

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

CERTIFICATE OF READINESS AND COMPLETION OF RECORD

To:	In Re: Bk/Ap No.						
MOVANT 1: DEBTOR YES: NO: ATTORNEY OF RECORD _____ Name: Address: Telephone:	MOVANT 2: DEBTOR YES: NO: ATTORNEY OF RECORD Name: Address: Telephone:						
DEBTOR NAME (IF OTHER THAN ABOVE): ATTORNEY FOR DEBTOR Name: Address: Telephone:							
PARTIES THAT SHOULD RECEIVE NOTICE (INCLUDING TRUSTEES, CREDITORS): <table style="width: 100%; border: none;"><tr><td style="text-align: left; width: 33%;"><u>PARTY</u></td><td style="text-align: left; width: 33%;"><u>PARTY TYPE</u></td><td style="text-align: left; width: 33%;"><u>NAME, ADDRESS & PHONE # OF COUNSEL</u></td></tr><tr><td style="height: 100px;"></td><td></td><td></td></tr></table>		<u>PARTY</u>	<u>PARTY TYPE</u>	<u>NAME, ADDRESS & PHONE # OF COUNSEL</u>			
<u>PARTY</u>	<u>PARTY TYPE</u>	<u>NAME, ADDRESS & PHONE # OF COUNSEL</u>					

PLEADINGS TRANSMITTED:

Trustee's Motion to Transfer Personal Injury Tort and Wrongful Death Claims
Doc. No. 202

Motion for Transfer Personal Injury Tort and Wrongful Death Claims
Doc. No. 206

Joinder to Motions to Transfer Personal Injury and Wrongful Death Lawsuits
Doc. No. 221

ALEC LEDDY, CLERK
United States Bankruptcy Court

DATED:

By: _____
Case Administrator

**List of Parties Requiring Notice Relating to
Chapter 11 Trustee's Motion to Transfer Personal Injury Tort and
Wrongful Death Claims Pursuant to 28 U.S.C. §157(b)(5)[D.E. 202]**

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PRELIMINARY STATEMENT²

1. The PITWD Cases at issue here all stem from a single incident – an accident that the Plaintiffs themselves accuse the Debtor of having caused. In fact, this single incident is what precipitated the Debtor’s chapter 11 case. As the Plaintiffs concede, resolution of their claims against the Debtor and MMA Canada will be the primary focus of the chapter 11 case and the companion CCAA proceeding pending in Quebec. Yet the very same Plaintiffs who have stressed to the Bankruptcy Court the importance of using the chapter 11 case to protect their interests also seek to separate the Debtor from the PITWD Cases. This makes no sense. Only one court – this Court – has the authority to consolidate and coordinate the actions in a single forum, to determine the appropriate procedures for resolving claims against the Debtor, and to determine how the Debtor’s limited assets will be distributed among commercial as well as tort creditors. By exercising its authority under 28 U.S.C. § 157(b)(5) and transferring the PITWD Cases to this Court, this Court will ensure that the Plaintiffs’ claims – both against the Debtor and MMA Canada, as well as against the various other Defendants – proceed in a manner that prevents unnecessary duplication of efforts and expenditure of resources, fosters efficiency, protects the assets of the Debtor’s estate, and promotes fairness for all parties involved.

THIS COURT IS THE APPROPRIATE VENUE FOR THE PITWD CASES

**I. This Court Has Exclusive Authority to
Determine the Appropriate Venue For the PITWD Cases**

2. As discussed in the Transfer Motions, 28 U.S.C. § 157(b)(5) grants this Court the exclusive authority to determine where the PITWD Cases should be heard. The determination under 28 U.S.C. § 157(b)(5) *must* be made by the district court in which the

² Capitalized terms used but not otherwise defined in this Preliminary Statement or the Trustee Motion shall have the respective meanings ascribed to them below.

bankruptcy case is pending. *See Calumet Nat'l. Bank v. Levine*, 179 B.R. 117, 120-21 (N.D. Ind. 1995) (holding that the district court in a district other than where the bankruptcy case was pending did not have authority to grant the request for transfer because “both the plain language and legislative history of section 157(b)(5) make clear that the district court of the bankruptcy district is the court that chooses” and there is “little room for any other interpretation.”); *Hopkins v. Plant Insulation Co.*, 342 B.R. 703, 708 (D. Del. 2006) (“Because the [debtor’s] bankruptcy case is pending in the United States Bankruptcy Court for the District of Delaware, [the District Court of Delaware] has the *sole authority* to determine the appropriate venue...”) (emphasis added).

