

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670
Chapter 11

**NOTICE OF FILING REVISED FORM OF ORDER AND
REVISED SCHEDULES C AND D TO TRUSTEE'S FIRST OMNIBUS OBJECTION**

PLEASE TAKE NOTICE that Robert J. Keach, the estate representative (the "Estate Representative") of the post-effective date estate of Montreal Maine & Atlantic Railway, Ltd. ("MMA" or the "Debtor"),¹ hereby files this revised form of order (the "Revised Proposed Order") to his *First Omnibus Objection to Certain Proofs of Claim on the Basis that Such Claims (A) Are Duplicative of Other Claims, (B) Were Not Timely Filed, (C) Otherwise Do Not Comply with the Applicable Rules or Orders of This Court, or (D) Were Released or Mooted Pursuant to the Confirmation Order [D.E. 1978]* (the "First Omnibus Objection").

PLEASE TAKE NOTICE that the Revised Proposed Order attaches the Schedules (including a revised Schedule C and Schedule D), instead of referring to the Schedules attached to the First Omnibus Objection (as did the form of order included with the First Omnibus Objection). In particular:

- (a) Revised Schedule C (i) corrects the amounts of certain of the claims and (ii) removes Fred's Plumbing and Heating, Inc. ("Fred's") on account of the supporting documentation provided in Fred's response to the First Omnibus Objection [D.E. 2031]², but otherwise remains unchanged.

¹ In accordance with the *Trustee's Chapter 11 Plan of Liquidation, dated July 15, 2015 (As Amended on October 8, 2015)* [D.E. 1822] (the "Plan"), upon the Effective Date of the Plan (which occurred on December 22, 2015, *see* D.E. 1927), Robert J. Keach is no longer the chapter 11 trustee of the Debtor's estate, but is the Estate Representative of the Post-Effective Date Estate (as defined in the Plan). *See* Plan § 6.1(a).

² The Trustee is in discussions with counsel to Fred's regarding support for Fred's asserted claim. The Trustee reserves the right to file an amended objection to Fred's claim at a later date.

- (b) Revised Schedule D removes Centerbeam Flat Car Company, in accordance with the Amended Objection to Proofs of Claim Filed by Center Beam Flatcar Company on the Basis that (A) Claim 116-1 is Duplicative of Claim 116-2 and (B) Certain of the Amounts Asserted in Claim 116-2 Are Unenforceable Under the Bankruptcy Code [D.E. 2025], see D.E. 2025, note 2. Schedule D otherwise remains unchanged.
- (c) Schedules A and B remain unchanged.

This notice will be served on the creditors affected by the changes referenced above.

The Estate Representative reserves the right to further amend the Revised Proposed Order and Schedules to the First Omnibus Objection in advance of the hearing thereon.

Dated: March 2, 2016

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

By his attorneys:

/s/ Sam Anderson

D. Sam Anderson, Esq.

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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 SUSTAINING TRUSTEE'S FIRST OMNIBUS OBJECTION TO CERTAIN PROOFS OF CLAIM ON THE BASIS THAT SUCH CLAIMS (A) ARE DUPLICATIVE OF OTHER CLAIMS, (B) WERE NOT TIMELY FILED, (C) OTHERWISE DO NOT COMPLY WITH THE APPLICABLE RULES OR ORDERS OF THIS COURT, OR (D) WERE RELEASED OR MOOTED PURSUANT TO THE CONFIRMATION ORDER

This matter having come before the Court on the *First Omnibus Objection to Certain Proofs of Claim on the Basis that Such Claims (A) Are Duplicative of Other Claims, (B) Were Not Timely Filed, (C) Otherwise Do Not Comply with the Applicable Rules or Orders of This Court, or (D) Were Released or Mooted Pursuant to the Confirmation Order* (the "First Omnibus Claims Objection")¹ filed by Robert J. Keach, the chapter 11 trustee (the "Trustee") of Montreal Maine & Atlantic Railway, Ltd. (the "Debtor"), and after proper notice to all creditors and other parties-in-interest, the Court having independently reviewed the First Omnibus Claims Objection, it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** as follows:

1. The First Omnibus Claims Objection is sustained.
2. The Disputed Claims reflected on Schedules A through D hereto are disallowed in their entireties and shall be expunged from the Debtor's claims register.

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the First Omnibus Claims Objection.

3. The Surviving Claim identified on Schedule A will remain on the Debtor's claims register, and such claim is neither allowed nor disallowed at this time, subject, however, to any future objection on any basis.

