UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

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

TRUSTEE'S MOTION FOR AN ORDER DISBANDING THE OFFICIAL COMMITTEE OF VICTIMS

Robert J. Keach, the chapter 11 trustee (the "Trustee") in the above-captioned chapter 11 case of Montreal Maine & Atlantic Railway, Ltd. ("MMA" or the "Debtor"), by and through his undersigned counsel, hereby moves this Court for an order disbanding the official committee of victims (the "Committee") appointed by the Office of the United States Trustee (the "U.S. Trustee") pursuant to 11 U.S.C. § 1102(a)(2). In support hereof, the Trustee respectfully states the following:

JURISDICTION AND VENUE

1. This Court has jurisdiction to entertain this Motion 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 predicates for the relief sought herein are §§ 105 and 1102 of title 11 of the United States Code (the "Bankruptcy Code").

BACKGROUND

A. The Derailment

3. On July 6, 2013, an unmanned eastbound MMA train with 72 carloads of crude oil, a buffer car, and 5 locomotive units derailed in Lac-Mégantic, Québec (the "Derailment").

The transportation of the crude oil had begun in New Town, North Dakota by the Canadian Pacific Railway ("CP") and the Debtor's wholly owned subsidiary, Montreal Maine & Atlantic Canada Co. ("MMA Canada"), later accepted the rail cars from CP at Saint-Jean, Québec. The crude oil was to be transported via the Saint-Jean-Lac-Mégantic line through Maine to its ultimate destination in Saint John, New Brunswick.

4. The Derailment set off several massive explosions, destroyed part of downtown Lac-Mégantic, and is presumed to have killed 47 people. A large quantity of oil was released into the environment, necessitating an extensive cleanup effort. As a result of the Derailment and the related injuries, deaths, and property damage, lawsuits were filed against the Debtor in both the United States and Canada. After the Derailment, Canadian train activity was temporarily halted between Maine and Québec on the MMA Canada line, resulting in the Debtor losing much of its freight business. These effects of the Derailment caused the Debtor's aggregate gross revenues to fall drastically to approximately $1 million per month.

B. Commencement of the Chapter 11 Case and the Canadian Case

5. On August 7, 2013, the Debtor filed a voluntary petition for relief commencing a case under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Maine (the "Case"). Simultaneously, MMA Canada filed for protection under Canada's Companies' Creditors Arrangement Act (Court File No. 450-11-000167-134, the "Canadian Case").[1] On August 21, 2013, the U.S. Trustee appointed the Trustee to serve as trustee in the Debtor's Case pursuant to 11 U.S.C. § 1163. [D.E. No. 64].

[1] The court presiding over the Canadian Case shall be referred to herein as the "CCAA Court".

C. Appointment of the Committee and Entry of the Representation Order

6. In the days following the Trustee's appointment, certain victims of the Derailment filed the following two motions (together, the "Committee Appointment Motions," and the movants, the "Committee Appointment Movants"), each seeking an order directing the U.S. Trustee to appoint an official committee in this Case pursuant to 11 U.S.C. § 1102(a)(2):[2]

(a) the *Wrongful Death Claimants' Motion for Formation of Creditors' Committee* [D.E. No. 76], allegedly filed by 18 representatives of certain probate estates and allegedly joined by 15 other representatives of certain decedents [D.E. No. 78] (collectively, the "WD Claimants"), all of whom assert claims against the Debtor for, *inter alia*, wrongful death and/or personal injuries resulting from the Derailment; and

(b) the *Motion of Informal Committee of Québec Claimants for Appointment of Creditors' Committee Pursuant to Bankruptcy Code Section 1102(a)(2)* [D.E. No. 127] filed by the Informal Committee of Québec Claimants (the "Québec Committee"), comprising (i) the government of the Province of Québec, Canada, (ii) the municipality of Lac-Mégantic, Québec, and (iii) the representatives of a Canadian class action lawsuit brought by victims of the Derailment (the "QCAPs").

