19	ALS	Organize various adversary pleadings for transmittal to J. Landry (CP Canadian Counsel) per R. Keach's request	0.40	90.00
01/11/19	KQ	Office conference with L. Milne re: service of order on Letter Rogatory upon Irving and Canadian court.	0.10	19.00
01/11/19	LKZ	Review order issuing letter rogatory (.2); confer w/K.Quirk (.1), B.Keach (.1) re: service of same; analysis re: service of same (.3).	0.70	276.50
01/11/19	JW1	Analyze MMA privileged documents and apply redactions.	3.50	1,015.00
01/11/19	ALS	Email to J. Woodcock re documents relating to J. McGonigle in advance of upcoming deposition in Quebec litigation	0.10	22.50
01/11/19	ALS	Office conference with K. Quirk re service of Court's Order Granting Motion for Issuance of Letter Rogatory in CP litigation pending in Maine Bankruptcy Court (.1); review Court's Order Granting Motion for Issuance of Letter Rogatory (.1)	0.20	45.00
01/11/19	ALS	Continue research on deponents, including review of documents produced by Canadian Pacific, for upcoming depositions in CP litigation	2.10	472.50
01/11/19	RJK	Exchange e-mails regarding McGonigle and Caldwell depositions	0.40	236.00
01/11/19	RJK	Conference with Angela Stewart regarding Quebec documents request	0.40	236.00
01/11/19	RJK	Telephone call with Quebec outside counsel (Landry)	0.90	531.00
01/14/19	LKZ	Emails w/J.Woodcock re: finalizing MMA docs for production to CP (.1); emails w/K.Quirk re: service of order issuing letter rogatory (.1).	0.20	79.00
01/14/19	JW1	Analyze privilege assertions of MMA documents and apply redactions.	4.00	1,160.00
01/14/19	JW1	Call with Jamie Kerr of Evidox to discuss MMA production (.2); analyze MMA privilege assertions (.8).	1.00	290.00
01/14/19	ALS	Assist attorneys with preparation for upcoming depositions of Jim Kozey, Darlene Nagy and Lori Kennedy, including export and organization of documents for use as potential deposition exhibits	2.80	630.00
01/14/19	RJK	Exchange e-mail with McGonigle regarding deposition	0.40	236.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
01/14/19	RJK	Exchange e-mails with M. Rosenberg regarding mediation	0.20	118.00
01/15/19	JW1	Analyze MMA documents for responsiveness (.3); analyze MMA privilege assertions and apply redactions (.5).	0.80	232.00
01/15/19	JW1	Emails and call with Albina Johnson of Evidox to finalize MMA production set.	0.30	87.00
01/15/19	MT	Emails to and from Angela Stewart and call to Jack Woodcock re CP production (.2); email to Angela Stewart re: same (.1)	0.30	63.00
01/15/19	JW1	Calls and emails with Albina Johnson of Evidox regarding final steps of MMA production of documents.	0.50	145.00
01/15/19	JW1	Review of email of CP production and download of documents (.2); email to CP counsel forwarding MMA production (.3).	0.50	145.00
01/15/19	ALS	Emails to/from J. Woodcock and M. Thomas regarding deadline for Canadian Pacific to produced documents in Trustee litigation	0.20	45.00
01/15/19	ALS	Transmittal of Canadian Pacific's document production to Evidox for ingestion (.1); review Canadian Pacific's load files and related files included in recent production prior to transmittal to Evidox (.6)	0.70	157.50
01/15/19	ALS	Email to R. Keach, P. McDonald, etc. regarding receipt of Canadian Pacific's recent document production in Trustee litigation	0.10	22.50
01/15/19	ALS	Assist attorneys with preparation for upcoming depositions of Jim Kozey, Darlene Nagy and Lori Kennedy, including export and organization of documents for use as potential deposition exhibits	2.30	517.50
01/15/19	RND	Emails with A. Stewart, J. Woodcock and L. Zahradka re: incoming document production from CP and review of same	0.40	112.00
01/15/19	RJK	Prepare for (1.9) and attend call with (.6) M. Rosenberg regarding Mediation (including review of US & CCAA Plans)	2.50	1,475.00
01/16/19	RND	Meeting with CP Discovery team to discuss latest filings in Carmack litigation, status of depositions, and review of recently produced documents (partial)	0.90	252.00
01/16/19	KQ	Email with L. Milne re: service of the order on the letter rogatory in the adversary proceeding Keach v. CP (.1), and update draft Certificate of Service (.1)	0.20	38.00
01/16/19	JW1	Analyze latest CP document production.	1.80	522.00
01/16/19	JW1	Weekly team meeting analyzing discovery and case updates and strategy.	1.00	290.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
01/16/19	MT	Attend CP discovery status meeting (1.0); view CP's most recent production (.1).	1.10	231.00
01/16/19	PM	Review CP Opposition to Motion for Letters Rogatory (.2); meeting with team re. discovery status and strategy (1.0).	1.20	540.00
01/16/19	ARP	Attend weekly CP discovery meeting (partial)	0.90	243.00
01/16/19	ALS	Review and respond to email from L. Milne regarding CP's recent document production and coordinating review of same	0.20	45.00
01/16/19	ALS	Update CP litigation task tracker (.2); circulate to L. Milne and M. Thomas for review (.1)	0.30	67.50
01/16/19	ALS	Review quality of documents ingested from CP's most recent production (.4); emails to/from J. Woodcock and M. Thomas re same (.1); emails to/from S. Bastawros at Evidox re issues with documents in database (.2); emails from/to L. Milne re status of ingestion of CP's most recent production (.1)	0.80	180.00
01/16/19	ALS	Email to J. Woodcock and M. Thomas with custodial information and document count with respect to CP's most recent document production	0.20	45.00
01/16/19	ALS	Telephone conference with L. Milne re preparation for upcoming depositions and R. Keach's request for specific documents from CP's production	0.20	45.00
01/16/19	ALS	Telephone conference with R. Desai regarding review of documents produced by CP and status of meeting to discuss next steps	0.20	45.00
01/16/19	ALS	Assist R. Keach, P. McDonald and J. Woodcock with preparation for upcoming depositions of Jim Kozey, Darlene Nagy and Lori Kennedy, including export and organization of documents for use as potential deposition exhibits and search for issue-related documents recently produced by Canadian Pacific	1.60	360.00
01/16/19	LKZ	Revise task tracker in advance of meeting (.2); attend weekly discovery meeting (1.0).	1.20	474.00
01/16/19	RJK	CP Litigation team meeting	0.90	531.00
01/17/19	JW1	Call with counsel for Irving Oil regarding issuance of and response to letters rogatory.	0.40	116.00
01/17/19	ALS	Transmittal of pleadings to J. Landry (CP Canadian Counsel) with respect to main case and adversary proceedings	0.20	45.00
01/17/19	ALS	Emails to/from Evidox with respect to preparation of review sets/smart searches of documents recently produced by Canadian Pacific in Trustee's litigation	0.30	67.50
01/17/19	ALS	Review updated CP litigation task tracker with respect to L. Milne's email	0.10	22.50



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01/17/19	ALS	Email to J. Woodcock regarding coordinating of review of documents produced by Canadian Pacific	0.10	22.50
01/17/19	ALS	Assist R. Keach, P. McDonald and J. Woodcock with preparation for upcoming depositions of Jim Kozey, Darlene Nagy and Lori Kennedy, including export and organization of documents for use as potential deposition exhibits and search for issue-related documents recently produced by Canadian Pacific	3.90	877.50
01/17/19	ALS	Research regarding service of Order on Motion for Issuance of Letter Rogatory upon Irving Oil (.4); email to L. Milne regarding options for service of Order on Motion for Issuance of Letter Rogatory upon Irving Oil (.1)	0.50	112.50
01/17/19	ALS	Revision to draft 30(b)(6) notice for World Fuels per J. Woodcock's request	0.40	90.00
01/18/19	RND	Meeting with L. Zahradka, J. Woodcock, and A. Stewart re: review of newly produced documents by CP	0.60	168.00
01/18/19	LKZ	Prep for (.1) and meeting w/A.Stewart, R.Desai, J.Woodcock re: review of CP 2nd doc production (.6).	0.70	276.50
01/18/19	ALS	Meeting with L. Milne, J. Woodcock and R. Desai re review of documents recently produced by CP and preparation for upcoming depositions (.6); coordinate team meeting to discuss document review and preparation for upcoming depositions (.1)	0.70	157.50
01/18/19	ALS	Assist R. Keach, P. McDonald and J. Woodcock with preparation for upcoming depositions of Jim Kozey, Darlene Nagy and Lori Kennedy, including export and organization of documents for use as potential deposition exhibits	3.60	810.00
01/18/19	ALS	Email to R. Desai re email produced by CP regarding the CP/World Fuels contract	0.10	22.50
01/18/19	JW1	Analyze CP recent production of documents to assess internal review process.	1.00	290.00
01/18/19	JW1	Prep for (.2) and meeting regarding review process for CP document production (.6).	0.80	232.00
01/18/19	RND	Emails and conference with A. Stewart re: review of documents provided by CP in current incoming production	0.50	140.00
01/18/19	RJK	Exchange e-mail with Mitchell Toups regarding mediation	0.20	118.00
01/20/19	ALS	Review and tagging of CP's latest production in Trustee's litigation pending in the Maine Bankruptcy Court	1.80	405.00
01/20/19	RND	Review emails from A. Stewart re: certain documents produced by CP in incoming production that may be helpful in upcoming depositions	0.30	84.00



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01/20/19	LKZ	Emails with CP doc review team regarding salient documents from CP doc production.	0.30	118.50
01/22/19	ALS	Email to L. Milne, J. Woodcock and R. Desai re status of review of documents recently produced by Canadian Pacific	0.10	22.50
01/22/19	ALS	Review billing statement from Evidox with respect to the Canadian Pacific document database (.1); email to A. Cummings regarding Evidox statement (.1)	0.20	45.00
01/22/19	JW1	Analyze CP production of documents.	1.10	319.00
01/22/19	JW1	Analyze and tag CP produced documents.	2.00	580.00
01/22/19	ALS	Continue review of documents recently produced by Canadian Pacific in Estate Representative's litigation against Canadian Pacific and Soo Line	1.60	360.00
01/22/19	ALS	Review and organization tagged documents for use as potential exhibits in D. Nagy's deposition in Estate Representative's litigation against Canadian Pacific and Soo Line (2.6); draft email to R. Keach, P. McDonald and J. Woodcock re documents for review of D. Nagy deposition and background information (.2); continue review of documents for use at deposition of J. Kozey (1.6)	4.40	990.00
01/22/19	RND	Review documents produced by CP to determine relevance in light of upcoming depositions	5.20	1,456.00
01/22/19	RND	Emails with L. Zahradka, A. Stewart, and J. Woodcock re: CP document review and status of same	0.30	84.00
01/23/19	GAP	Email exchange with Paralegal Stewart re Canadian corporate information (.1); send research information to Paralegal Stewart regarding Government of Canada Federal Corporation Database (.1); and New Brunswick Corporate Affairs Registry Database (.1)	0.30	66.00
01/23/19	RND	Meeting with CP discovery team to discuss review status of latest document production and upcoming depositions	0.50	140.00
01/23/19	LBD	Attend weekly Cp discovery meeting (.5); and follow up re: same (.1)	0.60	132.00
01/23/19	LKZ	Attend weekly CP discovery meeting.	0.50	197.50
01/23/19	JW1	Weekly team meeting updating case developments and strategy.	0.50	145.00
01/23/19	JW1	Emails regarding McGonigle deposition in Canadian Proceeding.	0.20	58.00
01/23/19	PM	Revise reply to Motion for Letters Rogatory (.4 - Carmak); attend meeting of discovery team to discuss status and next steps (.4 - partial).	0.80	360.00
01/23/19	LKZ	Review doc production from CP.	3.10	1,224.50



