

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:)	
)	
Montreal Maine & Atlantic Railway Ltd.,)	Case No. 13-10670
)	
Debtor.)	Related to D.E. 1439
)	

WHEELING & LAKE ERIE RAILWAY COMPANY’S MOTION FOR AN EXPEDITED HEARING ON ITS MOTION TO COMPEL ATTENDANCE AT DEPOSITION AND PRODUCTION OF DOCUMENTS RELATED THERETO AND OBJECTION TO THE TRUSTEE’S MOTION TO SEAL

NOW COMES Wheeling and Lake Erie Railway Company (“Wheeling”) and hereby requests entry of an order setting the above-referenced Motion To Compel Attendance At Deposition And Production Of Documents Related Thereto (the “Motion to Compel”),¹ filed contemporaneously herewith, for a hearing on June 10, 2015, at 11:30 a.m., or such sooner date as the Court deems appropriate. In support of this Motion, Wheeling states as follows:

1. Wheeling respectfully directs the Court’s attention to the Motion to Compel for a complete recitation of the facts and circumstances underlying the relief requested therein. Suffice to say that Wheeling seeks discovery with respect to the Trustee’s Motion to Seal, to which Wheeling has objected, and certain Settlement Agreements in order to determine its position as to the settlements and the disposition of settlement proceeds, its position regarding approval of the Trustee’s Disclosure Statement, and its position with respect to confirmation of the Trustee’s Plan.

2. As set forth in more detail in the Motion to Compel, Wheeling believes that some or all of the cash payments to be made pursuant to the Settlement Agreements (as effectuated under the Plan) may constitute Wheeling’s collateral and that the Trustee’s proposed Plan will

¹ Capitalized terms not defined herein shall have the meaning set forth in the Motion to Compel.

dispose of such collateral without Wheeling's consent, without adequate protection, and in derogation of the proposed treatment of Wheeling under the Trustee's Plan.

3. The deadline to object to the Motion to Seal and the Trustee's Disclosure Statement is June 16, 2015. A hearing on both the Motion to Seal and the Disclosure Statement is set for the following week on June 23, 2015.

4. Because the Trustee has declined to disclose the Settlement Agreements to Wheeling (or to any other party), Wheeling is unable to determine whether such Settlement Agreements purport to compromise claims or payment rights that constitute Wheeling's collateral, or to determine its position with respect to either the Motion to Seal or approval of the Disclosure Statement. In the absence of the requested discovery, Wheeling is also unable to determine its position with respect to the Trustee's Plan, including whether the Plan violates Wheeling's rights.

5. Accordingly, Wheeling requests entry of an order setting the Motion to Compel for a hearing on June 10, 2015, or such sooner date as the Court deems proper, and setting the objection deadline for the Motion to Compel as June 8, 2015, at 4 p.m. or such other date or time as the Court deems proper. **Wheeling also consents to a telephonic hearing with respect to the Motion to Compel at a date or time that is convenient for the Court.**

6. Wheeling does not know whether the Trustee consents to the relief requested herein.

WHEREFORE, Wheeling respectfully requests entry of an order (A) setting the Motion to Compel for a hearing on June 10, 2015, at 11:30 a.m. or such sooner date as the Court deems proper; (B) setting the objection deadline to the Motion to Compel as June 8, 2015, at 4 p.m. or

such date as the Court deems proper; and (C) granting such further and additional relief as the Court deems just and proper.

Dated: June 3, 2015

/s/ George J. Marcus

George J. Marcus

David C. Johnson

Andrew C. Helman

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Company

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

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

**ORDER GRANTING WHEELING & LAKE ERIE RAILWAY COMPANY'S MOTION
FOR AN EXPEDITED HEARING ON ITS MOTION TO COMPEL ATTENDANCE AT
DEPOSITION AND PRODUCTION OF DOCUMENTS RELATED THERETO AND
OBJECTION TO THE TRUSTEE'S MOTION TO SEAL**

Upon consideration of the above-referenced motion (the "Motion"), filed by Wheeling, after appropriate notice and a hearing thereon, if necessary, and good cause having been demonstrated to the Court, it is hereby ORDERED as follows:

1. Service as set forth in the Certificate of Service filed in connection with the Motion is adequate service under the circumstances of this matter;
2. The Motion is GRANTED;
3. A hearing shall be held on the Motion to Compel on June 10, 2015, at 11:30 a.m., unless the Court orders that a hearing be held at a sooner date and time.
4. Any and all objections with respect to the Motion to Compel shall be filed with the Court no later than June 8, 2015, at 4 p.m., unless the Court orders that a different date and time be set.

Dated: June __, 2015

Hon. Peter G. Cary
United States Bankruptcy Judge