

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

**TRUSTEE'S SIXTH OMNIBUS OBJECTION TO PROOFS OF CLAIM
ON THE BASIS THAT SUCH CLAIMS WERE SATISFIED
AND RELEASED UNDER THE PLAN**

Robert J. Keach, the chapter 11 trustee (the "Trustee") of Montreal Maine & Atlantic Railway, Ltd. (the "Debtor"), hereby files this sixth omnibus objection (the "Objection") to the proofs of claim identified on Schedule A hereto (collectively, the "Disputed Claims") on the basis that such claims have been satisfied and released under the *Trustee's Revised First Amended Plan of Liquidation Dated July 15, 2015 (As Amended on October 9, 2015)* [D.E. 1822] (the "Plan"),¹ as confirmed by order of this Court [D.E. 1801] (the "Confirmation Order"). **Claimants receiving this objection should locate their names on Schedule A hereto. THIS OBJECTION HAS NO EFFECT ON INTERESTS IN THE WD TRUST (AS DEFINED IN THE PLAN) THAT CERTAIN OF THE DEBTOR'S CREDITORS RECEIVED UNDER THE PLAN OR ON THE RIGHT OF THE HOLDERS OF SUCH CLAIMS, AS BENEFICIARIES OF THE WD TRUST, TO RECEIVE DISTRIBUTIONS FROM THE WD TRUST.** In support of this Objection, the Trustee states as follows:

JURISDICTION AND VENUE

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.

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Plan.

§ 1334(a) and over this Objection 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, and, accordingly, this Objection, 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 action.

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

4. The relief sought in this Objection is predicated upon sections 502(b)(1) of title 11 of the United States Code (the "Bankruptcy Code"), Rules 3001 and 3007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Rule 3007-1 of the Local Rules for the United States Bankruptcy Court for the District of Maine (the "Local Rules").

BACKGROUND

5. On July 6, 2013, an unmanned eastbound MMA train with 72 carloads of crude oil, a buffer car, and 5 locomotive units derailed in Lac-Mégantic, Québec (the "Derailment"). The transportation of the crude oil had begun in New Town, North Dakota by the Canadian Pacific Railway ("CP") and the Debtor's wholly owned subsidiary, Montreal Maine & Atlantic Canada Co. ("MMA Canada"), later accepted the rail cars from CP at Saint-Jean, Québec. The crude oil was to be transported via the Saint-Jean-Lac-Mégantic line through Maine to its ultimate destination in Saint John, New Brunswick.

6. The Derailment set off several massive explosions, destroyed part of downtown Lac-Mégantic, and is presumed to have killed 47 people. A large quantity of oil was released into the environment, necessitating an extensive cleanup effort. As a result of the Derailment and the related injuries, deaths, and property damage, lawsuits were filed against the Debtor in both the United States and Canada. After the Derailment, Canadian train activity was

temporarily halted between Maine and Québec on the MMA Canada line, resulting in the Debtor losing much of its freight business. These effects of the Derailment caused the Debtor's aggregate gross revenues to fall drastically to approximately \$1 million per month.

7. On August 7, 2013, the Debtor filed a voluntary petition for relief commencing a case under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Maine (the "Case"). Simultaneously, MMA Canada filed for protection under Canada's Companies' Creditors Arrangement Act (Court File No. 450-11-000167-134). On August 21, 2013, the U.S. Trustee appointed the Trustee to serve as trustee in the Debtor's Case pursuant to 11 U.S.C. § 1163 [D.E. No. 64].

