

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

<b>In re:</b>	)	
	)	<b>Chapter 11</b>
<b>Montreal Maine &amp; Atlantic Railway Ltd.,</b>	)	<b>Case No. 13-10670</b>
	)	
<b>Debtor.</b>	)	

**MOTION TO EXPEDITE JOINT MOTION TO CONTINUE AND RESCHEDULE  
HEARINGS ON (A) THE RIGHTS OF PARTIES-IN-INTEREST IN THE PROCEEDS  
OF A CERTAIN INSURANCE POLICY ISSUED BY TRAVELERS CASUALTY  
COMPANY OF AMERICA; AND (B) WHEELING & LAKE ERIE RAILWAY  
COMPANY'S MOTION TO ENFORCE CASH COLLATERAL ORDERS**

Robert J. Keach, the trustee (the "Trustee") of the Montreal Maine & Atlantic, Ltd. (the "Debtor"), and Wheeling & Lake Erie Railway Company ("Wheeling") hereby request that the Court expedite its hearing on their Joint Motion to Continue and Reschedule Hearing on (A) the Rights of Parties-In-Interest In the Proceeds of A Certain Insurance Policy Issued By Travelers Casualty Company of America; and (B) Wheeling & Lake Erie Company's Motion to Enforce Cash Collateral Orders (the "Scheduling Motion"). In support of this motion, the Trustee and Wheeling state as follows:

**Jurisdiction and Venue**

1. This Court has jurisdiction of this Motion pursuant to 28 U.S.C. §§ 157 and 1334 as well as the standing order of the United States District Court for the District of Maine (the "District Court") dated August 1, 1984, pursuant to which all cases filed in Maine under the Bankruptcy Code are automatically referred by the District Court to this Court. The relief requested by the Motion to Expedite is based upon Federal Rule of Bankruptcy Procedure 2002 and D. Me. LBR 9013-1(i).

2. This is a core matter, pursuant to 28 U.S.C. § 157(b)(2) and the Court has constitutional authority to enter final judgment in this proceeding.

3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

**Relief Requested**

4. By this Motion to Expedite, the Trustee and Wheeling request that this Court (a) schedule a hearing on the Scheduling Motion for Wednesday, March 12, 2014 at 10:00 a.m. at the United States Bankruptcy Court in Portland, Maine; (b) set a deadline for objections to the Scheduling Motion (and this Motion to Expedite) of Tuesday, March 11, 2014 at 5:00 p.m. EST; and (c) approve service of the Motion to Expedite and the Scheduling Motion in the manner set forth herein.

**Basis For Relief**

5. As set forth in the Scheduling Motion, there is a press of matters currently scheduled to be heard on March 12, 2014 in this case. Some are to be heard solely by this Court; others are to be heard by both this Court and the Canadian Court.<sup>1</sup>

6. To ensure that there is sufficient time for the Courts to properly consider all of those matters, the Trustee and Wheeling have requested that certain matters relating specifically to disputes principally between them (at least at this stage in the proceedings) – namely issues regarding the parties' interest in the BI Policy Proceeds and the pending Enforcement Motion – be bifurcated and rescheduled, some to Thursday, March 13, 2014 in Portland, Maine, others to a future date to be determined. The Trustee and Wheeling believe that this course of action will result in a more efficient allocation of the resources of the Court and the parties.

7. Given that the hearing at issue is only five days away, the parties are seeking expedited consideration of the Scheduling Motion on March 12, 2014.

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<sup>1</sup> Defined terms shall have the same meanings as ascribed to them in the Scheduling Motion unless otherwise noted herein.

**Notice**

8. Notice of the Motion to Expedite and Scheduling Motion, together with a Notice of Hearing and proposed forms of order, were served on the all parties receiving notice through the Court's electronic filing system. Under the circumstances, Wheeling and the Trustee hereby request that this Court find that such service is sufficient notice to all parties in interest in this case.

**Conclusion**

For the reasons set forth herein, the Trustee and Wheeling respectfully requests that the Court enter an Order:

- A. Finding that service of the Motion to Expedite and the Scheduling Motion in the manner described herein was sufficient to all parties in interest under the circumstances of this case;
- B. Granting the Motion to Expedite;
- C. Setting a hearing on the Scheduling Motion for Wednesday, March 12, 2014 at 10:00 a.m.;
- D. Setting a deadline of Tuesday, March 11, 2014 at 5:00 p.m. EST for any objections to the Motion to Expedite and the Scheduling Motion; and
- E. Granting such other relief as the Court deems just and appropriate.

Dated: March 7, 2014

/s/ Michael A. Fagone

Michael A. Fagone

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

BERNSTEIN, SHUR, SAWYER & NELSON, P.A.  
100 Middle Street  
P.O. Box 9729  
Portland, ME 04104  
207.774.1200

Dated: March 7, 2014

/s/ David C. Johnson

George J. Marcus

Daniel L. Rosenthal

David C. Johnson

Andrew C. Helman

Counsel for Wheeling & Lake Erie Railway  
Company

MARCUS, CLEGG & MISTRETTE, P.A.

One Canal Plaza, Suite 600

Portland, ME 04101

207.828.8000

### **CERTIFICATE OF SERVICE**

I, Holly C. Pelkey, hereby certify that I am over eighteen years old and that I caused a true and correct copy of the above document, proposed Order and Notice of Hearing to be served upon the parties electronically at the addresses set forth on the Service List set forth below on 7<sup>th</sup> day of March, 2014.

