

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 ESTATE REPRESENTATIVE’S MOTION TO STAY  
PROCEEDINGS AND DISCOVERY IN RELATION TO OBJECTION TO  
PROOFS OF CLAIM FILED BY NEW BRUNSWICK SOUTHERN RAILWAY  
COMPANY AND MAINE NORTHERN RAILWAY COMPANY LIMITED ON  
THE BASIS THAT CERTAIN OF SUCH CLAIMS ARE DUPLICATIVE OF  
OTHERS, AND SUCH OTHERS ARE IMPROPERLY ASSERTED AS  
ADMINISTRATIVE AND/OR PRIORITY CLAIMS**

Robert J. Keach, the estate representative (the “Estate Representative”) for the post-effective date estate of Montreal Maine & Atlantic Railway, Ltd. (“MMA” or the “Debtor”), hereby moves this Court for an expedited hearing and shortened objection period (the “Motion to Expedite”)<sup>1</sup> with respect to the *Estate Representative’s Motion to Stay Proceedings and Discovery in Relation to Objection to Proofs of Claim Filed by New Brunswick Southern Railway Company and Maine Northern Railway Company Limited on the Basis that Certain of Such Claims Are Duplicative of Others, and Such Others Are Improperly Asserted as Administrative and/or Priority Claims* (the “Motion to Stay”). In support of the Motion to Expedite, the Estate Representative states as follows:

**JURISDICTION**

1. The United States District Court for the District of Maine (the “District Court”) has original, but not exclusive, jurisdiction over this chapter 11 case pursuant to 28 U.S.C.

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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 Expedite.

§ 1334(a) and over this Motion to Expedite pursuant to 28 U.S.C. § 1334(b). Pursuant to 28 U.S.C. § 157(a) 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 this Court.

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

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

4. The relief sought in this Motion to Expedite is predicated upon Bankruptcy Rule 9013 and Rule 9013-1(i) of the Local Rules of the Bankruptcy Court for the District of Maine (the "Local Rules").

### **BACKGROUND**

5. Relevant background is set forth in the Motion to Stay.

6. On January 31, 2017, the Estate Representative learned that the District Court Litigation was stayed pending the outcome of certain matters before this Court.

7. Pursuant to the Endorsed JPO, the Estate Representative's responses to the MN/NB Railways' interrogatories are due February 17, 2017; the parties' responses to each other's document requests are due February 24, 2017; and the parties have noticed various depositions for March 3, 2017.

### **RELIEF REQUESTED**

8. By this Motion to Expedite, the Estate Representative requests that the Court: (a) schedule a hearing on the Motion to Stay for **February 14, 2017 at 2:00 p.m. (ET)**; and (b) set a shortened objection deadline for **February 8, 2017 at 4:00 p.m. (ET)**.

**BASIS FOR RELIEF**

9. Absent a request for shortened notice, the Local Rules require twenty-one days' notice for hearings on motions such as the Motion to Stay. *See* D. Me. LBR 9013-1(d)(5).

10. Only yesterday did the Estate Representative learn that the District Court Litigation had been stayed; immediately thereafter, he began preparation of the Motion to Stay. But filing the Motion to Stay today on ordinary notice would mean that the Court would not hold a hearing on the Motion to Stay before at least one of the JPO Deadlines had come to pass, and perhaps more than one. The Estate Representative thus requests expedited consideration of the Motion to Stay in order to preserve the parties' resources and avoid incurring unnecessary or premature discovery costs pending the Court's determination on the Motion to Stay.

**CONCLUSION**

**WHEREFORE**, the Estate Representative respectfully requests that this Court enter an Order: (a) granting the Motion to Expedite; (b) setting a hearing on the Motion to Stay for **February 14, 2017 at 2:00 p.m. (ET)** and a shortened objection deadline for **February 8, 2017 at 4:00 p.m. (ET)**; and (c) granting such other and further relief as the Court deems just and equitable under the circumstances.