**II. This Court Has Subject Matter Jurisdiction Over the
PITWD Cases Because They Are “Related To” the Bankruptcy Cases**

3. No one disputes that, once the plaintiffs and defendants in the PITWD Cases (the “*Plaintiffs*” and “*Defendants*,” respectfully) file proofs of claim against the Debtor’s estate, the resolution of such claims clearly falls within the bankruptcy court’s “core” subject matter jurisdiction under 28 U.S.C. § 1334(b). Subject matter jurisdiction also exists to preside over the PITWC Claims pursuant to 28 U.S.C. § 1334(b) because they are “related to” the Debtor’s chapter 11 case under the well-established standard articulated by the Third Circuit in *Pacor, Inc. v Higgins*, 743 F.2d 984 (3d Cir. 1984), *overruled on other grounds by Things Remembered, Inc. v. Petrarca*, 516 U.S. 124 (1995), and adopted by the First Circuit. *See In re G.S.F. Corp.*, 938 F.2d 1467, 1475 (1st Cir. 1984), *abrogated on other grounds by Conn. Nat’l. Bank v. Germain*, 112 S.Ct. 1146 (1992); *Work/Family Dir., Inc. v. Children’s Discovery Ctrs., Inc. (In re Santa Clara Cty. Child Care Consortium)*, 223 B.R. 40, 45 (B.A.P. 1st Cir. 1998); *DeLuca v. McKenna (In re Remington Dev. Grp., Inc.)*, 180 B.R. 365, 368 (Bankr. D.R.I. 1995). Under *Pacor*, a proceeding is “related to” a bankruptcy case “if the outcome of that proceeding

could conceivably have *any effect* on the estate being administered in bankruptcy.” *Pacor*, 743 F.2d at 994 (emphasis added).

4. The United States Supreme Court has recognized that “related to” jurisdiction may exist over “suits between [nondebtor] parties which have an effect on the bankruptcy estate.” *Celotex Corp. v. Edwards*, 115 S. Ct. 1493, 1498, n. 5 (1995). Courts have found “related to” jurisdiction over third-party actions in a number of circumstances, including where such a “unity of interest” exists in the allegations against the debtor and nondebtor co-defendants that the debtor will inevitably become involved in the co-defendant litigation, where actions against a nondebtor co-defendant could result in the diminution of insurance proceeds available to the debtor, or where a nondebtor has a contractual right to indemnification from the debtor. All of these circumstances exist here.

A. Because the PITWD Cases Arise From a Single Incident Involving the Debtor, “Related to” Jurisdiction Exists

5. “Related to” jurisdiction exists over actions against a nondebtor if those actions arose out of a specific incident or nucleus of fact directly involving the debtor. *See, e.g., In re Dow Corning Corp.*, 86 F.3d 482, 493-94 (6th Cir. 1996) (finding “related to” jurisdiction, and noting that the litigation would “obviously” impact the bankruptcy proceeding and debtor’s estate where the state court litigation arose out of *the use of one product manufactured by Dow Corning* and the parties had potential contribution or indemnification claims against one another); *In re Combustion Eng’g, Inc.*, 391 F.3d 190, 231 (3d Cir. 2004) (finding no “unity of interest” where the personal injury claims asserted against the various nondebtor defendants arose from “different products, involved different asbestos-containing materials, and were sold to different markets”); *NYCERS v. Ebbers (In re WorldCom, Inc. Secs. Litig.)*, 293 B.R. 308, 321 (S.D.N.Y. 2003) (noting that the relevant conduct of the nondebtor defendants and the debtor

were “indisputably intertwined” so the pending actions could conceivably impact the bankruptcy estate); *In re Frascella Enters.*, 349 B.R. 421, 434 (Bankr. E.D. Pa. 2006) (noting that where claims against nondebtor defendants were the same claims that would be asserted against the debtor there is an “identity of interest” between the parties that warrants consolidation of the claims).