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01/23/19	ALS	Continue work on preparation for upcoming depositions of J. Kozey, D. Nagy and L. Kennedy in Estate Representative's litigation against Canadian Pacific and Soo Line	3.40	765.00
01/23/19	ALS	Office conference with L. Milne re service of Order Granting Motion for Issuance of Letter Rogatory upon Irving Oil (.2); review adversary proceeding ECF notification list in Estate Representative's litigation against Canadian Pacific and Soo Line (.1); email to L. Milne re CM/ECF party information (.1); telephone conference with CT International Service Team with respect to service of process upon Irving Oil in New Brunswick, Canada (.2); telephone conference with the Corporate Registry Office in New Brunswick regarding requirement for registered agents for service of process (.1); email to L. Milne summarizing telephone conference with Corporate Registry Office and details on serving Irving Oil (.1)	0.80	180.00
01/23/19	ALS	Attendance at team meeting to discuss next steps in Estate Representative's litigation against Canadian Pacific and Soo Line (.4); coordinate team meeting due to change in schedule (.1)	0.50	112.50
01/23/19	ALS	Final revisions to deposition notices for J. Kozey, D. Nagy and L. Kennedy in Estate Representative's litigation against Canadian Pacific and Soo Line (.1); email to J. Woodcock attaching same for review (.1)	0.20	45.00
01/23/19	ALS	Revisions to CP litigation task tracker prior to team meeting (.2); email to L. Milne, J. Woodcock and R. Desai attaching CP litigation task tracker for review (.1)	0.30	67.50
01/23/19	ALS	Research FRA inspections of North Dakota loading facilities prior to Lac-Megantic derailment	0.80	180.00
01/23/19	ALS	Research Irving Oil plea deal with respect to Transport Canada's investigation for possible violation of Transportation of Dangerous Goods Act	0.80	180.00
01/23/19	ALS	Review emails from/to L. Milne and J. Woodcock regarding status of review of documents recently produced by Canadian Pacific and protocol for using issue tags	0.20	45.00
01/23/19	RND	Emails with L. Zahradka, A. Stewart, and J. Woodcock re: documents produced by CP and relevance of same	0.70	196.00
01/23/19	RND	Review documents produced by CP to determine relevance in light of upcoming depositions	6.20	1,736.00
01/23/19	ARP	Attend weekly meeting re CP discovery	0.50	135.00
01/23/19	RJK	CP Litigation meeting (.5) and follow-up (.8)	1.30	767.00



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01/23/19	RJK	E-mail to Jack Woodcock regarding McGonigle deposition	0.20	118.00
01/24/19	LKZ	Emails w/P.McDonald regarding timing for Kozey's doc review in advance of depo.	0.20	79.00
01/24/19	JW1	Analyze CP Produced documents for deposition preparation.	2.50	725.00
01/24/19	JW1	Analyze and tag CP's most recent document production.	1.40	406.00
01/24/19	LKZ	Review CP doc production.	2.20	869.00
01/24/19	LKZ	Emails with J. Woodcock regarding review of CP doc production.	0.10	39.50
01/24/19	ALS	Docket scheduling deposition of J. McGonigle with respect to Quebec litigation (.1); review emails from J. Woodcock and A. Prescott regarding logistics surrounding J. McGonigle deposition (.2)	0.30	67.50
01/24/19	ALS	Draft letter to Irving Oil enclosing Order Granting Motion for Issuance of Letter Rogatory entered in Estate Representative's litigation against Canadian Pacific and Soo Line (.1); review and respond to email from L. Milne re draft letter to Irving Oil (.1); transmit letter to Irving Oil via Federal Express (.1); email to R. Keach and L. Milne confirming service of Order Granting Motion for Issuance of Letter Rogatory upon Irving Oil and its counsel (.1)	0.40	90.00
01/24/19	ALS	Continue work on document review with respect to Canadian Pacific's most recent document production in the Estate Representative's litigation against Canadian Pacific and Soo Line	2.40	540.00
01/24/19	ALS	Continue work on review and organization of documents for use at deposition of J. Kozey in Estate Representative's litigation against Canadian Pacific and Soo Line	3.60	810.00
01/24/19	RND	Emails with L. Zahradka, A. Stewart, and J. Woodcock re: certain documents produced and potential relevance to upcoming deposition	0.60	168.00
01/24/19	RND	Review documents produced by CP to determine relevance in light of upcoming depositions	6.40	1,792.00
01/25/19	JW1	Analyze CP document production.	1.40	406.00
01/25/19	LKZ	Attention to outstanding CP discovery tasks (.1); review CP doc production (5.0).	5.10	2,014.50
01/25/19	JW1	Analyze documents for CP deposition preparation.	2.00	580.00



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01/25/19	ALS	Revisions to K. Quirk's draft certificate of service with respect to service of the Order Granting Motion for Issuance of Letter Rogatory upon Irving Oil in the CP litigation (.2); emails to/from L. Milne attaching draft certificate of service for review (.1); filing of certificate of service with Court (.1)	0.40	90.00
01/25/19	ALS	Office conferences (x2) with L. Milne re issues surrounding review/tagging of documents produced by Canadian Pacific in Estate Representative's litigation against Canadian Pacific and Soo Line	0.30	67.50
01/25/19	ALS	Continue preparation of potential exhibits for use at deposition of J. Kozey in Estate Representative's litigation against Canadian Pacific and Soo Line	2.70	607.50
01/25/19	RND	Emails with L. Zahradka, K. Woodcock, and A. Stewart re: status of review of CP document production and relevance of certain documents to upcoming depositions	0.70	196.00
01/25/19	RND	Review documents produced by CP to determine relevance in light of upcoming depositions	5.80	1,624.00
01/25/19	RJK	Conference with Jack Woodcock regarding Calgary depos	0.30	177.00
01/26/19	LKZ	Emails regarding defending Caldwell depo.	0.10	39.50
01/26/19	LKZ	Emails with a. Stewart regarding status of remaining document review.	0.10	39.50
01/26/19	RND	Review email from A. Stewart re: updates to CP document production	0.10	28.00
01/27/19	JW1	Analyze CP documents for deposition preparation.	1.80	522.00
01/27/19	RND	Review documents produced by CP to determine relevance in light of upcoming depositions	3.40	952.00
01/28/19	ALS	Review and respond to message from L. Milne requesting Canadian Pacific's organization chart produced in discovery	0.10	22.50
01/28/19	ALS	Telephone conference with L. Milne re CP document review and tagging of certain documents	0.30	67.50
01/28/19	LKZ	Review CP doc production (Hucker custodian) (4.6); several conferences w/A.Stewart re: tagging, revisions to same (.2). Follow-up emails with doc review team re: salient documents reviewed (.9).	5.70	2,251.50
01/28/19	PM	Emails re. document review issues (.1); meet with Jack Woodcock to discuss depositions (.2).	0.30	135.00
01/28/19	JW1	Analyze CP production of documents (1.7); deposition strategy overview with Paul McDonald (.3).	2.00	580.00
01/28/19	ALS	Conference call with R. Desai re issues relating to review of documents produced by Canadian Pacific	0.20	45.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
01/28/19	ALS	Review and respond to emails from J. Woodcock and L. Milne attaching references to sweet light crude oil in Canadian Pacific's document productions	0.20	45.00
01/28/19	ALS	Create additional issue tags with respect to review of Canadian Pacific's recent document production (.2); circulate email to L. Milne, J. Woodcock and R. Desai re use of additional issue tags with respect to Canadian Pacific's document production (.1)	0.30	67.50
01/28/19	ALS	Emails from/to L. Milne re comparison of native files produced by Canadian Pacific	0.20	45.00
01/28/19	ALS	Update Canadian Pacific litigation task tracker (.1); email to L. Milne attaching Canadian Pacific litigation task tracker for review (.1)	0.20	45.00
01/28/19	ALS	Review status of delivery of Order Approving Motion for Issuance of Letter Rogatory upon Irving Oil	0.10	22.50
01/28/19	ALS	Continue work on review, tagging and organization of documents for possible use at J. Kozey's deposition in the Estate Representative's litigation against Canadian Pacific Railway	3.40	765.00
01/28/19	RND	Emails with L. Zahradka, J. Woodcock, and A. Stewart re: documents recently produced by CP and their relevance to the upcoming depositions	1.10	308.00
01/28/19	RND	Call with A. Stewart re: certain documents and information produced by CP that may be relevant for upcoming depositions	0.40	112.00
01/28/19	RJK	Review detailed e-mail from Lindsay Milne regarding document review results and similar follow-up e-mails	0.60	354.00
01/29/19	LKZ	Prep for (.2) and call w/ (.3) J.Cuttler (Kugler Kandestin) re: transmission of letter rogatory to Canadian Court; follow-up emails w/team re: same (.1); follow-up call w/J.Cuttler re: same (.1).	0.70	276.50
01/29/19	JW1	Email opposing counsel and response regarding upcoming depositions.	0.10	29.00
01/29/19	JW1	Analyze task list (.1) and update with Angela Stewart regarding same (.1).	0.20	58.00
01/29/19	ALS	Office conference with J. Woodcock re preparation for upcoming depositions of J. Kozey, D. Nagy and L. Kennedy	0.10	22.50
01/29/19	ALS	Email to J. Woodcock attaching draft World Fuels 30(b)(6) notice	0.10	22.50
01/29/19	ALS	Review email from L. Milne re status of Motion for Letters Rogatory and request to update litigation task tracker	0.10	22.50



