

**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 MOTION TO APPROVE, AND AUTHORIZE THE TRUSTEE  
TO ENTER INTO, STIPULATION WITH COUNSEL FOR THE OFFICIAL  
COMMITTEE OF VICTIMS CONCERNING THE PRODUCTION  
OF SETTLEMENT AGREEMENTS**

Robert J. Keach, the chapter 11 trustee (the “Trustee”) of Montreal, Maine & Atlantic Railway, Ltd. (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 to Approve, and Authorize the Trustee to Enter Into, Stipulation with Counsel for the Official Committee of Victims Concerning the Production of Settlement Agreements* [D.E. 1681] (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, and the Court’s inherent authority to control its docket.

## **BACKGROUND**

3. On July 6, 2013, an eastbound train operated by the Debtor and/or the Debtor's Canadian subsidiary derailed in Lac-Mégantic, Québec (the "Deraiment"). The Deraiment set off several massive explosions, destroyed part of downtown Lac-Mégantic, and killed 47 people.

4. As a result of the Deraiment, on August 7, 2013, the Debtor filed a voluntary petition for relief under chapter 11 of 11 U.S.C. § 101 et seq. Thereafter, on August 21, 2013, the United States Trustee appointed the Trustee to serve in the Debtor's Chapter 11 case pursuant to 11 U.S.C. § 1163. [D.E. 64].

5. On August 8, 2013, the Debtor's wholly-owned subsidiary, Montreal Maine & Atlantic Canada Co. ("MMA Canada") filed for protection under Canada's Companies' Creditors Arrangement Act (the "CCAA Proceeding") in Quebec Superior Court in Canada (the "CCAA Court"). Richter Advisory Group Inc. (the "Monitor") was appointed as the monitor in the CCAA Proceeding.

6. The Trustee, the Monitor, and MMA Canada (among others) have worked collectively since the commencement of the Debtor's case and the CCAA Proceeding to engage in settlement discussions with various parties identified as potentially liable for damages arising from the Deraiment. As a result of such settlement discussions, approximately 25 groups of affiliated entities (collectively, the "Settling Defendants") have entered into settlement agreements, whereby the Settling Defendants have agreed to contribute to a settlement fund in exchange for, *inter alia*, a full and final release of all claims arising out of the Deraiment (the "Settlement Agreements"). These Settlement Agreements are to be approved in connection with confirmation, and implemented in connection with consummation, of the Trustee's First Amended Plan of Liquidation Dated July 7, 2015 (the "Plan"). The Settlement Agreements, with

the exception of one, which was filed as Exhibit 3 to the Plan, may be terminated if disclosed to the public prior to the effective date of the Plan.

7. As set forth in the Motion, the Trustee seeks authorization from the Court to enter into a stipulation for the purpose of providing un-redacted copies of the Settlement Agreements to Committee Counsel (as defined in the Motion) *prior* to the confirmation hearing on the Plan, which is scheduled for September 24, 2015 (the “Confirmation Hearing”).

### **RELIEF REQUESTED**

8. By this Motion to Expedite, the Trustee requests that the Court: (a) schedule a hearing on the Motion for **September 22, 2015 at 10:30 a.m.**; (b) set a shortened objection deadline for **September 21, 2015**; and (c) approve service of the Motion to Expedite and the Motion in the manner set forth herein.

### **BASIS FOR REQUESTED RELIEF**

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. See Fed. R. Bankr. P. 2002, and D. Me. LBR 9013-1(i).

10. However, the Trustee requires the relief requested in the Motion on an expedited basis to ensure that the Settlement Agreements are provided to counsel for the Committee prior to the Confirmation Hearing. Absent having the Motion heard on an expedited basis, the sole purpose of the Stipulation, *i.e.* to provide counsel for the Committee with un-redacted copies of the Settlement Agreements for their review prior to the Confirmation Hearing, will be nullified.

11. For these reasons, the Trustee requests that a hearing on the Motion be scheduled for September 22, 2015 at 10:30 a.m. so as to allow expedited consideration of the relief sought by the Trustee.

**NOTICE**

12. Notice of the Motion to Expedite and the Motion 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 circumstance of this case; (b) granting the Motion to Expedite; and (c) setting a hearing on the Motion for **September 22, 2015** at **10:30 a.m.** and a shortened objection deadline for **September 21, 2015**; and (d) granting such other and further relief as the Court deems just and equitable under the circumstances.

Dated: September 17, 2015

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

By his attorneys:

/s/ Timothy J. McKeon

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In re:

MONTREAL MAINE & ATLANTIC  
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**ORDER GRANTING MOTION FOR EXPEDITED HEARING AND SHORTENED  
OBJECTION PERIOD WITH RESPECT TO MOTION TO APPROVE, AND  
AUTHORIZE THE TRUSTEE TO ENTER INTO, STIPULATION WITH  
COUNSEL FOR THE OFFICIAL COMMITTEE OF VICTIMS  
CONCERNING THE PRODUCTION OF  
SETTLEMENT AGREEMENTS**

This matter having come before the Court on the Motion for Expedited Hearing and Shortened Objection Period (the “Motion to Expedite”) with Respect to Motion to Approve, and Authorize the Trustee to Enter Into, Stipulation with Counsel for the Official Committee of Victims Concerning the Production of Settlement Agreements (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. The Motion to Expedite is granted.
2. Notice and service of the Motion to Expedite and the Motion were sufficient in light of the nature of the relief requested.
3. An expedited hearing on the Motion is set for **September 22, 2015 at 10:30 a.m.** and the deadline to object to the same is **September 21, 2014**.

Dated:

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The Honorable Peter G. Cary  
United States Bankruptcy Judge