

**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 MOTION FOR ORDER ADOPTING  
CROSS-BORDER INSOLVENCY PROTOCOL**

Robert J. Keach, the chapter 11 trustee in the above-captioned case (the “Trustee”), hereby moves this Court for an expedited hearing, shortened objection period and approval of limited notice (the “Motion to Expedite”) with respect to the *Motion for Order Adopting Cross-Border Insolvency Protocol* (the “Motion”). In support of the 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. The applicable rules relating to the relief sought in the Motion to Expedite are Rule 9013 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 9013-1(d)(i) of this Court’s local rules (the “Local Rules”).

## **BACKGROUND**

2. On August 7, 2013 (the "Petition Date"), Montreal Maine & Atlantic Railway, Ltd., the above-captioned debtor (the "Debtor" or "MMA") filed a voluntary petition for relief under chapter 11 of 11 U.S.C. § 101 et seq.

3. Also on August 7, 2013, the Debtor's wholly-owned Canadian subsidiary, Montreal, Maine & Atlantic Canada Co. ("MMA Canada"), filed for protection from creditors in a concurrent proceeding (the "Canadian Proceeding") before the Québec Superior Court of Justice (Commercial Division) (the "Québec Court"), under Canada's *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "CCAA"). The Québec Court entered the Initial Order under the CCAA (the "Initial Order") on August 8, 2013 with respect to MMA Canada. Richter Advisory Group Inc. (Richter Group Conseil Inc.) was appointed monitor (the "Monitor") and authorized foreign representative of MMA Canada pursuant to paragraph 33 of the Initial Order.

4. 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.

5. In that capacity, the Trustee filed the Motion seeking an order adopting the *Cross-Border Insolvency Protocol* (the "Protocol"), a copy of which is attached to the Motion as Exhibit A, and which was developed and reviewed by counsel to the Debtor, the Trustee and his counsel, the Monitor and its counsel, and counsel to MMA Canada in order to enhance coordination and harmonization of this Case and the Canadian Proceeding.

6. Upon information and belief, MMA Canada and the Monitor are presenting the Protocol for approval in the Canada Proceeding at a hearing on September 4, 2013.

Additionally, hearings concerning other matters in both this Case and the Canadian Proceeding are scheduled for September 4, 2013.

7. In light of the complexity and overlapping nature of this Case and the Canadian Proceeding, as well as the necessity for MMA and MMA Canada to administer their concurrent insolvency proceedings in a coordinated and efficient manner, the Debtor requires the relief requested in the Motion on an expedited basis.

**RELIEF REQUESTED**

8. By this Motion to Expedite, the Trustee requests that the Court: (a) schedule a hearing on the Motion for September 4, 2013 at 10:00 a.m.; (b) set a shortened objection deadline for September 3, 2013; and (c) approve service of the Motion to Expedite and the Motion in the 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 Motion must provide twenty-one days' notice of, and a response date must be set more than seven calendar days prior to, a hearing date. *See* Bankruptcy Rule 2002; Local Rule 9013-1(d)(5).

10. However, the Trustee requires the relief requested in the Motion on an expedited basis to ensure that there are procedures in place to coordinate this Case and the Canadian Case as soon as possible. As this Court is likely already aware, MMA and MMA Canada are separate business entities, but have fully integrated business operations and accounting systems. Additionally, and importantly, many of the claimants in both this Case and the Canadian Proceeding are identical, requiring coordination and consistency on the part of MMA and MMA Canada. Overlapping legal and other issues have already arisen in these cases, and it is apparent

that future proceedings in these cases need to be harmonized. Given the amount of significant issues that the Trustee, MMA, the Monitor and MMA Canada will be required to address in the next few weeks—including consideration of a sale of the business of both MMA and MMA Canada, as well as the adoption of a claims procedure for the benefit of victims in Lac-Mégantic—adoption of the Protocol on an expedited basis is required.

11. The Court has already scheduled hearings for September 4, 2013 at 10:00 a.m. with respect to the *Debtor's Motion for Authorization to Use Pre-Petition Bank Accounts and Business Forms and the Debtor's Motion for Order Pursuant to 11 U.S.C. §§ 361, 362, and 363: (I) Authorizing Debtor to Use Cash Collateral on Interim Basis; and (II) Scheduling a Hearing to Consider the Use of Cash Collateral on a Final Basis.*

12. The Trustee requests that a hearing on the Motion 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**

13. Notice of this Motion to Expedite and Motion was served on the following parties on the date and in the manner set forth in the certificate of service: (1) the United States Trustee; (2) the Debtor's counsel; (3) the non-insider holders of the twenty (20) largest unsecured claims against the Debtor or, if applicable, the lawyers representing such holders; (4) applicable federal and state taxing authorities; (5) the holders of secured claims against the Debtor, or if applicable, the lawyers representing such holders; and (6) others who have, as of the date of the Motion to Expedite and the Motion, entered an appearance and requested service of papers in the Case.

**CONCLUSION**

WHEREFORE, the Trustee respectfully 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 circumstances of this case; (b) granting the Motion to Expedite; (c) setting a hearing on the Motion for September 4, 2013 at 10:00 a.m. and a shortened objection deadline for September 3, 2013; and (d) granting such other and further relief as the Court deems just and equitable under the circumstances.

Dated: August 30, 2013

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

By his attorneys:

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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 MOTION FOR EXPEDITED HEARING, SHORTENED  
OBJECTION PERIOD AND LIMITED NOTICE WITH RESPECT TO  
MOTION FOR ORDER ADOPTING CROSS-BORDER  
INSOLVENCY PROTOCOL**

This matter having come before the Court on the *Motion for Expedited Hearing, Shortened Objection Period and Limited Notice with Respect to Motion for Order Adopting Cross-Border Insolvency Protocol* (the "Motion to Expedite") filed by Robert J. Keach, the chapter 11 trustee in the above-captioned case, 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 for Order Adopting Cross-Border Insolvency Protocol* (the "Motion") was sufficient in light of the nature of the relief requested.
3. An expedited hearing on the Motion is set for September 4, 2013 at 10:00 a.m. and the deadline to object to the same is September 3, 2013.

Dated:

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The Honorable Louis H. Kornreich  
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 EXPEDITED HEARING**

Robert J. Keach, the chapter 11 trustee in the above-captioned case (the “Trustee”), has filed a *Motion for Expedited Hearing, Shortened Objection Period and Limited Notice with Respect to Motion for Order Adopting Cross-Border Insolvency Protocol* (the “Motion to Expedite”) and a *Motion for Order Adopting Cross-Border Insolvency Protocol* (the “Motion”).

If you do not want the Court to approve the Motion to Expedite or the Motion, then on or before **September 3, 2013**, 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 September 3, 2013**.

You may attend the hearing with respect to the Motion to Expedite scheduled to be held at the Bankruptcy Court, 202 Harlow Street, Bangor, Maine on **September 4, 2013 at 10:00 a.m.** If the Motion to Expedite is granted at that time, the Court may immediately thereafter conduct hearings to consider, and may grant some or all of the relief sought by the Motion.

**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 in the Motion to Expedite or the Motion and may enter an order granting the requested relief without further notice or hearing.

Dated: August 30, 2013

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

By his attorneys:

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