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01/29/19	ALS	Continue work on review, tagging and organization of documents for possible use at J. Kozey's deposition in the Estate Representative's litigation against Canadian Pacific Railway (4.6); work on review and tagging of D. Nagy and L. Kennedy documents for J. Woodcock's review (1.1)	5.70	1,282.50
01/29/19	ALS	Analysis re: latest Evidox invoice and status of payment	0.10	22.50
01/29/19	RJK	Review and respond to e-mails regarding letters rogatory (CP)	0.20	118.00
01/30/19	RND	Meeting with CP team to discuss upcoming deposition prep, review of incoming document production, and status of discovery	1.00	280.00
01/30/19	LBD	Attend weekly CP discovery meeting	1.00	220.00
01/30/19	ARP	Participate in weekly meeting re CP discovery (partial)	0.80	216.00
01/30/19	JW1	Attend team meeting discussing case updates and discovery strategy.	1.00	290.00
01/30/19	JW1	Call with opposing counsel regarding scheduling of Calgary depositions.	0.20	58.00
01/30/19	LKZ	Participate in weekly CP discovery meeting (.9, partial); review of Kozey hot docs in preparation for depo (.8).	1.70	671.50
01/30/19	ALS	Attendance at team meeting to discuss status and next steps of Canadian Pacific litigation	1.00	225.00
01/30/19	ALS	Email to R. Desai attaching litigation task tracker in advance of team meeting with respect to Canadian Pacific litigation	0.10	22.50
01/30/19	ALS	Docket scheduling deposition preparation/strategy meeting with respect to upcoming depositions in Estate Representative's case against Canadian Pacific	0.10	22.50
01/30/19	ALS	Review emails from A. Prescott and J. Woodcock re status of J. McGonigle's deposition in Elizabeth City with respect to Quebec litigation	0.10	22.50
01/30/19	ALS	Finalize review, tagging and organization of documents for possible use at J. Kozey's deposition in the Estate Representative's litigation against Canadian Pacific Railway	2.60	585.00
01/30/19	RJK	Prepare for (.3) and attend (1.0) CP litigation session	1.30	767.00
01/30/19	RJK	Exchange e-mails with M. Rosenberg regarding mediation (CP)	0.30	177.00
01/30/19	RJK	Exchange e-mails with Mitchell Toups regarding mediation (CP)	0.20	118.00
01/30/19	PM	Meet with team to discuss discovery status and strategy.	1.00	450.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
01/31/19	ALS	Review email from J. Woodcock re transmittal of deposition notices for J. Kozey, D. Nagy and L. Kennedy upon counsel for Canadian Pacific	0.10	22.50
01/31/19	ALS	Office conference with R. Keach with respect to TSB's report on White River derailment (.1); email to R. Keach attaching TSB report on White River derailment (.1)	0.20	45.00
01/31/19	ALS	Email to A. Prescott attaching pleadings for review in advance of J. McGonigle's deposition in the Quebec litigation	0.10	22.50
01/31/19	ALS	Transmit electronic copy of documents for potential use at J. Kozey's deposition to R. Keach, P. McDonald, etc. (.1); bookmark electronic version of documents for potential use at J. Kozey's deposition (.2)	0.30	67.50
01/31/19	ALS	Search, review and tag issues relating to document integrity, withheld documents, and other issues arising out of Canadian Pacific's document production	2.20	495.00
01/31/19	ALS	Review email from J. Woodcock requesting additional document tags with respect to review of Canadian Pacific discovery (.1); review new tags in Evidox database (.1)	0.20	45.00
01/31/19	ALS	Office conferences (x2) with L. Milne re review of binder of documents for use as exhibits in J. Kozey's upcoming deposition in the Estate Representative's litigation against Canadian Pacific	0.30	67.50
01/31/19	ALS	Telephone conference with R. Desai regarding additions to document tracking inconsistencies in Canadian Pacific's pleadings filed in various litigation cases (.2); update document tracking inconsistencies in Canadian Pacific's pleadings filed in various litigation cases (.5)	0.70	157.50
01/31/19	LKZ	Review Kozey hot docs in prep for Kozey depo.	3.50	1,382.50
01/31/19	RND	Call with A. Stewart re: various pleadings filed by CP and review pleadings	0.50	140.00
01/31/19	JW1	Search for and analyze relevant CP documents in preparation for deposition.	3.50	1,015.00
01/31/19	JW1	Analyze Irving opposition to petition for letters rogatory.	0.30	87.00
01/31/19	JW1	Edit and send notice of deposition to CP counsel (.2); email court report re: deposition notices (1).	0.30	87.00
01/31/19	PM	Prepare for Kozey deposition (.1); emails re. CP depositions (.1); emails with and meeting with Bob Keach re. settlement and deposition issues (.3); meeting with Lindsay Milne re. CP depositions (.2).	0.70	315.00



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02/01/19	KQ	Prepare notice of hearing with respect to the motion for issuance of letter rogatory in the matter of Keach v. CP and email to L. Milne re: same (.4); file notice of hearing (.1)	0.50	95.00
02/01/19	LKZ	Prepare Kozey depo outline (3.8); revise NOH for motion for issuance of letters rogatory (.1).	3.90	1,540.50
02/01/19	PM	Review Irving objection to motion for letters rogatory.	0.20	90.00
02/02/19	JW1	Analyze Lori Kennedy Documents for deposition preparation.	1.40	406.00
02/04/19	ALS	Review and respond to emails from L. Milne re request for documents in preparation of Kozey deposition outline (.3); work on building document searches and reviewing documents produced by Canadian Pacific in preparation for upcoming depositions (1.9)	2.20	495.00
02/04/19	ALS	Docket scheduling hearing regarding Motion for Issuance of Letter Rogatory in Estate Representative's litigation against Canadian Pacific, et al.	0.10	22.50
02/04/19	LKZ	Emails w/A.Stewart regarding Kozey docs.	0.10	39.50
02/04/19	LKZ	Finalize Kozey depo outline.	1.40	553.00
02/04/19	JW1	Prepare for depositions by analyzing CP documents.	1.90	551.00
02/04/19	JW1	Email CP Canadian counsel regarding deposition in Canadian proceeding (.1); update and analyze response with Adam Prescott and Bob Keach (.2).	0.30	87.00
02/04/19	ALS	Review and respond to email from A. Prescott re McGonigle deposition	0.10	22.50
02/04/19	RND	Email with L. Zahradka re: documents produced by CP that may be helpful with upcoming depositions	0.10	28.00
02/05/19	LKZ	Emails with A. Stewart regarding follow up analysis for finalization of Kozey deposition outline.	0.10	39.50
02/05/19	ALS	Office conference with L. Milne regarding review of CP produced documents with respect to classification of crude oil	0.10	22.50
02/05/19	ALS	Perform multiple searches in document database, review and organization of documents produced by Canadian Pacific in preparation for upcoming depositions in Estate Representative's litigation against Canadian Pacific	5.50	1,237.50
02/05/19	JW1	Review MMA production (.2) and e-mail Evidox regarding privilege log (.1).	0.30	87.00
02/05/19	JW1	Call with EPA counsel regarding FOIA request.	0.20	58.00
02/05/19	JW1	Review and edit draft privilege log.	0.40	116.00
02/05/19	ALS	Email with R. Keach, P. McDonald, etc. re: document produced by Canadian Pacific regarding classification of sweet crude oil	0.10	22.50



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02/05/19	ALS	Office conference with L. Milne re review of Kozey deposition outline (.2); email to L. Milne re: CP-produced document indicating packing group information (.1)	0.30	67.50
02/05/19	LKZ	Emails with CP doc review team regarding follow up searches of relevant documents in preparation for CP depositions.	0.20	79.00
02/05/19	JW1	Draft deposition outline of Lori Kennedy (1.5); analyze CP privilege log and redacted documents (0.6).	2.10	609.00
02/05/19	JW1	Analyze documents to use in depositions of CP employees.	1.70	493.00
02/05/19	LKZ	Confer w/A.Stewart re: TSB report on carrier failing to notify shipper of missclassification (.2); emails w/doc review team re: incorporation of various hot docs into dep outlines (.2); review add'l Kozey hot docs (.7) and revise Kozey depo outline (.9); confer w/P.McDonald re: same (.1).	2.10	829.50
02/05/19	PM	Review documents for Kozey deposition (.3); review documents in preparation for CP depositions (3.6).	3.90	1,755.00
02/05/19	RND	Emails with A. Stewart, J. Woodcock, and L. Zahradka re: documents to be used for upcoming depositions	0.40	112.00
02/05/19	ALS	Review and respond to email from R. Keach re translation of Order from Canadian Court regarding confidentiality of discovery between Canadian and U.S. litigation against Canadian Pacific	0.20	45.00
02/05/19	ALS	Review email communications between J. Woodcock and Evidox re export of privilege log in Canadian Pacific litigation pending in Maine (.1); review draft privilege log (.1)	0.20	45.00
02/06/19	RND	Meeting with CP Discovery Team re: preparations for upcoming depositions	0.60	168.00
02/06/19	LBD	CP litigation status meeting (.6); follow-up emails re: same (.1)	0.70	154.00
02/06/19	ARP	Participate in weekly meeting re CP Discovery (.6); follow-up emails re: same (.1)	0.70	189.00
02/06/19	JW1	Draft deposition outline for Lori Kennedy (1.7); emails with Evidox regarding production of documents for use in deposition (.2) and download and review of such documents (.1).	2.00	580.00
02/06/19	JW1	Prepare for (.4) and participate in weekly team meeting analyzing case developments and strategy (.6).	1.00	290.00



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02/06/19	LKZ	Review Kozey "light sweet crude" search (.5), Hot Crude by Rail search (.5) and revise Kozey dep outline accordingly (.7); supplement Kozey outline for DOT111 issue (.7); confer w/P.McDonald re: same (.1); prep for (.1) and attend (.6) weekly CP discovery meeting.	3.20	1,264.00
02/06/19	PM	Review documents in preparation for CP depositions.	1.10	495.00
02/06/19	MT	Analysis of CP-produced docs in connection with CP employee depositions.	1.10	231.00
02/06/19	LKZ	Emails with A. Stewart regarding supplementing Kozey Depo binder.	0.10	39.50
02/06/19	ALS	Multiple revisions to task tracker for Canadian Pacific litigation (.2); emails to R. Desai regarding task tracker (.1); attend meeting with R. Keach, L. Milne, etc. regarding status of Canadian Pacific litigation and next steps (.4, partial)	0.70	157.50
02/06/19	ALS	Emails (x2) to R. Keach, P. McDonald, L. Milne, etc. attaching Order and relating pleadings from First Circuit on Motion to Dismiss or for Summary Disposition of Appeal in Wrongful Death litigation	0.20	45.00
02/06/19	ALS	Assist J. Woodcock with organization of exhibit for use at deposition of L. Kennedy in Canadian Pacific litigation (.3); emails from/to J. Woodcock and L. Milne re use of deposition exhibit (.1)	0.40	90.00
02/06/19	ALS	Email to L. Milne re document produced by Canadian Pacific with respect to White River derailment (.1); email to R. Keach re: document produced from Canadian Pacific that originated in their crude by rail file (.1)	0.20	45.00
02/06/19	ALS	Perform multiple searches in document database, review and organization of documents produced by Canadian Pacific in preparation for upcoming depositions in Estate Representative's litigation against Canadian Pacific	3.80	855.00
02/07/19	LKZ	Emails with J. Woodcock regarding deposition questions about dates reflected in meta-data.	0.10	39.50
02/07/19	ALS	Meetings (x2) with P. McDonald and L. Milne regarding preparation for upcoming deposition of J. Kozey in Estate Representative's litigation against Canadian Pacific Railway and Soo Line	2.00	450.00
02/07/19	PM	Review confidentiality order from Canadian court (.2); prepare for CP depositions (3.0); meet with Lindsay Milne and Angela Stewart re. CP deposition preparation (2.0); meet with Bob Keach and Jack Woodcock re. CP deposition preparation (1.1).	6.30	2,835.00



