

**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, SHORTENED OBJECTION PERIOD AND
LIMITED NOTICE WITH RESPECT TO THE THIRD INTERIM APPLICATION
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES OF
KUGLER KANDESTIN, LLP**

Robert J. Keach, the chapter 11 trustee (the “Trustee”) in the above-captioned chapter 11 case of Montreal Maine & Atlantic Railway, Ltd. (the “Debtor”), by and through his undersigned counsel, hereby moves this Court for an expedited hearing, shortened objection period and limited notice (the “Motion to Expedite”) with respect to the Third Interim Application for Compensation and Reimbursement of Expenses for Kugler Kandestin, LLP, as Special Counsel to the Trustee, for the Period from October 1, 2014 Through October 31, 2015 (the “Application”). In support of this Motion to Expedite, the Trustee states as follows:

JURISDICTION AND VENUE

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 (the “Local Rules”), and the Court’s inherent authority to control its docket.

BACKGROUND

3. On August 7, 2013, the Debtor filed a voluntary petition for relief under chapter 11 of 11 U.S.C. § 101 et seq. (the “Bankruptcy Code”), in the United States Bankruptcy Court for the District of Maine. On August 21, 2013, the United States Trustee appointed the Trustee to serve in the Debtor’s chapter 11 case (the “Case”) pursuant to 11 U.S.C. § 1163.

4. On August 27, 2013, the Trustee filed his Application for Order, Pursuant to Sections 327 and 328 of the Bankruptcy Code, Authorizing the Employment of Kugler Kandestin, LLP as Special Counsel for the Trustee [Docket No. 103] (the “Retention Application”). On August 28, 2013, the Trustee filed his Amended Application for Order, Pursuant to Sections 327 and 328 of the Bankruptcy Code, Authorizing the Employment of Kugler Kandestin, LLP as Special Counsel for the Trustee [Docket No. 108] (the “Amended Retention Application”).

5. On August 29, 2013, the Court entered an order granting the relief sought in the Amended Retention Application [Docket No. 122]. On September 3, 2013, the Court entered the amended order authorizing the employment of Kugler Kandestin, LLP (“Kugler Kandestin”) as special counsel to the Trustee pursuant to sections 327 and 328 of the Bankruptcy Code [Docket No. 143] (the “Amended Retention Order”).

6. In that capacity, Kugler Kandestin has provided essential services to the Trustee for the benefit of the Debtor and the creditors of the Debtor’s estate. As described more fully in the Application, Kugler Kandestin now interim seeks allowance of compensation for professional services in the amount of CAD 165,205.00 and reimbursement of expenses incurred in rendering such services in the amount of CAD 1,112.68.

7. The Court has already scheduled hearings for December 8, 2015 at 9:00 a.m. with respect to several matters in the Case. In light of this scheduling and the interim nature of the Application, the Trustee seeks a hearing on the Application on an expedited basis.

RELIEF REQUESTED

8. By this Motion to Expedite, the Trustee requests that the Court: (a) schedule a hearing on the Application for December 8, 2015 at 9:00 a.m.; (b) set a shortened objection deadline for December 4, 2015; and (c) approve service of the Motion to Expedite and the Application in a manner set forth herein.

BASIS FOR RELIEF

9. Absent a request for an expedited hearing, a movant seeking the type of relief set forth in the Application 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; D. Me. LBR 9013-1(i).

10. The Court is currently scheduled to hear several applications for interim compensation from, among others, the Trustee, Trustee's counsel, and the Trustee's financial advisor [Docket Nos. 1840, 1841, 1842] on December 8, 2015 at 9:00 a.m. In light of this scheduling and the interim nature of the Application, the Trustee requests that a hearing on the Application be scheduled for the same date and time to allow expedited consideration of the relief sought by the Trustee while minimizing cost and inconvenience to interested parties who might already be in attendance on that date.

NOTICE

11. A copy of this Motion to Expedite, notice of hearing on this Motion to Expedite, and notice of the Application were served on the following parties on the date and in the manner set forth in the certificate of service: (i) the United States Trustee; (ii) the non-insider holders of

the twenty (20) largest unsecured claims against the Debtor or, if applicable, the lawyers representing such holders; (iii) applicable federal and state taxing authorities; (iv) counsel for the official committee of victims; and (v) the holders of secured claims against the Debtor or, if applicable, the lawyers representing such holders. Notice of hearing on this Motion to Expedite and notice of the Application were served on the date and in the manner set forth in the certificate of service to all others who have entered an appearance and requested service of papers in the Case or filed proof of claims against the Debtor's estate.

CONCLUSION

WHEREFORE, the Trustee requests that this Court enter an Order: (a) finding that service of the Motion to Expedite and the Applications in the manner described herein was sufficient to all parties in interest under the circumstances of this case; (b) granting the Motion to Expedite; (c) setting a hearing on the Application for December 8, 2015 at 9:00 a.m. and a shortened objection deadline for December 4, 2015; and (d) granting such other and further relief as the Court deems just and equitable under the circumstances.

Dated: November 13, 2015

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

By his attorneys:

/s/ Sam Anderson
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC
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Bk. No. 13-10670

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**ORDER GRANTING MOTION FOR EXPEDITED HEARING, SHORTENED
OBJECTION PERIOD AND LIMITED NOTICE WITH RESPECT TO THE THIRD
INTERIM APPLICATION FOR COMPENSATION AND REIMBURSEMENT
OF EXPENSES OF KUGLER KANDESTIN, LLP**

This matter having come before the Court on the Motion for Expedited Hearing, Shortened Objection Period and Limited Notice with Respect to the Third Interim Fee Application for Compensation and Reimbursement of Expenses of Kugler Kandestin, LLP (the “Motion to Expedite”), filed by Robert J. Keach, the chapter 11 trustee in the above-captioned chapter 11 case of Montreal Maine & Atlantic Railway, Ltd., with respect to the Third Interim Application for Compensation and Reimbursement of Expenses for Kugler Kandestin, LLP, as Special Counsel to the Trustee, Robert J. Keach, for the Period from October 1, 2014 Through October 31, 2015 (the “Application”), 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 Application were sufficient in light of the nature of the relief requested.
3. An expedited hearing on the Application shall be held on December 8, 2015 at 9:00 a.m. in Portland, Maine.

4. The deadline to object to the Application is December 4, 2015.

Dated:

The Honorable Peter G. Cary
Chief Judge, United States Bankruptcy Court