

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

**SECOND ORDER RESOLVING IN PART CLAIMANT'S [SIC] MOTION FOR RELIEF FROM JUDGMENT AND RECONSIDERATION OF TRUSTEE'S THIRD OMNIBUS OBJECTION TO PROOFS OF CLAIM THAT WILL BE SATISFIED UNDER THE CCAA PLAN AND THAT WERE RELEASED UNDER THE PLAN, CERTAIN OF WHICH ADDITIONALLY (A) CONTAIN INSUFFICIENT DOCUMENTATION AND/OR (B) [WERE] LATE FILED**

This matter having come before the Court on the *Claimant's [Sic] Motion for Relief from Judgment and Reconsideration of Trustee's Third Omnibus Objection to Proofs of Claim That Will be Satisfied Under the CCAA Plan and that were Released Under the Plan, Certain of Which Additionally (A) Contain Insufficient Documentation and/or (B) [Were] Late Filed* [D.E. 2149] (the "Motion for Relief"), filed by the creditors listed on Schedule A to the Motion for Relief (collectively, the "Moving Creditors"), and the *Estate Representative's Objection to Claimant's [Sic] Motion for Relief from Judgment and Reconsideration of Trustee's Third Omnibus Objection to Proofs of Claim That Will be Satisfied Under the CCAA Plan and that were Released Under the Plan, Certain of Which Additionally (A) Contain Insufficient Documentation and/or (B) [Were] Late Filed* [D.E. 2164] (the "Objection")<sup>1</sup>; and after extended discussion and analysis by and between the Estate Representative, the Monitor in the CCAA Case of Montreal Maine & Atlantic Canada Co. (the "Monitor") and counsel to the Moving Creditors regarding resolution of the Motion for Relief and the Objection; and Court having entered an initial order resolving certain of the issues raised in the Motion for Relief

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

[D.E. 2297] (the “Initial Resolving Order”); and the parties having submitted a second revised form of order on the Motion for Relief to the Court; and after such notice and opportunity for hearing as was required by the Bankruptcy Code, the Bankruptcy Rules, and this Court’s local rules, and after due deliberation and sufficient cause appearing therefore; it is hereby **ORDERED, ADJUDGED, and DECREED** that:

1. Nothing in this Order alters any provision of the Initial Resolving Order. Every “Continued Claim” included on Exhibit C to the Initial Resolving Order is reflected on Exhibit A or B to this Order.

2. The Motion for Relief and Objection are further resolved in part, as set forth below.

3. The Motion for Relief is granted with respect to the claims set forth on Exhibit A hereto (the “Permitted Late Claims”); *provided*, however, that the amounts of the Permitted Late Claims shall be amended on the Debtor’s claims register to correspond to the amounts included on Exhibit A, and the Moving Creditors holding such Permitted Late Claims are prohibited from seeking to assert additional amounts in connection with such claims.

4. The Motion for Relief shall be continued to **April 4, 2017 at 9:00 a.m. (ET)** with respect to the claims set forth on Exhibit B hereto (the “Continued Claims”). The Estate Representative reserves the right to prosecute the Objection with respect to the Continued Claims.

5. This Court shall retain jurisdiction to consider any matters arising from entry of this Order, including consideration of the Motion for Relief with respect to the Continued Claims.

Dated: \_\_\_\_\_, 2017

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**Honorable Peter J. Cary**  
**Chief Judge, United States Bankruptcy Court**

**Exhibit A**  
**Permitted Late Claims (7)**

Claim No.	Claimant Name	Additional <sup>1</sup> Claim Amount <sup>2</sup>
436	Poirer, Melanie	\$21,167.00
534	Chouinard, Sonia	\$2,591.00
535	Favreau, Lea	\$56,849.00 <sup>3</sup>
550	Pierre Boulet on behalf of Poulet Frit Ideal	\$271,203.00
562	Valiquette, Philippe	\$2,591.00
572	Lisandra Arencibia Tamayo Gagne obo Gagne, Emerick, minor	\$3,627.00
573	Lisandra Arencibia Tamayo Gagne obo Gagne, Julianne Blain Minor	\$3,627.00

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<sup>1</sup> This note applies to all claims on Exhibit A. Certain (but not all) of the Claimants on this Exhibit A have already received distributions under the Plan or the CCAA Plan, whether on the Claim reflected on this Exhibit or otherwise. The amounts in this column represent incremental recoveries to those individuals, if any.

<sup>2</sup> All amounts are in Canadian dollars.

<sup>3</sup> Under the Plan and the CCAA Plan, the claims of grandchildren of victims who lost their lives in the Derailment may be reclassified from Derailment Moral Damages and Personal Injury Claim under the Plan (or a Bodily Injury and Moral Damages Claim under the CCAA Plan) to Derailment Wrongful Death Claims under the Plan (or Wrongful Death Claims under the CCAA Plan). *See* Plan Sched. A, B; CCAA Plan § 4.2. The amount set forth above represents the amount of Ms. Favreau’s additional Derailment Moral Damages and Personal Injury Claim under the Plan (or Bodily Injury and Moral Damages Claim under the CCAA Plan), to the extent that her claim remains so classified. In the event that her claim, together with the claims of other grandchildren, are re-classified under the Plan and the CCAA Plan, her claim will be adjusted according to the Plan and the CCAA Plan.

**Exhibit B**  
**Continued Claims (4)**

<b>Claim No.</b>	<b>Claimant Name</b>	<b>Claim Amount (if applicable)</b>
524	Audet, Beland	N/A
547	Beland Audet on behalf of Logi-Bel	N/A
554	Roy, Rejean	N/A
574	Gagne, Lisandra Arencibia Tamayo	N/A