

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

**FOURTH INTERIM APPLICATION FOR COMPENSATION AND REIMBURSEMENT  
OF EXPENSES FOR KUGLER KANDESTIN LLP, AS SPECIAL COUNSEL TO  
ROBERT J. KEACH, ESTATE REPRESENTATIVE, FOR THE PERIOD  
JANUARY 29, 2019 THROUGH AND INCLUDING NOVEMBER 30, 2020**

Name of Applicant:	Kugler Kandestin LLP
Authorized to Provide Professional Services as:	Special Counsel to Robert J. Keach, estate representative of the Debtor's post-effective date estate
Petition Date:	August 7, 2013
Date of Retention:	August 29, 2013*
Period for Which Compensation and Reimbursement is Sought:	January 29, 2019 through November 30, 2020
Total Amount of Compensation sought as actual, reasonable and necessary: <sup>†</sup>	<b><u>CAD 7,600.00</u></b>
Total Amount of Expenses sought as actual, reasonable and necessary:	<b><u>CAD 3.20</u></b>
Total Fees and Expenses Requested During Compensation Period:	<b><u>CAD 7,603.20</u></b>

**This is an Interim Application.**

\* Kugler Kandestin LLP ("Kugler Kandestin") was retained on this date as special counsel to Robert J. Keach in his capacity as chapter 11 trustee for the Debtor's estate. In his capacity as 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 Kugler Kandestin as counsel on the Effective Date (as defined in the Plan).

<sup>†</sup> As discussed herein, Kugler Kandestin LLP, a Canadian entity, is entitled to seek compensation based on hourly billing rates in Canadian Dollars.

**COMPENSATION BY PROFESSIONAL DURING COMPENSATION PERIOD**

<b>PROFESSIONAL</b>	<b>HOURLY BILLING RATES</b>	<b>TOTAL BILLED HOURS</b>	<b>TOTAL COMPENSATION</b>
<b>ASSOCIATE</b>			
Jeremy Cuttler	CAD 350.00	17	CAD 5,950.00
Eva Richard	CAD 275.00	6	CAD 1,650.00
<b>TOTAL</b>		<b>23</b>	<b>CAD 7,600.00</b>

**Blended professional hourly rate: CAD 330.43**

**EXPENSE SUMMARY FOR COMPENSATION PERIOD**

<b>EXPENSE</b>	<b>Amount</b>
Court Docket Search	CAD 3.20
<b>Total:</b>	<b>CAD 3.20</b>

UNITED STATES BANKRUPTCY COURT  
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**FOURTH INTERIM APPLICATION FOR COMPENSATION AND REIMBURSEMENT  
OF EXPENSES FOR KUGLER KANDESTIN LLP, AS SPECIAL COUNSEL TO  
ROBERT J. KEACH, ESTATE REPRESENTATIVE, FOR THE PERIOD  
JANUARY 29, 2019 THROUGH AND INCLUDING NOVEMBER 30, 2020**

Kugler Kandestin LLP (“Kugler Kandestin”), special 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”),<sup>1</sup> submits this fourth application (the “Fee Application”) seeking compensation for professional services and reimbursement of expenses on an interim basis for the period from January 29, 2019, through and including November 30, 2020 (the “Compensation Period”). In support of the Fee Application, Kugler Kandestin 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”).

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<sup>1</sup> 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 22, 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 27, 2013, the Trustee filed his *Application for Order, Pursuant to Sections 327 and 328 of the Bankruptcy Code, Authorizing the Employment of Kugler Kandestin, LLP as Special Counsel for the Trustee* [D.E. 103] (the “Retention Application”). Thereafter, on August 28, 2013, the Trustee filed his *Amended Application for Order, Pursuant to Sections 327 and 328 of the Bankruptcy Code, Authorizing the Employment of Kugler Kandestin, LLP as Special Counsel for the Trustee* [D.E. 108] (the “Amended Retention Application”).

4. On August 29, 2013, the Court entered an order granting the relief sought in the Amended Retention Application [D.E. 122]. On September 3, 2013, the Court entered the amended order authorizing the employment of Kugler Kandestin as special counsel to the Trustee pursuant to sections 327 and 328 of the Bankruptcy Code [D.E. 143] (the “Amended Retention Order”).

5. As set forth in the Amended Retention Order, Kugler Kandestin is authorized to provide legal services “relating to (i) all matters of Canadian law and procedure pertaining to the Case, and (ii) all matters of interest to the Trustee under the Canadian Case.” Amended Retention Order, ¶ 4.