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02/07/19	LKZ	Meeting w/P.McDonald, A. Stewart re: Kozey dep prep (1.0), (1.0); revise Kozey dep outline accordingly (2.5).	4.50	1,777.50
02/07/19	ALS	Perform multiple searches in document database, review and organization of documents produced by Canadian Pacific in preparation for upcoming depositions in Estate Representative's litigation against Canadian Pacific	2.70	607.50
02/07/19	ALS	Research pertinent regulations and statutes for R. Keach and P. McDonald in preparation for upcoming depositions in litigation against Canadian Pacific	0.40	90.00
02/07/19	JW1	Analyze deposition outline for Jim Kozey and referenced documents.	1.40	406.00
02/07/19	JW1	Deposition strategy analysis with Bob Keach and Paul McDonald (partial)	0.40	116.00
02/07/19	JW1	Outline deposition of Lori Kennedy.	1.00	290.00
02/08/19	LKZ	Call with A. Stewart regarding finalizing Kozey depo outline, exhibit binder.	0.20	79.00
02/08/19	KQ	Assist P. McDonald with preparation of exhibits for J. Kozey's deposition in Estate Representative's litigation against Canadian Pacific	2.30	437.00
02/08/19	ARP	Call w. J. Woodcock re McGonigle deposition planning	0.10	27.00
02/08/19	JW1	Complete deposition outline of Lori Kennedy.	2.80	812.00
02/08/19	ALS	Research regarding 2008 crude derailment in Luther, OK (.6); draft email summarizing Luther, OK derailment and attaching relevant documents produced by Canadian Pacific for R. Keach and P. McDonald's review (.3)	0.90	202.50
02/08/19	ALS	Telephone conference with L. Milne re outline with respect to deposition of Jim Kozey in Canadian Pacific litigation (.2); multiple revisions to outline for deposition of Jim Kozey (.2); meeting with P. McDonald regarding J. Kozey deposition exhibits (.2)	0.60	135.00
02/08/19	ALS	Preparation of electronic version of exhibits for use at deposition of J. Kozey in Canadian Pacific litigation	1.70	382.50
02/08/19	ALS	Add new exhibits to document set for deposition of J. Kozey in Canadian Pacific	0.30	67.50
02/08/19	ALS	Email to J. Woodcock attaching potential exhibits for use at deposition of L. Kennedy and D. Nagy in Canadian Pacific litigation	0.10	22.50
02/08/19	ALS	Assist P. McDonald with final preparation of exhibits for J. Kozey's deposition in Estate Representative's litigation against Canadian Pacific	2.20	495.00
02/08/19	JW1	Analyze CP documents regarding Darlene Nagy (1); outline Nagy deposition (2).	3.00	870.00
02/08/19	LKZ	Emails w/A.Stewart re: finalizing Kozey dep outline.	0.20	79.00
02/08/19	PM	Review materials in preparation for CP deposition.	5.00	2,250.00



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02/11/19	JW1	Complete draft of deposition outline for Darlene Nagy.	3.40	986.00
02/11/19	JW1	Finalize privilege log (.1); review court's pretrial order (.1); and email log to opposing counsel (.1).	0.30	87.00
02/11/19	ALS	Emails to/from P. McDonald re final preparation of exhibits for the deposition of P. Kozey in Canadian Pacific litigation (.2); emails to/from J. Dawson at Blakes re upcoming deposition (.1); office conference with J. Woodcock re transmittal of deposition exhibits to Blakes (.1); review and respond to emails (x3) from L. Milne re document/metadata information for various exhibits for use at J. Kozey's deposition (.3)	0.70	157.50
02/11/19	ALS	Review and respond to emails from L. Milne and J. Woodcock regarding updates to task tracker for the Canadian Pacific litigation (.2); update litigation task tracker for Canadian Pacific litigation (.2)	0.40	90.00
02/11/19	JW1	Review, finalize, and organize depositions outlines and documents for two Canadian Pacific deponents.	2.70	783.00
02/11/19	LKZ	Continue to prep P.McDonald for Kozey dep.	0.60	237.00
02/11/19	LKZ	Emails with A. Stewart regarding additional docs for Kozey deposition.	0.10	39.50
02/11/19	ARP	Travel from Portland, ME to Norfolk, VA for J. McGonigle deposition while prepping to defend same(6.8)	6.80	1,836.00
02/11/19	PM	Revise CP deposition outline and review documents in preparation for CP depositions.	5.80	2,610.00
02/11/19	KQ	Assist P. McDonald with preparation of exhibits for J. Kozey's deposition in Estate Representative's litigation against Canadian Pacific	5.50	1,045.00
02/11/19	ALS	Emails to/from A. Cummings re upcoming deposition of C. Caldwell	0.10	22.50
02/11/19	ALS	Review and respond to email from J. Woodcock re Estate Representative's privilege log transmitted to opposing counsel in litigation against Canadian Pacific Railway and Soo Line	0.20	45.00
02/11/19	ALS	Finalize exhibits and organize same for upcoming deposition of J. Kozey in the Estate Representative's litigation against Canadian Pacific and Soo Line (3.4); assist J. Woodcock with final exhibits for depositions of D. Nagy and L. Kennedy (.8)	4.20	945.00
02/11/19	RND	Review emails from L. Zahradka re: upcoming depositions	0.20	56.00
02/12/19	KQ	Email to P. McDonald and J. Woodcock re: receipt of deposition exhibits (Kozey depo) at Blake Cassels	0.10	19.00
02/12/19	LKZ	Emails w/A.Stewart regarding notice to District Court of First Circuit decision granting permission to direct appeal.	0.10	39.50



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02/12/19	MT	Emails to and from Evidox re doc integrity issue with CP doc production	0.20	42.00
02/12/19	ARP	Working travel from Norfolk, VA to Elizabeth City, NC (1.3) and attend deposition of J. McGonigle in Canadian litigation (6.5)	7.80	2,106.00
02/12/19	JW1	Travel from Portland to Calgary for depositions while prepping for deposition	10.00	2,900.00
02/12/19	ALS	Emails from/to M. Thomas re review of Canadian Pacific document production for document integrity issues and assistance from Evidox regarding same	0.20	45.00
02/12/19	ALS	Follow up with K. Quirk regarding transmittal of deposition exhibits to Calgary in advance of depositions in Canadian Pacific litigation (.1); email to P. McDonald and J. Woodcock re status of deposition exhibits sent to Calgary (.1)	0.20	45.00
02/12/19	PM	Travel to Calgary for CP depositions while prepping for Kozey depo.	10.50	4,725.00
02/13/19	MT	Research in connection with CP doc production for use at CP employee depositions.	0.80	168.00
02/13/19	ALS	Emails from/to J. Woodcock regarding request for additional documents for use at deposition of J. Kozey in litigation against Canadian Pacific Railway and Soo Line (.1); research re additional documents for J. Woodcock(.2)	0.30	67.50
02/13/19	ALS	Review and respond to emails from A. Prescott and J. Woodcock regarding latest document productions in Canadian Pacific litigation and status of transmittal of same to CP's counsel in Canada (.2); review summary of documents produced in Canadian Pacific litigation (.2); email to A. Johnson at Evidox requesting updated link to latest document production (.1); email to J. Cuttler at Kugler Kandestin attaching link to most recent document production (.1)	0.60	135.00
02/13/19	ARP	Attend deposition of J. McGonigle (4.6) and travel from Elizabeth City to Norfolk re same (.6)	5.20	1,404.00
02/14/19	LKZ	Emails with J. Woodcock regarding Nagy deposition	0.10	39.50
02/14/19	ALS	Review invoices from Evidox with respect to discovery database for litigation against Canadian Pacific Railway and Soo Line (.1); email to A. Cummings regarding same (.1)	0.20	45.00
02/14/19	PM	Travel from Calgary to Portland (return from Kozey deposition billed at 50% time).	4.80	2,160.00
02/14/19	ALS	Review email from J. Woodcock re status of deposition of D. Nagy taken in Calgary in the litigation against Canadian Pacific Railway and Soo Line	0.10	22.50



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
02/14/19	ARP	Travel from Norfolk, VA to Portland, ME re return from McGonigle deposition (billed at 50% time).	2.80	756.00
02/15/19	JW1	Prepare for (1) and take deposition of Lori Kennedy (4.5).	5.50	1,595.00
02/15/19	LKZ	Confer w/P.McDonald re: Kozey dep (.1); emails w/J.Woodcock re: Kennedy dep (.1).	0.20	79.00
02/15/19	ALS	Review and respond to email from R. Keach re status of depositions in Estate Representative's litigation against Canadian Pacific and preparation for future depositions	0.20	45.00
02/15/19	PM	Meeting with Lindsay Milne re. CP depositions (.1); emails with Bob Keach and Jack Woodcock re: same (.2).	0.30	135.00
02/15/19	RND	Emails with A. Prescott re: scheduling of further depositions	0.20	56.00
02/15/19	ARP	Call w. J. Cuttler re production to CP Canada	0.10	27.00
02/16/19	JW1	Travel from Calgary to Portland (billed at 50% time).	5.00	1,450.00
02/16/19	ALS	Review email communications with respect to rescheduling of C. Caldwell's deposition in Quebec litigation case	0.20	45.00
02/16/19	ALS	Perform search and review documents in Evidox database relating to C. Bunce for use at future deposition in Estate Representative's litigation against Canadian Pacific and Soo Line	0.50	112.50
02/17/19	ALS	Review and respond to email from R. Learned re: prep of J. Woodcock for depositions	0.10	22.50
02/17/19	ALS	Email to K. Quirk re depositions of J. Kozey, D. Nagy and L. Kennedy in the Canadian Pacific litigation	0.10	22.50
02/17/19	ALS	Continue review of documents relating to C. Bunce for use as potential deposition exhibits in Canadian Pacific litigation	0.40	90.00
02/18/19	ALS	Continue review of documents relating to C. Bunce and produced by Canadian Pacific in Estate Representative's litigation against Canadian Pacific and Soo Line	0.80	180.00
02/19/19	ALS	Review and respond to email from K. Quirk re depositions in Canadian Pacific litigation	0.10	22.50
02/19/19	ALS	Review Canadian Pacific's Amended Privilege Log provided in Estate Representative's litigation against Canadian Pacific and Soo Line	1.00	225.00
02/19/19	ALS	Search, review and tag documents in Evidox database relating to C. Bunce for use as exhibits at deposition with respect to the Estate Representative's litigation against Canadian Pacific and Soo Line	1.20	270.00
02/19/19	ALS	Review email from R. Learned re additional docs for J. Woodcock in use at CP depositions	0.10	22.50



