

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670
Chapter 11

**MOTION FOR EXPEDITED HEARING AND SHORTENED OBJECTION PERIOD
WITH RESPECT TO TRUSTEE'S MOTION, PURSUANT TO 11 U.S.C. §§ 105(a)
AND 503, FOR AN ORDER ESTABLISHING THE DEADLINE FOR FILING
ADMINISTRATIVE CLAIMS AND APPROVING THE FORM
AND MANNER OF NOTICE THEREOF**

Robert J. Keach, the Trustee (the "Trustee") of Montreal Maine & Atlantic Railway, Ltd. (as the name may have been changed, the "Debtor"), by and through his undersigned counsel, hereby moves this Court for an expedited hearing and shortened objection period (the "Motion to Expedite") with respect to the Trustee's Motion, Pursuant to 11 U.S.C. §§ 105(a) and 503, for an Order Establishing the Deadline for Filing Administrative Claims and Approving the Form and Manner of Notice Thereof [D.E. 1134] (the "Motion"). In support of the Motion to Expedite, the Trustee states as follows:

JURISDICTION, VENUE, AND STATUTORY BASIS

1. This Court has jurisdiction to entertain the Motion to Expedite pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The relief requested in this Motion to Expedite is predicated upon 11 U.S.C. §§ 105(a) and 105(d), Rule 9013-1(i) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the District of Maine (the "Local Rules"), and the Court's inherent authority to control its docket.

BACKGROUND

3. On or about August 7, 2013 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Maine. Simultaneously, the Debtor’s wholly-owned subsidiary, Montreal Maine & Atlantic Canada Co. (“MMA Canada”) filed for protection under Canada’s Companies’ Creditors Arrangement Act.

4. On or about August 21, 2013, the United States Trustee appointed the Trustee to serve as trustee in the Debtor’s chapter 11 case pursuant to 11 U.S.C. § 1163.

5. As set forth in the Order Pursuant to 11 U.S.C. §§ 105(a) and 502(b)(9), Fed. R. Bankr. P. 3002 and 3003(c)(3), and D. Me. LBR 3003-1 Establishing Deadline for Filing Proof of Claims and Procedures Relating Thereto and Approving Form and Manner of Notice Thereof [D.E. 783], the deadline for alleged creditors to file proofs of claims for prepetition claims against the Debtor, other than the Derailment Claims,¹ was June 13, 2014. The deadline to file a Derailment Claim was July 14, 2014.

6. A bar date for filing applications for payment of administrative claims and/or expenses in relation to the Debtor has not yet been set by this Court.

RELIEF REQUESTED

7. By this Motion to Expedite, the Trustee requests that the Court: (a) schedule a hearing on the Motion for **October 21, 2014 at 10:00 a.m.**; (b) set a shortened objection deadline for **October 17, 2014**; and (c) approve service of the Motion to Expedite and the Motion in the manner set forth herein.

¹ “Derailment Claims” shall mean any and all claims against MMA and/or MMA Canada arising out of or relating to the Derailment, including, but not limited to, wrongful death, personal injury, property damage, contribution and/or indemnity claims, among others.

BASIS FOR REQUESTED RELIEF

8. The Motion seeks to set the administrative claims bar date (for the types of administrative claims identified in the Motion) for December 1, 2014. Setting the administrative claims bar date for this date is important to the Case because the Debtor is in the process of drafting a plan of reorganization and the Debtor will need to have a clear understanding of the administrative claims being asserted against the estate in order to work through various issues with the plan. For these reasons, setting the administrative claims bar date sooner rather than later is important to the Debtor.

9. Absent a request for an expedited hearing, a movant seeking the type of relief set forth in the Motion must provide twenty-one days' notice of, and a response date must be set more than seven calendar days prior to, a final hearing date. Fed. R. Bankr. P. 2002(a)(3); Local Rule 9013-1(d)(5).

10. The Court has already scheduled hearings for October 21, 2014 at 10:00 a.m. with respect to several matters in the Case. In the event the Motion can be heard on this date, the Debtor will be able to serve the administrative claims bar date order in a manner that will provide creditors with sufficient time to file any claims in advance of the December 1, 2014 deadline set forth in the Motion. Absent having the Motion heard on an expedited basis, the deadline for filing administrative claims would likely have to be pushed past the proposed date and any later date could interfere with the plan process as described above.

11. For these reasons, the Trustee requests that a hearing on the Motion be scheduled for the same date and time to allow expedited consideration of the relief sought by the Trustee.