6. 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").

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

8. Pursuant to the Plan, *inter alia*: (a) 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 (b) the Estate Representative's professionals must file fee applications for approval by the Court. *See* Plan at § 6.2(d).

9. On the Effective Date, the Estate Representative retained Kugler Kandestin.

10. Since the Effective Date and throughout the Compensation Period, Kugler Kandestin has worked with the Estate Representative to meet the extraordinary challenges presented by this cross-border Case in a manner beneficial to the post-effective date estate of the Debtor (the "Post-Effective Date Estate") and the creditors of the Debtor's estate. The discussion herein and materials annexed hereto cover the major categories of services for which allowance of compensation is sought.

11. On November 17, 2016, Kugler Kandestin filed the First Interim Application for Compensation and Reimbursement of Expenses for Kugler Kandestin LLP as Special Counsel to the Estate Representative, Robert J. Keach, for the Period of December 23, 2015 Through November 3, 2016 [Docket No. 2255] (the "First Interim Fee Application"). The First Interim Fee Application sought allowance of compensation for professional services in the amount of CAD 24,800.00 and reimbursement of expenses incurred in connection with rendering such services in the amount of CAD 110.89. By order of this Court entered on December 19, 2016 [Docket No. 2271], the Court awarded Kugler Kandestin CAD 24,800.00 in fees and CAD

110.89 in expenses in relation to the First Interim Fee Application. As of the date of this Fee Application, all fees and expenses requested in the First Interim Application have been paid.

12. On May 8, 2018, Kugler Kandestin filed the Second Interim Application for Compensation and Reimbursement of Expenses for Kugler Kandestin LLP as Special Counsel to the Estate Representative, Robert J. Keach, for the Period of February 24, 2017 Through and Including April 27, 2018 [Docket No. 2453] (the Second Interim Fee Application). The Second Interim Fee Application sought allowance of compensation for professional services in the amount of CAD 20,634.00 and reimbursement of expenses incurred in connection with rendering such services in the amount of CAD 10.96. By order of this Court entered on June 4, 2018 [Docket No. 2463], the Court awarded Kugler Kandestin CAD 20,634.00 in fees and CAD 10.96 in expenses in relation to the Second Interim Fee Application. As of the date of this Fee Application, all fees and expenses requested in the Second Interim Application have been paid.

13. On January 29, 2019, Kugler Kandestin filed the Third Interim Application for Compensation and Reimbursement of Expenses for Kugler Kandestin LLP as Special Counsel to the Estate Representative, Robert J. Keach, for the Period of July 6, 2018 Through and Including December 20, 2018 [Docket No. 2504] (the Third Interim Fee Application). The Third Interim Fee Application sought allowance of compensation for professional services in the amount of CAD 8,125.00 and reimbursement of expenses incurred in connection with rendering such services in the amount of CAD 1,088.11. By order of this Court entered on February 22, 2019 [Docket No. 2511], the Court awarded Kugler Kandestin CAD 8,125.00 in fees and CAD 1,088.11 in expenses in relation to the Third Interim Fee Application. As of the date of this Fee Application, all fees and expenses requested in the Third Interim Application have been paid.

**COMPENSATION AND REIMBURSEMENT REQUEST**

14. Kugler Kandestin seeks allowance of compensation for professional services in the amount of CAD 7,600.00 and reimbursement of expenses incurred in rendering such services in the amount of CAD 3.20. Pursuant to Rule 2016(a) of the Federal Rules of Bankruptcy Procedure and D. Me. LBR 2016-1(a)(3)(i), a detailed statement of professional services provided by Kugler Kandestin (the “Billing Statement”) is set forth in **Exhibit A**, annexed hereto and incorporated herein by reference.

15. 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 Kugler Kandestin during the Compensation Period, and associated expenses incurred, is contained in the tables located at the beginning of this Fee Application.

16. No agreement or understanding exists between Kugler Kandestin and any other entity for the sharing of compensation sought by this Fee Application. In addition, no payments have been made or promised to Kugler Kandestin for services rendered or to be rendered in connection with the Case, except as set forth in the Retention Application.