7. On September 11, 2013, the Trustee filed a response to the Committee Appointment Motions, arguing among other things that that appointment of an official committee would be unnecessary, financially burdensome and potentially detrimental to all creditors because, as a matter of law, the Trustee serves as the fiduciary to all creditors, including the victims of the Derailment. *See* D.E. No. 212. When it became evident that any committee's membership would not be limited to wrongful death claimants, the WD Claimants eventually opposed formation of a committee. *See* D.E. No. 214. After obtaining the agreement of counsel

[2] In a typical chapter 11 case, the appointment of a committee of creditors by the U.S. Trustee is uncontroversial and is governed by Bankruptcy Code section 1102(a)(1). However, in a railroad reorganization, section 1102(a)(1) does not apply. *See* 11 U.S.C. §1165. The Committee Appointment Movants based their request on section 1102(a)(2), which allows the Court to order the appointment by the U.S. Trustee of "additional committees of creditors or of equity security holders . . . to assure adequate representation . . . ." *See* 11 U.S.C. § 1102(a)(2).

to the Québec Committee that any committee appointed would have a limited scope of duties, however, the Trustee withdrew his objection. *See* D.E. No. 391.

8. On October 18, 2013, the Court entered the *Order Authorizing the Appointment of a Victims' Committee* [D.E. No. 391] (the "Appointment Order"), pursuant to which the Court authorized the U.S. Trustee under Bankruptcy Code section 1102(a)(2) to appoint a victims' committee in this Case to "assure adequate representation of victims of the Lac-Mégantic derailment." *See* Appointment Order at 4. The Appointment Order provided that the Committee "shall not be empowered to employ any professionals other than counsel or . . . to perform any duties beyond those enumerated in § 1103(c)(1) and (3) without specific leave of court." *See* Appointment Order at 4.3 (such powers, the "Scope of Powers"). Bankruptcy Code section 1103(c)(1) and (3) provide:

> A committee appointed under section 1102 of this title may—
>
> (1) consult with the trustee or debtor in possession concerning the administration of the case;
>
> . . .
>
> (3) 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;

11 U.S.C. § 1103(c). Notably absent from the Scope of Powers are the open-ended authorities typically bestowed upon official committees to (a) "investigate the acts, conduct, assets, liabilities, and financial condition of the debtor . . . and any other matter relevant to the case or to the formulation of a plan" and (b) "perform such other services as are in the interest of those represented." *See* 11 U.S.C. § 1103(c)(2), (5).

9. On November 27, 2013, the U.S. Trustee filed and served its *Appointment and Notice of Appointment of Committee of Creditors* [D.E. No. 460] and appointed Serge Jacques, Jacinthe LaCombe, and Megane Turcotte to the Committee. On December 10, 2013, the U.S.

Trustee filed the *Amended Appointment and Notice of Appointment of Committee of Creditors* [D.E. 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 of Québec, Canada and the municipality of Lac-Mégantic, Québec *ex officio* members of the Committee.

10. On February 11, 2014, the Court authorized the Committee to retain Paul Hastings LLP [D.E. No. 647] (the "Retention Order").[3]

11. On April 4, 2014, after negotiations among the monitor in the Canadian Case (the "Monitor"), MMA Canada, the Trustee and putative class counsel in a class action filed in Québec (the "Québec Class Action"), the Canadian Court entered an order in the Canadian Case (the "Representation Order") providing that victims of the Derailment with claims against MMA Canada were deemed to become members of a class represented by certain class members (collectively, the "Class Representatives") and counsel to such class ("Class Counsel"), unless such victims opted out of such representation. The only claimants who opted out were the WD Claimants, who remain represented by U.S. counsel. As a consequence of entry of the Representation Order, all of the victims of the Derailment are represented by parties and counsel separate from the Committee and its counsel.