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
02/20/19	ALS	Search for documents in Evidox database relating to C. Bunce for use as exhibits at deposition with respect to the Estate Representative's litigation against Canadian Pacific and Soo Line	1.20	270.00
02/21/19	LKZ	Emails w/Irving counsel re: postponing 2/26 hearing.	0.10	39.50
02/21/19	ALS	Review email from A. Prescott regarding rescheduling of deposition of C. Caldwell in Quebec litigation (.1); update docket scheduling with respect to Caldwell deposition (.1)	0.20	45.00
02/21/19	ALS	Review and respond to emails from L. Milne with respect to rescheduling of hearing on Motion for Letters Rogatory on Irving Oil pending before the U.S. Bankruptcy Court for the District of Maine	0.20	45.00
02/21/19	ALS	Review email from P. McDonald re: deposition of J. Kozey, D. Nagy and L. Kennedy in Estate Representative's litigation against Canadian Pacific and Soo Line (.1); review deposition transcript of J. Kozey (1.0)	1.10	247.50
02/21/19	ALS	Continue work on document database isolating documents relating to C. Bunce for use as exhibits at deposition with respect to the Estate Representative's litigation against Canadian Pacific and Soo Line	0.60	135.00
02/22/19	ALS	Emails from/to R. Keach and L. Milne re continuance of hearing on Motion for Issuance of Letter Rogatory with respect Estate Representative's litigation against Canadian Pacific and Soo Line	0.20	45.00
02/22/19	ALS	Draft consent motion to continue hearing with respect to Motion for Issuance of Letter Rogatory filed in Canadian Pacific litigation (.2); filing of consent motion with Court (.1)	0.30	67.50
02/22/19	LKZ	Emails w/constituents re: continuation of hearing on motion for issuance of letters rogatory (.1); confer w/A.Stewart re: same (.1); review motion for continuance, FOO (.2).	0.40	158.00
02/22/19	ALS	Email to R. Keach, P. McDonald, etc. attaching CP and Soo Line's Reply to Motion and Objection Concerning Issuance of Letter Rogatory filed in CP adversary proceeding	0.20	45.00
02/22/19	ALS	Update CP litigation task tracker (.1); continue review of documents produced by CP for use at future depositions, including deposition of C. Bunce (.4)	0.50	112.50
02/25/19	ALS	Email to L. Milne re: Order Granting Consent Motion to Continue Hearing re Motion for Issuance of Letter Rogatory filed in CP adversary proceeding (.1); update docket scheduling with new hearing date (.1)	0.20	45.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
02/25/19	ALS	Review and respond to email from J. Smith (assistant to P. McDonald) regarding status of deposition transcripts for Canadian Pacific litigation pending in the Maine Bankruptcy Court	0.10	22.50
02/25/19	JW1	Update Bob Keach and Paul McDonald regarding depositions of CP employees.	0.40	116.00
02/25/19	ALS	Review and respond to email from A. Prescott regarding McGonigle deposition transcripts from Quebec litigation (.1); email to R. Keach regarding same (.1); analysis re: same(.1)	0.30	67.50
02/25/19	PM	Review CP deposition transcripts (2.8); review email re: potential agreement between Irving and CP discovery (.2).	3.00	1,350.00
02/25/19	ALS	Office conference with J. Woodcock re depositions of J. Kozey and D. Nagy from the Estate Representative's litigation against Canadian Pacific (.1); Review D. Nagy's deposition transcript (.6)	0.70	157.50
02/26/19	ALS	Emails with A. Johnson at Evidox with respect to document production Canadian Pacific litigation (.1); review and respond to email from C. Gray regarding same (.1); review links from Evidox to document production (.2); email to C. Gray at Kugler Kandestin regarding links to document production (.1)	0.50	112.50
02/26/19	JW1	Analyze CP's amended privilege log and identified documents therein.	0.80	232.00
02/26/19	JW1	Analyze provisions of protective order.	0.20	58.00
02/26/19	ALS	Revisions to litigation task tracker for Canadian Pacific litigation (.2); email to L. Milne and J. Woodcock regarding same (.1); email to R. Keach, P. McDonald, L. Milne, etc. re: updated litigation task tracker (.1)	0.40	90.00
02/26/19	JW1	Analyze CP document production.	1.00	290.00
02/26/19	JW1	Analyze Irving response to requests in petition for letters rogatory.	0.20	58.00
02/26/19	JW1	Review draft of overall task list and update and edit based on case developments.	0.30	87.00
02/26/19	LKZ	Revise CP trask tracker in advance of weekly meeting on CP discovery status.	0.20	79.00
02/26/19	ALS	Prepare list of documents requested by P. McDonald during deposition of J. Kozey for Canadian Pacific's review and response	0.30	67.50
02/26/19	ALS	Continue review and tagging of documents relating to C. Bunce for P. McDonald's review with respect to litigation against Canadian Pacific (1.1); analysis of issues with Canadian Pacific's most recent privilege log (.5)	1.60	360.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
02/27/19	RND	Meeting with CP Discovery team to discuss depositions and next steps	1.00	280.00
02/27/19	LBD	Discuss status of CP litigation.	1.00	220.00
02/27/19	JW1	Bernstein team meeting analyzing case developments and strategy (1.0); follow-up analysis re: same (.1)	1.10	319.00
02/27/19	ALS	Attendance at meeting with P. McDonald, L. Milne, J. Woodcock, R. Desai and L. Douglass regarding status of litigation against Canadian Pacific and next steps	1.00	225.00
02/27/19	LKZ	Attend weekly CP discovery meeting (1.0); follow-up re: same (.1).	1.10	434.50
02/27/19	PM	Review CP deposition transcripts (4.2); attend meeting re. discovery status and strategy (1.0).	5.20	2,340.00
02/27/19	ALS	Review deposition transcripts of D. Nagy and L. Kennedy with respect to Canadian Pacific litigation	0.70	157.50
02/27/19	ALS	Continue review and summary of documents and issues flagged during review of Canadian Pacific's document production	0.80	180.00
02/27/19	ALS	Research regarding Canadian Pacific Railway Company's connection to Bakken region transloading facilities	0.60	135.00
02/27/19	ALS	Research Canadian Pacific Railway Company presentations relating to crude oil and/or transloading facilities in connection to Bakken region	0.50	112.50
02/27/19	RND	Emails with P. McDonald and J. Woodcock re: potential additional depositions	0.20	56.00
02/28/19	ALS	Update litigation task tracker with respect to CP litigation per L. Milne's request	0.20	45.00
02/28/19	LKZ	Emails w/A.Stewart re: revising CP trask tracker.	0.10	39.50
02/28/19	JW1	Analyze CP document regarding transloading facilities.	0.30	87.00
02/28/19	PM	Call and email with Bob Keach re. discovery issues (.1); emails to and from Angela Stewart re. discovery issues (1.1).	1.20	540.00
02/28/19	ALS	Draft letter to P. Hemming regarding outstanding items from J. Kozey deposition and objections relating to the Stipulated Protective Order (.3); review J. Kozey's deposition transcript inconnection with same (.1)	0.40	90.00
02/28/19	ALS	Further research Canadian Pacific Railway Company presentations relating to crude oil and/or transloading facilities in connection to Bakken region (2.6); review Canadian Pacific produced documents relating to P. Weiss (1.3)	3.90	877.50
02/28/19	RND	Emails with J. Woodcock, A. Stewart, and P. McDonald re: additional documents pertaining to Trustee's litigation (.2) and review documents re: same (.8)	1.00	280.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
03/01/19	LKZ	Emails w/CP discovery team re: 3P subpoenas to Dakota Plains.	0.10	39.50
03/01/19	LKZ	Emails with discovery team regarding BNSF Bakken presentation innCP doc production.	0.10	39.50
03/01/19	PM	Emails re. transloading facilities.	0.10	45.00
03/01/19	ALS	Email to J. Woodcock re: Stipulated Protective Order entered in CP adversary proceeding	0.10	22.50
03/01/19	ALS	Comparison of list of documents produced by CP against documents produced as the "crude by rail" file	0.80	180.00
03/01/19	ALS	Work on discovery-related assignments with respect to the CP adversary proceeding, including continued research on CP owned and private transload facilities and similar documents produced by CP	3.20	720.00
03/01/19	RND	Emails with R. Keach and P. McDonald re: certain documents produced by CP that may be helpful in trustee's litigation	0.20	56.00
03/01/19	RJK	Exchange e-mails with BSSN team regarding CP discovery	0.30	177.00
03/04/19	JW1	Analyze Irving response to request for letters rogatory.	0.40	116.00
03/04/19	JW1	Analyze CP crude by rail folder.	0.20	58.00
03/04/19	PM	Review Dakota Plains related documents.	0.20	90.00
03/04/19	ALS	Review and respond to email from A. Prescott with respect to status of McGonigle deposition transcript re Quebec litigation	0.10	22.50
03/04/19	ALS	Email to J. Woodcock, L. Milne and A. Prescott regarding Irving's Objection to Letters Rogatory (.1); review chart forwarded by J. Woodcock (.2)	0.30	67.50
03/04/19	ALS	Research bankruptcy dockets for Dakota Plains entities re: schedules and statements.	0.60	135.00
03/04/19	ALS	Email to R. Keach, P. McDonald, etc. regarding Canadian Pacific's Crude Oil Transload Facilities and related documents produced by Canadian Pacific (.1); research regarding Canadian Pacific's Crude Oil Transload Facilities, testing performed at CP owned and private transload facilities, etc. (1.2)	1.30	292.50
03/04/19	ALS	Prepare documents for use as exhibits in depositions of C. Bunce and P. Weiss in Canadian Pacific litigation	0.80	180.00
03/04/19	RND	Further emails with A. Stewart re: documents produced by CP that may be useful in trustee's litigation	0.20	56.00
03/05/19	ALS	Reply email to J. Woodcock re EPA's response to FOIA request	0.10	22.50
03/05/19	ALS	Analyze documents for use as exhibits in depositions of C. Bunce and P. Weiss in Canadian Pacific litigation	3.90	877.50



