

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MAINE**

In re:

**MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,**

Debtor.

Chapter 11

Case No. 13-10670 (LHK)

**MOTION OF OFFICIAL COMMITTEE OF VICTIMS SEEKING MODIFICATION OF
COMMITTEE APPOINTMENT ORDER TO AUTHORIZE COMMITTEE TO FULLY
PARTICIPATE IN WRONGFUL DEATH PROCEEDINGS PENDING
BEFORE MAINE DISTRICT COURT**

The Official Committee of Victims (the “Committee”) appointed in the chapter 11 case of Montreal Maine & Atlantic Railway, Ltd. (the “Debtor”), by and through its undersigned counsel, hereby submits this motion (the “Motion”) seeking to modify the *Order Authorizing the Appointment of a Victims’ Committee* [Docket No. 391] (the “Appointment Order”) to authorize the Committee to take any and all actions in the Wrongful Death Proceedings (as defined below) currently pending before the United States District Court for the District of Maine (the “Maine District Court”). In support of this Motion, the Committee states as follows:

PRELIMINARY STATEMENT¹

1. The Committee was appointed by this Court in October 2013 to represent the interests of all victims of the July 6, 2013 train derailment in Lac-Mégantic, Quebec. To that end, the Committee has worked tirelessly with the Trustee in the hopes of achieving a global settlement that would result in adequate compensation for the victims.

¹ Capitalized terms used in the Preliminary Statement but not otherwise defined shall have the meanings ascribed to them herein.

2. In order to best represent the interests of the victims, the Committee seeks to modify the Appointment Order to authorize the Committee to file any motion(s) and take any action(s) it deems appropriate before the Maine District Court with respect to the Wrongful Death Proceedings. The Committee is considering various strategies with respect to the Wrongful Death Proceedings that will benefit victims, such as the filing of a motion before the Maine District Court. However, the Trustee has recently advised the Committee that he does not believe that, pursuant to the terms of the Appointment Order, the Committee has standing or authority to file motions in the Wrongful Death Proceedings currently pending before the Maine District Court. However, at the Trustee's urging (and without opposition from any party in interest), the Committee had previously appeared before the Maine District Court to support the transfer of the Wrongful Death Proceedings to the Maine District Court for the reasons described in paragraph 13 below.

3. Accordingly, the threshold question of whether the Committee has authority to fully participate in the Wrongful Death Proceedings needs to be resolved. Thus, the Committee is requesting that the Court modify the Appointment Order to permit the Committee to fully participate in the Wrongful Death Proceedings.² The Trustee has reviewed the Motion and does not oppose the relief sought by the Committee (subject to the limitations contained in the proposed order granting the Motion).

4. Granting the relief the Committee seeks would enable the Committee to act in the best interests of the victims. This is a solely a **procedural motion** as the Committee is not asking the Court to pre-approve any motion(s) or action(s) that the Committee may file or take

² For the avoidance of doubt, the Committee has no intention of getting involved in the litigation of the individual claims asserted in the Wrongful Death Proceedings (or in any discovery with respect to such claims) and the Court, if it deems it necessary, should feel free to impose whatever limitations it deems appropriate in that regard.

before the Maine District Court in the Wrongful Death Proceedings. In other words, the Committee is not asking the Court to give it a “blank check.” The Maine District Court would retain jurisdiction to determine the terms and conditions, if any, imposed on the Committee to participate in the Wrongful Death Proceedings and whether any motion(s) filed or action(s) taken by the Committee has any legal merit.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter 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 chapter 11 of the Bankruptcy Code are referred to bankruptcy judges of this district.

6. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

BACKGROUND

7. On August 7, 2013, the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “Petition Date”) in the United States Bankruptcy Court for the District of Maine (the “Court”). On August 21, 2013, the U.S. Trustee, pursuant to Bankruptcy Code section 1163, appointed Robert J. Keach as the trustee (the “Trustee”) in the chapter 11 case (the “Chapter 11 Case”).

8. Concurrently with seeking chapter 11 relief in this Court, on August 7, 2013, Montreal, Maine & Atlantic Canada Co. (“MMA Canada”), the Debtor’s wholly-owned subsidiary, commenced a proceeding (the “CCAA Proceeding”) in the Superior Court (Commercial Division) of the Province of Québec, District of Montreal, which case was transferred to the court located in Sherbrooke, District of St. Francois, Province of Québec (the “Canadian Court”), under the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, C-36, as

amended (the “CCAA”). Richter Advisory Group Inc. has been appointed as the monitor in the CCAA Proceeding (the “Monitor”).

