

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670
Chapter 11

**ORDER GRANTING CHAPTER 11 TRUSTEE’S MOTION FOR AN ORDER (I)
DETERMINING THAT THE UNOFFICIAL COMMITTEE OF WRONGFUL
DEATH CLAIMANTS FAILED TO COMPLY WITH FED R. BANKR. P. 2019
AND (II) IMPOSING SANCTIONS FOR SUCH FAILURE**

This matter came before the Court on the Chapter 11 Trustee’s Motion for an Order (I) Determining that the Unofficial Committee of Wrongful Death Claimants Failed to Comply with Fed. R. Bankr. P. 2019 and (II) Imposing Sanctions for such Failure [D.E. 667] (the “Motion”).¹ The Court conducted a hearing on the Motion (the “Hearing”) on March 12, 2014. At the Hearing, the Court considered the Wrongful Death Victims’ Objection to Chapter 11 Trustee’s Motion Alleging Non-Compliance with Fed. R. Bankr. P. 2019 [D.E. 711], as well as the arguments of counsel in support of and in opposition to the Motion. For the reasons set forth on the record during the Hearing, the Court hereby **ORDERS**, **ADJUDGES**, and **DECREES** that:

1. The unofficial committee and its counsel have failed to comply with Fed. R. Bankr. P. 2019.
2. As a result of that failure to comply and pursuant to the authority granted by Fed. R. Bankr. P. 2019(e), the unofficial committee and its counsel will not be heard on any pending matter in this chapter 11 case, except as may be ordered by the Court in connection with the further proceedings contemplated by this Order.

¹ Capitalized terms not otherwise defined herein have the meaning ascribed to them in the Motion.

3. Counsel for the unofficial committee shall file one or more amended, verified Rule 2019 disclosures by 5:00 p.m. on March 13, 2014. Further hearing on the adequacy of the amended verified Rule 2019 disclosures will be held at the United States Bankruptcy Court in Bangor, Maine, beginning at 10:00 a.m. on April 8, 2014, unless the unofficial committee requests and obtains, for cause shown, an earlier hearing date.

4. Further hearings on the adequacy of the disclosure statement filed by the unofficial committee [D.E. 601 and 728] and the motion to bar the trustee's prosecution of certain claims [D.E. 674] will be held at the United States Bankruptcy Court in Bangor, Maine, beginning at 10:00 a.m. on April 8, 2014, unless the unofficial committee requests and obtains, for cause shown, an earlier hearing date.

5. Except as expressly set forth in Paragraph 4 hereof, this Order does not affect any appearances or filings made by the unofficial committee or its counsel prior to March 12, 2014.

March 13, 2014



The Honorable Louis H. Kornreich
United States Bankruptcy Judge

District/Off: 0100-1

User: kford

Date Created: 3/13/2014

Case: 13-10670

Form ID: pdf900

Total: 112

Recipients submitted to the BNC (Bankruptcy Noticing Center) without an address:

intp Wrongful Death, Personal Injury, Business, Property and Environmental Clients as of 9/1/13
aty Shaw Fishman Glantz & Towbin LLC
aty Paul Hastings

TOTAL: 3

Recipients of Notice of Electronic Filing:

ust Office of U.S. Trustee ustpreion01.po.ecf@usdoj.gov
aty Aaron P. Burns aburns@pearcedow.com
aty Adam Paul, Esq. adam.paul@kirkland.com
aty Alan R. Lepene, Esq. Alan.Lepene@ThompsonHine.com
aty Andrew Helman, Esq. ahelman@mcm-law.com
aty Andrew J. Kull, Esq. akull@mittelasen.com
aty Benjamin E. Marcus, Esq. bmarcus@dwmlaw.com
aty Christopher Fong, Esq. christopherfong@paulhastings.com
aty Craig Goldblatt craig.goldblatt@wilmerhale.com
aty Curtis E. Kimball, Esq. ckimball@rudman-winchell.com
aty D. Sam Anderson, Esq. sanderson@bernsteinshur.com
aty Daniel C. Cohn, Esq. dcohn@murthalaw.com
aty Daniel R. Felkel, Esq. dfelkel@troubhheisler.com
aty David C. Johnson bankruptcy@mcm-law.com
aty Deborah L. Thorne, Esq. deborah.thorne@btlaw.com
aty Debra A. Dandeneau
aty Dennis L. Morgan dmorgan@coopercargillchant.com
aty Edward MacColl, Esq. emaccoll@thomport.com
aty Elizabeth J. Wyman, Esq. liz.wyman@maine.gov
aty Elizabeth L. Slaby bslyby@clarkhillthorpreed.com
aty F. Bruce Sleeper, Esq. bankruptcy@jbgh.com
aty Frank J. Guadagnino fguadagnino@clarkhillthorpreed.com
aty George J. Marcus, Esq. bankruptcy@mcm-law.com
aty George W. Kurr, Jr. gwkurr@grossminsky.com
aty Isaiah A. Fishman ifishman@krasnowsaunders.com
aty James F. Molleur, Esq. jim@molleurlaw.com
aty Jason C. Webster, Esq. jwebster@thewebsterlawfirm.com
aty Jay S. Geller jgeller@jaysgellerlaw.com
aty Jeffrey T. Piampiano, Esq. jpiampiano@dwmlaw.com
aty Jennifer H. Pincus, Esq. Jennifer.H.Pincus@usdoj.gov
aty Jeremy R. Fischer jfischer@dwmlaw.com
aty John R McDonald, Esq. jmcdonald@briggs.com
aty John Thomas Stemplewicz john.stemplewicz@usdoj.gov
aty Jordan M. Kaplan, Esq. jkaplan@zwerdling.com
aty Joshua R. Dow, Esq. jdow@pearcedow.com
aty Kameron W. Murphy, Esq. kmurphy@tuethkeeney.com
aty Keith J. Cunningham, Esq. kcunningham@pierceatwood.com
aty Kelly McDonald, Esq. kmcdonald@mpmlaw.com
aty Maire Bridin Corcoran Ragozzine, Esq. mcorcoran@bernsteinshur.com
aty Michael A. Fagone, Esq. mfagone@bernsteinshur.com
aty Michael F. Hahn, Esq. mhahn@eatonpeabody.com
aty Mitchell A. Toups matoups@wgttlaw.com
aty Nathaniel R. Hull, Esq. nhull@verrilldana.com
aty Patrick C. Maxcy, Esq. patrick.maxcy@dentons.com
aty Paul Joseph Hemming phemming@briggs.com
aty Peter J. Flowers pjf@meyers-flowers.com
aty Renee D. Smith renee.smith@kirkland.com
aty Richard P. Olson, Esq. rolson@perkinsolson.com
aty Richard Paul Campbell rpcampbell@campbell-trial-lawyers.com
aty Robert J. Keach, Esq. rkeach@bernsteinshur.com
aty Roger A. Clement, Jr., Esq. rclement@verrilldana.com
aty Ronald Stephen Louis Molteni, Esq. moltenir@stb.dot.gov
aty Seth S. Holbrook holbrook_murphy@msn.com
aty Stephen G. Morrell, Esq. stephen.g.morrell@usdoj.gov
aty Taruna Garg, Esq. tgarg@murthalaw.com
aty Thomas Addison Knowlton, Esq. Thomas.a.knowlton@maine.gov
aty Timothy R. Thornton pvolk@briggs.com
aty Victoria Morales Victoria.Morales@maine.gov
aty William C. Price wprice@clarkhill.com
aty William H. Welte, Esq. wwelte@weltelaw.com

