

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,

Debtor.

Chapter 11

Case No. 13-10670 (LHK)

**ORDER GRANTING MOTION OF OFFICIAL COMMITTEE OF VICTIMS SEEKING
MODIFICATION OF COMMITTEE APPOINTMENT ORDER TO AUTHORIZE
COMMITTEE TO FULLY PARTICIPATE IN WRONGFUL DEATH PROCEEDINGS
PENDING BEFORE MAINE DISTRICT COURT**

Upon consideration of the motion (the “Motion”)¹ of the Official Committee of Victims (the “Committee”) appointed in the chapter 11 case of Montreal Maine & Atlantic Railway, Ltd. (the “Debtor”), for entry of an order modifying the *Order Authorizing the Appointment of a Victims’ Committee* [Docket No. 391] (the “Appointment Order”) to authorize the Committee to take any and all actions in the Wrongful Death Proceedings currently pending before the United States District Court for the District of Maine (the “Maine District Court”); and upon consideration of the *Wrongful Death Claimants’ Opposition To Motion Of Official Committee Of Victims Seeking Modification Of Committee Appointment Order To Authorize Committee To Fully Participate In Wrongful Death Proceedings Pending Before Maine District Court* [Docket No. 1100] (the “Representatives’ Objection”), the *Trustee’s Limited Response To The Motion Of Official Committee Of Victims Seeking Modification Of Committee Appointment Order To Authorize Committee To Fully Participate In Wrongful Death Proceedings Pending Before Maine District Court* [Docket No. 1101] (the “Trustee Objection”) and the reply of the

¹ Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Motion.

Committee in support of the Motion [Docket No. 1102] (the “Reply”); and a hearing on the Motion, the Representatives’ Objection, the Trustee Objection and the Reply having been held before the Court on September 12, 2014 (the “Hearing”); and it appearing that the Trustee withdrew the Trustee Objection at the Hearing in consideration of reaching an agreement with the Committee as to the terms of this Order; and it appearing that the Court has jurisdiction to consider the Motion and the relief requested therein; and due notice of the Motion having been provided; and it appearing that no other or further notice need be provided; and after due deliberation and sufficient cause appearing therefor; it is hereby **ORDERED** that:

1. The Motion is GRANTED to the extent provided herein.
2. The Representatives’ Objection is OVERRULED for the reasons set forth on the record at the Hearing and because, as set forth in the *Order on Motions to Transfer Cases and Motion to Strike* [Torresen Docket No. 100] (the “Transfer Order”), the Maine District Court found that the Wrongful Death Proceedings are “related to” the Debtor’s bankruptcy case. *See* Transfer Order, at 26. The Transfer Order is currently the subject of an appeal before the United States Court of Appeals for the First Circuit.
3. The Appointment Order is hereby modified, *nunc pro tunc* to January 1, 2014, to authorize the Committee to request permission from the Maine District Court to: (i) seek a transfer of the Wrongful Death Proceedings; (ii) be heard on any issues related to the Consent Order or a stay of the Wrongful Death Proceedings; and (iii) be heard on any issues related to a global settlement of the claims asserted in the Wrongful Death Proceedings (collectively, the “Permitted Actions”), subject to the Maine District Court’s orders with respect to the propriety or merits of the Permitted Actions; provided, however, that the Committee shall not participate in any individual Wrongful Death Proceeding except with respect to the Permitted Actions.

4. Notwithstanding any other provision of this Order, nothing in this Order shall be construed as a finding that: (a) the Committee has any right to participate in the Wrongful Death Proceedings; (b) the Committee has standing to participate in the Wrongful Death Proceedings; or (c) the Maine District Court is compelled to permit the Committee to participate in the Wrongful Death Proceedings.

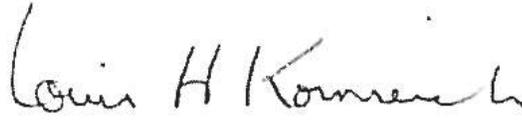
5. The Trustee (but not the Representatives who reserve all rights) hereby waives his right to assert the argument that the Committee lacks standing before the Maine District Court with respect to the Permitted Actions; provided, however, that (a) the Trustee may oppose the Permitted Actions on the merits, and nothing herein shall waive, diminish or otherwise affect the Trustee's right or capacity to challenge the Committee's standing to appear or participate with respect to any case, adversary proceeding or matter other than the Permitted Actions, and (b) any party to the Wrongful Death Cases may challenge the Committee's ability to intervene or otherwise participate in those cases before the Committee is permitted to seek to take any Permitted Action.

