

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

	)	
In re	)	Chapter 11
	)	Case No. 13-10670
MONTREAL MAINE & ATLANTIC	)	
RAILWAY, LTD.	)	
	)	
Debtor.	)	

**LIMITED OBJECTION OF THE UNITED STATES TRUSTEE TO  
APPLICATION FOR ORDER, PURSUANT TO SECTIONS 327 AND 328 OF THE  
BANKRUPTCY CODE, AUTHORIZING THE EMPLOYMENT OF BAKER, NEWMAN  
& NOYES, LLC AS ACCOUNTANT FOR THE TRUSTEE NUNC PRO TUNC TO  
AUGUST 7, 2013.**

The United States Trustee (the "U.S. Trustee"), by and through his undersigned counsel, objects, on a limited basis, to the Trustee's December 6, 2013, Application For Order Authorizing The Employment Of Baker, Newman & Noyes, LLC As Accountant For the Trustee *Nunc Pro Tunc* to August 7, 2013, (the "Application") (Docket Entry # 466). In support of his Limited Objection, the U.S. Trustee states as follows:

**I. LIMITED OBJECTION**

Pursuant to 28 U.S.C. § 586, the U.S. Trustee is charged with the administrative oversight of bankruptcy cases. One of the specific statutory functions of the U. S. Trustee is to monitor applications filed under section 327 and to comment with respect to the approval of such applications. 28 U.S.C. § 586 (a)(3)(I).

The Application seeks post facto approval of the Trustee's retention of Baker, Newman & Noyes as accountants for the estate. The Application was filed on December 6, 2013 and seeks an order approving the retention effective as of August 7, 2013. D. Me. L.B.R. 2014-2, provides that retention of professionals, other than counsel to the chapter 11 debtor, shall be effective as of

the date of the application, absent an effective showing that the application should be granted post facto. The legal standard applicable to post facto relief is enunciated in *In re Jarvis*, 53 F.3d. 416 (1<sup>st</sup> Cir. 1995).

The U. S. Trustee does not oppose the retention of BNN, but submits that BNN's retention should be effective as of the date of the Application, absent a showing that the untimeliness of the Application was occasioned by extraordinary circumstances. *Id. at 420*. The Application does not allege that such circumstances pertain in this case.

WHEREFORE, The U.S. Trustee requests that the Court conduct a hearing on the circumstances justifying the four month delay in the filing of the Application and grant to the parties in this case such relief as is just.

Dated at Portland, Maine this 31st day of December, 2013.

Respectfully submitted,

WILLIAM K. HARRINGTON  
UNITED STATES TRUSTEE

By: /s/ Stephen G. Morrell  
Stephen G. Morrell, Esq.  
Jennifer H. Pincus, Esq.  
United States Department of Justice  
Office of United States Trustee  
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**CERTIFICATE OF SERVICE**

I, Stephen G. Morrell, being over the age of eighteen and an employee of the United States Department of Justice, U.S. Trustee Program, hereby certify that on December 31, 2013, I electronically filed the forgoing Limited Objection of the United States Trustee to Application For Order Authorizing The Employment Of Baker, Newman & Noyes, LLC As Accountant For

the Trustee *Nunc Pro Tunc* to August 7, 2013, and this Certificate of Service, which were served upon each of the parties set forth on this Service List via U.S. mail, postage prepaid, on December 31, 2013. All other parties listed on the Notice of Electronic Filing have been served electronically.

Dated at Portland, Maine this 31st day of December, 2013.

/s/ Stephen G. Morrell

**Service List:**

N/A