

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE

ANNICK ROY, AS SPECIAL ADMINISTRATOR )  
OF THE ESTATE OF JEAN-GUY VEILLEUX, )  
DECEASED, )

Plaintiff )

vs. )

RAIL WORLD, INC. et al. )

Defendants )

CASE NO.: 1:14-cv-113

**MOTION FOR EXPEDITED HEARING ON PLAINTIFF’S MOTION FOR LEAVE TO  
FILE AMENDED COMPLAINT AND TO LIMIT THE PERIOD TO OBJECT TO  
PLAINTIFF’S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

NOW COMES the Plaintiff, Annick Roy, as Special Administrator of the Estate of Jean-Guy Veilleux, deceased, by and through her undersigned attorneys, and hereby moves for an Expedited Hearing on Plaintiff’s Motion for Leave to File Amended Complaint and to Limit the Period to Object to Plaintiff’s Motion for Leave to File Amended Complaint, stating as follows:

Concurrently with the filing of this motion, Plaintiff has filed a Motion for Leave to File an Amended Complaint (“Motion for Leave”). Therein, Plaintiff seeks leave to file an amended complaint that adds additional defendants and the incorporation of additional fact that amplifies the background regarding how and why a train derailed in Lac- Mégantic Quebec on July 6, 2013.

Due to an agreed-upon stay, Plaintiff was, until June 8, 2015, prohibited from seeking leave to file an amended complaint in this Court. The stay now lifted, Plaintiff is free to proceed.

Because, however, more than 21 days have passed since Plaintiff served her complaint, she must receive leave of court prior to filing an amended complaint. That, of course, requires

Plaintiff to file a motion, allow Defendants' time to oppose and this Court the time to issue an order authorizing the filing of an amended complaint. Plaintiff is, however, cognizant of the fact that the two-year statute of limitations for her claims expires on July 6, 2015. Accordingly, Plaintiff's amended complaint, to the extent that it adds additional parties, would need to be filed on or before July 6, 2015.

Subjecting Plaintiff's Motion for Leave to the usual timing for motion practice in this District would allow for oppositions to be filed by no later than July 3, 2015. Then, Plaintiff should have an opportunity to respond. Thus, the timing for this motion practice would likely take Plaintiff beyond July 6, 2015.

Given the exigent circumstances and to avoid that extreme prejudice, Plaintiff requests that this Court conduct an expedited hearing on her Motion for Leave during the week of June 15, 2015. That would allow the participating parties to indicate to the Court whether they have any objection to Plaintiff's Motion for Leave.

In the event that any party indicates that it has an objection to the Motion for Leave, Plaintiff would request that that party file its objections within 7 days of the filing of this motion, with Plaintiff's reply due by no later than 5 p.m. on June 22, 2015. Plaintiff believes that this expedited process would allow Defendants due process in interposing an objection to the Motion for Leave, while at the same time giving this Court sufficient time to decide whether leave should be granted, and, if so, Plaintiff the time to file her amended complaint in advance of the limitations deadline.

DATED: June 12, 2015

Respectfully submitted,

By their attorneys,

/s/ George W. Kurr, Jr.

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/s/ Joseph M. Bethony

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### **CERTIFICATE OF SERVICE**

I, Joseph M. Bethony, Esquire, of the firm Gross, Minsky & Mogul, P.A., attorneys for Annick Roy (o/b/o Veilleux, Jean-Guy) hereby certify that on June 12, 2015, I electronically filed **MOTION FOR EXPEDITED HEARING ON PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT AND TO LIMIT THE PERIOD TO OBJECT TO PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT** with the Court via the CM/ECF electronic filing system which will send notification of such filing to the attorneys/parties of record who have registered as CM/ECF participants.

/s/ Joseph M. Bethony

Joseph M. Bethony, Esq.