

RELIEF REQUESTED WITHOUT A HEARING

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MAINE

In re:

Bk. No. 13-10670

Chapter 11

MONTREAL, MAINE & ATLANTIC
RAILWAY, LTD.,

Debtor,

v.

ROBERT J. KEACH, solely in his capacity as
the chapter 11 trustee for MONTREAL,
MAINE & ATLANTIC RAILWAY, LTD.,

Adversary Proceeding No. 14-1001

Plaintiff,

v.

WORLD FUEL SERVICES CORPORATION,
WORLD FUEL SERVICES, INC.,
WESTERN PETROLEUM COMPANY,
WORLD FUEL SERVICES, CANADA, INC.,
PETROLEUM TRANSPORT SOLUTIONS,
LLC, CANADIAN PACIFIC RAILWAY
COMPANY, and IRVING OIL LIMITED,

Defendants.

**CONSENTED TO MOTION TO EXTEND THE DEADLINE FOR CANADIAN PACIFIC
RAILWAY COMPANY TO RESPOND TO AMENDED COMPLAINT**

Defendant Canadian Pacific Railway Company (“CP”) hereby files this motion, with the consent of Plaintiff Robert J. Keach, solely in his capacity as the chapter 11 trustee of Montreal Maine & Atlantic Railway, Ltd., seeking an order from the Court extending the deadline for CP to respond to the Amended Complaint. In support of this consented-to motion, CP states as follows:

1. On January 30, 2014, the Trustee commenced the Adversary Proceeding against World Fuel Services Corporation, World Fuel Services, Inc., Western Petroleum Company,

World Fuel Services, Canada, Inc., and Petroleum Transport Solutions, LLC. As a result of new facts, information and evidence that came to light following the commencement of this proceeding, the Trustee filed the Motion for Leave to Amend Complaint (the “Motion to Amend”) [Adv. D.E. 60] seeking, *inter alia*, to add Canadian Pacific Railway Company (“CPR”) as an additional party defendant. On December 23, 2015, the Court entered an order granting the Motion to Amend (the “Order Granting Leave”) [Adv. D.E. 88]. Thereafter, on January 9, 2015, the Trustee filed, and subsequently served, the First Amended Complaint (the “Amended Complaint”) [Adv. D.E. 95]. On January 15, 2015, counsel for CP accepted service of the Amended Complaint on behalf of CP [D.E. 106].

2. As set forth in the Order Granting Leave, CP “shall file an answer to the [Amended Complaint] or otherwise plead” no later than one-hundred and twenty (120) days of service of the Amended Complaint. Order Granting Leave, ¶ 5. Accordingly, the deadline for CP to respond to the Amended Complaint is May 15, 2015.

3. Pursuant to the Amended Joint Pretrial Statement/Pretrial Order (the “Amended JPO”) [Adv. D.E. 108] and the Third Amended Joint Pretrial Statement/Pretrial Order [Adv. D.E. 113], the Trustee and CP have engaged in jurisdictional discovery.

4. On January 15, 2015, CP filed its Motion to Withdraw the Reference Under 28 U.S.C. § 157(d) and Fed. R. Bankr. P. 5011(a) (the “Motion to Withdraw”) [Adv. D.E. 102]. The motion has been fully briefed and is pending in the United States District Court for the District of Maine (the “District Court”), File No. 15-mc-00022-NT. That motion will determine whether the Bankruptcy Court or District Court will adjudicate this adversary proceeding.

5. CP intends to file a motion under Fed. R. Bankr. P. 7012 or Fed. R. Civ. P. 12, as applicable, in response to the Amended Complaint. However, given the Motion to Withdraw,

the question of which court will hear that motion will not be determined until the Motion to Withdraw is decided. For the sake of efficiency, the deadline for CP's response to the Amended Complaint should be extended until two weeks after a ruling on the Motion to Withdraw.

WHEREFORE, CP, with the Trustee's consent, requests that the response time for CP to respond to the Amended Complaint, whether by answer or motion, be extended until two weeks after the District Court decides the Motion to Withdraw.

Dated: May 8, 2015

BRIGGS AND MORGAN, P.A

By: /s Paul J. Hemming
Timothy R. Thornton
John R. McDonald
Paul J. Hemming
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And

PEARCE & DOW, LLC

By: /s Joshua R. Dow
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**ATTORNEYS FOR CANADIAN
PACIFIC RAILWAY COMPANY**

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MAINE

In re:

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RAILWAY, LTD.,

Debtor,

v.

ROBERT J. KEACH, solely in his capacity
as the chapter 11 trustee for MONTREAL,
MAINE & ATLANTIC RAILWAY, LTD.,

Plaintiff,

v.

WORLD FUEL SERVICES
CORPORATION, WORLD FUEL
SERVICES, INC., WESTERN
PETROLEUM COMPANY, WORLD
FUEL SERVICES, CANADA, INC.,
PETROLEUM TRANSPORT
SOLUTIONS, LLC, CANADIAN
PACIFIC RAILWAY COMPANY, and
IRVING OIL LIMITED,

Defendants.

Bk. No. 13-10670

Chapter 11

Adversary Proceeding No. 14-1001

ORDER SETTING CP'S RESPONSE TIME TO THE AMENDED COMPLAINT

Upon consideration of Canadian Pacific Railway Company's (CP) consented-to motion to extend the deadline to answer or otherwise plead in response to the amended complaint, the Court grants CP's motion. CP's response to the amended complaint, whether by answer or motion, is now due two weeks after the district court decides the

pending motion to the withdraw the reference [Adv. D.E. 102]; Court File No. No. 15-
mc-00022-NT.

This Order shall become final in 14 days unless a party in interest sooner objects,
in which case this Court will hear and decide the issue as if this Order had not been
entered.

Dated: May ____, 2015

Hon. Peter G. Cary
Chief United States Bankruptcy Judge

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RAILWAY, LTD.,
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Adversary Proceeding No. 14-1001

ROBERT J. KEACH, solely in his capacity
as the chapter 11 trustee for MONTREAL,
MAINE & ATLANTIC RAILWAY, LTD.,

Plaintiff

v.

CERTIFICATE OF SERVICE

WORLD FUEL SERVICES
CORPORATION, WORLD FUEL
SERVICES, INC., WESTERN
PETROLEUM COMPANY, WORLD
FUEL SERVICES, CANADA, INC.,
PETROLEUM TRANSPORT
SOLUTIONS, LLC, IRVING OIL
LIMITED, AND CANADIAN PACIFIC
RAILWAY COMPANY

Defendants.

I, Patricia A. Kringen, being over the age of eighteen and an employee of Briggs and Morgan, P.A. in Minneapolis, Minnesota, hereby certify that, on May 8, 2015, I filed the following pleading in the above-referenced adversary proceeding:

1. Consented to Motion to Extend the Deadline for Canadian Pacific Railway Company to Respond to Amended Complaint;
2. Proposed Order Setting CP's Response Time to the Amended Complaint;

via the Court's CM/ECF electronic filing system, which sent notice to all parties receiving notification through the CM/ECF system.

Dated: May 8, 2015

/s/ Patricia A. Kringen

Briggs and Morgan, P.A.
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