

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670
Chapter 11

MOTION FOR EXPEDITED HEARING AND SHORTENED OBJECTION PERIOD WITH RESPECT TO APPLICATION FOR ORDER PURSUANT TO 11 U.S.C. §§ 327(a) AND 328(a) AUTHORIZING THE EMPLOYMENT OF PRIME CLERK, LLC AS NOTICING AND SOLICITATION AGENT *NUNC PRO TUNC* TO MAY 5, 2015

Robert J. Keach (the “Trustee”), the chapter 11 trustee in the above-captioned case, hereby moves this Court for an expedited hearing and shortened objection period (the “Motion to Expedite”) with respect to the *Application for Order Pursuant to 11 U.S.C. §§ 327(a) and 328(a) Authorizing the Employment of Prime Clerk, LLC as Noticing and Solicitation Agent Nunc Pro Tunc to May 5, 2015* [D.E. 1429] (the “Application”). In support of the Motion to Expedite, the Trustee states as follows:

JURISDICTION

1. This Court has jurisdiction to entertain the Motion to Expedite pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The rules applicable to the relief sought in the Motion to Expedite are Rules 2002 and 9013 of the Federal Rules of Bankruptcy Procedure (hereinafter, “Fed. R. Bankr. P.”) and Rules 9013-1(d)(1), (d)(5) and (i) of this Court’s local rules (the “Local Rules”).

BACKGROUND

3. On August 7, 2013 (the "Petition Date"), Montreal Maine & Atlantic Railway, Ltd., the above-captioned debtor (the "Debtor"), filed a voluntary petition for relief under chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code"). On August 21, 2013, the United States Trustee (the "U.S. Trustee") appointed the Trustee to serve in the Debtor's Chapter 11 case (the "Case") pursuant to 11 U.S.C. § 1163.

4. On May 18, 2015, the Trustee filed a motion (the "Solicitation Procedures Motion") seeking, among other things, approval of procedures for soliciting and tabulating votes on the Trustee's chapter 11 plan of liquidation (the "Plan"). Specifically, by the Solicitation Procedures Motion, the Trustee seeks approval of, among other things, the documents to be sent to potential creditors entitled to vote on the Plan and a timeline for solicitation and tabulation of such votes. The hearing on the Solicitation Procedures Motion is scheduled for June 23, 2015 (the "June Omnibus Hearing").

5. In connection with the Solicitation Procedures Motion, the Trustee filed the Application seeking the employment of Prime Clerk, LLC ("Prime Clerk") to serve as noticing and solicitation agent.

6. The Court has confirmed its availability for hearing on June 3, 2015 at 9:30 a.m.

RELIEF REQUESTED

7. By this Motion to Expedite, the Trustee requests that the Court (a) schedule a hearing on the Motion to Expedite and the Application for **June 3, 2015 at 9:30 a.m.** and (b) set a shortened objection deadline on the Motion to Expedite and the Application for **5:00 p.m. (ET) on May 27, 2015.**

BASIS FOR RELIEF

8. Pursuant to Local Rule 9013-1(d)(1), applications seeking *nunc pro tunc* or *post facto* approval of employment must be set for hearing. Rule 2002 of the Fed. R. Bankr. P. requires twenty-one days' notice for such an application. A response date must be set later than seven calendar days prior to a hearing date. *See* Local Rule 9013-1(d)(5). Pursuant to Local Rule 9013-1(i), a movant may seek to have a motion heard on expedited notice. *See* Local Rule 9013-1(i).

9. The Trustee requires expedited approval of the Application to ensure his ability to comply with any order granting the Solicitation Procedures Motion (any such order, the "Solicitation Procedures Order"). The Solicitation Procedures Motion is scheduled to be heard (and thus, the Trustee's solicitation and tabulation obligations determined) at the June Omnibus Hearing. The June Omnibus Hearing is also the first omnibus hearing scheduled after the expiry of the otherwise-applicable twenty-one day notice period on the Application. In the event the Application were not granted, the Trustee would need time in advance of entry of the Solicitation Procedures Order to consider alternative courses of action to ensure his ability to fulfill his solicitation and tabulation obligations.

10. Accordingly, the Trustee requests that a hearing on the Motion to Expedite and the Application be scheduled for June 3, 2015 at 9:30 a.m. (ET) and an objection deadline be set for May 27, 2015 at 5:00 p.m. (ET) in order for the Trustee to have time to ensure that he has the resources he requires to fulfil his solicitation and tabulation obligations under any Solicitation Procedures Order.

NOTICE

11. Notice of this Motion to Expedite was served on the following parties on the date and in the manner set forth in the certificate of service: (1) the United States Trustee; (2) the

Debtor's counsel; (3) the non-insider holders of the twenty (20) largest unsecured claims against the Debtor or, if applicable, the lawyers representing such holders; (4) applicable federal and state taxing authorities; (5) the holders of secured claims against the Debtor, or if applicable, the lawyers representing such holders; and (6) others who have, as of the date of the Application, entered an appearance and requested service of papers in the Chapter 11 Case.

CONCLUSION

WHEREFORE, the Trustee respectfully requests that this Court enter an Order substantially in the form attached hereto as **Exhibit A**: (a) granting the Motion to Expedite, (b) setting a hearing on the Motion to Expedite and the Application for June 3, 2015 at 9:30 a.m. and a shortened objection deadline for May 27, 2015; and (c) granting such other and further relief as the Court deems just and equitable under the circumstances.

Dated: May 18, 2015

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

By his attorneys:

/s/ Sam Anderson

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This matter having come before the Court on the *Motion for Expedited Hearing and Shortened Objection Period with Respect to Application for Order Pursuant to 11 U.S.C. §§ 327(a) and 328(a) Authorizing the Employment of Prime Clerk, LLC as Noticing and Solicitation Agent Nunc Pro Tunc to May 5, 2015* (the "Motion to Expedite") filed by Robert J. Keach (the "Trustee"), the chapter 11 trustee in the above-captioned case, and upon consideration of all responses to the Motion to Expedite (if any), it is hereby **ORDERED**, **ADJUDGED** and **DECREED** as follows:

1. The Motion to Expedite is granted.
2. Notice and service of the Motion to Expedite and the Application was sufficient in light of the nature of the relief requested.
3. An expedited hearing on the Application is set for **June 3, 2015 at 9:30 a.m.** and the deadline to object to the Applications is **5:00 p.m. (ET) on May 27, 2015.**

Dated:

The Honorable Peter G. Cary
U. S. Bankruptcy Judge for the District of Maine

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Dated:

The Honorable Peter G. Cary
U. S. Bankruptcy Judge for the District of Maine