6. Although the Plaintiffs attempted to separate the Debtor from the PITWD Cases after the Debtor’s chapter 11 filing, the resolution of those actions will invariably affect the handling and administration of the Debtor’s case. The Plaintiffs who asserted the PITWD Cases have formally appeared in the Debtor’s chapter 11 case and have announced their intention to assert claims in that case based on the same exact underlying facts and alleged harms asserted in the PITWD Cases. Accordingly, the PITWD Cases necessarily will involve, at a minimum, significant discovery from the Debtor and, more likely, full-scale litigation. Where a debtor will inevitably become involved in litigation, courts have found that a nexus exists to warrant a finding of “related to” jurisdiction. *See, e.g., Frascella*, 349 B.R. at 434 (finding an action was “related to” the bankruptcy case where, to protect the debtor’s interest, the debtor would need to be actively involved in the state court action because the relevant claims involved the debtor’s alleged unlawful activity); *In re Twinlabs Pers. Injury Cases*, 2004 WL 435083, at *1 (S.D.N.Y. Mar. 8, 2004) (finding “related to” jurisdiction where defense of the claims against the nondebtor defendants would “invariably” involve the debtors); *see also In re Jefferson Cnty., Ala.*, 491 B.R. 277, 287-95 (Bankr. N.D. Ala. 2013) (applying the automatic stay to an action against a nondebtor where the debtor’s behavior was central to the dispute, the action would impose substantial discovery obligations on the debtor, and any decision in the action could have a potentially preclusive effect on future actions against the debtor).

7. Given the Debtor's central role in the Derailment, the Debtor will inevitably become involved in the litigation, whether through an adversary proceeding, contested matter arising out of a claim, or third-party discovery efforts. The inextricability of the events leading up to the Debtor's chapter 11 case, the PITWD Cases, and any claims asserted by Plaintiffs in the Debtor's chapter 11 case compels the conclusion that the PITWD Cases are "related to" the Debtor's chapter 11 case.

B. The PITWD Cases Are "Related to" the Debtor's Chapter 11 Case Because CIT Has Rights Under the Debtor's Insurance Policies

8. Courts have found that actions against a nondebtor are "related to" a bankruptcy case if the nondebtor and the debtor are both named insureds under the same insurance policy. *In re Dow Corning Corp.*, 86 F.3d 482, 494-95 (6th Cir. 1996); *see also A.H. Robins Co., Inc. v. Piccinin (In re A.H. Robins Co., Inc.)*, 788 F.2d 994, 1008 (granting injunction against prosecution of claims against nondebtor co-defendants because such claims, if successful, would reduce the insurance funds available to the debtor's estate), *cert. denied*, 107 S. Ct. 251 (1986); *In re Quigley Co., Inc.*, 676 F.3d 45, 53 (2d Cir. 2012) (finding that bankruptcy court has "related to" jurisdiction over third-party lawsuit against nondebtor co-defendant where co-defendant shared insurance policy with debtor and prosecution of claims against co-defendant on asbestos claims would result in depletion of shared insurance proceeds), *cert. denied*, 133 S. Ct. 2849 (2013).

9. Indeed, under 28 U.S.C. § 1334(e), the district court in which the bankruptcy case is commenced has *exclusive* jurisdiction over property of the estate. In the context of shared insurance, therefore, courts have found "related to" jurisdiction because a debtor's insurance policies are considered property of the debtor's estate and prosecution of a claim against a co-insured nondebtor could potentially deplete proceeds available to the debtor –

thereby reducing assets available to the bankruptcy estate. *See In re Combustion Eng'g, Inc.*, 391 F.3d 190, 232-33 (3d Cir. 2004); *MacArthur Co. v. Johns-Manville Corp.*, 837 F.2d 89, 92 (2d Cir. 1988); *A.H. Robins*, 788 F.2d at 1008; *Am. Intern. Specialty Lines Ins. Co. v. Towers. Fin. Corp.*, 198 B.R. 55 (S.D.N.Y. 1996). As the Second Circuit has recognized, where a debtor shares insurance with a co-defendant, a judgment against the debtor is likely to “automatically result in liability” against the debtor. *Quigley*, 676 F.3d at 54; *see also In re Combustion Eng'g, Inc.*, 391 F.3d 190, 233 (3d Cir. 2004) (recognizing that shared insurance, which had not been proven, would likely result in a finding of “related to” jurisdiction).

10. The Debtor leased railcars and locomotives from CIT’s affiliates³ pursuant to several distinct leases and various schedules annexed thereto. Those leases required the Debtor to, and, to the best of CIT’s knowledge, the Debtor did, include the lessor and its affiliates and subsidiaries as additional insureds, and, in some instances, loss payees, on certain insurance policies. As a result, to the extent that a claim is prosecuted against CIT or an affiliated entity, any such CIT-related Defendant will look directly to those insurance policies to satisfy any judgment rendered against it. This fact alone has routinely been considered determinative to establishing “related to” jurisdiction.