6. Nothing in this Order shall be construed as Court approval of any fees or expenses incurred by the Committee in connection with the Permitted Actions, and all such fees and expenses of the Committee are expressly subject to Court approval upon the Committee's filing of an application(s) for compensation and reimbursement of expenses.

7. The entry of this Order shall be without prejudice to the rights of the Committee, the Trustee or any party in interest to seek further modification of this Order or the Appointment Order upon five (5) days' written notice.

8. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: September 19, 2014



HONORABLE LOUIS H. KORNREICH
CHIEF UNITED STATES BANKRUPTCY JUDGE

District/Off: 0100-1
Case: 13-10670

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aty
aty Paul Hastings

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Recipients of Notice of Electronic Filing:

ust Office of U.S. Trustee ustpreion01.po.ecf@usdoj.gov
aty Aaron P. Burns aburns@pearcedow.com
aty Adam Paul, Esq. adam.paul@kirkland.com
aty Alan R. Lepene, Esq. Alan.Lepene@ThompsonHine.com
aty Andrew Helman, Esq. ahelman@mcm-law.com
aty Andrew J. Kull, Esq. akull@mittelassen.com
aty Benjamin E. Marcus, Esq. bmarcus@dwmlaw.com
aty Brian T. Henebry, Esq. bhenebry@carmodylaw.com
aty Christopher Fong, Esq. christopherfong@paulhastings.com
aty Craig Goldblatt craig.goldblatt@wilmerhale.com
aty Curtis E. Kimball, Esq. ckimball@rudman-winchell.com
aty D. Sam Anderson, Esq. sanderson@bernsteinshur.com
aty Daniel C. Cohn, Esq. dcohn@murthalaw.com
aty Daniel R. Felkel, Esq. dfelkel@troubheisler.com
aty David C. Johnson bankruptcy@mcm-law.com
aty Deborah L. Thorne, Esq. deborah.thorne@btlaw.com
aty Debra A. Dandeneau debra.dandeneau@weil.com
aty Dennis L. Morgan dmorgan@coopercargillchant.com
aty Edward MacColl, Esq. emaccoll@thomport.com
aty Elizabeth J. Wyman, Esq. liz.wyman@maine.gov
aty Elizabeth L. Slaby bslyby@clarkhill.com
aty F. Bruce Sleeper, Esq. bankruptcy@jbgh.com
aty Frank J. Guadagnino fguadagnino@clarkhillthorpreed.com
aty George J. Marcus, Esq. bankruptcy@mcm-law.com
aty George W. Kurr, Jr. gwkurr@grossminsky.com
aty Isaiah A. Fishman ifishman@krasnowsaunders.com
aty James F. Molleur, Esq. jim@molleurlaw.com
aty Jason C. Webster, Esq. jwebster@thewebsterlawfirm.com
aty Jay S. Geller jgeller@jaysgellerlaw.com
aty Jeffrey T. Piampiano, Esq. jpiampiano@dwmlaw.com
aty Jennifer H. Pincus, Esq. Jennifer.H.Pincus@usdoj.gov
aty Jeremy R. Fischer jfischer@dwmlaw.com
aty John R McDonald, Esq. jmcdonald@briggs.com
aty John Thomas Stemplewicz john.stemplewicz@usdoj.gov
aty Jordan M. Kaplan, Esq. jkaplan@zwerdning.com
aty Joshua R. Dow, Esq. jdow@pearcedow.com
aty Kameron W. Murphy, Esq. kmurphy@tuethkeeney.com
aty Keith J. Cunningham, Esq. kcunningham@pierceatwood.com
aty Kelly McDonald, Esq. kmcdonald@mpmlaw.com
aty Kevin J. Crosman, Esq. kevin.crosman@maine.gov
aty Maire Bridin Corcoran Ragozzine, Esq. mcorcoran@bernsteinshur.com
aty Michael A. Fagone, Esq. mfagone@bernsteinshur.com
aty Michael F. Hahn, Esq. mhahn@eatonpeabody.com
aty Mitchell A. Toups matoups@wgttlaw.com
aty Nathaniel R. Hull, Esq. nhull@verrilldana.com
aty Patrick C. Maxcy, Esq. patrick.maxcy@dentons.com
aty Paul Joseph Hemming phemming@briggs.com
aty Peter J. Flowers pjf@meyers-flowers.com
aty Regan M. Haines, Esq. rhaines@curtisthaxter.com
aty Renee D. Smith renee.smith@kirkland.com
aty Richard P. Olson, Esq. rolson@perkinsolson.com
aty Richard Paul Campbell rpcampbell@campbell-trial-lawyers.com
aty Robert J. Keach, Esq. rkeach@bernsteinshur.com
aty Roger A. Clement, Jr., Esq. rclement@verrilldana.com
aty Roma N. Desai, Esq. rdesai@bernsteinshur.com
aty Ronald Stephen Louis Molteni, Esq. moltenir@stb.dot.gov
aty Seth S. Holbrook holbrook_murphy@msn.com
aty Stephen G. Morrell, Esq. stephen.g.morrell@usdoj.gov
aty Taruna Garg, Esq. tgarg@murthalaw.com
aty Timothy J. McKeon, Esq. tmckeon@bernsteinshur.com
aty Timothy R. Thornton pvolk@briggs.com
aty William C. Price wprice@clarkhill.com