Dated: February 1, 2017

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

/s/ Robert J. Keach

Robert J. Keach  
Lindsay K. Zahradka (admitted *pro hac vice*)  
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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

**ORDER GRANTING MOTION FOR EXPEDITED HEARING AND  
SHORTENED OBJECTION PERIOD WITH RESPECT TO ESTATE  
REPRESENTATIVE'S MOTION TO STAY PROCEEDINGS AND  
DISCOVERY IN RELATION TO OBJECTION TO PROOFS OF CLAIM  
FILED BY NEW BRUNSWICK SOUTHERN RAILWAY COMPANY AND MAINE  
NORTHERN RAILWAY COMPANY LIMITED ON THE BASIS THAT CERTAIN  
OF SUCH CLAIMS ARE DUPLICATIVE OF OTHERS, AND SUCH OTHERS ARE  
IMPROPERLY ASSERTED AS ADMINISTRATIVE AND/OR PRIORITY CLAIMS**

This matter having come before the Court on the *Motion for Expedited Hearing, Shortened Objection Period and Limited Notice with Respect to Estate Representative's Motion to Stay Proceedings and Discovery in Relation to Objection to Proofs of Claim Filed by New Brunswick Southern Railway Company and Maine Northern Railway Company Limited on the Basis that Certain of Such Claims Are Duplicative of Others, and Such Others Are Improperly Asserted as Administrative and/or Priority Claims* (the "Motion to Expedite") filed by Robert J. Keach, as the estate representative of the post-effective date estate of Montreal, Maine & Atlantic Railway, Ltd. (the "Debtor") with respect to the *Estate Representative's Motion to Stay Proceedings and Discovery in Relation to Objection to Proofs of Claim Filed by New Brunswick Southern Railway Company and Maine Northern Railway Company Limited on the Basis that Certain of Such Claims Are Duplicative of Others, and Such Others Are Improperly Asserted as Administrative and/or Priority Claims* (the "Motion to Stay"), 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. An expedited hearing on the Motion to Stay shall be held on **February 14, 2017 at 2:00 p.m. (ET)** in Portland, Maine.
3. The response deadline for the Motion to Stay shall be **February 8, 2017 at 4:00 p.m. (ET)**.

Dated: \_\_\_\_\_, 2017

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**THE HONORABLE PETER G. CARY  
UNITED STATES BANKRUPTCY JUDGE**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

**NOTICE OF EXPEDITED HEARING**

Robert J. Keach, solely in his capacity as the estate representative (the “Estate Representative”) of the post-effective date estate of Montreal, Maine & Atlantic Railway, Ltd. (the “Debtor”), has filed a *Motion for Expedited Hearing and Shortened Objection Period with Respect to Estate Representative’s Motion to Stay Proceedings and Discovery in Relation to Objection to Proofs of Claim Filed by New Brunswick Southern Railway Company and Maine Northern Railway Company Limited on the Basis that Certain of Such Claims Are Duplicative of Others, and Such Others Are Improperly Asserted as Administrative and/or Priority Claims* (the “Motion to Expedite”), seeking a shortened notice period and an expedited hearing on the *Motion to Stay Proceedings and Discovery in Relation to Objection to Proofs of Claim Filed by New Brunswick Southern Railway Company and Maine Northern Railway Company Limited on the Basis that Certain of Such Claims Are Duplicative of Others, and Such Others Are Improperly Asserted as Administrative and/or Priority Claims* (the “Motion to Stay”).

If you do not want the Court to approve the Motion to Expedite or the Motion to Stay, then on or before **February 8, 2017 at 4:00 p.m. (ET)**, you or your attorney must file with the Court a response or objection explaining your position. If you are not able to access the CM/ECF Filing System, then your response should be filed with the Court at:

Alec Leddy, Clerk  
United States Bankruptcy Court for the District of Maine  
537 Congress Street, 2<sup>nd</sup> Floor  
Portland, ME 04101

-and-

Robert J. Keach, Esq.  
Bernstein, Shur, Sawyer & Nelson, P.A.  
100 Middle Street, PO Box 9729  
Portland, Maine 04101-5029

If you do have to mail your response to the Court for filing, then you must mail it early enough so that the Court will receive it **on or before February 8, 2017 at 4:00 p.m. (ET)**.

You may attend the hearing with respect to the Motion to Expedite scheduled to be held at the Bankruptcy Court, 537 Congress Street, 2<sup>nd</sup> Floor, Portland, Maine on **February 14, 2017 at 2:00 p.m. (ET)**. If the Motion to Expedite is granted at that time, the Court may immediately thereafter conduct a hearing to consider, and may grant some or all of the relief sought by, the Motion to Stay.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one. If you do not have an attorney, you may wish to consult one.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion to Expedite or the Motion to Stay, and may enter an order granting the requested relief without further notice or hearing.

Dated: February 1, 2017

**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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