8. On March 31, 2015, MMA filed an initial version of the Plan. On July 15, 2015, the Trustee filed an amended version of the Plan [D.E. 1534]. The Plan provides, among other things:

Distributions. Except to the extent provided in the Affiliated Parties Settlement Agreement as to the Affiliated Released Parties, each Holder of a Class 12 Claim shall be enjoined from pursuing any Claim against the Released Parties as set forth in Article 10 of the Plan, and Allowed Derailment Wrongful Death Claims shall be channeled to the WD Trust, and *each Holder of a Derailment Wrongful Death Claim shall receive, in complete settlement, satisfaction and discharge of his or her Allowed Derailment Wrongful Death Claim against the Released Parties, a share of the beneficial interests in the WD Trust*, subject, however, to the preservation of Claims against parties other than Released Parties, as set forth below. Distributions to Holders of Class 12 Claims by the WD Trustee shall be strictly in accordance with the Wrongful Death Claim Resolution Procedures, except to the extent otherwise provided in section 5.1 of the Plan. Except as otherwise provided herein, each Class 12 Claimant remains entitled to any recovery from third parties or liability insurance proceeds that may be liable on or otherwise available to satisfy such Derailment Wrongful Death Claims in whole or in part, but only to the extent any such third parties or insurers are not Released Parties, provided, however, that notwithstanding anything herein or in the WD Trust Agreement to the contrary, to the extent that (i) a Holder of a Derailment Wrongful Death Claim realizes a recovery from any third party, other than in accordance with the Plan and pursuant to the WD Trust Agreement, on account of the Claimant's Derailment Wrongful Death Claim, and (ii) such third

party has filed a timely Proof of Claim against the Estate for contribution or indemnity based in whole or in part on its actual or potential liability obligations to such Claimant, (A) such third party's payment to such Claimant shall be presumed to be solely on account of that third party's own liability to such Claimant, and shall not be deemed to be a payment of the Derailment Wrongful Death Claim in full within the meaning of section 509(c) of the Bankruptcy Code until so agreed by the WD Trustee or otherwise so determined by the Bankruptcy Court, and (B) any distribution from the WD Trust to which such Holder of a Derailment Wrongful Death Claim would otherwise be entitled shall be reserved until such time as the third party's claim is resolved. An entity that is liable with the Debtor on, or that has secured, an Allowed Derailment Wrongful Death Claim, and that pays such Allowed Derailment Wrongful Death Claim in full, shall, to the extent provided by Section 509 of the Bankruptcy Code, be subrogated to the rights of the Holder of such Allowed Derailment Wrongful Death Claim under and for purposes of the Plan, and such subrogated Claim shall be treated as a Class 12 Claim in accordance with the Plan, and to the extent that the entity's payment of the Allowed Derailment Wrongful Death Claim is not a payment in full, such entity shall be treated in accordance with Section 509 of the Bankruptcy Code, including, but not limited to, subordination of such entity's Claim(s) in accordance therewith.

HOLDERS OF CLASS 12 CLAIMS MAY BE REQUIRED TO SUBMIT ADDITIONAL DOCUMENTATION REGARDING THEIR CLAIM AS PROVIDED BY THE WRONGFUL DEATH CLAIM RESOLUTION PROCEDURES. HOLDERS OF CLASS 12 CLAIMS SHALL BE SUBJECT TO RELEASES AND INJUNCTIONS PRECLUDING PURSUIT OF ANY CLAIM AGAINST CERTAIN PARTIES IN ACCORDANCE WITH THIS PLAN AND THE CCAA PLAN, AS WELL AS THE CONFIRMATION ORDER, THE CHAPTER 15 RECOGNITION AND ENFORCEMENT ORDER AND THE CCAA APPROVAL ORDER.

Plan, § 4.12(b) (initial emphasis added; second emphasis in original).

9. On October 9, 2015, the Bankruptcy Court entered the Confirmation Order.
10. The Plan was consummated on December 22, 2015 (the "Effective Date"). On the Effective Date, the Holders of Derailment Wrongful Death Claims received, "in complete settlement, satisfaction and discharge of his or her Allowed Derailment Wrongful Death Claim

against the Released Parties, a share of the beneficial interests in the WD Trust.” *See* Plan, § 4.12(b).

11. As of the date hereof, more than 580 claims have been filed against the Debtor, totaling more than \$2.2 billion in asserted liabilities.

RELIEF REQUESTED

12. By this Objection, the Trustee requests entry of an order, pursuant to section 502 of the Bankruptcy Code, Bankruptcy Rules 3001 and 3007, and Local Rule 3007-1, (a) sustaining the Objection, (b) disallowing the Disputed Claims in their entirety, and (c) granting such other and further relief as this Court deems just and equitable.