12. On September 19, 2014, the Court entered an order (the "Amended Scope Order") modestly expanding the Scope of Powers to authorize the Committee to *request permission* from the Maine District Court to: (i) seek a transfer of the remaining nineteen wrongful death lawsuits filed in Cook County, Illinois (the "Wrongful Death Proceedings"); (ii) be heard on any issues related to the *Consent Order Staying Proceedings Pending Appeal* [No. 13-00184, D.E. No. 253] (the "Consent Order") or a stay of the Wrongful Death Proceedings; and (iii) be heard on any

[3] In addition, while the Committee has not yet filed an application to retain Perkins Olson, P.A. ("Perkins"), Perkins signs and files the Committee's pleadings.

issues related to a global settlement of the claims asserted in the Wrongful Death Proceedings (the Committee's duties as expanded by the Amended Scope Order, the "Amended Scope of Powers").[4]

D. Settlement Negotiations and Plan Process

13. Since the commencement of the Case, the Trustee, the Monitor, the Debtor, MMA Canada, Class Counsel and the WD Claimants have engaged in settlement discussions with various parties identified as potentially liable for damages arising from the Derailment (collectively, the "Settlement Discussions"). (The Committee has, at times, been involved in some of these Settlement Discussions.) As a result of the Settlement Discussions, approximately 22 entities or groups of affiliated entities have entered into settlement agreements, whereby they agree to contribute to a settlement fund in exchange for, *inter alia*, a full and final release of all claims arising out of the Derailment. The settlement fund is, as of the date hereof, approximately (CAD) $300 million (the "Settlement Fund"). In addition, those same parties negotiated an allocation of the Settlement Fund among categories of claimants as well as matrices governing the distribution of funds to individual claimants.[5]

14. On March 31, 2015, MMA Canada filed the *Plan of Compromise and Arrangement* (the "Canadian Plan"). The hearing to sanction the Canadian Plan is currently scheduled for June 17, 2015.[6] Also on March 31, 2015, the Trustee filed the *Disclosure*

[4] The Consent Order was amended on March 23, 2015 [No. 13-00184, D.E. No. 277] (the "Amended Consent Order"). In short, the Amended Consent Order implements a consensual stay of the Wrongful Death Proceedings as against the Settling Defendants (as defined in the Amended Consent Order) and stays any additional wrongful death complaints that might be filed against the Settling Defendants related to the Derailment pending, among other things, the tolling of a 30-day period following filing of a notice of termination of such stay.

[5] Amid these settlement discussions, in the first half of 2014, the Trustee and the Monitor consummated a several-month long sale process, which effected the transfer of substantially all the Debtor's and MMA Canada's assets to a third-party purchaser in exchange for a $14,250,000 net payment to the Debtor and MMA Canada.

[6] As previously reported to the Court, the Monitor will file a chapter 15 case in the United States to seek enforcement of the order of the MMA Court sanctioning the Canadian Plan.

Statement for the Trustee's Plan of Liquidation Dated March 31, 2015 [D.E. No. 1385] (the "Disclosure Statement") and the *Trustee's Plan of Liquidation Dated March 31, 2015* [D.E. No. 1384] (the "Plan"). A hearing to consider whether the Disclosure Statement contains "adequate information" within the meaning of Bankruptcy Code section 1125 and approve certain procedures to solicit votes on the Plan is scheduled for June 23, 2015.

E. The Stay Termination Notice and the Committee's Opposition

15. On May 7, 2015, certain Derailment victims filed a notice of termination of stay in accordance with the Amended Consent Order [No. 1:13-mc-00184-NT, D.E. No. 280; No. 1-14-cv-00113-NT, D.E. No. 163] (the "Stay Termination Notice"). On May 18, 2015, the Committee filed the *Motion of Official Committee of Victims for Order, Pursuant to Court's March 23, 2015 Stay Order, to Reimpose Stay and Scheduling Hearing* [No. 1:13-mc-00184-NT, D.E. No. 282; No. 1-14-cv-00113-NT, D.E. No. 165] (the "Stay Reimposition Motion"), pursuant to which the Committee seeks reimposition of the stay of the Wrongful Death Proceedings that will be terminated pursuant to the terms of the Stay Termination Notice and the Amended Consent Order. On June 1, 2015, the Trustee filed a response to the Stay Reimposition Motion, arguing *inter alia* that the concerns expressed by the Committee were speculative and outside its mandate and that the relief requested was detrimental to the Settlement Discussions and in any case would not address the concerns expressed by the Committee. *See* No. 1:13-mc-00184-NT, D.E. No. 287; No. 1-14-cv-00113-NT, D.E. No. 169.

