

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In re:

MONTREAL, MAINE & ATLANTIC  
RAILWAY, LTD.,

Debtor.

Case No. 13-10670  
Chapter 11

**ORDER GRANTING IN PART MOTION OF FAMILY MEMBERS FOR ORDER: (I) ENFORCING CONFIRMED CHAPTER 11 PLAN, (II) HOLDING CONTEMNORS IN CIVIL CONTEMPT, AND (III) IMPOSING SANCTIONS**

Upon consideration of the *Motion of Family Members for Order: (I) Enforcing Confirmed Chapter 11 Plan, (II) Holding Contemnors in Civil Contempt, and (III) Imposing Sanctions* [Docket No. 2180] (the “Motion”), and after expedited hearings on July 7, 2016 and July 12, 2016, and after proper notice and a hearing, it is hereby **ORDERED** as follows:

1. The Motion is granted in part, as set forth below.
2. The final sentence of section 5.10 of the *Trustee’s Revised First Amended Plan of Liquidation Dated July 15, 2015 (as amended October 8, 2015)* [Docket No. 1795, Exh. A] (the “Plan”) states “[a]ny dispute arising under this section 5.10 . . . shall be determined exclusively by *de novo* review before the Bankruptcy Court . . . .” This Court asserts continuing and exclusive jurisdiction over any and all disputes relating to the WD Trust, the WD Trustee, and the WD Trust Assets (as such terms are defined in the Motion) under the Plan and the order confirming the Plan [Docket No. 1801] (the “Confirmation Order”), including as set forth in section 5.10 of the Plan.
3. Sabrina Nadeau’s motion filed on May 19, 2016 (the “Nadeau Motion”) in the Quebec Superior Court of Justice – Commercial Division (the “Canadian Court”) concerns her

entitlement to a Derailment Wrongful Death Claim<sup>1</sup> that is covered by section 5.10 of the Plan. The Nadeau Motion raises a dispute relating to the WD Trust, the WD Trustee, and the WD Trust Assets under the Plan and the Confirmation Order, and is a dispute which may be determined exclusively by *de novo* review in this Court pursuant to section 5.10 of the Plan.

4. Ms. Nadeau and her Canadian counsel, Joel Rochon and Daniel LaRoche, shall immediately take all action necessary to withdraw the Nadeau Motion fully so that no aspect of the Nadeau Motion is either heard or determined by the Canadian Court.

5. The WD Trustee shall set a schedule for further submissions and replies related to the parties' entitlement to distributions from the WD Trust related to the death of Eric Pepin Lajeunesse (the "Dispute"), and for an in-person meeting between the WD Trustee or his designee, Ms. Nadeau, the Family Members, and their respective counsel to attempt to resolve the Dispute.

6. If the parties cannot resolve the Dispute following the in-person meeting, the WD Trustee shall promptly hear and determine the Dispute, subject to exclusive *de novo* review in this Court pursuant to section 5.10 of the Plan. The WD Trustee may issue any orders he determines in his sole discretion are necessary and proper to allow him to hear and determine the Dispute, and the Parties shall comply with any such orders.

7. If any party disagrees with the WD Trustee's final determination, they may seek *de novo* review exclusively in this Court.

8. The Family Members' request for a finding of contempt and imposition of sanctions shall be set for hearing on \_\_\_\_\_, 2016 at \_\_\_\_\_ a/p.m.

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<sup>1</sup> All capitalized terms not otherwise defined in this Order shall have the meaning ascribed to them in the Motion.

DATED:

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Honorable Peter G. Cary  
Chief United States Bankruptcy Judge