

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In re:

MONTREAL, MAINE & ATLANTIC  
RAILWAY, LTD.,

Debtor.

Case No. 13-10670  
Chapter 11

**LIMITED JOINDER OF ESTATE REPRESENTATIVE TO  
MOTION OF FAMILY MEMBERS FOR ORDER: (I) ENFORCING  
CONFIRMED CHAPTER 11 PLAN, (II) FINDING SABRINA NADEAU  
IN CIVIL CONTEMPT, AND (III) IMPOSING SANCTIONS**

Robert J. Keach, as estate representative of the post-effective date estate of Montreal Maine & Atlantic Railway, Ltd. (“MMA”), hereby joins in certain of the relief requested in the *Motion of Family Members for Order (I) Enforcing Confirmed Chapter 11 Plan, (II) Finding Sabrina Nadeau in Civil Contempt, and (III) Imposing Sanctions* [D.E. 2180] (the “Motion to Enforce”),<sup>1</sup> to the extent set forth below.

1. On October 9, 2015, this Court confirmed the *Trustee’s Revised First Amended Plan of Liquidation Dated July 15, 2015 (As Amended on October 8, 2016)* [D.E. 1822] (the “Plan”). See D.E. 1801 (the “Confirmation Order”).<sup>2</sup>

2. As set forth in the Motion to Enforce, pursuant to the Plan and the Confirmation Order, *inter alia*, the WD Trust was formed to administer the WD Trust Assets for the benefit of the WD Trust Beneficiaries, and the WD Trustee was appointed as trustee of the WD Trust (each as defined in the Plan). See Conf. Order ¶ 77, Plan Art. 5.

3. Also as set forth in the Motion to Enforce, section 5.10 of the Plan governs distribution of the WD Trust Assets. See Plan, § 5.10 (“Distribution of the WD Trust Assets”).

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Motion to Enforce.

<sup>2</sup> The United States District Court for the District of Maine subsequently adopted the Confirmation Order as its own order. See No. 1:15-mc-329 (JDL), D.E. 16.

The Plan confers exclusive jurisdiction upon the Bankruptcy Court with regard to disputes arising under Plan section 5.10. *See* Conf. Order ¶ 49 (confirming Plan); Plan § 5.10 (“[a]ny dispute arising under [Plan] section 5.10 . . . shall be determined exclusively by *de novo* review before the Bankruptcy Court . . .”).

4. In direct contravention of the Confirmation Order and the Plan, the Nadeau Motion seeks relief *from the CCAA Court* with regard to a dispute pertaining to the distribution of the WD Trust Assets. As this Court has ordered in the Confirmation Order that it be the exclusive arbiter of such disputes, the Court should issue an order directing Ms. Nadeau to cease and desist the prosecution of the Nadeau Motion in the CCAA Court (and directing her to seek the relief requested from this Court, to the extent she wishes to pursue that relief), failing which she will in contempt of the Confirmation Order and this Court.

**WHEREFORE**, the Estate Representative requests that the Court enter an order enforcing its continuing and exclusive jurisdiction for matters within the scope of section 5.10 of the Plan and ordering Ms. Nadeau to cease and desist the prosecution of the Nadeau Motion in the CCAA Court.

Dated: June 29, 2016

**ROBERT J. KEACH, ESTATE  
REPRESENTATIVE OF THE POST-  
EFFECTIVE DATE ESTATE OF MONTREAL,  
MAINE & ATLANTIC RAILWAY, LTD.**

*/s/ Robert J. Keach* \_\_\_\_\_

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