BASIS FOR RELIEF

A. The Legal Standard

13. Section 502(a) provides that “[a] claim or interest, proof of which is filed under section 501 of this title, is deemed allowed, unless a party in interest . . . objects.” 11 U.S.C. § 502(a). Bankruptcy Code section 502(b)(1) provides that if an objection to a claim is filed, the court, after notice and a hearing, “shall allow such claim . . . except to the extent that—(1) such claim is unenforceable against the debtor and property of the debtor” 11 U.S.C. § 502(b)(1).

14. The Bankruptcy Code defines a “claim” as a “right to payment.” 11 U.S.C. § 101(5)(A). Because a “right to payment” constitutes a claim, “the first step in the claims [allowance] process is always to determine whether there is a right to payment.” *In re Taylor*, 289 B.R. 379, 383 (Bankr. N. D. Ind .2003).

15. Bankruptcy Rule 3007 expressly permits omnibus claim objections when the grounds for the objection are that the claims should be disallowed, in whole or in part, because:

- (1) they duplicate other claims;
- (2) they have been filed in the wrong case;
- (3) they have been amended by subsequently filed proofs of

claim; (4) they were not timely filed; (5) *they have been satisfied or released during the case in accordance with the Code, applicable rules, or a court order*; (6) they were presented in a form that does not comply with applicable rules, and the objection states that the objector is unable to determine the validity of the claim because of the noncompliance; or (7) they are interests, rather than claims; or (8) they assert priority in an amount that exceeds the maximum amount under § 507 of the Code.

Fed. R. Bankr. P. 3007(d) (emphasis added).

16. To provide claimants affected by omnibus objections with adequate notice thereof, Bankruptcy Rule 3007 requires that omnibus objections:

(1) state in a conspicuous place that claimants receiving the objection should locate their names and claims in the objection; (2) list claimants alphabetically, provide a crossreference to claim numbers, and, if appropriate, list claimants by category of claims; (3) state the grounds of the objection to each claim and provide a cross-reference to the pages in the omnibus objection pertinent to the stated grounds; (4) state in the title the identity of the objector and the grounds for the objections; (5) be numbered consecutively with other omnibus objections filed by the same objector; and (6) contain objections to no more than 100 claims.

Fed. R. Bankr. P. 3007(e).

B. The Disputed Claims Have Been Satisfied and Released Under the Plan

17. The Trustee has reviewed the Disputed Claims and has determined that, pursuant to the Plan, the Disputed Claims have been satisfied and released under the Plan and the Confirmation Order. Accordingly, the holders of such Disputed Claims no longer have any claim against the Estate because their “right to payment” has been satisfied by their distributions under the Plan in the form of interests in the WD Trust. *See* 11 U.S.C. § 101(5)(A) (defining “claim” as a “right to payment”); Taylor, 289 B.R. at 383 (claim allowance process requires “determin[ation of] whether there is a right to payment.”).

18. Under the Plan, WD Trust Beneficiaries agreed to, in effect, exchange their wrongful death claims against MMA for beneficial interests in the WD Trust. **This objection**

has no effect on those beneficial interests; rather, it serves the administrative function of organizing the Debtor's claims register so that the Trustee may understand which claims continue to exist against the Estate (as differentiated from what beneficial interests are outstanding in the WD Trust).

19. The Trustee thus requests that each such Disputed Claim be disallowed and expunged from the Debtor's claims register. *See* Fed. R. Bankr. P. 3007(d) (permitting "omnibus claim objections when the grounds for the objection are that the claims should be disallowed, in whole or in part, because . . . they have been satisfied or released during the case in accordance with the Code, applicable rules, or a court order").

