

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670
Chapter 11

**ORDER SUSTAINING OBJECTION TO PROOF OF CLAIM
FILED BY PROGRESS RAIL LEASING ON THE BASIS THAT SUCH CLAIM
IS UNENFORCEABLE AGAINST THE DEBTOR**

This matter having come before the Court on the *Objection to Proof of Claim Filed by Progress Rail Leasing on the Basis that Such Claim is Unenforceable Against the Debtor* (the “Objection”)¹ filed by Robert J. Keach, the estate representative (the “Estate Representative”) of the post-effective date estate of Montreal Maine & Atlantic Railway, Ltd. (the “Debtor”), in relation to Proof of Claim No. 18 (the “Claim”) filed by Progress Rail Leasing and after such notice and opportunity for hearing as was required by the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and this Court’s local rules, and after due deliberation and sufficient cause appearing therefore; it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** that:

1. The Objection is sustained.
2. Claim No. 18 shall be disallowed in its entirety.

Dated: March 28, 2016

/s/ Peter G. Cary

Honorable Peter G Cary
Chief Judge, United States Bankruptcy Court

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

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 United States Bankruptcy Court
 District of Maine

In re:
 Montreal Maine & Atlantic Railway Ltd.
 Debtor

Case No. 13-10670-PGC
 Chapter 11

CERTIFICATE OF NOTICE

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Date Rcvd: Mar 28, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 30, 2016.

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cr +Clean Harbors, 42 Lonwater Dr., Norwell, MA 02061-1612
cr Daniel Aube, 308 St-Lambert Street, Sherbrooke, QU J1CON9, CANADA
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cr +Eastern Maine Railway Company, c/o Alan Lepene, 3900 Key Center, 127 Public Square,
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cr Frederick J. Williams, 74 Bellevue Street, Compton, QU JOB 1LO, CANADA
cr +GNP Maine Holdings, LLC, 50 Main Street, East Millinocket, ME 04430-1158
cr +General Electric Railcar Services Corporation, c/o Pierce Atwood LLP,
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intp +J.D. Irving, Limited, c/o Pierce Atwood LLP, 254 Commercial Street,
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sp Kugler Kandestin LLP, c/o Gerald F. Kandestin, 1 Place Ville-Marie, Suite 2101,
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cr +Maine Northern Railway Company, c/o Alan Lepene, 3900 Key Center, 127 Public Square,
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cr +New Brunswick Southern Railway Company, c/o Alan R. Lepene, 3900 Key Center,
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cr +Real Custeau Claimants et al, c/o Mitchell A. Touns, Esq., PO Box 350,
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cr +Stephen C. Currie, 17 Dodlin Road, Enfield, ME 04493-4204
intp +Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0012
cr Trinity Industries Leasing, Inc., c/o One City Center, Portland, ME 04101
cr Trinity Industries, Inc., c/o One City Center, Portland, ME 04101
cr Trinity Rail Leasing 2012 LLC, c/o One City Center, Portland, ME 04101
cr Trinity Tank Car, Inc., c/o One City Center, Portland, ME 04101
cr Union Tank Car Company, c/o Regan M. Haines, PO Box 7320, Portland, ME 04112-7320
cr +United States of America, c/o Department of Justice, Civil Divisio, 1100 L Street, N.W.,
Room 10052, Washington, DC 20005-4035
intp +William R. Moorman, Jr., Partridge Snow & Hahn, LLP, 30 Federal Street,
Boston, MA 02110-2508
1901670 +Progress Rail Leasing, Richard Campbell, One Constitution Ctr., Cte 3,
Boston, MA 02129-2025

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

aty E-mail/Text: mhenderson@verrilldana.com Mar 28 2016 20:25:25 Verrill & Dana, LLP,
One Portland Square, P.O. Box 586, Portland, ME 04112-0586
aty E-mail/Text: mhenderson@verrilldana.com Mar 28 2016 20:25:25 Verrill Dana LLP,
One Portland Square, P.O. Box 586, Portland, ME 04112-0586
acc +E-mail/Text: dbanks@bnncpa.com Mar 28 2016 20:25:28 Baker Newman & Noyes, LLC,
c/o Gregory Sanborn, 280 Fore Street, Portland, ME 04101-4177
cr E-mail/Text: bankruptcy@bangor.com Mar 28 2016 20:25:34 Bangor Savings Bank, P.O.Box 930,
Bangor, ME 04402-0930
cr +E-mail/Text: ckimball@rudmanwinchell.com Mar 28 2016 20:25:48
Center Beam Flat Car Company, Inc., c/o Curtis Kimball, Esq., P.O. Box 1401,
Bangor, ME 04402-1401
cr +E-mail/Text: ckimball@rudmanwinchell.com Mar 28 2016 20:25:48 First Union Rail,
c/o Curtis Kimball, Esq., P.O. Box 1401, Bangor, ME 04402-1401

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***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr DPTS Marketing, LLC
cr Dakota Petroleum Transport Solutions, LLC
cr Estate of Jefferson Troester
intp Wrongful Death, Personal Injury, Business, Propert
aty* +Shaw Fishman Glantz & Towbin LLC, 321 N, Clark Street, Suite 800, Chicago, IL 60654-4766
TOTALS: 4, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 30, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 28, 2016 at the address(es) listed below:

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

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