

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 C.S. DES SOMMETS 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 C.S. Des Sommets on the Basis that Such Claim is Unenforceable Against the Debtor* (the "Objection")<sup>1</sup> 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. 34 (the "Claim") filed by the C.S. Des Sommets 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. 34 shall be disallowed in its entirety and expunged from the Debtor's claims register.

Dated: March 28, 2016

/s/ Peter G. Cary  
**Honorable Peter G. Cary**  
**Chief Judge, United States Bankruptcy Court**

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

**Certificate of Notice Page 2 of 9**  
 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**

District/off: 0100-1

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Page 1 of 8  
 Total Noticed: 97

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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 aty #+Allison M. Brown, Weil, Gotshal & Manges LLP, 301 Carnegie Center, Suite 303,  
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 aty +Arvin Maskin, Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153-0119  
 aty Bernstein, Shur, Sawyer & Nelson, 100 Middle Street 6th Floor, PO Box 9729,  
 Portland, ME 04104-5029  
 aty +Bill Kroger, Baker Botts, 910 Louisiana Street, Houston, TX 77002-4995  
 aty +Blaire Cahn, Weil, Gotshal & Manges, LLP, 767 Fifth Avenue, New York, NY 10153-0119  
 aty +Christopher Fong, Esq., Paul Hastings LLP, 75 East 55th St., New York, NY 10022-3404  
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Chicago, IL 60602-4250  
cr +Eastern Maine Railway Company, c/o Alan Lepene, 3900 Key Center, 127 Public Square,  
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cr +Estates of Marie Alliance, et al, c/o Murtha Cullina LLP, 99 High Street,  
Boston, ME 02110-2320  
cr +Estates of Stephanie Bolduc, c/o Meyers & Flowers, LLC, 3 North Second Street, Suite 300,  
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cr +Fred's Plumbing & Heating, Inc., 328 Main Street, Derby, VT 05829-9743  
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,  
Attn: Keith J. Cunningham, 254 Commercial Street, Portland, ME 04101-1110  
intp +Irving Paper Limited, c/o Pierce Atwood LLP, Attn: Keith J. Cunningham,  
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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 Department of Transportation, c/o Victoria Morales, 16 State House Station,  
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cr +Maine Northern Railway Company, c/o Alan Lepene, 3900 Key Center, 127 Public Square,  
Cleveland, OH 44114-1217  
cr +New Brunswick Southern Railway Company, c/o Alan R. Lepene, 3900 Key Center,  
127 Public Square, Cleveland, OH 44114-1217  
intp +Oasis Petroleum, Inc., c/o Timothy H. Norton, Esq., P.O. Box 597, Portland, ME 04112-0597  
op +Prime Clerk LLC, c/o Adam M. Adler, 830 Third Avenue, 9th Floor,  
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ea +Robert J. Keach, Bernstein Shur Sawyer & Nelson, 100 Middle Street, P.O. Box 9729,  
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cr +Shell Oil Company, c/o Jessica Lewis, Molleur Law Office, 95 Main Street,  
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cr +Sierra Liquidity Fund, LLC, 19772 MacArthur Blvd. # 200, Irvine, CA 92612-2405  
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  
1901219 C.S. Des Somnets, 449, Percy, Magog, QC J1X 1B5, CANADA

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,  
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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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Page 3 of 8  
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Date Rcvd: Mar 28, 2016

\*\*\*\*\* 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

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## 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:

Aaron P. Burns on behalf of Defendant Canadian Pacific Railway Corporation  
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Page 4 of 8  
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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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D. Sam Anderson, Esq. on behalf of Plaintiff Robert J. Keach, in his capacity as Chapter 11 Trustee of Maine Montreal and Atlantic Railway, Ltd. sanderson@bernsteinshur.com, acummings@bernsteinshur.com; astewart@bernsteinshur.com; kquirk@bernsteinshur.com; kbigelow@bernsteinshur.com  
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George J. Marcus, Esq. on behalf of Intervenor-Plaintiff Wheeling & Lake Erie Railway Company bankruptcy@mcm-law.com, G30914@notify.cincompass.com  
George J. Marcus, Esq. on behalf of Plaintiff Wheeling & Lake Erie Railway Company bankruptcy@mcm-law.com, G30914@notify.cincompass.com

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Page 5 of 8  
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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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George W. Kurr, Jr. on behalf of Creditor Estates of David Lacroix Beaudoin gwkurr@grossminsky.com, tmseymour@grossminsky.com;kclove@grossminsky.com  
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Page 6 of 8  
Total Noticed: 97

Date Rcvd: Mar 28, 2016

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District/off: 0100-1

User: kford  
Form ID: pdf900

Page 7 of 8  
Total Noticed: 97

Date Rcvd: Mar 28, 2016

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District/off: 0100-1

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Page 8 of 8  
Total Noticed: 97

Date Rcvd: Mar 28, 2016

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