Appointment of Committee

9. On October 18, 2013, the Court entered the Appointment Order, pursuant to which the Court authorized, under section 1102(a)(2) of the Bankruptcy Code, the U.S. Trustee to appoint a victims’ committee in the Chapter 11 Case to “assure adequate representation of victims of the Lac-Mégantic derailment.” *See* Appointment Order, at 4. Thus, the Committee was appointed to represent the interests of all victims of the derailment.

10. The Appointment Order provided that the Committee “shall not be empowered to employ any professionals other than counsel or be empowered to perform any duties beyond those enumerated in § 1103(c)(1) and (3) without specific leave of court.” *See* Appointment Order, at 4.³ At the time the Appointment Order was entered, the Wrongful Death Proceedings were not pending before the Maine District Court.

11. On November 27, 2013, the U.S. Trustee filed and served its *Appointment and Notice of Appointment of Committee of Creditors* [Docket No. 460] and appointed the following members to the Committee: Serge Jacques, Jacinthe LaCombe, and Megane Turcotte. On December 10, 2013, the U.S. Trustee filed the *Amended Appointment and Notice of Appointment of Committee of Creditors* [Docket No. 478] and added Pierre Paquet as an additional Committee member. On December 10, 2013, the members of the Committee voted to make the government

³ Sections 1103(c)(1) and (c)(3) of the Bankruptcy Code empower a committee appointed under section 1102 to “consult with the trustee or debtor in possession concerning the administration of the case” and “participate in the formulation of a plan, advise those represented by such committee of such committee’s determinations as to any plan formulated, and collect and file with the court acceptances or rejections of a plan,” respectively.

of Québec, Canada and the municipality of Lac-Mégantic, Québec *ex officio* members of the Committee.

Wrongful Death Proceedings

12. As a result of the July 6, 2013, train derailment in Lac-Mégantic, twenty wrongful death lawsuits arising out of the derailment were filed in the Circuit Court of Cook County, Illinois (the “Illinois State Court”). Beginning on August 29, 2013, all twenty of these civil actions were removed to the United States District Court for the Northern District of Illinois. On September 8, 2013, one of the wrongful death lawsuits was voluntarily dismissed by the plaintiff. *See Custeau v. Montreal, Maine and Atlantic Railway, Ltd., et al.*, 1:13-cv-06182 (N.D. Ill., Sept. 8, 2013). One case, *Marie-Josée Grimard o/b/o Henriette Latulippe v. Rail World, Inc. et al.*, was remanded to state court on September 12, 2013 on the basis that federal diversity jurisdiction was lacking. *See Grimard v. Montreal Maine and Atlantic Railway, Inc.*, 1:13-cv-06197 (N.D. Ill. September 5, 2013).

13. On September 9, 2013, the Trustee filed the *Chapter 11 Trustee’s Motion To Transfer Personal Injury Tort And Wrongful Death Claims Pursuant To 28 U.S.C. § 157(b)(5)* [Torresen Docket No. 1] (the “Transfer Motion”) in the Maine District Court seeking to transfer the remaining nineteen wrongful death lawsuits to the Maine District Court pursuant to 28 U.S.C. § 157(b)(5).⁴ A hearing on the Transfer Motion was held before District Judge Torresen on January 31, 2014. At the Trustee’s urging, counsel for the Committee appeared at that hearing and stated that the Committee supported a *preliminary* transfer of the wrongful death lawsuits to the Maine District Court, without prejudice to the rights of any party to seek a

⁴ *See In re Montreal Maine & Atlantic Railway Ltd.* Case No. 1:13-mc-00184-NT (D. Me.) (the “157(b)(5) Proceeding”). All references to documents filed in the 157(b)(5) Proceeding are denoted by the citation “Torresen Docket No. ___”.

transfer of those lawsuits back to Illinois or another venue.⁵ The Committee supported a preliminary transfer of the wrongful death lawsuits to the Maine District Court so that the parties could engage in settlement discussions regarding “a global resolution of all the issues in the Chapter 11 case.”⁶ The Committee also requested that the Maine District Court issue a stay of all pending matters in the wrongful death lawsuits to the extent such cases were transferred.⁷ The Committee impressed upon the Maine District Court that preliminarily transferring the wrongful death lawsuits to the Maine District Court and staying all matters would permit the parties to negotiate a global compromise without prejudicing the substantive rights of the parties to the wrongful death lawsuits.⁸

14. On March 21, 2014, Judge Torresen entered the *Order on Motions to Transfer Cases and Motion to Strike* [Torsesen Docket No. 100] (the “Transfer Order”) under which the court found that the remaining nineteen wrongful death lawsuits filed in Illinois (the “Wrongful Death Proceedings”) were “related to” the Debtor’s bankruptcy case and transferred such proceedings to the Maine District Court. *See* Transfer Order, at 26.

