

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

)	
In re)	Chapter 11
)	Case No. 13-10670
MONTREAL MAINE & ATLANTIC)	
RAILWAY, LTD.,)	
)	
Debtor.)	

**MOTION FOR ENTRY OF AN ORDER GRANTING ADDITIONAL
TIME WITHIN WHICH TO FILE SCHEDULES AND STATEMENTS**
(Consented to by U.S. Trustee’s Office)

Robert J. Keach (the “Trustee”), the chapter 11 trustee of Montreal, Maine & Atlantic Railway Ltd. (“MMA” or “Debtor”), through his undersigned proposed special counsel, moves this Court for an order granting an additional seven (7) days within which to file the schedules and statement of financial affairs required by 11 U.S.C. § 521(a)(1)(B) and Fed. R. Bankr.

P. 1007(b) (the “Motion”). In support of the Motion, the Trustee states as follows:

I. Jurisdiction and Venue

1. The Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 157 & 1334 and D. Me. Local R. 83.6(a), pursuant to which all cases filed in Maine under 11 U.S.C. § 101, *et seq.* (the “Bankruptcy Code”) are referred to bankruptcy judges of this district. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

II. Procedural Background

2. On August 7, 2013, the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “Petition Date”).

3. On August 21, 2013, the United States Trustee appointed the Trustee to serve in the Debtor’s chapter 11 case (the “Case”) pursuant to 11 U.S.C. § 1163.

III. Factual Background

4. Reference is made to the affidavit of M. Donald Gardner, Jr. for the factual background of MMA and the events leading to this Case.¹

IV. Relief Requested

5. By this Motion, pursuant to sections 105(a) and 521 of the Bankruptcy Code, Federal Rule of Bankruptcy Procedure 1007(c), and District of Maine Local Bankruptcy Rules 9006-1(b) and 9013-1(d)(1), the Trustee seeks an order, substantially in the form attached hereto, extending the time within which he is required to file the schedules and statement of financial affairs required by 11 U.S.C. § 521(a)(1)(B) and Fed. R. Bankr. P. 1007(b) (collectively, the “**Schedules and Statements**”). The Debtor filed with its petition a list identifying the top twenty (20) unsecured creditors of the Debtor.

6. Due to the nature of the Debtor’s business, the limited staff available to perform the required internal review of the Debtor’s business and affairs, and the numerous other matters incident to the commencement of this chapter 11 case and the appointment of the Trustee, the 14-day period within which to file the Schedules and Statements under Bankruptcy Rule 1007(c) was not sufficient. As such, the Debtor requested, and the Court granted, a first enlargement of the time to file its Schedules and Statements to on or before September 4, 2013.

7. The Trustee now requests an additional seven (7) days to complete the Schedules and Statements, for an enlarged filing deadline of on or before **September 11, 2013**. Because the Debtor is a “railroad,” as defined in section 101(44) of the Bankruptcy Code, section 341

¹ The historical facts relating to the Debtor are alleged upon the Trustee’s current information and belief. The Trustee was recently appointed and has not yet completed his investigation of the Debtor, its assets and business, or any other circumstances, including those leading to the commencement of the Case. The Trustee reserves his right to allege different facts if and when he becomes aware of new or different information.

does not apply in this case. 11 U.S.C. § 1161. Accordingly, the enlarged deadline will not be beyond the date set for the meeting of creditors. *See* D. Me. LBR 9006-1(b).

V. Consent of United States Trustee Pursuant to D. Me. LBR 9013-1(d)(1)

8. The United States Trustee's office consents to the enlargement requested herein.

One prior motion for the relief requested herein was made.

VI. Notice

9. The Trustee, through undersigned proposed special counsel, will cause this Motion, as well as the proposed Order, to be served by first class U.S. mail, postage prepaid and, as applicable, by electronic mail on (i) United States Trustee; (ii) the 20 largest unsecured creditors in this case; (iii) the Federal Rail Administration; (iv) Wheeling & Lake Erie Railway Company; (v) the United States Secretary of Transportation; (vi) the Surface Transportation Board; and (vii) all parties requesting notice in this case. The Trustee respectfully requests that the Court find such notice to constitute fair, adequate, and sufficient notice of all matters set forth in this Motion.

WHEREFORE, the Trustee respectfully requests entry of an Order extending the deadline for the filing of schedules and statement of financial affairs and such other and further relief as is just and proper.

Dated: September 4, 2013

Respectfully submitted,

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

/s/ Roger A. Clement, Jr.

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re)	Chapter 11
)	Case No. 13-10670
MONTREAL MAINE & ATLANTIC)	
RAILWAY, LTD.)	
)	
Debtor.)	

ORDER GRANTING ADDITIONAL TIME WITHIN WHICH TO FILE SCHEDULES AND STATEMENTS

Upon the motion (the “**Motion**”) filed Robert J. Keach (the “**Trustee**”), the chapter 11 trustee of Montreal, Maine & Atlantic Railway Ltd. (“**MMA**” or “**Debtor**”), for entry of an order granting additional time within which to file the Schedules and Statements (as those terms are defined in the Motion), and it appearing that due and proper notice of the Motion has been given, and that no other or further notice need be given; and *with the consent of the United States Trustee’s office*; and after due deliberation and sufficient cause appearing therefore and after such hearing as was necessary being held, it is hereby **ORDERED, ADJUDGED, and DECREED** as follows:

A. The Motion is **GRANTED**.

B. The Trustee is granted an extension to and including **September 11, 2013** to file the Schedules and Statements.

C. Such extension is without prejudice to the Trustee’s right to file a motion seeking a further extension.

D. 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: September ____, 2013

Honorable Louis H. Kornreich
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

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In re)	
)	Chapter 11
MONTREAL MAINE & ATLANTIC)	Case No. 13-10670
RAILWAY, LTD.,)	
)	
Debtor.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of September 2013, I caused to be served on the parties set forth below by first class U.S. mail, postage prepaid, Federal Express or electronic mail, as indicated, a true and correct copy of *Motion for Entry of an Order Granting Additional Time Within Which to File Schedules and Statements (Consented to by the U.S. Trustee's Office)*, dated September 4, 2013, together with a *proposed Order*.

All parties listed on the Electronic Mail Notice List have been served electronically through the Court's ECF system.

Dated: September 4, 2013

/s/ Marilyn J. Henderson
Marilyn J. Henderson

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