

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MAINE

In re)
)
) CHAPTER 11
MONTREAL MAINE & ATLANTIC) CASE NO. 13-10670-LHK
RAILWAY, LTD.)
)
Debtor)

**WRONGFUL DEATH CLAIMANTS' RESERVATION OF RIGHTS
CONCERNING EMPLOYMENT OF CHAPTER 11 PROFESSIONALS**

Concerning the pending applications of the Chapter 11 Trustee to authorize employment of Bernstein, Shur, Sawyer & Nelson, P.A. as counsel for the Trustee [Docket No. 74], Development Specialists, Inc. as financial advisor [Docket No. 100], Kugler Kandestin, LLP as special counsel [Docket No. 108 (amended)], and Covington & Burling LLP as special regulatory counsel [Docket No. 102], the representatives of the probate estates¹ of 18 victims² of the massive explosion in Lac-Mégantic, Quebec, from the derailment of a train operated by the Debtor (the "Wrongful Death Claimants") hereby state as follows:

1. The Wrongful Death Claimants acknowledge the Chapter 11 Trustee's entitlement to compensation, and his need to employ and compensate professionals. The

¹ The estate representatives are Marie Precieuse Salomon, Milliana Alliance, Lisette Fortin-Bolduc, Genevieve Dube, Mylaine Dube, Laurie Dube, Louise Boulet, Jean Boulet, Colette Boulet, Champagne Ghislain, Danielle Lachance, Germaine Faucher, Maude Faucher, Tristan Lecours, Sandy Bedard, William Guertin, Arianne Guertin, Clermont Pepin, Marie-Eve Lapierre, Dave Lapierre, Nancy Valler, Diane Belanger, France Picard, Christiane Mercier, Elie Rodrigue, Maxime Roy, Carol-Anne Roy, Lise Doyon, Sherley Roy, Rejean Roy, Louise Breton, Mario Sévigny, Marc-Antoine Sévigny, Michel Sirois, Solange Belanger, Richard Turcotte, Christine Pulin, Suzanne Bizier, Annick Roy and Sophie Veilleux.

² The victims are Marie Semie Alliance, Stephanie Bolduc, Yannick Bouchard, Marie France Boulet, Karine Champagne, Marie-Noelle Faucher, Michael Guertin, Jr., Stephanie Lapierre, Joannie Lapointe, Marianne Poulin, Martin Rodrigue, Jean Pierre Roy, Kevin Roy, Melissa Roy, Andree-Anne Sevigny, Jimmy Sirios, Elodie Turcotte and Joanie Turmel.

Wrongful Death Claimants are pleased with the quality of the financial advisor and counsel selected by the Chapter 11 Trustee, and do not object to their retention.

2. In connection therewith – and also regarding all administrative expenses of any nature whatsoever incurred or to be incurred by the bankruptcy estate, whether previously engaged or to be engaged in the future – the Wrongful Death Claimants state that administrative expenses may be paid solely from general assets of the estate, and not from recoveries (such as, without limitation, proceeds of insurance for wrongful death and personal injury claims, or settlements with third parties of their own or shared liability with the Debtor for wrongful death and personal injury claims resulting from the derailment in Lac-Mégantic) attributable to wrongful death and personal injury claims. 3 COLLIER ON BANKRUPTCY ¶ 362.07, at 362-85 (15th ed. rev. 2002) (policy proceeds are “available only to creditors with the type of claims covered by the policy”), *see, e.g., Landry v. Exxon Pipeline Co.*, 260 B.R. 769, 786 (Bankr. M.D. La. 2001) (liability insurance proceeds “could not be made available for distribution to the

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creditors other than those who have claims under the policies“).

Respectfully submitted,

Marie Semie Alliance, *et al.*

By their attorneys,

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