C. Compliance with Procedural Requirements for Omnibus Objections

20. Finally, the Trustee submits that this Objection meets or exceeds the procedural requirements under Bankruptcy Rule 3007(e). This Objection has been served on each affected creditor and clearly identifies the claims filed by that claimant that are subject to the Objection and the grounds and response deadline therefor. Specifically, the Objection explicitly states: (a) the name of the claimant asserting the Disputed Claim; (b) the claim number from the claims docket or other information identifying the Disputed Claim; and (c) the liquidated amount asserted in the Disputed Claim. Additionally, the notice accompanying this Objection: (i) states the basis of the Objection; (ii) identifies a response date and response procedures; (iii) identifies the hearing date and related procedures; and (iv) describes how proofs of claim, the schedules and other pleadings in the Debtor's case may be obtained. The Trustee believes that such notice satisfies the requirements of Bankruptcy Rule 3007.

RESERVATION OF RIGHTS

21. Nothing contained herein is or should be construed as: (i) an admission as to the validity of any claim against the Debtor, (ii) a waiver of the Trustee's right to dispute any claim on any grounds, or (iii) a promise to pay any claim.

NOTICE

22. Notice of this Objection was served on the following parties on the date and in the manner set forth in the certificate of service: (a) Debtor's counsel; (b) U.S. Trustee; (c) counsel to the Official Committee of Victims; and (d) the party having filed each Disputed Claim, or their counsel (if applicable). The Trustee submits that no other or further notice need be provided.

CONCLUSION

WHEREFORE, for the reasons set forth herein, the Trustee requests that the Court enter an order, substantially in the form annexed hereto, pursuant to section 502 of the Bankruptcy Code, Bankruptcy Rules 3001 and 3007 and Local Rule 3007-1, (i) sustaining this Objection; (ii) disallowing the Disputed Claims in their entireties; and (iii) granting such other and further relief as may be just.

Dated: February 17, 2016

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

By his attorneys:

/s/ Sam Anderson
Sam Anderson
Lindsay K. Zahradka (admitted *pro hac vice*)
BERNSTEIN, SHUR, SAWYER & NELSON, P.A.
100 Middle Street
P.O. Box 9729
Portland, ME 04104
Telephone: (207) 774-1200
Facsimile: (207) 774-1127