RELIEF REQUESTED

16. By this Motion, the Trustee respectfully requests that this Court enter an order (a) disbanding the Committee or, in the event the Court determines not to disband the Committee, (b) rescinding the Retention Order.

BASIS FOR RELIEF

17. This Court has the authority under Bankruptcy Code sections 1102(a)(2) and 105 to disband a committee formed pursuant to its own order. In this Case, the Court should disband the Committee because the Committee no longer serves any purpose, is expensive to maintain, and has become counterproductive in the Trustee's efforts to confirm a chapter 11 plan for the benefit of the Debtor's stakeholders.

A. This Court Has the Authority to Disband the Committee

18. In contrast to Bankruptcy Code section 1102(a)(1), in which Congress prescribed that a committee ***shall*** be formed in certain circumstances, section 1102(a)(2) provides that "[o]n request of a party in interest, ***the court may order*** the appointment of additional committees of creditors . . . if necessary to assure adequate representation of creditors. . . ." 11 U.S.C. § 1102(a) (emphasis added). In addition, Bankruptcy Code section 105(a) empowers the Court to "issue any order, process, or judgment that is ***necessary or appropriate to carry out the provisions of this title***." 11 U.S.C. § 105(a) (emphasis added). When read together, sections 1102 and 105 "imply a power to take actions necessary and proper to assure a properly functioning, fair and efficient committee system." *See Best Practices Report: Formation, Function & Obligation of Equity Committees in Chapter 11*, AMERICAN COLLEGE OF BANKRUPTCY (2011), at 59.[7] Indeed, it would make little sense for section 1102(a) to empower courts both to order the appointment of a committee and to change its membership—including by terminating members—but *not* to disband the committee whose appointment it ordered in the first instance. *See id.* at 60.

[7] Available at: http://www.wlrk.com/webdocs/wlrknew/AttorneyPubs/WLRK.21012.11.pdf.

19. In particular, at least two courts have explicitly found not only that they have the authority to disband a committee under Bankruptcy Code section 105, but also that the circumstances warranted such disbandment. In In re City of Detroit, upon the debtor's motion to vacate the appointment of the committee, the court found that because the debtor's case had been filed under chapter 9 and not 11, the U.S. Trustee's appointment of the committee had been unauthorized under section 1102(a)(1) and was thus null and void. 519 B.R. 673, 678 (Bankr. E.D. Mich. 2014) (finding that the "as soon as practicable after the order for relief *under chapter 11 of this title*" language precluded 1102(a)(1)'s applicability in a chapter 9 case). The court went on, however, to find that even if 1102(a)(1) did apply in chapter 9 cases (and thus the appointment had been valid), the court had authority to disband the committee—***even one appointed under the mandatory 1102(a)(1) requirement***—pursuant to Bankruptcy Code section 105(a). *Id.* at 679. The court reasoned that nothing in the Bankruptcy Code was inconsistent with vacating the appointment of the committee, and thus the court had equitable power to do so under section 105(a) if such action was "necessary or appropriate" to carry out the provisions of title 11. *Id.* at 680. Ultimately, the court granted the debtor's motion to disband the committee, determining that such action was necessary or appropriate because the committee: (a) brought little value to the case—despite the majority of its members having individually participated in a mandatory mediation, the committee itself had expressed an intention not to participate; and (b) was expensive to maintain. *Id.* at 681-82.

20. Similarly, in In re Pacific Ave, the chapter 11 trustee moved to disband the committee. 467 B.R. 868, 868 (Bankr. W.D.N.C. 2012). In considering the motion, the court noted that while the committee had been the only representative of unsecured interests at the time of its formation, the chapter 11 trustee had taken over that role upon his appointment. *Id.* at

870. And while not essential to the court's determination, the court noted that (a) the committee's efforts had "not been effective," (b) the "marked deterioration in progress toward [] confirmation" appeared in "substantial part" to have been caused by the committee, and (c) the committee's discovery efforts had merely amounted to "piling on." *Id.* at 870-71. Thus, the court ordered that the committee be disbanded, finding that it was "no longer necessary to protect the interests of its constituency; the administrative expense of the [c]ommittee [was] not justified; and the [c]ommittee has appeared to be counter-productive to the process of this case." *Id.* at 870 (finding authority to disband under § 105(d)).