17. As discussed in the Retention Application, the Amended Retention Application, and the *Affidavit of Gerald F. Kandestin in Support of the Application for Order, Pursuant to Sections 327 and 328 of the Bankruptcy Code, Authorizing the Employment of Kugler Kandestin, LLP, as Special Counsel for the Trustee Nunc Pro Tunc to August 21, 2013* filed with the Retention Application, Kugler Kandestin is a law firm located in Montreal, Quebec. Kugler Kandestin has substantial experience representing clients in civil and commercial matters relating to restructuring and insolvency, financial services, insurance, and litigation. Pursuant to Local Rule 2016-1(a)(3)(v), a brief biography of each Kugler Kandestin professional who has

rendered services in connection with the fees described herein is set forth in **Exhibit B**, annexed hereto and incorporated herein by reference.

18. This Fee Application is Kugler Kandestin's fourth application to this Court in this Case as special 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**

19. Kugler Kandestin serves as special counsel to the Estate Representative with respect to all matters of Canadian law and procedure pertaining to the Case, as well as all matters of interest to the Estate Representative under the Canadian Case (as defined in the Retention Order). In rendering professional services to the Estate Representative, Kugler Kandestin's team includes professionals with extensive experience in cross-border insolvency, both in providing local representation in foreign insolvency filings, as well as working with counsel in other jurisdictions. Kugler Kandestin's 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.

20. As set forth in greater detail in the Billing Statement, Kugler Kandestin's services included, among other things, correspondence and advising regarding various active regulatory and litigation matters during the Compensation Period.

#### **ACTUAL AND NECESSARY DISBURSEMENTS**

21. As set forth on **Exhibit A** attached hereto, Kugler Kandestin has disbursed CAD 3.20 as expenses incurred in providing professional services during the Compensation Period.



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**

22. 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).

23. Kugler Kandestin 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 Kugler Kandestin 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 Debtor.

24. 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, Kugler Kandestin sought to minimize the cost of its services by utilizing talented professionals with lower billing rates.

25. In sum, the services rendered by Kugler Kandestin 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**, Kugler Kandestin respectfully requests that the Court enter an order: (a) approving on an interim basis, pursuant to 11 U.S.C. § 330, CAD 7,603.20 in fees and expenses for Kugler Kandestin in its capacity as special counsel to the Estate Representative during the Compensation Period, consisting of (i) compensation for services rendered in the amount of CAD 7,600.00 and (ii) reimbursement of expenses in the amount of CAD 3.20; and (b) granting such other and further relief as the Court deems just and proper.

DATED: December \_\_, 2020

**KUGLER KANDESTIN LLP**

By:

*/s/ Jeremy Cuttler*

Jeremy Cuttler

Kugler Kandestin LLP

1 Place Ville-Marie, Suite 1170

Montreal, Quebec

Canada H3B 2A7

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*Special Counsel for Robert J. Keach, Chapter 11  
Trustee of Montreal Maine & Atlantic Railway, Ltd.*



KuglerKandestin

**ROBERT J. KEACH, Chapter 11 Trustee of  
Montreal Maine & Atlantic Railway, Ltd.**  
100 Middle Street  
West Tower  
Portland, ME  
U.S.A. 04101

December 3, 2020

**Re: Montreal Maine & Atlantic Railway, Ltd. &  
Montreal, Maine & Atlantic Canada Co.  
Our File Number: 5555-1**

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LAWYER	DATE	HOURS	DESCRIPTION
J. Cuttler	January 29, 2019	1.00	Review of Rogatory proceedings, telephone communications and correspondence with Lindsay Zahradka Milne;
J. Cuttler	February 19, 2019	1.50	Work on file: Call with Adam Prescott re: document production, correspondence with CP's Canadian counsel;
J. Cuttler	February 26, 2019	1.50	Work on file: correspondence, telephone communications with counsel for CP and correspondence with Adam Prescott;

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TPS/GST# R 123095911  
TVQ/QST# 1012941249