NOTICE

12. Notice of this Motion to Expedite was served on the following parties on the date and in the manner set forth in the certificate of service: (a) the United States Trustee; (b) applicable federal and state taxing authorities; (c) counsel for any committee appointed pursuant

to 11 U.S.C. § 1102(a)(2); and (d) others who have, as of the date of the Motion, entered an appearance and requested service of papers in the chapter 11 case. In light of the nature of the relief requested in the Motion to Expedite and the Motion, the Trustee requests that the Court approve notice to, and service of the Motion to Expedite and the Motion on, the parties set forth above as adequate and sufficient notice under the circumstances.

CONCLUSION

WHEREFORE, the Trustee requests that this Court enter an Order (a) finding that service of the Motion to Expedite and the Motion in the manner described herein was sufficient to all parties in interest under the circumstances of this case; (b) granting the Motion to Expedite; and (c) setting a hearing on the Motion for **October 21, 2014 at 10:00 a.m.** and a shortened objection deadline for **October 17, 2014**; and (d) granting such other and further relief as the Court deems just and equitable under the circumstances.

Dated: October 3, 2014

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

By his attorneys:

/s/ Sam Anderson

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

**ORDER GRANTING MOTION FOR EXPEDITED HEARING AND SHORTENED
OBJECTION PERIOD WITH RESPECT TO TRUSTEE'S MOTION, PURSUANT
TO 11 U.S.C. §§ 105(a) AND 503, FOR AN ORDER ESTABLISHING THE
DEADLINE FOR FILING ADMINISTRATIVE CLAIMS AND
APPROVING THE FORM AND MANNER OF
NOTICE THEREOF**

This matter having come before the Court on the Motion for Expedited Hearing and Shortened Objection Period with Respect to Trustee's Motion, Pursuant to 11 U.S.C. §§ 105(a) and 503, for an Order Establishing the Deadline for Filing Administrative Claims and Approving the Form and Manner of Notice Thereof (the "Motion to Expedite") filed by Robert J. Keach, the chapter 11 trustee in the above-captioned case, with respect to the Trustee's Motion, Pursuant to 11 U.S.C. §§ 105(a) and 503, for an Order Establishing the Deadline for Filing Administrative Claims and Approving the Form and Manner of Notice Thereof [D.E. 1134] (the "Motion"), and upon consideration of all responses to the Motion to Expedite (if any), it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** as follows:

1. Notice and service of the Motion to Expedite and the Motion were sufficient in light of the nature of the relief requested.
2. The Motion to Expedite is granted.

3. The hearing on the Motion shall be held on October 21, 2014 at 10:00 a.m. in
Bangor, Maine.

Dated:

The Honorable Louis H. Kornreich
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

NOTICE OF EXPEDITED HEARING

Robert J. Keach, the duly appointed chapter 11 trustee (the “Trustee”) in the above-captioned case, has filed a Motion for Expedited Hearing and Shortened Objection Period with Respect to Trustee’s Motion, Pursuant to 11 U.S.C. §§ 105(a) and 503, for an Order Establishing the Deadline for Filing Administrative Claims and Approving the Form and Manner of Notice Thereof [D.E. 1135] (the “Motion to Expedite”), seeking an expedited hearing on the Trustee’s Motion, Pursuant to 11 U.S.C. §§ 105(a) and 503, for an Order Establishing the Deadline for Filing Administrative Claims and Approving the Form and Manner of Notice Thereof [D.E. 1134] (the “Motion”).

If you do not want the Court to approve the Motion to Expedite or the Motion, then on or before **October 17, 2014**, you or your attorney must file with the Court a response or objection explaining your position. If you are not able to access the CM/ECF Filing System, then your response should be served upon the Court at:

Alec Leddy, Clerk
United States Bankruptcy Court for the District of Maine
202 Harlow Street
Bangor, Maine 04401

If you do have to mail your response to the Court for filing, then you must mail it early enough so that the Court will receive it **on or before October 17, 2014**.

You may attend the final hearing with respect to the Motion to Expedite scheduled to be held at the Bankruptcy Court, 202 Harlow Street, Bangor, Maine on **October 21, 2014 at 10:00 a.m. E.S.T.** If the Motion to Expedite is granted at that time, the Court may immediately thereafter conduct a hearing to consider, and may grant some or all of the relief sought by, the Motion.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one. If you do not have an attorney, you may wish to consult one.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion to Expedite or the Motion, and may enter an order granting the requested relief without further notice or hearing.

Dated: October 3, 2014

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

By his attorneys:

/s/ Sam Anderson

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