C. Because CIT Has a Contractual Right to Indemnification From The Debtor, “Related to” Jurisdiction Exists

11. In addition to its status as an additional insured under certain of the Debtor’s insurance policies, CIT and its affiliates have a contractual right to indemnification from the Debtor under the relevant locomotive leases. “Related to” jurisdiction clearly exists when claims against a nondebtor give rise to an unqualified indemnification claim against a debtor. *Philippe v. Shape, Inc.*, 103 B.R. 355, 358 (D. Me. 1989) (finding that claims asserted

³ Although CIT is the sole named defendant, the lease relevant to the PITWD Cases is with a subsidiary of CIT.

against debtor's officers, directors, and employees were related to the debtor's bankruptcy case because debtor's bylaws expressly provided nondebtor defendants with a right to indemnification which was not subject to any conditions precedent); *see also A.H. Robins*, 788 F.2d at 1000 (in considering whether the automatic stay extends to claims against a nondebtor defendant, the court stated that where the nondebtor defendant has a contractual right to indemnification against the debtor, the proceeding against the nondebtor defendant affects the bankruptcy estate and is a basis for finding "related to" jurisdiction); *NYCERS v. Ebberts (In re WorldCom, Inc. Sec. Litig.)*, 293 B.R. 308, 321 (S.D.N.Y. 2003) (finding, among other things, that state court actions asserted against the nondebtor defendants who held a contractual right to indemnification against the debtor were related to the debtor's bankruptcy because "at the very least" the claims for contractual indemnification have a "conceivable effect on the bankruptcy estate"); *Krafchick v. Zayre of East Providence, Inc.*, 137 B.R. 560 (D.Mass. 1991) (holding that because nondebtor defendant was a party to an indemnification agreement with the debtor whereby the debtor agreed to indemnify the nondebtor party for "any and all liability" the matter was "related to" the bankruptcy proceeding.).

12. Further, the Debtor and CIT's relationship extends beyond the indemnification – the parties share insurance and the parties' interests are inextricably intertwined. *See Fed.-Mogul Global, Inc.*, 282 B.R. 301, 309-10 (Bankr. D. Del. 2002) (finding that "related to" jurisdiction may be established despite a contingent or uncertain indemnification claim when the debtor's liability is intertwined with the nondebtor defendant's liability or the parties share insurance).

13. As referenced in the Transfer Motions, the Plaintiffs in the PITWD Cases have themselves made compelling arguments that support transfer of the PITWD Cases to this

Court. The Plaintiffs, in the *Wrongful Death Claimants' Motion for Formation of Creditors' Committee*, dated August 22, 2013 [D.I. 76] assert that wrongful death and personal injury claimants will be the largest constituency in the Debtor's chapter 11 case and tout the benefits of the "orderly and efficient" bankruptcy process over state court actions. By the Plaintiffs' own admission it is evident that the PITWD Cases will have more than a conceivable effect on MMA's chapter 11 case and, accordingly, all parties will benefit by the transfer of the PITWD Cases to this Court.

CONCLUSION

14. For the foregoing reasons, CIT joins the Transfer Motions and requests that the Court enter an order transferring the PITWD Cases to the this Court and granting such other and further relief as may be appropriate.

Dated: September 12, 2013

Respectfully Submitted,

THE CIT GROUP, INC.

By their attorney:

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CERTIFICATE OF SERVICE

I, Edward S. MacColl, attorney for CIT Group, Inc. do hereby certify that on September 12, 2013, I made due service of the above filing by electronically filing the same and using the Court's CM/ECF system.

/s/ Edward S. MacColl

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NTCAPR, PlnDue, DscIsDue

**U.S. Bankruptcy Court
Maine (Bangor)
Bankruptcy Petition #: 13-10670**

Date filed: 08/07/2013

Assigned to: Chief Judge Louis H. Kornreich
Chapter 11
Voluntary
Asset

Debtor

Montreal Maine & Atlantic Railway Ltd.
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Hermon, ME 04401
PENOBSCOT-ME
Tax ID / EIN: 11-3660859