15. On April 4, 2014, two of the plaintiffs in the Wrongful Death Proceedings, Annick Roy (on behalf of Veilleux, Jean-Guy) and Marie-Josée Grimard (on behalf of Latulippe, Henriette) (the “WDC Movants”), filed a motion to reconsider the Transfer Order or, in the alternative, to certify pursuant to 28 U.S.C. § 1292(b) that the Transfer Order resolved a controlling question of law as to which there is substantial ground for difference of opinion and

⁵ See January 31, 2014 Hr’g Tr. 50:22-25, 51:1-4. The relevant excerpts of the January 31, 2014 Hearing Transcript are attached hereto as Exhibit A.

⁶ *Id.* at 53:2-5.

⁷ January 31, 2014 Hr’g Tr. 53:7-11.

⁸ January 31, 2014 Hr’g Tr. 50:23-25; 51:1-5; 53:2-21.

that an immediate appeal from the order would advance the litigation. *See Motion To Reconsider Order Dated March 21, 2014 Or, In The Alternative, To Amend The Order To Certify Reviewability Under 28 U.S.C. § 1292(b)* [Torresen Docket No. 226] (the “Reconsideration Motion”). Judge Torresen denied the Reconsideration Motion on April 18, 2014. *See Order* [Torresen Docket No. 229] (the “Reconsideration Order”).

16. On May 1, 2014, the WDC Movants filed a notice of appeal of the Transfer Order and the Reconsideration Order. *See Notice of Appeal* [Torresen Docket No. 235] (the “Appeal”). The Appeal is currently pending before the United States Court of Appeals for the First Circuit. *See In re: Montreal Maine & Atlantic Rail, et al. vs. Western Petroleum Co., et al.*, Case No. 14-1485 (1st Cir.).

17. Concurrently with filing the Notice of Appeal, the WDC Movants filed a motion to stay the Wrongful Death Proceedings before the Maine District Court while the Appeal proceeded. *See Motion For Stay Of Proceedings Pending Appeal* [Torresen Docket No. 236]. On June 17, 2014, Judge Torresen entered the *Consent Order Staying Proceedings Pending Appeal In 1:13-mc-00184-NT* [Torresen Docket No. 253] (the “Consent Order”), which was negotiated among the WDC Movants, the Trustee, and the Committee. The Consent Order provides that all proceedings in the Wrongful Death Proceedings are stayed. However, the stay did not apply to any proceedings or contested matters in the Debtor’s chapter 11 case before this Court.

RELIEF REQUESTED

18. The Committee requests that the Court enter an order, substantially in the form attached to this Motion, modifying the Appointment Order to permit the Committee to take any

and all actions before the Maine District Court to fully participate in the Wrongful Death Proceedings.

19. The Committee was appointed by this Court to represent the victims and act in their best interests. The Trustee has recently expressed its opinion that the Committee does not have standing to be heard before the Maine District Court with respect to the Wrongful Death Proceedings. That position obviously hamstrings the Committee if it wishes to file a motion(s) before the Maine District Court which the Committee deems to be in the best interests of the victims. Thus, the Committee files this Motion in order to clarify the Appointment Order and ensure that the Committee may proceed before the Maine District Court.

20. The Committee reiterates that the relief it seeks is procedural in nature. The Committee is not seeking a ruling from this Court on any motion(s) or action(s) that the Committee may file or take before the Maine District Court. Rather, the Committee is only requesting that the Court modify the Appointment Order so that the Committee is not confronted in the Maine District Court with the argument that it has no authority to appear in the Wrongful Death Proceedings to represent the interests of all victims of the derailment. In other words, the relief requested only provides the authority to file a motion(s) or take an action(s) in the Wrongful Death Proceedings and in no way constitutes pre-approval of such motions or actions. Furthermore, the proposed order expressly provides that the propriety or merits of any such motion(s) or action(s) action taken by the Committee before the Maine District Court will be decided by that court.

21. The relief requested by the Committee is without prejudice to the rights of the Committee or any other party in interest to seek a further modification of the Appointment Order in order to act in the best interests of the victims.

