

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670
Chapter 11

MOTION TO LIMIT NOTICE FOR FINAL FEE APPLICATIONS

Robert J. Keach, the chapter 11 trustee (the “Trustee”) in the above-captioned case, hereby moves this Court to limit notice (the “Motion to Limit”) for service in connection with the applications (collectively, the “Final Fee Applications”) of professionals for compensation for services rendered or reimbursement of expenses incurred under sections 326, 328 and 330 of title 11 of the United States Code (the “Bankruptcy Code”). In support of the Motion to Limit, the Trustee states as follows:

JURISDICTION

1. The district court has original, but not exclusive, jurisdiction over this proceeding pursuant to 28 U.S.C. § 1334(b). Pursuant to 28 U.S.C. § 157 and Rule 83.6 of the district court’s local rules, the district court has authority to refer and has referred this chapter 11 case to the bankruptcy court.

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

3. Venue over this chapter 11 case is proper in this district pursuant to 28 U.S.C. § 1408, and venue over this proceeding is proper in this district pursuant to 28 U.S.C. § 1409.

4. The bases for the relief sought in the Motion to Limit and the Final Fee Applications are Bankruptcy Code sections 326, 328, and 330, Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rule”) and Local Rules 2016-1 and 9013-1(i).

BACKGROUND

5. 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 the Bankruptcy Code. On August 21, 2013, the United States Trustee appointed Robert J. Keach to serve in the Debtor’s chapter 11 case pursuant to 11 U.S.C. § 1163.

6. On October 9, 2015, the United States Bankruptcy Court for the District of Maine (the “Bankruptcy Court”) entered an order [D.E. 1801] (the “Confirmation Order”) confirming the *Trustee’s Revised First Amended Plan of Liquidation Dated July 15, 2015 (As Amended on October 8, 2015)* [D.E. 1822] (the “Plan”).¹

7. The effective date of the Plan occurred on December 22, 2015 (the “Effective Date”). See D.E. 1927.

8. Pursuant to Section 2.2 of the Plan, all persons seeking an award by the Bankruptcy Court of compensation for services rendered or reimbursement of expenses incurred through and including the Effective Date under sections 326, 328, 330, and 331 of the Bankruptcy Code must file their final applications for allowance of compensation for services rendered and reimbursement of expenses incurred no later than February 19, 2016.

¹ On October 24, 2015, the Confirmation Order became a final order. On November 18, 2015, the United States District Court for the District of Maine (the “District Court”) entered the *Order Adopting Bankruptcy Court Order Confirming Trustee’s Revised First Amended Plan of Liquidation Dated July 15, 2015 and Authorizing and Directing Certain Actions in Connection Therewith* [1:15-mc-00329-NT, D.E. 16] (the “Adopting Order”). On December 19, 2015, the Adopting Order became a final order.

RELIEF REQUESTED

9. By this Motion to Limit, the Trustee requests that the Court approve service of the Motion to Limit and the Final Fee Applications in the manner set forth herein.

BASIS FOR RELIEF

10. Absent a request for limited notice, an applicant seeking compensation for services rendered or reimbursement of expenses incurred under Bankruptcy Code sections 326, 328, and/or 330 must serve notice of such request upon all creditors. *See* Fed. R. Bankr. P. 2002(a)(6) (21 days' notice to, among others, all creditors for requests for compensation or reimbursement of expenses in excess of \$1,000).

11. The Trustee submits that provision of such extensive notice at this point in the Debtor's chapter 11 case—after the Plan has been confirmed and has gone effective and the Trustee is in the process of winding up the estate—is both unnecessary and wasteful of estate resources. Accordingly, the Trustee requests that notice of the Final Fee Applications for all professionals be limited to those parties who receive notification by the Court's CM-ECF system to eliminate the costly endeavor of mailing paper copies of notices of the Final Fee Applications to the Debtor's entire creditor matrix.

NOTICE

12. Notice of this Motion to Limit and the Final Fee Applications was served (or will be served) on the following parties on the date and in the manner set forth in the certificate of service: (a) Debtor's counsel; (b) U.S. Trustee; (c) counsel to the Official Committee of Victims; and (d) those parties in interest receiving CM-ECF notifications in the Debtor's chapter 11 case. The Trustee submits that no other or further notice need be provided. In light of the nature of the relief requested in the Final Fee Applications and the Motion to Limit, the Trustee submits that such notice is adequate and appropriate.

CONCLUSION

WHEREFORE, the Trustee respectfully requests that this Court enter an Order: (a) granting the Motion to Limit; (b) finding that service of the Motion to Limit and the Final Fee Applications in the manner described herein was (or will be) sufficient under the circumstances of the relief sought; and (c) granting such other and further relief as the Court deems just and equitable under the circumstances.

Dated: February 12, 2016

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

By his attorneys:

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC
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Debtor.

Bk. No. 13-10670
Chapter 11

ORDER GRANTING MOTION TO LIMIT NOTICE FOR FINAL FEE APPLICATIONS

This matter having come before the Court on the *Motion to Limit Notice for Final Fee Applications* (the “Motion to Limit”)¹ filed by Robert J. Keach, the chapter 11 trustee (the “Trustee”) in the above-captioned case, and upon consideration of any responses to the Motion, and after due deliberation and sufficient cause appearing therefore; it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** as follows:

1. The Motion to Limit is granted as set forth herein.
2. Notice and service of the Motion to Limit was, and notice of the Final Fee Applications for all professionals as described in the Motion to Limit will be, sufficient in light of the nature of the relief requested.
3. 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: _____, 2016

Honorable Peter J. Cary
Chief Judge, United States Bankruptcy Court

¹ Capitalized terms used but not defined in this Order shall have the meanings ascribed to such terms in the Motion.