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
03/05/19	ALS	Update Canadian Pacific litigation task tracker (.1); email to L. Milne and J. Woodcock re: same	0.20	45.00
03/05/19	JW1	Analyze scope of requests propounded in request for letters rogatory.	0.50	145.00
03/06/19	ALS	Review and analyze Canadian Pacific's privilege logs	0.50	112.50
03/06/19	JW1	Analyze task list and update with case developments.	0.20	58.00
03/06/19	JW1	Analyze Irving response to request for issuance of letters rogatory (1); substantial e-mails w/ Paul McDonald regarding same (.4).	1.40	406.00
03/06/19	LKZ	Revise task list tracker in advance of CP discovery meeting.	0.80	316.00
03/06/19	KQ	Prepare exhibits for deposition of C. Bunce in Canadian Pacific adversary proceeding	1.50	285.00
03/06/19	ALS	Office conference with K. Quirk regarding preparation of exhibits for depositions with respect to the CP litigation	0.20	45.00
03/06/19	ALS	Emails from/to L. Milne with respect to revised CP task tracker and weekly team meeting	0.10	22.50
03/06/19	ALS	Review and respond to email from A. Ellis re return shipment of exhibits from depositions held in Calgary	0.10	No Charge
03/06/19	ALS	Emails to R. Keach and A. Cummings re deposition transcript of J. McGonigle in Quebec litigation	0.10	22.50
03/06/19	ALS	Continue to review and analyze Canadian Pacific's privilege logs Review and flag issues from Canadian Pacific's amended privilege logs (1.1); email to R. Keach, P. McDonald, J. Woodcock, etc. regarding issues relating to Canadian Pacific's amended privilege log (.1)	1.20	270.00
03/06/19	ALS	Continue review and analysis of documents produced by Canadian Pacific for attorney review with respect to certain custodians for potential use at depositions	1.80	405.00
03/06/19	PM	Emails with Lindsay Milne re. discovery status and strategy	0.10	45.00
03/07/19	JW1	Analyze case law regarding issuance of letters rogatory.	0.70	203.00
03/07/19	JW1	Analyze and edit draft follow up letter to CP counsel regarding deposition requests (.6); analyze Irving letters rogatory response (.6).	1.20	348.00
03/07/19	PM	Emails with Angela Stewart re. privilege issues (.1); analyze issues re. Irving Letters Rogatory (1.0); review case law re. letters rogatory (1.1).	2.20	990.00
03/07/19	ALS	Emails to A. Prescott and A. Cummings regarding J. McGonigle's deposition transcript with respect to Quebec litigation	0.10	22.50



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03/07/19	ALS	Review and respond to email from P. McDonald with respect to review of Canadian Pacific's privilege log and list of counsel at Canadian Pacific	0.10	22.50
03/07/19	RJK	Exchange e-mail with Paul McDonald regarding letters rogatory	0.20	118.00
03/08/19	LKZ	Emails w/CP discovery team re: status of discovery deliverables.	0.10	39.50
03/11/19	JW1	Email Paul McDonald regarding deposition follow up (.1) ; and Bob Keach (.2) regarding outstanding discovery items.	0.30	87.00
03/11/19	LKZ	Emails w/J.Woodcock re supplemental interrog responses.	0.10	39.50
03/11/19	RJK	Exchange e-mails with M. Toups regarding Canadian Pacific litigation status	0.20	118.00
03/12/19	ALS	Office conference with K. Quirk re preparation of exhibits for upcoming depositions in Canadian Pacific litigation	0.10	22.50
03/12/19	ALS	Review Evidox invoices with respect to Canadian Pacific litigation (.1); email to A. Cummings forwarding Evidox invoices for processing (.1)	0.20	45.00
03/12/19	KQ	Prepare exhibits for deposition of C. Bunce in Canadian Pacific adversary proceeding	1.40	266.00
03/12/19	LKZ	Emails w/A.Prescott re: coverage of MMA employee depo (.1); confer w/B.Keach re: same (.3).	0.40	158.00
03/12/19	PM	Brief meeting with Bob Keach re. depositions and strategy.	0.10	45.00
03/12/19	ALS	Analyze Canadian Pacific's document production and supplement analysis re: apparent deficiencies.	1.10	247.50
03/12/19	ALS	Analyze key documents for potential use at future depositions of Canadian Pacific employees	1.60	360.00
03/13/19	RND	Meeting with CP Discovery Team to discuss status of review of produced documents and necessity to have CP supplement their production	1.40	392.00
03/13/19	ALS	Attend meeting with R. Keach, P. McDonald, L. Milne, J. Woodcock, R. Desai and A. Prescott regarding status of Canadian Pacific litigation and next steps	1.40	315.00
03/13/19	JW1	Team meeting to analyze case updates and strategy (1.4); follow-up re:same (.1).	1.50	435.00
03/13/19	ARP	Emails re hosting Caldwell deposition (.2); attend internal team meeting re CP discovery (1.4)	1.60	432.00
03/13/19	LKZ	Attend CP weekly discovery meeting.	1.50	592.50
03/13/19	PM	Attend meeting re. discovery status and strategy (1.4); review supplemental answers to CP interrogatories (.1).	1.50	675.00
03/13/19	ALS	Review and respond to email from A. Cummings with respect to CP team meetings	0.10	22.50



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
03/13/19	ALS	Update litigation task tracker with respect to Canadian Pacific team meeting (.1); email to L. Milne and J. Woodcock re: same	0.20	45.00
03/13/19	ALS	Continue analysis of Canadian Pacific's document production and apparent deficiencies w/ same.	3.40	765.00
03/13/19	RJK	Exchange e-mail with Jack Woodcock, et al regarding Caldwell deposition	0.30	177.00
03/13/19	RJK	Prepare for (1.0) and attend (1.4) CP Litigation conference	2.40	1,416.00
03/13/19	RJK	Review and revise supplemental responses to CP interrogatories	0.60	354.00
03/13/19	RJK	E-mail to L. Smith regarding World Fuels cooperation in CP Discovery	0.10	59.00
03/13/19	RJK	E-mail to J. Landry regarding Loxam depo	0.10	59.00
03/13/19	RND	Review circulated task list ahead of meeting with CP Discovery Team	0.10	28.00
03/14/19	ALS	Revise CP task tracker (.2); email to L. Milne re: same (.1); e-mails w/ B. Keach, P. McDonald, etc. re: same (.1)	0.40	90.00
03/14/19	ALS	Email to R. Keach, P. McDonald, etc. re: McGonigle deposition transcripts (.1); review same (.2)	0.30	67.50
03/14/19	LKZ	Revise CP task tracker (.3); emails w/P.McDonald re: letter to CP counsel on depo transcript designations, etc. (.1).	0.40	158.00
03/14/19	JW1	Analysis (.9) re: and draft email to Irving counsel (.3) regarding response to petition for letters rogatory request.	1.20	348.00
03/14/19	PM	Revise letter to Paul Hemming re. discovery follow up (.2); emails with Jack Woodcock re. letters rogatory issues (.2); phone call with Jack Woodcock re. letters rogatory issues (.1).	0.50	225.00
03/14/19	ALS	Review letter from P. McDonald to P. Hemming regarding follow up requests from J. Kozey's deposition and CP's designation of deposition transcripts as confidential	0.10	22.50
03/14/19	ALS	Continue analysis of Canadian Pacific's document production, revise summary of apparent deficiencies w/ same	1.20	270.00
03/15/19	ALS	Continue analysis of Canadian Pacific's document production, and revise summary of apparent deficiencies w/ same.	2.20	495.00
03/15/19	JW1	Voicemails and call with John Landry regarding deposition of Christopher Caldwell in Bangor.	0.40	116.00
03/18/19	ALS	Continue analysis of Canadian Pacific's document production, and revise summary of apparent deficiencies w/ same.	1.60	360.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
03/19/19	ALS	Finalize analysis of issues with Canadian Pacific's document production	0.90	202.50
03/19/19	JW1	Drive to Bangor (1.0 - billed at 1/2 time); to attend deposition of Christopher Caldwell (7.5).	8.50	2,465.00
03/19/19	RJK	Review precedent, analysis regarding protective order, discovery issues	0.80	472.00
03/20/19	KQ	Prepare exhibits for the deposition of P. Weiss in Canadian Pacific adversary proceeding	2.90	551.00
03/20/19	LKZ	Revise CP litigation task tracker.	0.40	158.00
03/20/19	JW1	Attend day two of deposition of Chris Caldwell.	3.50	1,015.00
03/20/19	JW1	Drive from Bangor following deposition of Chris Caldwell (billed at 1/2 time)	1.00	290.00
03/20/19	ALS	Office conference with K. Quirk re preparation of exhibits for upcoming depositions in CP litigation	0.10	22.50
03/20/19	ALS	Email to P. McDonald and L. Milne re CP litigation team meeting	0.10	22.50
03/20/19	ALS	Revise CP litigation task tracker	0.20	45.00
03/20/19	ALS	Research and revise documents relating to Canadian Pacific employees for P. McDonald's review with respect to upcoming depositions in Canadian Pacific litigation	2.60	585.00
03/20/19	ALS	Draft notices of deposition with respect to C. Bunce, P. Weiss and B. Dornian for J. Woodcock's review (.3); email to J. Woodcock regarding notices of deposition (.1)	0.40	90.00
03/21/19	LKZ	Confer w/J.Woodcock re: Caldwell depo.	0.10	39.50
03/21/19	ALS	Continue research and revisions to contents of document binders relating to Canadian Pacific employees for P. McDonald's review with respect to upcoming depositions in Canadian Pacific litigation	1.20	270.00
03/22/19	JW1	Analyze deposition of Joe McGonigle.	1.50	435.00
03/22/19	JW1	Analyze CP document production regarding negotiation of contract with World Fuels.	0.70	203.00
03/22/19	JW1	Analyze CP document production for completeness (2); analyze CP document production re: Paul Weiss documents (1).	3.00	870.00
03/22/19	PM	Review Chris Bunce documents in preparation for deposition (3.9); research re. contacting former employees and meeting with Jack Woodcock re. same (.3).	4.20	1,890.00
03/22/19	ALS	Review emails from P. McDonald and J. Woodcock re: key documents for depositions in Canadian Pacific Litigation (.2); research key documents accordingly (1.2)	1.40	315.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
03/25/19	ALS	Office conference with J. Woodcock re review of key documents for upcoming depositions in Canadian Pacific litigation	0.10	22.50
03/25/19	JW1	Analyze Maine Bar Rules regarding contacting former employees and related case law.	1.00	290.00
03/25/19	JW1	Analyze CP produced documents relating to Brent Dornian.	1.50	435.00
03/25/19	PM	Review Canadian Senate testimony re: derailment fires	0.90	405.00
03/25/19	LKZ	Confer w/J.Woodcock re: contacting former CP employees (.1); research re: same (.1); review email from A.Stewart re: Wilson & Dornian hot docs (.1).	0.30	118.50
03/25/19	ALS	Research regarding testimony of Canadian Pacific employees before the Standing Senate Committee on Energy, the Environment and Natural Resources, including research in document database for information regarding previous meetings between CP and Senate (2.1); research employment/safety related claims brought by CP or Soo Line employees (.8)	2.90	652.50
03/25/19	ALS	Email to R. Keach, P. McDonald, etc. regarding summary of research regarding testimony of Canadian Pacific employees before the Standing Senate Committee on Energy, the Environment and Natural Resources	0.20	45.00
03/25/19	RJK	Analysis of Protective Order issues	1.60	944.00
03/26/19	ALS	Email to P. McDonald and J. Woodcock re review of documents in preparation for upcoming depositions of current and former Canadian Pacific employees	0.10	22.50
03/26/19	ALS	Update CP litigation task tracker (.2); email to L. Milne and J. Woodcock regarding same (.1)	0.30	67.50
03/26/19	JW1	Implement changes, update, and propound supplemental interrogatory responses (.5); review task-list items (.2).	0.70	203.00
03/26/19	PM	Meeting with Jack Woodcock re. deposition issues.	0.20	90.00
03/26/19	LKZ	Revise CP task tracker.	0.20	79.00
03/26/19	ALS	Work on case event timeline, including review of hot documents for inclusion in timeline	3.40	765.00
03/27/19	JW1	Draft letter to CP counsel regarding production of referenced file folders.	0.80	232.00
03/27/19	ARP	Attend internal meeting re CP Discovery	0.80	216.00
03/27/19	JW1	Team meeting to analyze case developments and case strategy.	0.80	232.00
03/27/19	JW1	Call with plaintiffs' counsel in Canadian proceeding regarding confidentiality orders in place.	0.70	203.00
03/27/19	RND	Meeting with CP Discovery team to discuss status of incoming/outgoing discovery, potential further depositions, and general status of litigation	0.80	224.00