21. For the reasons set forth by the courts in Detroit and Pacific Ave., this Court has authority to disband the Committee pursuant to Bankruptcy Code sections 1102(a) and 105.

B. The Committee at Best Serves No Purpose, and at Worst is Counterproductive, and in Either Case Is Costly to Maintain, and Thus Should be Disbanded

22. The Committee should be disbanded for several reasons. ***First***, because each of the constituents represented by the Committee is adequately represented by a separate constituency in this case, the Committee no longer serves any legitimate purpose. ***Second***, the Committee's actions as of late have served only to prolong and, indeed, to jeopardize the significant settlement negotiations that are paving the way for a distribution to the victims of the Derailment. ***Finally***, because the Committee no longer serves any legitimate purpose and is actually counterproductive to confirmation of a plan, allowing it to continue to exist and accrue expenses and professional fees serves only to waste estate assets with no possible benefit.

23. As an initial matter, the Committee no longer serves any legitimate purpose. While the Committee was appointed at a time when certain of the Committee's current constituents were not represented by counsel, the Representation Order changed that in April 2014, deeming all Derailment claimants who did not opt out members of a class that has Class

Counsel. The opt-outs are represented by U.S. Counsel. And as the Trustee pointed out in his Objection, the Trustee is a fiduciary to all creditors, including victims of the Derailment—no further representation has been shown to be (or is) necessary. *See* Pacific Ave, 467 B.R. at 870 (chapter 11 trustee took over committee's role of representing interests of unsecured creditors). Moreover, the Plan has been fully negotiated and enjoys the support of all victims of the Derailment, as expressed by actual counsel to those victims. *See* Detroit, 519 B.R. at 681-82 (disbanding committee in part because committee was taking action in direct contravention of the acts of the majority of its members). And while the Trustee continues to negotiate additional settlements, the Committee has no role in those negotiations, as has typically been the case. *See id.* (disbanding committee in part because of "the little value that the [c]ommittee would bring to the case"). There is nothing left for the Committee to do under its express mandate.

24. Perhaps in part because it no longer serves a legitimate purpose in this Case, the Committee has begun to act outside of its Amended Scope of Powers, such as by investigating fee structures as between the WD Claimants and counsel. As an initial matter, the Committee's actions appear to be *ultra vires*: they do not appear to qualify as one of the two initially permitted Committee acts: "consult[ing] with the trustee . . . concerning the administration of the case" or "participat[ing] in the formulation of a plan [or] advis[ing] those represented by such committee of such committee's determinations as to any plan formulated," and to the extent these acts fit within the Amended Scope of Powers, they are nevertheless counterproductive. The Trustee has reached settlements with the U.S. counsel to the WD Claimants on the distribution to such claimants under the Plan, including methods and criteria for paying contingent fees. The Committee's investigations and interventions have challenged and threatened these critical agreements. Indeed, to the Trustee's first point (that the Committee no longer serves any

legitimate purpose), the vast majority of the powers encompassed by the Amended Scope of Powers are either moot or stale at this point in the Case. But more importantly, and regardless of whether authorized by the Amended Scope Order, the Committee's actions are counterproductive to the Settlement Discussions and Plan prosecution in this Case. *See* Pacific Ave, 467 B.R. at 870 (disbanding committee in part because the "marked deterioration in progress toward [] confirmation" appeared in "substantial part" to have been caused by the committee).

25. The estate should not incur unnecessary costs, especially as each dollar of such cost erodes value otherwise available for distribution to the Debtor's constituents. The Committee may at one point have served a purpose in this Case, but that point—to the extent it existed—has passed. The Debtor's stakeholders—including the Derailment victims whose interests the Committee purports to represent—should not be forced to fund the professional fees of a constituent that serves no purpose in this Case, and may actually be frustrating such stakeholders' interests. *See* Detroit, 519 B.R. at 681-82; Pacific Ave., 467 B.R. at 870.

26. Allowing this Committee to go forward would serve no other purpose than to slow down the reorganization process and erode the estate's value with another layer of administrative expenses for no apparent gain. In consideration of the futility and unnecessary time and expense this Committee will cost both the Court and all parties to this proceeding (including the Committee's own constituents), the Court should disband the Committee.

