

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670  
Chapter 11

**ORDER GRANTING TRUSTEE'S MOTION FOR ORDER AUTHORIZING  
(A) ENTRY INTO AGREEMENT WITH EARL W. NOYES & SONS  
PERTAINING TO STORAGE AND DESTRUCTION OF CERTAIN  
RECORDS AND (B) DESTRUCTION OF CERTAIN ELECTRONIC RECORDS**

This matter having come before this Court on the *Trustee's Motion for Order Authorizing (a) Entry into Agreement with Earl W. Noyes & Sons Pertaining to Storage and Destruction of Certain Records and (B) Destruction of Certain Electronic Records* (the "Motion")<sup>1</sup> after such notice and opportunity for hearing as is required under the Bankruptcy Code and the Bankruptcy Rules; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided; and it appearing that no other notice need be given; and a hearing having been held on the Motion; and the Trustee having restricted the relief sought in the Motion to the immediate abandonment of certain accounting documents dating prior to 2002, but excluding those described on Exhibit A hereto (such documents to be abandoned, the "Selected Pre-2002 Accounting Documents"), without prejudice to the Trustee's ability to seek the balance of the relief sought in the Motion at a later date; and the restricted relief having resolved the

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<sup>1</sup> Capitalized terms used, but not defined in this Order, have the meanings ascribed to such terms in the Motion.

objection of CP, and this revised form of order having resolved all other informal responses received by the Trustee; and the Court having found and determined that the relief sought in the Motion (as restricted in accordance with the prior clause) is in the best interests of the Debtor, its estate and creditors, and all parties in interest and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation, and sufficient cause appearing therefore, it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** that:

1. The Motion is **GRANTED** solely to the extent set forth herein.
2. Pursuant to sections 105 and 554 of the Bankruptcy Code, the Trustee is authorized to immediately abandon the Selected Pre-2002 Accounting Documents.
3. For the avoidance of doubt, no other relief sought in the Motion is granted (or denied) at this time. The Trustee's rights to seek such relief at a later date, and all other parties' rights to oppose such relief, are fully preserved.
4. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

Dated: \_\_\_\_\_, 2015

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**The Honorable Peter G. Cary**  
Chief Judge, United States Bankruptcy Court  
District of Maine