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<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
03/27/19	LKZ	Attend CP team meeting (partial).	0.30	118.50
03/27/19	ALS	Attend meeting with R. Keach, L. Milne, J. Woodcock, A. Prescott and R. Desai re status of litigation case against Canadian Pacific and next steps (.8); email to R. Desai re case assignment tracker (.1)	0.90	202.50
03/27/19	ALS	Continue work on timeline and review of hot documents for inclusion in same	2.90	652.50
03/27/19	RJK	CP Litigation status meeting with Bernstein Shur team (.8); follow-up re: same (.2)	1.00	590.00
03/28/19	PM	Review CP deposition errata (.4); review cases re. confidentiality (.3); meeting with Bob Keach re. confidentiality issues (.1).	0.80	360.00
03/28/19	ALS	Review errata sheets provided by counsel to Canadian Pacific with respect to the depositions of Jim Kozey, Darlene Nagy and Lori Kennedy	0.40	90.00
03/28/19	ALS	Update CP litigation task tracker	0.20	45.00
03/28/19	ALS	Continue to work on litigation timeline and review of hot documents for inclusion in same	1.40	315.00
03/28/19	RJK	Analysis of Relief from Protective Order in CP litigation including review of Rule 26(c)(1)(G) precedent	3.10	1,829.00
03/29/19	JW1	Analyze Bakken Blitz US DOT documents.	0.30	87.00
03/29/19	ALS	Continue work on litigation timeline	1.40	315.00
03/29/19	LKZ	Review CP task tracker.	0.10	39.50
03/29/19	RJK	Attention to precedent regarding termination of protective order	2.30	1,357.00
10 A Total			704.50	\$ 211,304.50
12 - Plan and Disclosure Statement				
11/15/18	LKZ	Review email from K.Crosman re: plan distribution and emails w/B.Keach re: same.	0.10	\$ 35.00
11/20/18	LKZ	Confer w/B.Keach re: MRS claim distribution (.3); analysis re: same (.2); draft response to MRS re: same (.1).	0.60	210.00
12 Total			0.70	\$ 245.00
Detail Total				\$ 314,651.00

EXPENSES

<u>Description</u>	<u>Amount</u>
TRANSCRIPT COST - PAID TO: VERITEXT	\$ 216.00
FILING FEE - PAID TO: BUSINESSCARD SERVICES Courts/USBC-ME	298.00
TRANSCRIPT COST - PAID TO: VERITEXT	266.75
MISCELLANEOUS - PAID TO: ANGELA STEWART The Lac-Megantic Rail Disaster	24.95
MISCELLANEOUS - PAID TO: LINDSAY K. ZAHRADKA	22.98
TRANSLATION SERVICES - PAID TO: JOHN WOODCOCK III	87.10
TRAVEL EXPENSE - PAID TO: PAUL MCDONALD	806.41
FEDERAL EXPRESS - PAID TO: FEDERAL EXPRESS CORPORATION	38.77



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EXPENSES

<u>Description</u>	<u>Amount</u>
TRAVEL EXPENSE - PAID TO: ADAM R. PRESCOTT	1,253.57
FEDERAL EXPRESS - PAID TO: FEDERAL EXPRESS CORPORATION	38.77
TRAVEL EXPENSE - PAID TO: PAUL MCDONALD	1,160.79
FEDERAL EXPRESS - PAID TO: FEDERAL EXPRESS CORPORATION	264.15
FEDERAL EXPRESS - PAID TO: FEDERAL EXPRESS CORPORATION	272.10
FEDERAL EXPRESS - PAID TO: FEDERAL EXPRESS CORPORATION	151.54
TRAVEL EXPENSE - PAID TO: JOHN WOODCOCK III	2,453.37
FEDERAL EXPRESS - PAID TO: FEDERAL EXPRESS CORPORATION	129.44
FEDERAL EXPRESS - PAID TO: FEDERAL EXPRESS CORPORATION	38.95
MISCELLANEOUS - PAID TO: BUSINESSCARD SERVICES	11.35
FILING FEE - PAID TO: BUSINESSCARD SERVICES	202.00
FEDERAL EXPRESS - PAID TO: FEDERAL EXPRESS CORPORATION	30.36
FEDERAL EXPRESS - PAID TO: FEDERAL EXPRESS CORPORATION	49.92
TRAVEL EXPENSE - PAID TO: JOHN WOODCOCK III	488.92
Expense Total	\$ <u>8,306.19</u>

CURRENT INVOICE

Fees	\$ 314,651.00
Expenses	<u>8,306.19</u>
TOTAL INVOICE	\$ <u>322,957.19</u>



**Bernstein, Shur,
Sawyer & Nelson, P.A.**
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

T (207) 774-1200
F (207) 774-1127

Montreal Maine & Atlantic Railway

April 18, 2019
Invoice #: 3589505
Matter #: 047375-00001
Federal Tax ID: 01-0378211

REMITTANCE PAGE

Re: Chapter 11

Fees Before Discount	\$	314,730.50
Less Courtesy Discount	\$	<u>(79.50)</u>
Fees	\$	314,651.00
Expenses	\$	<u>8,306.19</u>
TOTAL INVOICE	\$	322,957.19
Balance in Trust Account	\$	319,160.91

Payment by Credit Card Options: A.) Pay Online - Go to www.bernsteinshur.com and click Pay Online in the upper right hand corner. We accept Mastercard, Visa and Discover
B.) Call (207)-228-7199 during normal business hours.
C.) Complete the information below and mail to the PO Box address above.

Card Number: _____
Exp. Date: _____
Amount: _____
Signature: _____

Payment by Check: Please indicate invoice number on the check and include this Remittance Page and mail to the PO Box address above.

Payment by Wire Transfer:
Bank: NORWAY SAVINGS BANK
Account Number: 8702125873
ABA Number: 211-274-515
Reference Invoice #: 3589505

Exhibit B

BIOGRAPHIES OF BSSN PROFESSIONALS AND PARAPROFESSIONALS

Shareholders:

ROBERT J. KEACH

Bob Keach is co-chair of BSSN's Business Restructuring and Insolvency Practice Group. His practice focuses on the representation of various parties in workouts and bankruptcy cases, including debtors, creditors, creditors' committees, lessors, and third parties acquiring troubled companies and/or their assets. Bob has appeared before the bankruptcy courts in the Districts of Maine, Delaware, Eastern District of Pennsylvania, Massachusetts, New Hampshire, Central District of California, Middle District of Florida, Middle District of Louisiana and the Southern and Eastern Districts of New York. Bob has also appeared as a panelist on national bankruptcy, lender liability, and creditors' rights programs, and is the author of several articles on bankruptcy and creditors' rights.

Bob is a Fellow of the American College of Bankruptcy, and Past President of the American Bankruptcy Institute, (2009-2010). Bob has been recognized by Best Lawyers in America for over twenty years for his work in bankruptcy and creditor-debtor rights, and by Chambers USA as a "Star Individual" in their Corporate/M&A-Bankruptcy section. He is AV-rated by Martindale-Hubbell.

PAUL MCDONALD

Paul McDonald is a shareholder and General Counsel to the firm. Paul concentrates his practice in complex commercial and business litigation matters. He has tried cases to judges, juries, administrative appeal panels and arbitrators in Maine and across the country. Paul is recognized as a leading commercial litigator by Chambers USA, Best Lawyers in America, and Super Lawyers, and is rated AV-rated by Martindale-Hubbell.

Paul is a frequent presenter at legal and business seminars and is the co-author of a Bernstein Shur's monthly Commercial and Business Litigation Newsletter. In 2010, Paul was awarded the Vincent L. McKusick Award by the Maine State Bar Association, which honors the author of the best article published in the Maine Bar Journal that year, for his article entitled Recovery of Lost Profits Damages; All Is Not Lost.

LINDSAY ZAHRADKA MILNE

Lindsay Zahradka Milne is a shareholder in Bernstein Shur's Business Restructuring and Insolvency Practice Group. In her practice, Lindsay assists a broad array of corporate clients in matters including chapter 11 reorganizations, asset sales and acquisitions and bankruptcy-related litigation. Prior to joining Bernstein Shur, Lindsay worked as an associate with Akin Gump in New York, where she focused on financial restructuring matters. She advised borrowers, debtors, official committees of unsecured creditors, lenders, and ad-hoc groups of bondholders in connection with pre-filing negotiations and chapter 11 proceedings.

Lindsay earned her JD from Fordham University School of Law, where she completed an externship with the United States Attorney's Office for the Eastern District of New York as well as an externship with the Honorable Marcy Kahn of the New York Supreme Court. She completed her B.A. at Dartmouth College, where she was a member of the Phi Beta Kappa honor society. Lindsay is admitted to practice in New York, New Hampshire and Maine; in the U.S. District and Bankruptcy Courts for Southern District of New York and Maine; and before the United States Court of Appeals for the First Circuit and the United States Supreme Court.

JACK WOODCOCK

Jack Woodcock is a shareholder in Bernstein Shur's Litigation Practice Group. Jack has years of experience litigating complex, high-stakes cases where there are millions or even billions of dollars on the line. His broad range of experience includes defending the United States in large civil suits in federal courts across the country, such as two bellwether suits brought by residents of Greater New Orleans for flood damages incurred in Hurricane Katrina. Jack has handled cases across a wide area of subject matters—large-scale flooding, engineering, law enforcement, personal injury, and corporate losses.