WHEREFORE, the Committee respectfully requests that the Court enter an order (i) granting the relief requested in the Motion and (ii) granting such other relief as this Court may deem just and proper.

Dated: August 15, 2014

Respectfully submitted,

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Co-counsel to the Official Committee of Victims

EXHIBIT A

Excerpts from January 31, 2014 Hearing Transcript

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UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

In Re

CIVIL ACTION

Docket No: 1:13-MC-00184-NT

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Transcript of Proceedings

Pursuant to notice, the above-entitled matter came on for **Oral Argument** held before **THE HONORABLE NANCY TORRESEN**, United States District Court Judge, in the United States District Court, Edward T. Gignoux Courthouse, 156 Federal Street, Portland, Maine, on the 31st day of January 2014 at 9:15 A.M. as follows:

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Appearances:

For the Estates of
Stephanie Bolduc, et al.: Daniel C. Cohn, Esquire
George W. Kurr, Jr., Esquire

For Robert J. Keach: Robert J. Keach, Esquire
Michael A. Fagone, Esquire

For CIT Group: Diane Sullivan, Esquire
Debra A. Dandeneau, Esquire

For Western Petroleum Corporation: Peter J. Detroy, III, Esquire
Mark Filip, Esquire
Adam Hall, Esquire

For Rail World, Inc.: Patrick Carr Maxcy, Esquire
Alan S. Gilbert, Esquire

For Official Committee of Victims: Christopher J. Fong, Esquire
Richard P. Olson, Esquire

For DPTS Marketing and Dakota Petroleum Transport Solutions: Edward Timothy Walker, Esquire

Lori D. Dunbar, RMR, CRR
Official Court Reporter

(Prepared from manual stenography and
computer aided transcription)

1 At the outset, Your Honor, I would like to
2 alleviate any concerns Your Honor may have about the
3 fact that the committee has not filed any pleadings in
4 this case. I'll only be up here for five minutes. The
5 reason why I'm here today is the committee feels it
6 might be beneficial for Your Honor to note the
7 committee's position with respect to the trustee's
8 motion because the official committee is the only
9 committee that has been appointed by the bankruptcy
10 judge in the debtor's case below.

11 THE COURT: Can you tell me who you represent
12 and --

13 MR. FONG: Sure, we have been appointed by the
14 bankruptcy judge to represent all victims of the
15 derailment. So in Bankruptcy Judge Kornreich's order,
16 it specifically says that the committee is to be
17 appointed by the U.S. trustee to represent all the
18 victims. And as part of that we have a fiduciary duty
19 to act in the best interest of all the victims.

20 THE COURT: Mr. Fong, you speak very quickly,
21 so I'll even give you more than five minutes if you
22 just slow down, okay?

23 MR. FONG: I saw you cut Mr. Keach off, so I
24 was trying to get everything in.

25 THE COURT: I'll give you 10 minutes because

1 what you're saying I can't understand.

2 So you were appointed by the bankruptcy judge to
3 represent all of the victims.

4 MR. FONG: Yes, Your Honor.

5 THE COURT: All of the wrongful death victims,
6 all of the personal injury victims, all the property
7 damage victims?

8 MR. FONG: All of them, yes, yes, Your Honor.

9 THE COURT: All right.

10 MR. FONG: And in fact the committee members,
11 they consider the -- one a victim who has suffered
12 property damage, one of our committee members lost a
13 brother in the accident, and in fact the Government of
14 Quebec and the Government of Lac-Mégantic where the
15 accident happened are also on the committee. So we
16 represent a broad spectrum of victims of the accident.
17 The Government of Quebec and the Government of
18 Lac-Mégantic will have environmental claims and various
19 other claims that may be asserted.

20 THE COURT: All right. And you are supporting
21 the trustee's motion, then.

22 MR. FONG: Well, Your Honor, that gets to why
23 I'm here today. We support the trustee's motion, but
24 we're requesting that the Court enter an order
25 preliminarily transferring the Illinois action to this

1 Court, without prejudice to the rights of any party,
2 including Mr. Cohn's clients, to seek a retransfer of
3 those actions back to Illinois or for any party to seek
4 a transfer to another venue. And the reasons for that
5 are twofold.