Toutes les factures sont dues sur réception  
All accounts are due when rendered

Kugler Kandestin LLP  
Attorneys - Avocats

1 Place Ville-Marie, Suite 1170  
Montréal, Québec  
Canada H3B 2A7

T : (514) 878-2861  
F : (514) 875-8424  
www.kklex.com

LAWYER	DATE	HOURS	DESCRIPTION
J. Cuttler	March 4, 2019	0.50	Correspondence re: Letters Rogatory;
J. Cuttler	June 20, 2019	1.00	Correspondence and telephone communications re: Confidentiality Undertaking;
J. Cuttler	June 21, 2019	1.00	Work on file: Confidentiality Undertaking;
J. Cuttler	July 31, 2019	0.50	Correspondence with Calgary, Alberta counsel (re: potential litigation issue in Western Canada);
J. Cuttler	August 1, 2019	1.00	Further communication with Calgary, Alberta counsel (re: potential litigation issue in Western Canada);
J. Cuttler	August 12, 2019	1.00	Research and correspondence re: access to information (Transportation Safety Board of Canada)'
J. Cuttler	August 21, 2019	0.50	Request for documents and information re: Transportation Safety Board of Canada;
J. Cuttler	September 3, 2019	1.00	Telephone communication with Adam Prescott re: information request to Transportation Safety Board of Canada and work on file;
J. Cuttler	September 13, 2019	0.50	Work on request for disclosure (Transportation Safety Board of Canada);
J. Cuttler	September 26, 2019	1.50	Telephone communication with Adam Prescott and review of draft Disclosure Statement (Re: Transportation Safety Board of Canada);

LAWYER	DATE	HOURS	DESCRIPTION
E. Richard	October 2, 2019	0.50	Discussion with Me Jeremy Cuttler (re: Transportation Safety Board request);
E. Richard	October 3, 2019	0.50	Work on the access to information request (Transportation Safety Board of Canada);
J. Cuttler	October 4, 2019	2.00	Review of Transportation Safety Board of Canada's request for information and related work (review of documents); discussion with Me Éva Richard (how to submit request and details);
E. Richard	October 4, 2019	1.00	Work on the access to information request (continued);
E. Richard	October 4, 2019	0.50	Correspondence with Me Jeremy Cuttler (re: Transportation Safety Board of Canada);
E. Richard	October 25, 2019	0.50	Follow-up on access to information;
J. Cuttler	October 28, 2019	1.00	Work on file : review correspondence from CP's counsel, correspondence with client and review of document;
E. Richard	November 6, 2019	0.50	Follow-up on letter (Transportation Safety Board of Canada);
E. Richard	November 7, 2019	0.50	Work on file regarding information request (Transportation Safety Board of Canada);
E. Richard	November 12, 2019	0.50	Review of file: Transportation Safety Board of Canada documents, etc.;
E. Richard	November 13, 2019	0.50	Follow-up with Me Huot (Transportation Safety Board of Canada);

LAWYER	DATE	HOURS	DESCRIPTION
E. Richard	November 18, 2019	0.50	Review of response from Transportation Safety Board of Canada and correspondence to Me Jeremy Cuttler;
J. Cuttler	November 21, 2019	0.50	Work on file: telephone communication with Bernstein Shur re: Transportation Safety Board of Canada;
E. Richard	November 22, 2019	0.50	Work on file: Transportation Safety Board of Canada;
J. Cuttler	November 17, 2020	0.50	Work on file: correspondence (re: CP request for documents); and
J. Cuttler	November 30, 2020	0.50	Work on file: discussion with Adam Prescott re: file updates at year end.

LAWYER	POSITION	HOURS	HOURLY RATE	TOTAL
Jeremy Cuttler	Associate	17.00	CDN \$ 350.00	CDN \$ 5,950.00
Éva Richard	Associate	6.00	CDN \$ 275.00	CDN \$ 1,650.00

<b>Total Fees:</b>	CDN \$ 7,600.00
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Disbursements:

Soquij - Civil plumitif (Court docket search); \$ 3.20

<b>Total Disbursements</b>	CDN \$ 3.20
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<b>TOTAL:</b>	<b>CDN \$ 7,603.20</b>
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**EXHIBIT B**

**Jeremy Cuttler**

Mr. Cuttler is an associate practicing in the areas of bankruptcy, insolvency & restructuring, financing (secured transactions) and commercial transactions. Mr. Cuttler has experience acting for both debtors and creditors in insolvency matters including national retailers, financial institutions and commercial property owners. In addition, Mr. Cuttler has been involved in numerous transactions in the context of insolvency proceedings, including asset sales and acquisitions, refinancing and exit financing. In addition, Mr. Cuttler has been involved in significant conventional and asset-based lending transactions.

**Éva Richard**

Éva joined Kugler Kandestin in October 2017 and specializes in commercial and civil litigation matters. She previously completed a clerkship at the Court of Appeal of Québec from 2013 to 2015 and worked as an associate in a boutique civil and commercial litigation law firm in Montréal from 2015 to 2017. Éva is well-versed in legal research and writing and has argued before several levels of courts in Québec.