Before joining Bernstein Shur, Jack was a trial attorney for the U.S. Department of Justice, Civil Division, Torts Branch and a law clerk for the Maine Supreme Judicial Court.

Of Counsel:

ROMA DESAI

Roma N. Desai is a member of Bernstein Shur's Business Restructuring and Insolvency Practice Group. Her practice focuses on commercial bankruptcy and business reorganization. Roma is also very experienced in defending preference actions, domestic and cross-border restructurings, formal restructuring and insolvency procedures, out-of-court restructurings, and advising both debtors and creditors.

Prior to joining Bernstein Shur, Roma served as a federal law clerk for the Honorable J. Michael Deasy and the Honorable Mark W. Vaughn of the U.S. Bankruptcy Court for the District of New Hampshire. She has also worked for multiple New York City law firms, representing clients in commercial and corporate bankruptcy issues. She is admitted to practice law in New York, the U.S. District Court for Eastern District of New York, the U.S. District Court for Southern District of New York the state of Maine, the U.S. District Court of Maine, and the state of Texas.

Associates:

BENJAMIN W. DEXTER

Ben Dexter is an associate attorney in Bernstein Shur's Litigation Practice Group. Prior to joining Bernstein Shur, Ben was an associate at another Portland, Maine law firm, splitting his practice between litigation and transactional legal work. Ben also served as a clerk to the Honorable Justice Joseph Jabar of the Maine Supreme Judicial Court.

Ben earned his J.D. from the University of Maine School of Law, where he served as a legal writing TA. Ben also completed externships with the Maine Attorney General's Office and the Supreme Court of Vermont, and an internship with Judge Kermit Lipez of the First Circuit Court of Appeals. Ben has a B.A. in Classical Studies from Bard College.

LETSON B. DOUGLAS

Letson B. Douglass is an associate at Bernstein Shur, working in the Business Restructuring and Insolvency Practice Group, as well as the Energy and Municipal Practice Groups. Prior to joining Bernstein Shur, Letson clerked for the Honorable Thomas E. Humphrey of the Maine Supreme Judicial Court. She earned her J.D. from Vermont Law School and her B.A. from Colby College.

PATRICK I. MARASS

Patrick I. Marass is an associate at Bernstein Shur, working in the Business Restructuring & Insolvency Practice Group, as well as the Litigation and Energy Practice Groups. Prior to joining Bernstein Shur, Patrick clerked for the Honorable Ellen A. Gorman of the Maine Supreme Judicial Court. Patrick earned his J.D. from Vermont Law School and a B.S. and a B.A. from the University of Maine. He is admitted to practice law in the state of Maine and the U.S. District Court of Maine.

ADAM PRESCOTT

Adam is a member of Bernstein Shur's Business Restructuring and Insolvency Practice Group. Adam's experience includes chapter 11 reorganizations and asset sales and acquisitions, as well as other bankruptcy-related matters, including preference litigation, claim objections, cash collateral and adequate protection disputes, relief from stay litigation, and numerous other areas of bankruptcy law and litigation. As part of his bankruptcy practice, Adam regularly appears in court to represent clients, and he also frequently drafts motions, objections, and other pleadings for clients, including in bankruptcy appeals before the U.S. District Court for the District of Maine and the First Circuit Court of Appeals. In addition to his bankruptcy practice, Adam maintains a diverse litigation and appellate practice, which has included representing clients in federal and state courts across the country.

Adam earned his J.D. from the William & Mary School of Law, and his B.S. in Economics from Trinity College in Hartford, Connecticut. While in law school, Adam interned for the Honorable Jon D. Levy at the Maine Supreme Judicial Court. After law school, Adam clerked for the Honorable Rudolph Contreras at the United States District Court for the District of Columbia. Prior to joining Bernstein Shur, Adam worked as a Senior Associate at WilmerHale in Washington, D.C. In Spring 2019, Adam served as an Adjunct Professor at the University of Maine Law School, where he taught a bridge course on litigation and electronic discovery practice.

Paraprofessionals:

CHRISTINE B. BERTSCH

Christine Bertsch has been the law librarian for Bernstein Shur since 1993. Her background includes academic and public library work experience at the University of Maine at Presque Isle, Dyer Library Association, and the Fountaindale Public Library District. She holds a master's degree in library science from the University of Denver, 1977, and a B.A. degree from Illinois State University.

GISELLE PAQUETTE

Giselle Paquette is a senior corporate paralegal in BSSN's Business Law Practice Group.

KARLA QUIRK

Karla Quirk is a paralegal in the Business Restructuring and Insolvency Practice Group. Karla served as a legal assistant at Bernstein Shur before being promoted to paralegal in 2012. She was previously employed at Verrill & Dana, LLP where she worked as a paralegal.

ANGELA STEWART

Angela is a paralegal in the Business Restructuring and Insolvency Practice Group. Angela has worked as a paralegal since 1997. She holds a BA in Public Management from the University of Maine.

MICHELLE A. THOMAS

Michelle has been a paralegal at Bernstein Shur since 1998. Her practice areas include general litigation, aviation litigation, complex litigation, personal injury, asbestos litigation, and energy and environmental law. Michelle graduated from Casco Bay College in 1984.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670
Chapter 11

ORDER GRANTING SIXTH INTERIM APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR BERNSTEIN, SHUR, SAWYER & NELSON, P.A., AS COUNSEL TO ROBERT J. KEACH, ESTATE REPRESENTATIVE, FOR THE PERIOD OCTOBER 1, 2018 THROUGH AND INCLUDING MARCH 31, 2019

This matter having come before the Court on the *Sixth Interim Application for Compensation and Reimbursement of Expenses for Bernstein, Shur, Sawyer & Nelson, P.A., as Counsel to Robert J Keach, Estate Representative, for the Period October 1, 2018 Through and Including March 31, 2019* (the "Fee Application"),¹ and after proper notice to all creditors and other parties-in-interest, the Court having independently reviewed the Fee Application, it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** as follows:

1. The Fee Application is granted.
2. In relation to the Compensation Period and, pursuant to 11 U.S.C. § 330, BSSN is allowed compensation for services to the Estate Representative in the aggregate amount of **\$322,957.19** including professional fees in the amount of **\$314,651.00** and reimbursement of expenses in the amount of **\$8,306.19**.
3. The Fees and expenses for the Compensation Period are hereby awarded on an interim basis in accordance with the applicable sections of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and this Court's local rules.

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Fee Application.

Dated: _____, 2019

The Honorable Peter G. Cary
Chief Judge, United States Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670
Chapter 11

NOTICE OF HEARING

Bernstein, Shur, Sawyer & Nelson, P.A. (“BSSN”), counsel to Robert J. Keach, the Estate Representative (the “Estate Representative”) of the post-effective date estate of Montreal Maine & Atlantic Railway, Ltd. (the “Debtor”), has filed the *Sixth Interim Application for Compensation and Reimbursement of Expenses for Bernstein, Shur, Sawyer & Nelson, P.A., as Counsel to Robert J. Keach, Estate Representative, for the Period October 1, 2018 Through and Including March 31, 2019* (the “Fee Application”). A hearing on the Fee Application is set to take place at the United States Bankruptcy Court, 537 Congress Street, Portland, Maine on **May 21, 2019 at 9:00 a.m.**

By the Fee Application, BSSN seeks a total amount of \$322,957.19, which includes \$314,651.00.00 for compensation of professional fees and \$8,306.19 for reimbursement of expenses incurred with respect to services rendered on behalf of the Estate Representative during the period October 1, 2018 through March 31, 2019 (the “Compensation Period”). BSSN seeks an order authorizing and approving this compensation for fees and expenses incurred during the Compensation Period on an interim basis.

On August 1, 2016, BSSN filed the *First Interim Application for Compensation and Reimbursement of Expenses for Bernstein, Shur, Sawyer & Nelson, P.A., as Counsel to Robert J. Keach, Estate Representative, for the Period December 23, 2015 Through and Including June 30, 2016* [D.E. 2215], with respect to which the court awarded BSSN fees in the amount of \$287,871.50 and expenses in the amount of \$2,767.21.

On April 25, 2017, BSSN filed the *Second Interim Application for Compensation and Reimbursement of Expenses for Bernstein, Shur, Sawyer & Nelson, P.A., as Counsel to Robert J. Keach, Estate Representative, for the Period July 1, 2016 Through and Including March 31, 2017* [D.E. 2342], with respect to which the court awarded BSSN fees in the amount of \$415,125.50 and expenses in the amount of \$4,900.43.

On November 1, 2017, BSSN filed the *Third Interim Application for Compensation and Reimbursement of Expenses for Bernstein, Shur, Sawyer & Nelson, P.A., as Counsel to Robert J. Keach, Estate Representative, for the Period December 23, 2015 Through and Including September 30, 2017* [D.E. 2401], with respect to which the court awarded BSSN fees in the amount of \$509,320.00 and expenses in the amount of \$1,934.00.

On April 24, 2018, BSSN filed the *Fourth Interim Application for Compensation and Reimbursement of Expenses for Bernstein, Shur, Sawyer & Nelson, P.A., as Counsel to Robert J. Keach, Estate Representative, for the Period October 1, 2017 Through and Including March 30, 2018* [D.E. 2449],¹ with respect to which the court awarded BSSN fees in the amount of \$261,181.50 and expenses in the amount of \$1,777.85.

On October 23, 2018, BSSN filed the *Fifth Interim Application for Compensation and Reimbursement of Expenses for Bernstein, Shur, Sawyer & Nelson, P.A. as Counsel to Robert J. Keach, Estate Representative, for the Period March 1, 2018 Through and Including September 30, 2019* [D.E. 2492] with respect to which the Court awarded BSSN fees in the amount of \$429,512.00 and expenses in the amount of \$1,379.12.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to approve the Fee Application, or if you want the court to consider your views on the Fee Application, then on or before **May 14, 2019**, you or your attorney must file with the court a written response explaining your position. If you are not able to access the CM/ECF Filing System, your response should be served upon the Court at:

Alec Leddy, Clerk
United States Bankruptcy Court for the District of Maine
202 Harlow Street
Bangor, Maine 04401

-and-

Robert J. Keach, Esq.
Bernstein, Shur, Sawyer & Nelson, P.A.
100 Middle St., PO Box 9729
Portland, Maine 04104-5029

If you have to mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the date stated above.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Fee Application and may enter an order granting that relief.

¹ The title and cover page inadvertently indicated that the application covered the period October 1, 2017 through March 30, 2018, but no March 2018 time was included in this fee application.

DATED: April 23, 2019

**BERNSTEIN, SHUR, SAWYER &
NELSON, P.A.**

/s/ Robert J. Keach

Robert J. Keach, Esq.

Lindsay Zahradka Milne, Esq.

100 Middle Street, P.O. Box 9729

Portland, Maine 04104-5029

Telephone: (207) 774-1200

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