6 The crux of the argument today over the transfers
7 of theirs is related-to jurisdiction. And as Mr. Keach
8 mentioned, he's filed a motion or an amended motion to
9 set May 31st as the bar date for parties to file proofs
10 of claim. And the plaintiffs in the Illinois actions,
11 if they want to receive a distribution from the case,
12 would have to file a proof of claim in the Chapter 11
13 proceeding. So by May 31st we'll have certainty with
14 respect to whether those plaintiffs have filed proofs
15 of claim, and under a line of Supreme Court cases
16 starting with Katchen v. Landy and Granfinanciera, if
17 those plaintiffs file proofs of claim they will submit
18 themselves to the jurisdiction of the bankruptcy court.
19 So by May 31st we'll have more certainty on whether
20 there is related-to jurisdiction, and if they have
21 filed proofs of claim, I think there may be even
22 arising-under jurisdiction with respect to those
23 matters.

24 THE COURT: What's going to happen between now
25 and May 31st that's going to give you more confidence

1 that there's relatedness?

2 MR. FONG: Well, by May 31st we'll be sure of
3 whether the plaintiffs in those actions have filed
4 proofs of claim. And if they have they'll have
5 submitted themselves to jurisdiction of this Court. So
6 the issue of related-to jurisdiction sort of becomes
7 obviated because they have in fact agreed to become
8 subject to this Court's jurisdiction. So by virtue of
9 transferring them, there's no issue of whether there's
10 jurisdiction over those matters, because the core of
11 the proofs of claim and the core of the Illinois
12 actions would be the derailment, because the proofs of
13 claim would assert claims arising out of the derailment
14 that the plaintiffs may have in the Illinois actions.
15 So it would be the same core nucleus of fact that
16 relate to the proof of claim itself and to their action
17 pending in the Illinois District Court.

18 So by May 31st we'll have more certainty over the
19 issue of whether there's related-to jurisdiction and,
20 Your Honor, we could come back to you in, as in New
21 England Compounding, post May 31st and inform Your
22 Honor as to whether the plaintiffs in the Illinois
23 actions have filed proofs of claim and maybe even
24 inform Your Honor of whether that has any effect on the
25 jurisdictional issue that we're arguing in front of

1 Your Honor today.

2 The second reason the committee supports this
3 construct is that the goal of the committee has always
4 been to seek a global resolution of all the issues in
5 the Chapter 11 case. And, as Mr. Keach said, 157(b)(5)
6 is the mechanism to do that by centralizing all claims.
7 So part and parcel of the committee's request that Your
8 Honor preliminarily transfer the cases here is that the
9 Court use its inherent power to control this docket to
10 issue a stay of all the pending matters in the Illinois
11 cases.

12 That would be beneficial for the parties for two
13 reasons. Number one, it would allow the parties to
14 focus on actually negotiating and trying to come to a
15 resolution, whether it be in the form of a Chapter 11
16 plan or some other mechanism where all the issues can
17 be settled. And, number two, it would -- it would
18 alleviate any concerns that Mr. Cohn's clients would
19 have over any prejudicial actions that may be taken in
20 this district, such as decisions with respect to choice
21 of law or any other dispositive motions.

22 So between now and May 31st the parties could just
23 focus on trying to come to a settlement. We could have
24 more clarity on whether the plaintiffs have filed
25 proofs of claim, thereby submitting to the jurisdiction

1 of this court. And by May 31st some of the issues
2 before Your Honor today may change or may become
3 mooted. But from today to May 31st the committee
4 requests that the parties be given an opportunity to
5 try to come to a resolution and then would come back to
6 you after May 31st to provide the Court an update. If
7 Your Honor has no other questions, I'll cede the
8 podium.

9 THE COURT: All right, thank you. Mr. DeTroy?

10 MR. DETROY: Thank you very much, Your Honor.

11 As he typically does, Mr. Keach has pretty much
12 covered the landscape, so I'll appear as much as
13 anything else to --

14 THE COURT: You don't have to use your entire
15 10 minutes.

16 MR. DETROY: I know and I'll take that
17 suggestion to heart.

18 As you know, we filed a motion to transfer Western
19 back in September because we were obviously concerned
20 about the very issues that Mr. Keach has also raised.
21 Very simply my clients do not want to be fighting in
22 multiple fronts. This is a single mass tort
23 catastrophe, and these are the kinds of cases that
24 typically, if there was -- spread out in a number of
25 different federal jurisdictions, would be MDL'd. This

PROPOSED ORDER

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MAINE**

In re:

**MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,**

Debtor.