C. In the Alternative, the Retention Order Should Be Rescinded

27. In the event the Court determines not to disband the Committee, the Trustee submits that, at a minimum, the Retention Order should be rescinded. *See, e.g.*, In re Cumberland Farms, Inc., 142 B.R. 593 (Bankr. D. Mass. 1992) (lenders committee formed by

U.S. Trustee denied ability to retain professionals at expense of estate where court found committee serving no legitimate purpose and duplicating efforts of others).

NOTICE

28. Notice of this Motion was served on the following parties on the date and in the manner set forth in the certificate of service: (1) the U.S. Trustee; (2) Debtor's counsel; (3) counsel to the Committee; (4) applicable federal and state taxing authorities; (5) the holders of secured claims against the Debtor, or if applicable, the lawyers representing such holders; (6) counsel to the plaintiffs in the Québec Class Action; (7) counsel to each Released Party (as defined in the Plan); (8) counsel to the plaintiffs in the PITWD Cases (as defined in the Disclosure Statement); and (9) others who have, as of the date of the Motion, entered an appearance and requested service of papers in this Case.

CONCLUSION

WHEREFORE, the Trustee respectfully requests that this Court enter an order: (i) granting the relief requested herein; and (ii) granting such other and further relief as this Court deems necessary and appropriate.

Dated: June 4, 2015

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

By his attorneys:

/s/ Lindsay K. Zahradka

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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 TRUSTEE'S MOTION FOR AN ORDER DISBANDING THE OFFICIAL COMMITTEE OF VICTIMS

Upon the motion, dated June 4, 2015 (the "Motion")[1] of Robert J. Keach, the chapter 11 trustee (the "Trustee") in the above-captioned chapter 11 case of Montreal Maine & Atlantic Railway, Ltd. ("MMA" or the "Debtor") for the entry of an order, pursuant to sections 105 and 1102 of title 11 of the United States Code (the "Bankruptcy Code") disbanding the Committee, all as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been given; and it appearing that no other or further notice is required; and the Court having determined that disbandment of the Committee is in the best interests of the Debtor's estate, its creditors, and all parties in interest; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is:

ORDERED, that the Motion is granted; and it is further

[1] Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Motion.

ORDERED, that the Committee is hereby disbanded as of the date of this Order (the "Effective Date"); and it is further

ORDERED, that as of the Effective Date, the Committee shall be relieved of any obligations arising under the Appointment Order, the Amended Scope Order or the Bankruptcy Code, and the Committee's role and responsibilities in this Case shall cease; and it is further

ORDERED, that as of the Effective Date, the Committee's retained professionals (the "Professionals") shall be relieved of their obligations to undertake or continue any efforts or perform any activities on behalf of the Committee in this Case, and the roles and responsibilities of the Professionals shall cease; and it is further

ORDERED, that this Order is without prejudice to the rights of the Professionals to seek reimbursement for the reasonable and documented fees and expenses incurred in connection with representation of the Committee through the Effective Date; and it is further

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

Dated: _____, 2015

_____
The Honorable Peter G. Cary
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 HEARING

Robert J. Keach, the chapter 11 trustee in the above-captioned case (the "Trustee"), has filed the *Trustee's Motion for an Order Disbanding the Official Committee of Victims* (the "Motion"). A hearing to consider the Motion is scheduled to be held on **July 21, 2015 at 10:30 a.m. ET.**

If you do not want the Court to approve the Motion, then **on or before July 14, 2015 at 5:00 p.m. ET**, 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 July 14, 2015 at 5:00 p.m. ET.**

You may attend the final hearing with respect to the Motion scheduled to be held at the Bankruptcy Court, 537 Congress Street, 2nd Floor, Portland, Maine on **July 21, 2015 at 10:30 a.m. ET.** If no objections are timely filed and served, then the Court may enter a final order approving the Motion without any further hearing.

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, and may enter an order granting the requested relief without further notice or hearing.

Dated: June 4, 2015

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

By his attorneys:

/s/ *Lindsay K. Zahradka*

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