

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

ORDER

Upon consideration of the *Motion for Order Pursuant to 11 U.S.C. § 542(b)* [Docket No. 124] (the "Motion"), filed by Robert J. Keach, the chapter 11 trustee in the above-captioned case (the "Trustee"), seeking an order compelling payment by Irving Paper Ltd., Irving Pulp & Paper, Ltd., and J. D. Irving, Ltd. (collectively, "Irving") and Great Northern Paper ("GNP") of certain alleged past-due balances owed by those customers to the estate of Montreal Maine & Atlantic Railway, Ltd. (the "Debtor" or "MMA"), and after a hearing held before the Court, the Court finding that the Trustee has shown sufficient cause for the relief sought by the Motion; it is hereby **ORDERED, ADJUDGED AND DECREED:**

1. The Motion, as to Irving, is set for hearing on September 16, 2013 at 9:00 a.m. in Bangor (the "Continued Hearing"). All of the claims and defenses of the Trustee and MMA, on the one hand, and Irving, on the other hand, are preserved for that Continued Hearing.

2. The Motion is granted as to GNP on the terms set forth in this Order.


3. GNP shall pay to the Debtor's estate the aggregate amount of **\$225,000** (the "GNP Payment") via wire transfer of immediately available funds. The GNP Payment shall be made to MMA in the following manner and pursuant to the terms set forth below:

- a. A first installment payment in the amount of \$100,000 (the "First Installment") shall be made by GNP to MMA on or before Friday,

September 6, 2013;

- b. A second installment payment in the amount of \$50,000 shall be made by GNP to MMA on or before Friday, October 4, 2013;
 - c. A third installment payment in the amount of \$50,000 shall be made by GNP to MMA on or before Monday, November 4, 2013; and
 - d. A fourth and final installment payment in the amount of \$25,000 shall be made by GNP to MMA on or before Tuesday, December 3, 2013.
4. Upon entry of this Order and receipt of the First Installment from GNP, MMA shall immediately release that certain tanker car containing clay slurry to GNP.
5. Provided that, and so long as, GNP shall make the GNP Payment to MMA pursuant to the terms and in the manner set forth in this Order, MMA shall not refuse any lawful request by GNP's vendors or GNP to ship product to or from GNP. Nothing in this Order shall require MMA to extend any credit to GNP or its vendors for such post-petition shipments.
6. The agreement between GNP, MMA, and the Trustee, on the terms set forth in this Order, shall fully and finally resolve all prepetition claims of GNP against MMA and all prepetition claims of MMA against GNP (the "Mutual Release"), provided, however, that such Mutual Release shall not include any claims GNP may have against MMA arising in connection with, or in relation to, that certain wrongful death action currently pending against GNP, *inter alia*, in the Philadelphia Court of Common Pleas.
7. GNP and MMA shall make reasonable, good faith efforts to prevent and/or resolve damage to GNP product resulting from post-petition shipments by MMA.

Dated: September 4, 2013

A handwritten signature in cursive script that reads "Louis H. Kornreich". The signature is written in black ink on a white background.

The Honorable Louis H. Kornreich
United States Bankruptcy Judge

District/Off: 0100-1

User: kford

Date Created: 9/5/2013

Case: 13-10670

Form ID: pdf900

Total: 62

Recipients submitted to the BNC (Bankruptcy Noticing Center) without an address:

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