Chapter 11

Case No. 13-10670 (LHK)

**ORDER GRANTING MOTION OF OFFICIAL COMMITTEE OF VICTIMS SEEKING
MODIFICATION OF COMMITTEE APPOINTMENT ORDER TO AUTHORIZE
COMMITTEE TO FULLY PARTICIPATE IN WRONGFUL DEATH PROCEEDINGS
PENDING BEFORE MAINE DISTRICT COURT**

Upon consideration of the motion (the “Motion”)¹ of the Official Committee of Victims (the “Committee”) appointed in the chapter 11 case of Montreal Maine & Atlantic Railway, Ltd. (the “Debtor”), for entry of an order modifying the *Order Authorizing the Appointment of a Victims’ Committee* [Docket No. 391] (the “Appointment Order”) to authorize the Committee to take any and all actions in the Wrongful Death Proceedings currently pending before the United States District Court for the District of Maine (the “Maine District Court”); and it appearing that the Court has jurisdiction to consider the Motion and the relief requested therein; and due notice of the Motion having been provided; and it appearing that no other or further notice need be provided; and after due deliberation and sufficient cause appearing therefor; it is hereby

ORDERED that:

1. The Motion is GRANTED.
2. The Appointment Order is hereby modified to authorize the Committee to file any motion(s) and to take any action(s) in the Wrongful Death Proceedings pending before the Maine

¹ Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Motion.

District Court, subject to the Maine District Court's orders with respect to the propriety or merits of any such motion(s) or action(s).

3. The entry of this Order shall be without prejudice to the rights of the Committee or any party in interest to seek further modification of the Appointment Order.

4. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: _____, 2014

HONORABLE LOUIS H. KORNREICH
CHIEF UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MAINE**

In re:

**MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,**

Debtor.

Chapter 11

Case No. 13-10670 (LHK)

**NOTICE OF HEARING REGARDING MOTION OF OFFICIAL COMMITTEE OF
VICTIMS SEEKING MODIFICATION OF COMMITTEE APPOINTMENT ORDER TO
AUTHORIZE COMMITTEE TO FULLY PARTICIPATE IN WRONGFUL DEATH
PROCEEDINGS PENDING BEFORE MAINE DISTRICT COURT**

The Official Committee of Victims (the “Committee”) appointed in the chapter 11 case of Montreal Maine & Atlantic Railway, Ltd. (the “Debtor”), by and through its counsel, has filed the *Motion Of Official Committee Of Victims Seeking Modification Of Committee Appointment Order To Authorize Committee To Fully Participate In Wrongful Death Proceedings Pending Before Maine District Court* (the “Motion”).

PLEASE TAKE NOTICE that a hearing on the Motion will be held **September 12, 2014 at 10:00 a.m.** (the “Hearing”) before the United States Bankruptcy Court, District of Maine, 202 Harlow Street, Third Floor, Bangor, ME 04401. You may attend the Hearing with respect to the Motion.

PLEASE TAKE FURTHER NOTICE that responses or objections to the Motion must be filed with the Court on or before **September 5, 2014 at 5:00 p.m. (ET)** (the “Objection Deadline”). If you are unable to access the Court’s CM/ECF Filing System, your response or objection to the Motion must be served on: (i) the United States Bankruptcy Court for the District of Maine, 202 Harlow Street, Bangor, ME 04401, Attn: Alec Leddy, Clerk; (ii) Co-counsel for the Committee, (a) Perkins Olson, 32 Pleasant Street, PO Box 449, Portland, Maine 04112, Attn: Richard P. Olson, Esq., and (b) Paul Hastings LLP, Park Avenue Tower, 75 East 55th Street, First Floor, New York, New York 10022, Attn: Luc A. Despins, Esq. and Christopher J. Fong, Esq.; and (iii) the Office of the United States Trustee, 537 Congress Street, Portland, ME 04101, Attn: Jennifer H. Pincus, Esq. If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the Objection Deadline.

PLEASE TAKE FURTHER NOTICE that if no responses or objections to the Motion are filed or received, the Court may enter an order granting the relief requested therein.

Dated: August 15, 2014

OFFICIAL COMMITTEE OF VICTIMS

/s/ Luc A. Despins

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MAINE**

In re:

**MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,**

Debtor.

Chapter 11

Case No. 13-10670 (LHK)

CERTIFICATE OF SERVICE

I, Christopher J. Fong, hereby certify that I am over eighteen years old and caused true and correct copies of the following motion to be served electronically upon all interested parties as set forth in the ECF list on August 15, 2014:

- Motion Of Official Committee Of Victims Seeking Modification Of Committee Appointment Order To Authorize Committee To Fully Participate In Wrongful Death Proceedings Pending Before Maine District Court [Docket No. 1077].

Dated: August 15, 2014

s/ Christopher J. Fong _____

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