

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

**FOURTH CONSENT MOTION TO CONTINUE HEARINGS ON PARTIES'
APPLICATIONS FOR ADMINISTRATIVE EXPENSES AND
TO EXTEND RELATED DEADLINES**

Robert J. Keach, as trustee (the "Trustee") of Montreal Maine & Atlantic Railway, Ltd. (the "Debtor"), hereby requests, with the consent of the Claimants (defined below), that this Court enter an Order continuing the hearing and extending related deadlines with respect to the following motions (individually or collectively, as the context requires, the "Applications"):

- Application of the CIT Group/Equipment Financing, Inc. for Payment of Administrative Expense [D.E. 1273];
- Wrongful Death Claimants Application for Allowance and Payment of Administrative Expenses Pursuant to 11 U.S.C. §§ 503(b)(3)(D) and 503(b)(4) [D.E. 1290];
- Application and Request for Payment of Administrative Expenses of World Fuel Services Corporation, World Fuel Services, Inc., Western Petroleum Company, World Fuel Services Canada, Inc., and Petroleum Transport Solutions, LLC [D.E. 1291]; and
- First Union Rail Corporation's Application for Allowance and Payment of Administrative Claim [D.E. 1294].

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"). Thereafter, on October 22, 2014, the Court entered an Order granting the Admin Bar Date Motion [D.E. 1164].

2. On December 1, 2014, the Applications were individually submitted by (i) CIT Group/Equipment Financing, Inc. ("CIT Group"), (ii) the Wrongful Death Claimants, (iii) World Fuel Services Corporation, World Fuel Services, Inc., Western Petroleum Company, World Fuel Services Canada, Inc., and Petroleum Transport Solutions, LLC (the "WFS Entities"), and (iv) First Union Rail Corporation ("First Union") (collectively, the "Claimants"). A hearing on the Applications was scheduled for March 10, 2015 (the "Hearing"). The deadline for the Trustee to file a response or objection to the Applications was scheduled for March 3, 2015 (the "Objection Deadline").

3. On February 17, 2015, the Trustee filed the Consent Motion to Continue Hearings on Parties' Applications for Administrative Expenses and to Extend Related Deadlines [D.E. 1359] (the "First Consent Motion"), which proposed to continue the Hearing from March 10, 2015 to May 19, 2015. The First Consent Motion also proposed to extend the Objection Deadline from March 3, 2015 to April 21, 2015, and proposed a deadline for the Claimants to file a reply to any response or objection to the Applications of May 12, 2015 (the "Reply Deadline"). On February 18, 2015, the Court entered an order granting the First Consent Motion [D.E. 1362].

4. On April 21, 2015, the Trustee filed the Second Consent Motion to Continue Hearings on Parties' Applications for Administrative Expenses and to Extend Related Deadlines [D.E. 1401] (the "Second Consent Motion"), which proposed to continue the Hearing from May 19, 2015 to September 22, 2015. The Second 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 Second Consent Motion [D.E. 1406].

5. On August 25, 2015, the Trustee filed the Third Consent Motion to Continue Hearings on Parties' Applications for Administrative Expenses and to Extend Related Deadlines [D.E. 1618] (the "Third Consent Motion"), which proposed to continue the Hearing from September 22, 2015 to October 22, 2015. The Third 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 27, 2015, the Court entered an order granting the Third Consent Motion [D.E. 1626].

6. Since the submissions of the Applications, the Trustee and the Claimants have been engaged in settlement discussions in an attempt to resolve the claims set forth in the Applications, among other issues between the Trustee and the Claimants. As result thereof, the Trustee has entered into settlement agreements with CIT Group, First Union and the WFS Entities. The Trustee has filed a plan of reorganization in consultation with the Wrongful Death Claimants, and a final hearing on the plan is scheduled for October 5, 2015.

7. In light of the above, and pursuant to Fed. R. Bankr. P. 9006(b) and D. Me. LBR 9006-1(a), counsel for the Trustee and the Claimants 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 August 25, 2015 to November 19, 2015. The parties further agree to extend the Reply Deadline from September 15, 2015 to December 3, 2015.

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

WHEREFORE, the Trustee, with the Claimants 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 (d) 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 FOURTH CONSENT MOTION TO CONTINUE HEARINGS
ON PARTIES' APPLICATIONS FOR ADMINISTRATIVE EXPENSES AND
TO EXTEND RELATED DEADLINES**

Upon consideration of the Fourth Consent Motion to Continue Hearings on Parties' Applications for Administrative Expenses and to Extend Related Deadlines (the "Fourth Consent Motion") filed by Robert J. Keach, as trustee of Montreal Maine & Atlantic Railway, Ltd., and the Claimants consenting to the relief sought in the Fourth 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 **DECREEED** as follows:¹

1. The Fourth 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 Fourth 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