William H. Welte, Esq. wwelte@weltelaw.com

TOTAL: 63

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	Montreal Maine & Atlantic Railway Ltd.	15 Iron Road	Hermon, ME 04401	
cr	Maine Department of Transportation	c/o Victoria Morales	16 State House Station	Augusta, ME 04333
cr	Eastern Maine Railway Company	c/o Alan Lepene	3900 Key Center	127 Public Square Cleveland, OH 44114-1291
cr	Maine Northern Railway Company	c/o Alan Lepene	3900 Key Center	127 Public Square Cleveland, OH 44114-1291
cr	New Brunswick Southern Railway Company	c/o Alan R. Lepene	3900 Key Center	127 Public Square Cleveland, OH 44114-1291
cr	Bangor Savings Bank	P.O.Box 930	Bangor, ME 04402-0930	
cr	United States of America	c/o Department of Justice, Civil Division	1100 L Street, N.W.	Room 10052 Washington, DC 20005
tr	Robert J. Keach	Bernstein Shur Sawyer & Nelson	100 Middle Street	P.O. Box 9729 Portland, ME 04104
cr	Estates of Marie Alliance, et al	c/o Murtha Cullina LLP	99 High Street	Boston, ME 02110
cr	Estates of Stephanie Bolduc	c/o Meyers & Flowers, LLC	3 North Second Street, Suite 300	St. Charles, IL 60174
aty	Bernstein, Shur, Sawyer & Nelson	100 Middle Street 6th Floor	PO Box 9729	Portland, ME 04104-5029
intp	Surface Transportation Board	395 E Street, S.W.	Washington, DC 20423	
intp	J.D. Irving, Limited	c/o Pierce Atwood LLP	254 Commercial Street	Portland, ME 04101
intp	Irving Pulp & Paper, Limited	c/o Pierce Atwood LLP	Attn: Keith J. Cunningham	254 Commercial Street Portland, ME 04101
intp	Irving Paper Limited	c/o Pierce Atwood LLP	Attn: Keith J. Cunningham	254 Commercial Street Portland, ME 04101
cr	First Union Rail	c/o Curtis Kimball, Esq.	P.O. Box 1401	Bangor, ME 04401
cr	Center Beam Flat Car Company, Inc.	c/o Curtis Kimball, Esq.	P.O. Box 1401	Bangor, ME 04401
cr	Real Custeau Claimants et al	c/o Mitchell A. Toups, Esq.	PO Box 350	Beaumont, TX 77704
cr	Camden National Bank	2 Elm Street	Camden, ME 04843	
aty	Verrill Dana LLP	One Portland Square	P.O. Box 586	Portland, ME 04112-0586
cr	Frederick J. Williams	74 Bellevue Street	Compton, QU J0B 1L0 CANADA	
cr	Daniel Aube	308 St-Lambert Street	Sherbrooke, QU J1CON9 CANADA	
cr	Robert D. Thomas	49 Park Street	Dexter, ME 04930	
cr	Fred's Plumbing & Heating, Inc.	328 Main Street	Derby, VT 05829	
cr	Clean Harbors	42 Lonwater Dr.	Norwell, MA 02061	
cr	Union Tank Car Company	c/o Regan M. Haines	PO Box 7320	Portland, ME 04112-7320
aty	Shaw Fishman Glantz & Towbin LLC	321 N, Clark Street, Suite 800	Chicago, IL 60654	
aty	Verrill & Dana, LLP	One Portland Square	P.O. Box 586	Portland, ME 04112-0586
aty	Alan S. Gilbert	233 South Wacker Drive, Suite 7800	Chicago, IL 60606	
aty	Allison M. Brown	Weil, Gotshal & Manges LLP	301 Carnegie Center, Suite 303	Princeton, NJ 08540
aty	Arvin Maskin	Weil, Gotshal & Manges LLP	767 Fifth Avenue	New York, NY 10153
