

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670
Chapter 11

**APPELLEE’S STATEMENT OF ISSUES TO
BE PRESENTED ON APPEAL**

Robert J. Keach, the chapter 11 trustee (the “Trustee”) in the above-captioned case, and appellee in the appeal (the “Appeal”) filed by Travelers Property Casualty Company of America (“Travelers”) of the order of the United States Bankruptcy Court for the District of Maine (the “Bankruptcy Court”) denying Travelers’ motion for relief from the automatic stay [Docket No. 364] (the “Order”), states that the following issues will be presented on Appeal:

1. Whether the United States District Court for the District of Maine (the “District Court”) lacks jurisdiction to hear the Appeal because the Order is not a final, appealable order.

2. Whether the Bankruptcy Court erred, as a matter of law, in granting Travelers relief from the automatic stay to file its proposed declaratory judgment action (the “Declaratory Judgment Action”) in Québec Superior Court, District of Saint-Francois (the “Québec Court”), while denying Travelers relief from the automatic stay to file the Declaratory Judgment Action in the District Court.

3. Whether the Bankruptcy Court abused its discretion in granting Travelers relief from the automatic stay to file the Declaratory Judgment Action in the Québec Court while denying Travelers relief from the automatic stay to file the Declaratory Judgment Action in the District Court.

4. Whether cause exists to grant Travelers relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) to commence the Declaratory Judgment Action against Montreal Maine & Atlantic Railway, Ltd. (the “Debtor”) in the District Court, given that Travelers does not need relief from the automatic stay to file the Declaratory Judgment against the Debtor in the Bankruptcy Court.

Dated: November 19, 2013

ROBERT J. KEACH,
CHAPTER 11 TRUSTEE OF MONTREAL
MAINE & ATLANTIC RAILWAY, LTD.

By his attorneys:

/s/ Michael A. Fagone
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