

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

In re:

MONTREAL, MAINE & ATLANTIC
RAILWAY, LTD.,

Debtor.

Bk. No. 13-10670
Chapter 11

SECOND JOINT MOTION TO EXTEND JPO DEADLINE

Robert J. Keach, the estate representative (the “Estate Representative”) for the post-effective date estate of Montreal Maine & Atlantic Railway, Ltd. (the “MMA”), New Brunswick Southern Railway Company Limited (“NBSR”) and Maine Northern Railway Company (“MNR,” and together with NBSR, the “Irving Railroads”), hereby jointly request that this Court enter an Order extending a deadline with respect to the *Amended Joint Pretrial Statement and Order Between the Estate Representative and New Brunswick Southern Railway Company Limited and Maine Northern Railway Company* [D.E. 2311] (the “Amended JPO”), as amended by the *Order Granting Joint Motion to Extend Deadlines and to Continue Hearing* [D.E. 2335] (the “First Order Continuing JPO Deadlines”).¹ In support of this consented-to motion (the “Motion”), the Estate Representative and the Irving Railroads (together, the “Parties”) state as follows:

1. On February 22, 2017, the Court entered the Amended JPO, which set forth deadlines with respect to the Objection.

2. In accordance with the Amended JPO, on February 28, 2017, the Estate Representative filed his *Amended Objection of Estate Representative to Proofs of Claim Filed by New Brunswick Southern Railway Company Limited and Maine Northern Railway Company on*

¹ Capitalized terms used but not defined herein shall have the meaning ascribed in the Amended JPO.

the Basis That Certain of Such Claims Are Duplicative of Others, and Such Others Are Improperly Asserted as Administrative and/or Priority Claims, in an Inaccurate Amount, and Subject to Disallowance Under Bankruptcy Code Section 502(d) [D.E. 2313] (the “Amended Objection”).

3. Also in accordance with the JPO, Irving Railroads filed their response to the Amended Objection on March 16, 2017 [D.E. 2323].²

4. On March 21, 2017, Wheeling and Lake Erie Railway Company (“Wheeling”) filed its response and reservation of rights with respect to the Amended Objection [D.E. 2324].

5. On April 3, 2017, the Court entered the First Order Extending JPO Deadlines, which:

- (a) Set the deadline for the Parties to respond/object to and produce documents in response to the Supplemental Requests for April 20, 2017;
- (b) Extended the discovery deadline to April 27, 2017;
- (c) Extended the Reply Deadline to May 16, 2017; and
- (d) Continued the Hearing Date to May 23, 2017 at 9:00 a.m.

6. On or around April 20, 2017, in accordance with the First Order Extending JPO Deadlines, the Parties produced documents in response to the Supplemental Requests.

7. On May 16, 2017, also in accordance with the First Order Extending JPO Deadlines, the Estate Representative filed the Reply.

8. On May 18, 2017, the Court entered an order continuing the Hearing Date to June 6, 2017 at 9:00 a.m. (ET).

9. Pursuant to the Amended JPO (as amended by the First Order Extending JPO Deadlines), the deadline for the Parties to file a stipulation of fact (if any) is May 30, 2017.

² The Irving Railroads had served their response on March 14, 2017 but due to inclement weather did not file the response until March 16, 2017.

10. The Parties are continuing to discuss the parameters of such a stipulation, but are not in a position to do so by the current deadline of May 30, 2017.

WHEREFORE, the Parties respectfully request that this Court enter an order (a) extending the deadline for the parties to file stipulations of fact to **June 12, 2017**, and affording the parties the ability to extend that deadline by consent without the need for further Court order; and (b) granting such further relief as this Court deems necessary and appropriate.

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Dated: May 30, 2017

/s/ Keith J. Cunningham

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*Counsel for New Brunswick Southern Railway
Company Limited and Maine Northern Railway
Company*

Dated: May 30, 2017

ROBERT J. KEACH
**ESTATE REPRESENTATIVE OF THE POST-
EFFECTIVE DATE ESTATE OF MONTREAL,
MAINE & ATLANTIC RAILWAY, LTD.,**

By his attorneys:

/s/ Robert J. Keach, Esq.

Robert J. Keach, Esq.
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ORDER GRANTING SECOND JOINT MOTION TO EXTEND JPO DEADLINE

Upon the *Second Joint Motion to Extend JPO Deadline* (the “Motion”)¹ with respect to the Amended Objection; and due and sufficient notice of the Motion having been given under the particular circumstances; and it appearing that no other or further notice need be provided; and it appearing that the relief requested in the Motion is in the best interest of estate, its creditors, its stakeholders and other parties in interest; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby **ORDERED**, **ADJUDGED** and **DECREED** that:

1. The Motion is granted.
2. The deadline for the Parties to file stipulations of fact, if any, is extended to **June 12, 2017**. The Parties may agree to extend that deadline without the need for further Court order.
3. 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: _____, 2017

The Honorable Peter G. Cary
United States Bankruptcy Judge

¹ Capitalized terms not herein defined shall have the meaning ascribed to such terms in the Motion.

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CERTIFICATE OF SERVICE

I, Karla M. Quirk, being over the age of eighteen and an employee of Bernstein, Shur, Sawyer & Nelson, P.A. in Portland, Maine, hereby certify that, on May 30, 2017, I filed the *Second Joint Motion to Extend JPO Deadline*, along with a *proposed form of Order*, via the Court's CM/ECF electronic filing system ("CM/ECF"), which sent notice to all parties receiving notification through CM/ECF.

Dated: May 30, 2017

/s/ Karla M. Quirk

Karla M. Quirk, Paralegal

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