

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

**SIXTH CONSENT MOTION TO CONTINUE HEARING ON APPLICATION 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 First Union (defined below), that this Court enter an Order continuing the hearing and extending related deadlines with respect to First Union Rail Corporation’s Application for Allowance and Payment of Administrative Claim [D.E. 1294] (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”). 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 Application was submitted by First Union Rail Corporation (“First Union”). A hearing on the Application was scheduled for March 10, 2015 (the “Hearing”). The deadline for the Trustee to file a response or objection to the Application 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 First Union to file a reply to any response or objection to the Application 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. On October 1, 2015, the Trustee filed the Fourth Consent Motion to Continue Hearings on Parties' Applications for Administrative Expenses and to Extend Related Deadlines [D.E. 1760] (the "Fourth Consent Motion"), which proposed to continue the Hearing from

October 22, 2015 to December 10, 2015. The Fourth Consent Motion also proposed 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. On October 2, 2015, the Court entered an order granting the Fourth Consent Motion [D.E. 1766].

7. On December 4, 2015, the Trustee filed the Fifth Consent Motion to Continue Hearings on Parties' Applications for Administrative Expenses and to Extend Related Deadlines [D.E. 1893] (the "Fifth Consent Motion"), which proposed to continue the Hearing from December 10, 2015 to March 22, 2016. The Fifth Consent Motion also proposed to extend the Objection Deadline from November 19, 2015 to March 1, 2016, and the Reply Deadline from December 3, 2015 to March 15, 2016. On December 7, 2015, the Court entered an order granting the Fifth Consent Motion [D.E. 1894].

8. Since the submission of the Application, the Trustee and First Union have been engaged in settlement discussions in an attempt to resolve the claims set forth in the Application, among other issues between the Trustee and First Union. As result thereof, the Trustee has entered into a settlement agreement with First Union. The Trustee filed a plan of reorganization (the "Plan"), and, on October 9, 2015, the Court entered an order confirming the Plan [D.E. 1801]. The settlement agreement with First Union was approved as part of the Plan.

9. 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 First Union have agreed to continue the Hearing from March 22, 2016 to May 23, 2016. The parties have also agreed to extend the Objection Deadline to May 9, 2016 and the Reply Deadline to May 16, 2016.

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

WHEREFORE, the Trustee, with First Union's consent, respectfully requests that the Court enter an Order: (a) continuing the Hearing to May 23, 2016 at 9:00 a.m. E.S.T.; (b) extending the Objection Deadline to May 9, 2016; (c) extending the Reply Deadline to May 16, 2016; and (d) granting such other and further relief as may be granted.

Dated: March 18, 2016

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 SIXTH CONSENT MOTION TO CONTINUE HEARING ON
APPLICATION FOR ADMINISTRATIVE EXPENSES AND
TO EXTEND RELATED DEADLINES**

Upon consideration of the Sixth Consent Motion to Continue Hearing on Application for Administrative Expenses and to Extend Related Deadlines (the "Sixth Consent Motion") filed by Robert J. Keach, as trustee of Montreal Maine & Atlantic Railway, Ltd., and First Union consenting to the relief sought in the Sixth 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 Sixth Consent Motion is granted.
2. The Hearing shall take place on **May 23, 2016** at **9:00 a.m. E.S.T.**
3. The Objection Deadline is extended up to and including **May 9, 2016**.
4. The Reply Deadline is extended up to and including **May 16, 2016**.

¹ Unless otherwise indicated, all capitalized terms used but not defined herein have the same meaning as ascribed to such terms in the Sixth 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: _____, 2016

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