aty	Blaire Cahn	Weil, Gotshal & Manges, LLP	767 Fifth Avenue	New York, NY 10153
aty	Craig D. Brown	Meyers & Flowers, LLC	3 North Second Street, Suite 300	St. Charles, IL 60174
aty	Dennis M. Ryan, Esq.	Faegre Baker Daniels LLP	90 South 7th St Ste 2200	Minneapolis, MN 55402-3901
aty	Diane P. Sullivan	Weil, Gotshal & Manges LLP	301 Carnegie Center, Suite 303	Princeton, NJ 08540
aty	Elizabeth S. Whyman	Murtha Cullina LLP	99 High Street	Boston, MA 02110
aty	Eric M. Hocky	Clark Hill Thorp Reed	2005 Market Street	Suite 1000 Philadelphia, PA 19103
aty	James K. Robertson, Jr., Esq.	Carmody Torrance Sandak & Hennessey	50 Leavenworth Street	Waterbury, CT 06702
aty	Jason R. Gagnon, Esq.	Carmody Torrance Sandak & Hennessey	50 Leavenworth Street	Waterbury, CT 06702
aty	Jeffrey C. Steen, Esq.	Sidley Austin LLP	One South Dearborn	Chicago, IL 60603
aty	Jeffrey D. Sternklar, Esq.	Duane Morris LLP	100 High Street, Suite 2400	Boston, MA 02110
aty	Joseph M Bethony	Gross, Minsky & Mogul, P.A.	23 Water Street, Suite 400	PO Box 917 Bangor, ME 04402-0917
aty	Luc A. Despins	Paul Hastings, LLP	75 East 55th Street	New York, NY 10022
aty	Marcia L. Goldstein	Weil, Gotshal & Manges LLP	767 Fifth Avenue	New York, NY 10153
aty	Matthew E. Linder, Esq.	Sidley Austin LLP	One South Dearborn	Chicago, IL 60603
aty	Matthew Jordan Troy	US Department of Justice, Civil Division	PO Box 875 Ben Franklin Station	Washington, DC 20044-0875
aty	Maureen Daneby Cox, Esq.	Carmody Torrance Sandak & Hennessey	50 Leavenworth Street	Waterbury, CT 06702
aty	Michael R. Enright	Robinson & Cole, LLP	280 Trumbull Street	Hartford, CT 06103
aty	Michael S. Wolly, Esq.	Zwerdling, Paul, Kahn & Wolly, PC	1025 Connecticut Ave., N.W.	Washington, DC 20036
aty	Robert Jackstadt	Tueth, Keeney, Cooper, Mohan & Jackstadt	101 West Vandalia, Suite 210	Edwardsville, IL 62025
aty	Stefanie Wowchuck McDonald	233 South Wacker Drive, Suite 7800	Chicago, IL 60606	
aty	Stephen Edward Goldman	Robinson & Cole LLP	280 Trumbull Street	Hartford, CT 06103
aty	Steven J. Boyajian	Robinson & Cole LLP	One Financial Plaza, Suite 1430	Providence, RI 02903

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aty	Terence M. Hynes, Esq.	Sidley Austin LLP	1501 K. Street N.W.	Washington, DC 20005
aty	Thomas A. Labuda, Jr.	Sidley Austin, LLP	One South Dearborn	Chicago, IL 60603
aty	Victoria Vron	Weil, Gotshal & Manges LLP	767 Fifth Avenue	New York, NY 10153
aty	Virginia Strasser	Surface Transportation Board	395 E Street, S.W.	Washington, DC 20423
aty	William K. McKinley, Esq.	Troubh Heisler	511 Congress Street	PO Box 9711 Portland, ME
aty	Wystan M. Ackerman	Robinson & Cole LLP	280 Trumbull Street	Hartford, CT 06103
smg	State of Maine	Bureau of Revenue Services	Compliance Division Bankruptcy Unit	P.O. Box
	1060	Augusta, ME 04332		

TOTAL: 60