

RELIEF REQUESTED WITHOUT A HEARING

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MAINE**

In re:

MONTREAL, MAINE & ATLANTIC
RAILWAY, LTD.,

Debtor.

Bk. No. 13-10670
Chapter 11

**FIFTH CONSENT MOTION TO EXTEND THE OBJECTION DEADLINE AND
CONTINUE THE HEARING ON THE TRUSTEE'S MOTIONS
FOR RULE 2004 EXAMINATIONS**

Robert J. Keach, as trustee (the "Trustee") of Montreal Maine & Atlantic Railway, Ltd. (the "Debtor"), hereby requests that this Court enter an Order continuing the hearing (the "Hearing") and extending the deadline to file a response or objection (the "Objection Deadline") with respect to the following motions (together, the "Rule 2004 Motions"):

- *Motion for Order Compelling Trinity Industries, Inc. to Appear for Rule 2004 Examination and to Produce Documents in Connection Therewith* [D.E. 1145];
- *Motion for Order Compelling Trinity Rail Group, LLC to Appear for Rule 2004 Examination and to Produce Documents in Connection Therewith* [D.E. 1146];
- *Motion for Order Compelling Trinity Rail Leasing 2012 LLC to Appear for Rule 2004 Examination and to Produce Documents in Connection Therewith* [D.E. 1147];
- *Motion for Order Compelling General Electric Railcar Services Corporation to Appear for Rule 2004 Examination and to Produce Documents in Connection Therewith* [D.E. 1148];
- *Motion for Order Compelling Union Tank Car Company to Appear for Rule 2004 Examination and to Produce Documents in Connection Therewith* [D.E. 1149]; and
- *Motion for Order Compelling First Union Rail to Appear for Rule 2004 Examination and to Produce Documents in Connection Therewith* [D.E. 1151].

In further support of this consented-to motion, the Trustee states as follows:

1. On November 4, 2014, the Trustee filed the *Consent Motion to Extend the Deadline to Respond to the Trustee's Motions for Rule 2004 Examinations* [D.E. 1186] (the "Consent Motion"), which proposed to extend the Objection Deadline from November 4, 2014 to November 12, 2014. On November 6, 2014, the Court entered an order granting the Consent Motion [D.E. 1200].

2. On November 12, 2014, the Trustee filed the *Second Consent Motion to Extend the Deadline to Respond to the Trustee's Motions for Rule 2004 Examinations* [D.E. 1210] (the "Second Consent Motion"), which proposed to extend the Objection Deadline from November 12, 2014 to November 17, 2014. On November 13, the Court entered an order granting the Second Consent Motion [D.E. 1215].

3. On November 17, 2014, the Trustee filed the *Consent Motion to Extend the Objection Deadline and Continue the Hearing on the Trustee's Motions for Rule 2004 Examinations* [D.E. 1224] (the "Third Consent Motion"), which proposed to extend the Objection Deadline from November 17, 2014 to January 6, 2015 and to reschedule the Hearing for January 13, 2015. On November 18, 2014, the Court entered an order granting the Third Consent Motion [D.E. 1227].

4. On January 5, 2015, the Trustee filed the *Fourth Consent Motion to Extend the Objection Deadline and Continue the Hearing on the Trustee's Motions for Rule 2004 Examination* [D.E. 1330] (the "Fourth Consent Motion"), which proposed to extend the Objection Deadline from January 6, 2015 to February 3, 2015 and to reschedule the Hearing for February 10, 2015. On January 6, 2015, the Court entered an order granting the Fourth Consent Motion [D.E. 1332].

5. Counsel for (i) Trinity Industries, Inc., (ii) Trinity Rail Group, LLC, (iii) Trinity Rail Leasing 2012 LLC, (iv) General Electric Railcar Services Corporation, (v) Union Tank Car

Company, and (vi) First Union Rail (together, the “Requesting Parties”) have requested that the Hearing be continued from February 10, 2015 to March 10, 2015. The Requesting Parties have also requested a further extension of the Objection Deadline to March 3, 2015. The Trustee consents to such request.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order: (a) continuing the Hearing to March 10, 2015 at 10:00 a.m.; (b) extending the Objection Deadline with respect to the Requesting Parties to March 3, 2015; and (c) granting such other and further relief as may be granted.

Dated: February 2, 2015

ROBERT J. KEACH
CHAPTER 11 TRUSTEE OF MONTREAL
MAINE & ATLANTIC RAILWAY, LTD.

By his attorneys:

/s/ Timothy J. McKeon

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In re:

MONTREAL, MAINE & ATLANTIC
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Debtor.

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**ORDER GRANTING FIFTH CONSENT MOTION TO EXTEND THE OBJECTION
DEADLINE AND CONTINUE THE HEARING ON THE TRUSTEE'S
MOTIONS FOR RULE 2004 EXAMINATIONS**

Upon consideration of the *Fifth Consent Motion to Extend Objection Deadline and Continue the Hearing on the Trustee's Motions for Rule 2004 Examinations* (the "Fifth Consent Motion") filed by Robert J. Keach, as trustee (the "Trustee") of Montreal Maine & Atlantic Railway, Ltd. (the "Debtor"), and the Trustee and the Requesting Parties consenting to the relief sought in the Fifth Consent Motion, and without hearing pursuant to D. Me. LBR 9013-1(d)(1) and Fed. R. Bankr. P. 9006(b)(1), it is hereby **ORDERED**, **ADJUDGED** and **DECREED** as follows:¹

1. The Fifth Consent Motion is granted.
2. The Hearing shall take place on **March 10, 2015** at **10:00 a.m. E.S.T.**
3. The Objection Deadline is extended, as it relates only to the Requesting Parties, up to and including **March 3, 2015**.

¹ Unless otherwise indicated, all capitalized terms used but not defined herein have the same meaning as ascribed to such terms in the Fifth Consent Motion.

4. This Order shall become final in fourteen (14) days unless a party in interest sooner objects, in which case the matter shall be set for hearing and considered by the Court as if this Order had not been entered.

Dated:

The Honorable Louis H. Kornreich
United States Bankruptcy Judge