

RELIEF REQUESTED WITHOUT A HEARING

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

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,

Debtor.

Bk. No. 13-10670
Chapter 11

**FIFTH CONSENT MOTION TO CONTINUE THE HEARING ON LEXINGTON
INSURANCE COMPANY'S APPLICATION FOR ALLOWANCE AND
PAYMENT OF ADMINISTRATIVE CLAIM AND TO EXTEND
RELATED DEADLINES**

Robert J. Keach, as trustee (the "Trustee") of Montreal Maine & Atlantic Railway, Ltd. (the "Debtor"), with the consent of Lexington Insurance Company ("Lexington Insurance"), hereby requests that this Court enter an Order extending certain deadlines and continuing the hearing with respect to Lexington Insurance's Application for Allowance and Payment of Administrative Claim [D.E. 1296] (the "Application"). In support of this consented-to motion, the Trustee states as follows:

1. On October 3, 2014, the Trustee filed 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 "Admin Bar Date Motion"). On October 22, 2014, the Court entered an Order granting the Admin Bar Date Motion [D.E. 1164]. Thereafter, on December 1, 2014, Lexington Insurance submitted the Application.

2. On December 19, 2014, the Trustee filed the Consent Motion to Continue the Hearing on Lexington Insurance Company's Application for Allowance and Payment of Administrative Claim and to Extend Related Deadlines [D.E. 1320] (the "First Consent Motion"), which proposed to continue the hearing on the Application from January 13, 2015 to March 10, 2015 (the "Hearing"). The First Consent Motion also proposed to extend the deadline for the Trustee to file a response or objection to the Application from December 22, 2014 to February 24, 2015 (the "Objection Deadline"), and proposed a deadline for Lexington Insurance to file a reply to any response or objection to the Application of March 3, 2015 (the "Reply Deadline"). On December 22, 2014, the Court entered an order granting the First Consent Motion [D.E. 1324].

3. On February 17, 2015, the Trustee filed the Second Consent Motion to Continue the Hearing on Lexington Insurance Company's Application for Allowance and Payment of Administrative Claim and to Extend Related Deadlines [D.E. 1358] (the "Second Consent Motion"), which proposed to continue the Hearing from March 10, 2015 to May 19, 2015. The Second Consent Motion also proposed to extend the Objection Deadline from February 24, 2015 to April 21, 2015, and the Reply Deadline from March 3, 2015 to May 12, 2015. On February 18, 2015, the Court entered an order granting the Second Consent Motion [D.E. 1361].

4. On April 21, 2015, the Trustee filed the Third Consent Motion to Continue the Hearing and to Extend Related Deadlines [D.E. 1399] (the "Third Consent Motion"), which proposed to continue the Hearing from May 19, 2015 to September 22, 2015. The Third Consent Motion also proposed to extend the Objection Deadline from April 21, 2015 to August 25, 2015, and the Reply Deadline from May 12, 2015 to September 15, 2015. On April 21, 2015, the Court entered an order granting the Third Consent Motion [D.E. 1404].

5. On August 24, 2015, the Trustee filed the Fourth Consent Motion to Continue the Hearing and to Extend Related Deadlines [D.E. 1610] (the “Fourth Consent Motion”), which proposed to continue the Hearing from September 22, 2015 to October 22, 2015. The Fourth Consent Motion also proposed to extend the Objection Deadline from August 25, 2015 to October 1, 2015, and the Reply Deadline from September 15, 2015 to October 15, 2015. On August 25, 2015, the Court entered an order granting the Fourth Consent Motion [D.E. 1615].

6. Since the submission of the Fourth Consent Motion, and the Court’s entry of the Order granting the relief therein, counsel for the Trustee and Lexington Insurance have continued to engage in settlement discussions. As a result thereof, the Trustee has entered into a settlement agreement, subject to Court approval, with Lexington Insurance.

7. In light of such settlement, and pursuant to Fed. R. Bankr. P. 9006(b) and D. Me. LBR 9006-1(a), counsel for the Trustee and Lexington Insurance have agreed to continue the Hearing from October 22, 2015 to December 10, 2015. The parties have also agreed to extend the Objection Deadline from October 1, 2015 to November 19, 2015, and the Reply Deadline from October 15, 2015 to December 3, 2015.

8. The Trustee and Lexington Insurance request that the Court grant this consented-to motion without a hearing pursuant to D. Me. LBR 9013-1.

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WHEREFORE, the Trustee, with Lexington Insurance's consent, respectfully requests that the Court enter an Order: (a) continuing the Hearing to December 10, 2015 at 9:00 a.m. E.S.T.; (b) extending the Objection Deadline to November 19, 2015; (c) extending the Reply Deadline to December 3, 2015; and (b) granting such other and further relief as may be granted.

Dated: October 1, 2015

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

By his attorneys:

/s/ Timothy J. McKeon

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

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,

Debtor.

Bk. No. 13-10670

Chapter 11

**ORDER GRANTING THE FIFTH CONSENT MOTION TO CONTINUE THE
HEARING ON LEXINGTON INSURANCE COMPANY'S APPLICATION
FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE
CLAIM AND TO EXTEND RELATED DEADLINES**

Upon consideration of the Fifth Consent Motion to Continue the Hearing on Lexington Insurance Company's Application for Allowance and Payment of Administrative Claim and to Extend Related Deadlines (the "Fifth Consent Motion") filed by Robert J. Keach, as trustee of Montreal Maine & Atlantic Railway, Ltd., and Lexington Insurance consenting to the relief sought in the Fifth Consent Motion, and without a hearing pursuant to D. Me. LBR 9013-1(d)(1) and Fed. R. Bankr. P. 9006(b)(1), it is hereby **ORDERED**, **ADJUDGED** and **DECREED** as follows:¹

1. The Fifth Consent Motion is granted.
2. The Hearing shall take place on **December 10, 2015** at **9:00 a.m. E.S.T.**
3. The Objection Deadline is extended up to and including **November 19, 2015**.
4. The Reply Deadline is extended up to and including **December 3, 2015**.

¹ Unless otherwise indicated, all capitalized terms used but not defined herein have the same meaning as ascribed to such terms in the Fifth Consent Motion.

5. This Order shall become final in fourteen (14) days unless a party in interest sooner objects, in which case the matter shall be set for hearing and considered by the Court as if this Order had not been entered.

Dated: _____, 2015

The Honorable Peter G. Cary
United States Bankruptcy Judge for the
District of Maine