/s/ Holly C. Pelkey

Holly C. Pelkey

Legal Assistant

## **Mailing Information for Case 13-10670**

### **Electronic Mail Notice List**

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In re: )  
 ) Chapter 11  
Montreal Maine & Atlantic Railway Ltd., ) Case No. 13-10670  
 )  
Debtor. )

**ORDER GRANTING MOTION TO EXPEDITE JOINT MOTION TO CONTINUE AND  
RESCHEDULE HEARINGS ON (A) THE RIGHTS OF PARTIES-IN-INTEREST IN  
THE PROCEEDS OF A CERTAIN INSURANCE POLICY ISSUED BY TRAVELERS  
CASUALTY COMPANY OF AMERICA; AND (B) WHEELING & LAKE ERIE  
RAILWAY COMPANY'S MOTION TO ENFORCE CASH COLLATERAL ORDERS**

UPON CONSIDERATION of the above-referenced Motion to Expedite Joint Motion to Continue and Reschedule Hearings on (A) the Rights of Parties-In-Interest in the Proceeds of a Certain Insurance Policy Issued by Travelers Casualty Company of America; and (B) Wheeling & Lake Erie Railway Company's Motion to Enforce Cash Collateral Orders (the "Motion to Expedite",<sup>1</sup> the Proposed Order and Notice of Hearing having been served as set forth in the Motion to Expedite, good cause having been shown and pursuant to § 105 of the Bankruptcy Code and Rule 9013-1(i) of the Local Bankruptcy Rules, it is hereby **ORDERED, ADJUDGED,** and **DECREED** that:

1. Service of the Motion to Expedite, Proposed Order, and Notice of Hearing in the manner described in the Motion was sufficient notice to all parties in interest under the circumstances of this case and the relief requested in the Motion;

2. The Motion is **GRANTED** in all respects;

3. A hearing shall be set on the Scheduling Motion for Wednesday, March 12, 2014 at 10:00 a.m. and all objections to same shall be filed before 5:00 p.m. on Tuesday, March 11, 2014.

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<sup>1</sup> Capitalized terms not defined herein shall have the meaning set forth in the Motion to Expedite.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Louis H. Kornreich., Judge  
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In re: )  
) **Chapter 11**  
Montreal Maine & Atlantic Railway Ltd., ) **Case No. 13-10670**  
)  
Debtor. )

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **Wednesday, March 12, 2014, at 10:00 a.m.** a hearing will be held at the United States Bankruptcy Court, 202 Harlow Street, Bangor, Maine, on ***Motion to Expedite Joint Motion to Continue and Reschedule Hearings on (A) the Rights of Parties-In-Interest in the Proceeds of a Certain Insurance Policy Issued by Travelers Casualty Company of America; and (B) Wheeling & Lake Erie Railway Company's Motion to Enforce Cash Collateral Orders*** (the "Motion to Expedite").

If any party in interest shall have an objection to the Motion to Expedite, such party shall assert an objection at the hearing. Such objecting party shall also file with the Court a written statement setting forth the basis for such objection **before 5:00 p.m. on Tuesday, March 11, 2014**, and concurrently serve (by facsimile and first class U.S. mail, postage prepaid) upon counsel for Wheeling & Lake Erie Railway Company, David C. Johnson, Esq., MARCUS, CLEGG & MISTRETTA, P.A., One Canal Plaza, Suite 600, Portland, ME 04101-4035, facsimile no. 207-773-3210. Unless an objecting party appears at the hearing to assert the basis for such objection before the Bankruptcy Court, and timely files a written statement, such objection shall be deemed to have been waived and abandoned.

**IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE RELIEF REQUESTED IN THE MOTION TO EXPEDITE MAY BE GRANTED BY DEFAULT WITHOUT FURTHER NOTICE OR HEARING.**

If the Expedited Hearing Motion is granted at that time, the Court will immediately thereafter conduct a preliminary hearing to consider, and may grant at that time ***Joint Motion to Continue and Reschedule Hearings on (A) the Rights of Parties-In-Interest in the Proceeds of a Certain Insurance Policy Issued by Travelers Casualty Company of America; and (B) Wheeling & Lake Erie Railway Company's Motion to Enforce Cash Collateral Orders*** (the "Scheduling Motion").

If any party in interest shall have an objection to the Scheduling Motion, such party shall assert an objection at the hearing. Such objecting party shall also file with the Court a written statement setting forth the basis for such objection **before 5:00 p.m. on Tuesday, March 11, 2014**, and concurrently serve (by facsimile and first class U.S. mail, postage prepaid) upon counsel for Wheeling & Lake Erie Railway Company, David C.

Johnson, Esq., MARCUS, CLEGG & MISTRETTA, P.A., One Canal Plaza, Suite 600, Portland, ME 04101-4035, facsimile no. 207-773-3210. Unless an objecting party appears at the hearing to assert the basis for such objection before the Bankruptcy Court, and timely files a written statement, such objection shall be deemed to have been waived and abandoned.

Dated: March 7, 2014

/s/ David C. Johnson

George J. Marcus

David C. Johnson

Andrew C. Helman

Counsel for Wheeling & Lake Erie Railway  
Company

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