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

**ORDER GRANTING FOURTH INTERIM APPLICATION FOR  
COMPENSATION AND REIMBURSEMENT OF EXPENSES  
FOR KUGLER KANDESTIN LLP, AS SPECIAL COUNSEL  
TO ROBERT J. KEACH, ESTATE REPRESENTATIVE, FOR THE PERIOD  
JANUARY 29, 2019 THROUGH AND INCLUDING NOVEMBER 30, 2020**

This matter having come before the Court on the *Fourth Interim Application for Compensation and Reimbursement of Expenses for Kugler Kandestin LLP, as Special Counsel to Robert J Keach, Estate Representative, for the Period January 29, 2019 through and including November 30, 2020* (the "Fee Application"),<sup>1</sup> 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, Kugler Kandestin is allowed compensation for services to the Estate Representative in the aggregate amount of **CAD 7,603.20**, including professional fees in the amount of **CAD 7,600.00** and reimbursement of expenses in the amount of **CAD 3.20**.
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.

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

Dated: \_\_\_\_\_, 2021

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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**

Kugler Kandestin LLP (“Kugler Kandestin”), special counsel to Robert J. Keach, the Estate Representative (the “Estate Representative”) of the bankruptcy estate of Montreal Maine & Atlantic Railway, Ltd. (the “Debtor”), has filed the *Fourth Interim Application for Compensation and Reimbursement of Expenses for Kugler Kandestin LLP, as Special Counsel to Robert J. Keach, Estate Representative, for the Period January 29, 2019 through and including November 30, 2020* (the “Fee Application”).

A **TELEPHONIC** hearing on the Application will be held on **March 16, 2021 at 9:00 a.m. E.S.T.** In-person appearances are generally not allowed at this time due to restrictions related to COVID-19. Those wishing to participate in the telephonic hearing are required to register with CourtCall at 1-866-582-6878, no later than 3:00 p.m. the date prior to the hearing.

By the Fee Application, Kugler Kandestin seeks a total amount of **CAD 7,603.20**, which includes **CAD 7,600** for compensation of professional fees and **CAD 3.20** for reimbursement of expenses incurred with respect to services rendered on behalf of the Estate Representative during the period of January 29, 2019 through November 30, 2020 (the “Compensation Period”). Kugler Kandestin seeks an order authorizing and approving this compensation for fees and expenses incurred during the Compensation Period on an interim basis.

On November 17, 2016, Kugler Kandestin filed the First Interim Application for Compensation and Reimbursement of Expenses for Kugler Kandestin, LLP, as Special Counsel to the Estate Representative, Robert J. Keach, for the period from December 23, 2015 Through November 3, 2016 [Docket No. 2255] (the “First Interim Fee Application”). With respect to the First Interim Fee Application, the court awarded Kugler Kandestin fees in the amount of CAD 24,800.00 and expenses in the amount of CAD 110.89.

On May 8, 2018, Kugler Kandestin filed the Second Interim Application for Compensation and Reimbursement of Expenses for Kugler Kandestin, LLP, as Special Counsel to the Estate Representative, Robert J. Keach, for the period from February 24, 2017 Through April 27, 2018 [Docket No. 2453] (the “Second Interim Fee Application”). With respect to the Second Interim Fee Application, the court awarded Kugler Kandestin fees in the amount of CAD 20,634.00 and expenses in the amount of CAD 10.96.

On January 29, 2019, Kugler Kandestin filed the Third Interim Application for Compensation and Reimbursement of Expenses for Kugler Kandestin LLP as Special Counsel to the Estate Representative, Robert J. Keach, for the Period of July 6, 2018 Through and Including December 20, 2018 [Docket No. 2453] (the “Third Interim Fee Application”). With respect to the Third Interim Fee Application, the court awarded Kugler Kandestin fees in the amount of CAD 8,125.00 and expenses in the amount of CAD 1,088.11.

**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 **March 9, 2021**, 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:

Monica M. Bigley, Clerk of Court  
United States Bankruptcy Court  
202 Harlow Street  
Bangor, Maine 04401

-and-

Adam R. Prescott, 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.

DATED: February 3, 2021

**ROBERT J. KEACH,  
ESTATE REPRESENTATIVE OF THE POST-  
EFFECTIVE DATE ESTATE OF MONTREAL  
MAINE & ATLANTIC RAILWAY, LTD.**

*/s/ Robert J. Keach*  
Robert J. Keach, Esq.  
100 Middle Street, P.O. Box 9729  
Portland, Maine 04104-5029  
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