Claim #	Creditor name	Claim Amount	Relevant Pages of Objection
516	Alliance, Andre-Jean	\$ 5,000,000.00	5-7
517	Alliance, Ducarmel	\$ 5,000,000.00	5-7
518	Alliance, Fedner	\$ 5,000,000.00	5-7
520	Alliance, Marc Ernst	\$ 5,000,000.00	5-7
519	Alliance, Marie Laquicha	\$ 5,000,000.00	5-7
521	Alliance, Mirlene	\$ 5,000,000.00	5-7
522	Alliance, Rose-Andree	\$ 5,000,000.00	5-7
492	Alliance, Seraphin (Estate of Marie Semie Alliance)	\$ 5,000,000.00	5-7
523	Alliance, Shirley	\$ 5,000,000.00	5-7
508	Andre Jacques	\$ 5,000,000.00	5-7
484	Audet, Jacqueline (Estate of Richard Veilleux)	\$ 5,000,000.00	5-7
471	Begnoche, Pauline T. (Estate of Alyssa Charest Begnoche)	\$ 5,000,000.00	5-7
472	Begnoche, Pauline T. (Estate of Bianca Charest Begnoche)	\$ 5,000,000.00	5-7
459	Bilodeau, Eric (Estate of Karine Champagne)	\$ 5,000,000.00	5-7
468	Bizier, Suzanne (Estate of Joanie Turmel)	\$ 5,000,000.00	5-7
528	Bouchard, Eric	\$ 5,000,000.00	5-7
495	Bouchard, Suzie (Estate of Yannick Bouchard)	\$ 5,000,000.00	5-7
473	Boulet, Bernard (Estate of Marie-France Boulet)	\$ 5,000,000.00	5-7
474	Boulet, Claire (Estate of Marie-France Boulet)	\$ 5,000,000.00	5-7
475	Boulet, Daniel(Estate of Marie-France Boulet)	\$ 5,000,000.00	5-7
476	Boulet, Lucie (Estate of Marie-France Boulet)	\$ 5,000,000.00	5-7
477	Boulet, Marguerite (Estate of Marie-France Boulet)	\$ 5,000,000.00	5-7
478	Boulet, Marie Josee (Estate of Marie-France Boulet)	\$ 5,000,000.00	5-7
458	Boulet, Paule (Estate of Marie-France Boulet)	\$ 5,000,000.00	5-7
479	Boulet, Renee (Estate of Marie-France Boulet)	\$ 5,000,000.00	5-7
480	Boulet-Pelletier, Martine (Estate of Marie-France)	\$ 5,000,000.00	5-7
502	Brigitte Ricard	\$ 5,000,000.00	5-7
456	Chouinard, Claude (Estate of Jimmy Sirois)	\$ 5,000,000.00	5-7
504	Clement Ricard	\$ 5,000,000.00	5-7
487	Couture, Gaetan (Estate of Marie-France Boulet)	\$ 5,000,000.00	5-7
507	Estate of Jean-Sebastien Jacques	\$ 5,000,000.00	5-7
511	Estate of Suzanne Custeau, Deceased	\$ 500,000.00	5-7
498	Estate of Yvon Ricard Deceased	\$ 5,000,000.00	5-7
499	Eve Dube	\$ 5,000,000.00	5-7
461	Faucher, Maude OBO SL, Minor (Estate of Marie-Noelle Faucher)	\$ 5,000,000.00	5-7
460	Faucher, Maude OBO TL, Minor (Estate of Marie-Noelle Faucher)	\$ 5,000,000.00	5-7
500	FR, Minor, by Eve Dube	\$ 5,000,000.00	5-7
538	Gagne, Chantal	\$ 5,000,000.00	5-7
462	Grimard, Jean Rene (Estate of Henriette Latulippe)	\$ 5,000,000.00	5-7
506	Jean Ricard	\$ 5,000,000.00	5-7
501	JR Minor by Eve Dube	\$ 5,000,000.00	5-7
509	Keven Jacques	\$ 5,000,000.00	5-7
489	Lafontaine, Josee (Estate of Gaetan Lafontaine)	\$ 5,000,000.00	5-7
543	Lafontaine, Raymond	\$ 5,000,000.00	5-7

Claim #	Creditor name	Claim Amount	Relevant Pages of Objection
481	Lajeunesse, Josee (Estate of Eric Pepin Lajeunesse)	\$ 5,000,000.00	5-7
482	Lajeunesse, Louise (Estate of Eric Lajeunesse)	\$ 5,000,000.00	5-7
483	Martin, Georgette (Estate of David Martin)	\$ 5,000,000.00	5-7
503	Martine Ricard	\$ 5,000,000.00	5-7
463	Mercier, Christiane (Estate of Marianne Poulin)	\$ 5,000,000.00	5-7
493	Nadeau, Suzie (Estate of Jimmy Sirois)	\$ 5,000,000.00	5-7
505	Nicole LaRouche	\$ 5,000,000.00	5-7
464	Poulin & Christiane Mercier (Estate of Marianne Poulin)	\$ 5,000,000.00	5-7
466	Poulin & Mercier OBO LP, Minor (Estate of Marianne Poulin)	\$ 5,000,000.00	5-7
465	Poulin & Mercier OBO PM, Minor (Estate of Marianne Poulin)	\$ 5,000,000.00	5-7
494	Ratsch, Steven (Estate of Wilfrid Ratsch)	\$ 5,000,000.00	5-7
469	Roy, Annick (Estate of Jean-Guy Veilleux)	\$ 5,000,000.00	5-7
470	Roy, Annick OBO FR, Minor (Estate of Jean-Guy Veil)	\$ 5,000,000.00	5-7
488	Salomon, Marie-Princieuse (Estate of Marie Semie A)	\$ 5,000,000.00	5-7
540	Sandy Bedard on behalf of A.G., minor	\$ 5,000,000.00	5-7
541	Sandy Bedard on behalf of W.G., a minor	\$ 5,000,000.00	5-7
467	Sirois, Estate of Jimmy	\$ 5,000,000.00	5-7
455	Sirois, Michael (Estate of Jimmy Sirois)	\$ 5,000,000.00	5-7
457	Sirois, Roger (Estate of Jimmy Sirois)	\$ 5,000,000.00	5-7
490	Turcotte, Billy (Estate of Diane Bizier)	\$ 5,000,000.00	5-7
491	Turcotte, Megane (Estate of Diane Bizier)	\$ 5,000,000.00	5-7
485	Veilleux, Jacquelin (Estate of Richard Veilleux)	\$ 5,000,000.00	5-7
486	Veilleux, Martial (Estate of Richard Veilleux)	\$ 5,000,000.00	5-7