TOTAL: 60

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	Montreal Maine & Atlantic Railway Ltd.	15 Iron Road	Hermon, ME 04401	
cr	Maine Department of Transportation	c/o Victoria Morales	16 State House Station	Augusta, ME
	04333			
cr	Eastern Maine Railway Company	c/o Alan Lepene	3900 Key Center	127 Public
	Square	Cleveland, OH 44114-1291		
cr	Maine Northern Railway Company	c/o Alan Lepene	3900 Key Center	127 Public
	Square	Cleveland, OH 44114-1291		
cr	New Brunswick Southern Railway Company	c/o Alan R. Lepene	3900 Key Center	127 Public
	Square	Cleveland, OH 44114-1291		
cr	Bangor Savings Bank	P.O.Box 930	Bangor, ME 04402-0930	
cr	United States of America	c/o Department of Justice, Civil Divisio	1100 L Street, N.W.	Room
	10052	Washington, DC 20005		
tr	Robert J. Keach	Bernstein Shur Sawyer & Nelson	100 Middle Street	P.O. Box 9729 Portland,
	ME 04104			
cr	Estates of Marie Alliance, et al	c/o Murtha Cullina LLP	99 High Street	Boston, ME 02110
cr	Estates of Stephanie Bolduc	c/o Meyers & Flowers, LLC	3 North Second Street, Suite 300	St.
	Charles, IL 60174			
aty	Bernstein, Shur, Sawyer & Nelson	100 Middle Street 6th Floor	PO Box 9729	Portland, ME
	04104-5029			
intp	Surface Transportation Board	395 E Street, S.W.	Washington, DC 20423	
intp	J.D. Irving, Limited	c/o Pierce Atwood LLP	254 Commercial Street	Portland, ME 04101
intp	Irving Pulp & Paper, Limited	c/o Pierce Atwood LLP	Attn: Keith J. Cunningham	254 Commercial
	Street	Portland, ME 04101		
intp	Irving Paper Limited	c/o Pierce Atwood LLP	Attn: Keith J. Cunningham	254 Commercial
	Street	Portland, ME 04101		
cr	First Union Rail	c/o Curtis Kimball, Esq.	P.O. Box 1401	Bangor, ME 04401
cr	Center Beam Flat Car Company, Inc.	c/o Curtis Kimball, Esq.	P.O. Box 1401	Bangor, ME 04401
cr	Real Custeau Claimants et al	c/o Mitchell A. Touns, Esq.	PO Box 350	Beaumont, TX 77704
cr	Camden National Bank	2 Elm Street	Camden, ME 04843	
aty	Verrill Dana LLP	One Portland Square	P.O. Box 586	Portland, ME 04112-0586
cr	Frederick J. Williams	74 Bellevue Street	Compton, QU J0B 1L0 CANADA	
cr	Daniel Aube	308 St-Lambert Street	Sherbrooke, QU J1CON9 CANADA	
cr	Robert D. Thomas	49 Park Street	Dexter, ME 04930	
cr	Fred's Plumbing & Heating, Inc.	328 Main Street	Derby, VT 05829	
aty	Verrill & Dana, LLP	One Portland Square	P.O. Box 586	Portland, ME 04112-0586
aty	Alan S. Gilbert	233 South Wacker Drive, Suite 7800	Chicago, IL 60606	
aty	Allison M. Brown	Weil, Gotshal & Manges LLP	301 Carnegie Center, Suite 303	Princeton, NJ
	08540			
aty	Arvin Maskin	Weil, Gotshal & Manges LLP	767 Fifth Avenue	New York, NY 10153
aty	Craig D. Brown	Meyers & Flowers, LLC	3 North Second Street, Suite 300	St. Charles, IL 60174
aty	Dennis M. Ryan, Esq.	Faegre Baker Daniels LLP	90 South 7th St Ste 2200	Minneapolis, MN
	55402-3901			
aty	Diane P. Sullivan	Weil, Gotshal & Manges LLP	301 Carnegie Center, Suite 303	Princeton, NJ 08540
aty	Eric M. Hocky	Clark Hill Thorp Reed	2005 Market Street	Suite 1000 Philadelphia, PA 19103
aty	Jeffrey C. Steen, Esq.	Sidley Austin LLP	One South Dearborn	Chicago, IL 60603
aty	Luc A. Despina	Paul Hastings, LLP	75 East 55th Street	New York, NY 10022
aty	Marcia L. Goldstein	Weil, Gotshal & Manges LLP	767 Fifth Avenue	New York, NY 10153
aty	Matthew E. Linder, Esq.	Sidley Austin LLP	One South Dearborn	Chicago, IL 60603
aty	Michael R. Enright	Robinson & Cole, LLP	280 Trumbull Street	Hartford, CT 06103
aty	Michael S. Wolly, Esq.	Zwerdling, Paul, Kahn & Wolly, PC	1025 Connecticut Ave.,	
	N.W.	Washington, DC 20036		
aty	Robert Jackstadt	Tueth, Keeney, Cooper, Mohan & Jackstadt	101 West Vandalia, Suite	
	210	Edwardsville, IL 62025		
aty	Stefanie Wowchuck McDonald	233 South Wacker Drive, Suite 7800	Chicago, IL 60606	
aty	Stephen Edward Goldman	Robinson & Cole LLP	280 Trumbull Street	Hartford, CT 06103
aty	Steven J. Boyajian	Robinson & Cole LLP	One Financial Plaza, Suite 1430	Providence, RI 02903
aty	Terence M. Hynes, Esq.	Sidley Austin LLP	1501 K. Street N.W.	Washington, DC 20005
aty	Thomas A. Labuda, Jr.	Sidley Austin, LLP	One South Dearborn	Chicago, IL 60603
aty	Victoria Vron	Weil, Gotshal & Manges LLP	767 Fifth Avenue	New York, NY 10153
aty	Virginia Strasser	Surface Transportation Board	395 E Street, S.W.	Washington, DC 20423
aty	William K. McKinley, Esq.	Troubh Heisler	511 Congress Street	PO Box 9711 Portland, ME
	04104-5011			
aty	Wystan M. Ackerman	Robinson & Cole LLP	280 Trumbull Street	Hartford, CT 06103
smg	State of Maine	Bureau of Revenue Services	Compliance Division Bankruptcy Unit	P.O. Box
	1060	Augusta, ME 04332		

TOTAL: 49