4. The terms and conditions of this Order shall be immediately effective and enforceable upon entry of the Order.

5. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: _____, 2016

The Honorable Peter G. Cary
Chief Judge, United States Bankruptcy Court

Duplicate Claim #	Surviving Claim #	Creditor name	Claim Amount	Relevant Pages of Objection
63	34	Commission Scolaire Des Sommets	\$14,445.19	5-6

Claim #	Creditor name	Date filed	Claim Amount	Relevant Pages of Objection
497	Airgas USA, LLC	10/06/15	\$ 10,777.24	5-7
305	Cowansville	06/16/14	\$ 30,520.49	5-7
304	Municipality of Austin	06/16/14	\$ 3,466.84	5-7
496	Vermont Department of Taxes	07/27/15	\$ 27,122.41	5-7

NON-COMPLIANT

Claim #	Creditor name	Claim Amount	Relevant Pages of Objection	Noncompliance
73	Airtek	\$ 34,771.26	5, 7-9	Invoice provides only amounts and not description of goods/services rendered
82	Ames, Ronald Jr.	\$ 1,990.39	5, 7-9	No supporting documentation
37	Bourgoin, Barbara M.	\$ 18,000,000.00	5, 7-9	Rider asserts no claim amount or basis for amount
40	L'O.M.R.E. - Ville De Bedford	\$ 9,057.24	5, 7-9	Form not substantially similar to Form 10
41	Municipalite De Mont-Saint-Gregoire	\$ 5,253.31	5, 7-9	Form not substantially similar to Form 10
42	Municipalite De Mont-Saint-Gregoire	\$ 26.42	5, 7-9	Form not substantially similar to Form 10
3	New England Central Railroad	\$ 1,285.59	5, 7-9	Form not substantially similar to Form 10
2	Rochester & Southern Railroad	\$ 19.92	5, 7-9	Form not substantially similar to Form 10
66	Securo-Vision	\$ 370.00	5, 7-9	Basis of claim not identified
1	South Buffalo Railway	\$ 59.76	5, 7-9	Form not substantially similar to Form 10
68	Telspan, Inc.	\$ 823.29	5, 7-9	No supporting documentation provided
25	Town of Brownville	\$ 3,891.18	5, 7-9	Form not substantially similar to Form 10
45	Ville De Bedford	\$ 9,102.56	5, 7-9	Form not substantially similar to Form 10
23	YRC Inc	\$ 6,435.88	5, 7-9	No supporting documentation provided

RELEASED OR MOOTED BY THE CONFIRMATION ORDER

Claim #	Creditor name	Claim Amount	Relevant Pages of Objection
103	Archer, Stephen	Unliquidated	5, 9
238	Bourdon, Yves	Unliquidated	5, 9
96	Burkhardt, Edward A.	Unliquidated	5, 9
107	CIT Group Inc.	\$ 2,300,000.00	5, 9
105	CIT Group/Equipment Financing, Inc., The	\$ 424,136.19	5, 9
267	Dakota Petroleum Transport Solutions, LLC	Unliquidated	5, 9
114	Dakota Plains Holdings, Inc.	Unliquidated	5, 9
115	Dakota Plains Marketing, LLC	Unliquidated	5, 9
113	Dakota Plains Transloading, LLC	Unliquidated	5, 9
264	DPTS Marketing, LLC	Unliquidated	5, 9
232	First Union Rail Corporation	\$ 1,467,183.30	5, 9
106	Flex Leasing I, LLC	\$ 416,312.93	5, 9
95	Gardner, Jr., M. Donald	Unliquidated	5, 9
100	Grindrod, Robert C.	Unliquidated	5, 9
111	Howard, James (James E. Howard LLC)	\$ 21,372.00	5, 9
104	Lee, Steven J.	Unliquidated	5, 9
33	Lexington Insurance Company (AIG)	Unliquidated	5, 9
110	LMS Acquisition Corporation	\$ 206,849.79	5, 9
98	McGonigle, Joseph R.	Unliquidated	5, 9
585	Montreal Maine & Atlantic Canada Co.	\$ 748,182,730.67	5, 9
99	Parsons, Larry	Unliquidated	5, 9
28	Petroleum Transport Solutions, LLC	Unliquidated	5, 9
123	Procor Limited	\$ 42,095.37	5, 9
102	Rail World Locomotive Leasing, LLC	\$ 313,468.66	5, 9
101	Rail World, Inc.	\$ 909,837.86	5, 9
127	RIV 2013 Rail Holdings LLC	Unliquidated	5, 9
97	Ryan, Gaynor	Unliquidated	5, 9
132	TILC o/b/o TLP Rail Trust I	\$ 730,504.00	5, 9
130	TILC o/b/o Trinity Rail Leasing 2012 LLC	\$ 1,166,924.00	5, 9
126	Trinity Industries Leasing Company	Unliquidated	5, 9
122	Trinity Industries, Inc.	Unliquidated	5, 9
129	Trinity Rail Group, LLC	Unliquidated	5, 9
131	Trinity Rail Leasing 2012 LLC	Unliquidated	5, 9
128	Trinity Tank Car, Inc.	Unliquidated	5, 9
121	Union Tank Car Company	\$ 322,422.47	5, 9
120	UTLX Manufacturing LLC	Unliquidated	5, 9
29	Western Petroleum Company	Unliquidated	5, 9
30	World Fuel Services Canada, Inc.	Unliquidated	5, 9
31	World Fuel Services Corporation	Unliquidated	5, 9
32	World Fuel Services, Inc.	Unliquidated	5, 9
112	Yocum, Fred	Unliquidated	5, 9