

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re)	
)	
MONTREAL MAINE & ATLANTIC)	Chapter 11
RAILWAY, LTD.,)	Case No. 13-10670
)	
Debtor.)	
)	

MOTION FOR EMERGENCY HEARING

Pursuant to D. Me. LBR 9013-1(j), Montreal, Maine & Atlantic Railway Ltd. (“**MMA**” or “**Debtor**”), debtor-in-possession in the above captioned case, hereby moves this Court for an order scheduling an emergency hearing (the “**Motion for Emergency Hearing**”), as well as approving limited notice and a shortened objection period, with respect to the Debtor’s *Motion for Order Authorizing Continued Business Operations Pending Appointment of a Chapter 11 Railroad Trustee* (the “**Motion to Operate**”). In support thereof, the Debtor states as follows:

I. Jurisdiction and Venue

1. The Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 157 & 1334 and D. Me. Local R. 83.6(a), pursuant to which all cases filed in Maine under the Bankruptcy Code are referred to bankruptcy judges of this district. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding over which the Court has the jurisdiction and Constitutional authority to enter a final order.

II. Procedural Background

2. On August 7, 2013 the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “**Petition Date**”).

3. The Debtor remains in possession and control of its property and continues to operate as a debtor-in-possession pursuant to sections 1108 of the Bankruptcy Code.

III. Factual Background

4. Reference is made to the affidavit of M. Donald Gardner, Jr. (the “**Gardner Affidavit**”) for the factual background of MMA and the events leading to this bankruptcy case. Said facts are incorporated herein as if set forth in full.

IV. Relief Requested

6. The Debtor respectfully asks this Court to schedule an emergency hearing on the Motion to Operate for **August 8, 2013 at 1:00 P.M.** in Bangor, Maine

8. Debtor, through its counsel, will cause this Motion for Emergency Hearing, the Motion to Operate, the proposed Order, and Notice of Hearing to be served by first class United States mail, postage prepaid, and as applicable by electronic mail on: (i) United States Trustee; (ii) the 20 largest unsecured creditors in this case; (iii) the Federal Rail Administration; (iv) Wheeling & Lake Erie Railway Company; (v) the United States Secretary of Transportation; (vi) the Surface Transportation Board; and (vii) all parties requesting notice in this case and respectfully suggests that such notice constituted complete, adequate, proper and sufficient notice of all matters set forth therein. The Debtor respectfully requests that this Court find such service to constitute complete, adequate, proper and sufficient notice of all matters set forth therein.

WHEREFORE, the Debtor respectfully requests that the Court enter an order:

A. Setting an emergency hearing on the above-referenced Motion to Operate for **August 8, 2013, at 1 P.M. (EST)**;

- B. Approving the notice procedures set forth herein;
- C. Setting a shortened objection period on the above-referenced Motion to Operate for

August 8, 2013, at 1 P.M. (EST); and

- D. Granting such other relief as this Court may deem just and proper.

Dated: August 7, 2013

Respectfully submitted,

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

/s/ Roger A. Clement, Jr.

Roger A. Clement, Jr., Esq.

Nathaniel R. Hull, Esq.

VERRILL DANA LLP

One Portland Square

P.O. Box 586

Portland, ME 04112-0586

207-774-4000 - Phone

207-774-7499 - Fax

rclement@verrilldana.com

nhull@verrilldana.com

bankr@verrilldana.com