

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Chapter 11  
Bk. No. 13-10670

**CANADA’S OBJECTION TO CANADIAN PACIFIC RAILWAY COMPANY’S  
MOTION TO COMPEL THE PRODUCTION OF SETTLEMENT AGREEMENTS  
AND MEMORANDUM IN SUPPORT OF MOTION**

The Attorney General of Canada, on behalf of Canada (“Canada”) in the above-captioned chapter 11 case of Montreal Maine & Atlantic Railway, Ltd. (the “Debtor”), by and through its undersigned counsel, hereby objects (the “Objection”) to *Canadian Pacific Railway Company’s Motion to Compel the Production of Settlement Agreements and Memorandum in Support of Motion* [D.E. 1632] (the “Motion to Compel”). In support of this Objection, Canada respectfully states the following:

Canada joins in the *Trustee’s Objection to Canadian Pacific Railway Company’s Motion to Compel the Production of Settlement Agreements and Memorandum in Support of Motion* [D.E. 1669] (the “Trustee’s Objection”) to the extent that the Trustee’s Objection is based on principles of comity. As stated in the Trustee’s Objection, “[t]he decision of a foreign tribunal is to be accorded comity where the [foreign] court properly exercised jurisdiction and where its ruling does not violate the public policies of the foreign state.” Hilton v. Guyot, 159 U.S. 113, 202-03 (1895). Furthermore, “American federal courts have uniformly and consistently granted comity to Canadian bankruptcy proceedings... . Raddison Design Mgmt, Inc. v. Cummins, No.

07-92, 2008 WL 55998 at \*2 (W.D. Pa. Jan. 3, 2008). The granting of the Motion to Compel by this Court would result in entry of an order in the Debtor's case that would be contrary to the CCAA Sealing Order (as defined in the Trustee's Objection) and would be inconsistent with principles of comity.

**CONCLUSION**

WHEREFORE, Canada respectfully requests that this Court enter an order sustaining this Objection, denying the Motion to Compel and granting such other relief as this Court deems necessary and appropriate.

Dated: September 14, 2015

ATTORNEY GENERAL OF CANADA,  
ON BEHALF OF CANADA

By Its Attorneys,

/s/ Richard Silver

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-and-

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