**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 SIXTH OMNIBUS OBJECTION
TO PROOFS OF CLAIM ON THE BASIS THAT SUCH CLAIMS
WERE SATISFIED AND RELEASED UNDER THE PLAN**

This matter having come before the Court on the *Sixth Omnibus Objection to Proofs of Claim on the Basis that Such Claims Were Satisfied and Released Under the Plan* (the "Sixth 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 Sixth Omnibus Claims Objection, it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** as follows:

1. The Sixth Omnibus Claims Objection is sustained.
2. The Disputed Claims reflected on Schedule A to the Sixth Omnibus Claims Objection are disallowed in their entireties and shall be expunged from the Debtor's claims register.
3. The terms and conditions of this Order shall be immediately effective and enforceable upon entry of the Order.
4. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

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

Dated: _____, 2016

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

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

**NOTICE OF HEARING ON TRUSTEE'S SIXTH OMNIBUS OBJECTION
TO PROOFS OF CLAIM ON THE BASIS THAT SUCH CLAIMS
WERE SATISFIED AND RELEASED UNDER THE PLAN**

**TO THE CLAIMANTS IDENTIFIED ON SCHEDULE A TO THE ANNEXED
OBJECTION:**

On February 17, 2016, Robert J. Keach, the chapter 11 trustee (the "Trustee") of Montreal, Maine & Atlantic Railway, Ltd. (the "Debtor"), filed the *Trustee's Sixth Omnibus Objection to Proofs of Claim on the Basis that Such Claims Were Satisfied and Released Under the Plan* (the "Sixth Omnibus Claims Objection"), and hereby provides you with this notice of objection to claim(s) pursuant to the Federal Rule of Bankruptcy Procedure 3007 (the "Notice").

You have filed one or more proofs of claim in the Debtor's chapter 11 case, to which the Trustee has filed the Sixth Omnibus Claims Objection. Your claim (a "Disputed Claim") will be affected as a result of the Sixth Omnibus Claims Objection. Therefore, you should read this Notice and the enclosed Sixth Omnibus Claims Objection carefully.

If you oppose the relief requested in the Sixth Omnibus Claims Objection, then on or before **March 21, 2016** (the "Response Deadline"), you or your attorney must file with the Court a response to the Sixth Omnibus Claims Objection explaining your position. If you are not able to access the CM/ECF Filing System, then your response should be served upon the Court at:

Alec Leddy, Clerk
United States Bankruptcy Court for the District of Maine
202 Harlow Street
Bangor, Maine 04401

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 **March 21, 2016**.

You may attend the hearing with respect to the Objection, which is scheduled for **April 5, 2016 at 9:00 a.m.** (the "Hearing") before the Honorable Judge Peter G. Cary, the United

States Bankruptcy Court for the District of Maine (the "Court"), 537 Congress Street, 2nd Floor, Portland, Maine.

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, and may enter an order sustaining the Sixth Omnibus Claims Objection without further notice or hearing.

Nothing in this Notice or the accompanying Sixth Omnibus Claims Objection constitutes a waiver of any claims, counterclaims, rights of offset or recoupment, preference actions, fraudulent-transfer actions, or any other bankruptcy claims against you. All parties reserve the right to assert additional objections to your proof(s) of claim.

Dated: February 17, 2016

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

By his attorneys:

/s/ Sam Anderson
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