represented by **Roger A. Clement, Jr., Esq.**

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TERMINATED: 09/04/2013

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TERMINATED: 09/04/2013

Filing Date	#		Docket Text
08/07/2013		<u>1</u>	Chapter 11 Voluntary Petition . Fee Amount \$1213 Filed by Montreal Maine & Atlantic Railway Ltd.. (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013			Receipt of Voluntary Petition (Chapter 11)(13-10670) [misc,volp11a] (1213.00) Filing Fee. Receipt number 3304646. Fee amount 1213.00. (re: Doc# <u>1</u>) (U.S. Treasury) (Entered: 08/07/2013)
08/07/2013		<u>2</u>	Notice of Appearance and Request for Notice by Jennifer H. Pincus Esq. Filed by on behalf of Office of U.S. Trustee. (Pincus, Jennifer) (Entered: 08/07/2013)
08/07/2013		<u>3</u>	Notice of Appearance and Request for Notice by Stephen G. Morrell, Esq. Filed by on behalf of Office of U.S. Trustee. (Pincus, Jennifer) Modified on 8/8/2013 (kef). (Entered: 08/07/2013)
08/07/2013		<u>4</u>	Motion to Use Cash Collateral <i>on Interim Basis; and Scheduling a Hearing to Consider the Use of Cash Collateral on a Final Basis</i> Filed by Montreal Maine & Atlantic Railway Ltd.. (Attachments: # <u>1</u> Proposed Order) (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013			Corrective Entry. Reason for Entry: Incorrect docketing event used in CM/ECF. Document terminated on system, motion to be refiled using correct event. (related document(s): <u>4</u> Motion to Use Cash Collateral filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (kef) (Entered: 08/07/2013)

08/07/2013		<u>5</u>	Debtor's Chapter 11 First Day Motion <i>for Order Pursuant to 11 U.S.C. Sections 361, 362, and 363: (I) Authorizing Debtor to Use of Cash Collateral on Interim Basis; and (ii) Scheduling a Hearing to Consider the Use of Cash Collateral on a Final Basis</i> Filed by Montreal Maine &Atlantic Railway Ltd.. (Attachments: # <u>1</u> Proposed Order) (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013		<u>6</u>	Debtor's Chapter 11 First Day Motion To Honor Employee Benefits <i>and Payment of Prepetition Employee Obligations</i> Filed by Montreal Maine &Atlantic Railway Ltd.. (Attachments: # <u>1</u> Proposed Order) (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013		<u>7</u>	Debtor's Chapter 11 First Day Motion For Authority to Maintain Existing Bank Accounts <i>and Business Forms</i> Filed by Montreal Maine &Atlantic Railway Ltd.. (Attachments: # <u>1</u> Proposed Order) (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013		<u>8</u>	Debtor's Chapter 11 First Day Motion For Emergency Hearing Filed by Montreal Maine &Atlantic Railway Ltd. (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>6</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>7</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd.). Hearing scheduled for 8/8/2013 at 01:00 PM at Bankruptcy Courtroom, Room 30600, Bangor. Objections due by 8/8/2013. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Hearing Notice) (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013		<u>9</u>	Debtor's Chapter 11 First Day Motion For Utility Relief Under Section 355 motion <i>to (I) Prohibit Utilities from Altering, Refusing or Discontinuing Services, and (II) Establish Procedures for Determining Requests for Additional Adequate Assurance</i> Filed by Montreal Maine &Atlantic Railway Ltd.. (Attachments: # <u>1</u> Proposed Order) (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013		<u>10</u>	Debtor's Chapter 11 First Day Motion For Expedited Hearing <i>Shortened Objection Period, and Limited Notice</i> Filed by Montreal Maine &Atlantic Railway Ltd. (related document(s): <u>9</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd.). Hearing scheduled for 8/22/2013 at 10:00 AM at Kennebec County Courthouse. Objections due by 8/20/2013. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Hearing Notice) (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013		<u>11</u>	Affidavit(related document(s):,,,). Filed by Montreal Maine &Atlantic Railway Ltd. (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>6</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>7</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>9</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd.). (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013		<u>12</u>	Certificate of Service (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>6</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>7</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>8</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>9</u> Chapter 11 First Day Motion filed by Debtor Montreal

			Maine & Atlantic Railway Ltd., <u>10</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd., <u>11</u> Affidavit filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013		<u>13</u>	<i>Certification of Creditor Matrix</i> Filed by Montreal Maine & Atlantic Railway Ltd. (related document(s): <u>1</u> Voluntary Petition (Chapter 11) filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013		<u>14</u>	Debtor's Chapter 11 First Day Motion <i>for Order Authorizing Continued Business Operations Pending Appointment of a Chapter 11 Railroad Trustee</i> Filed by Montreal Maine & Atlantic Railway Ltd.. (Attachments: # <u>1</u> Proposed Order) (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013		<u>15</u>	Debtor's Chapter 11 First Day Motion For Emergency Hearing Filed by Montreal Maine & Atlantic Railway Ltd. (related document(s): <u>14</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). Hearing scheduled for 8/8/2013 at 01:00 PM at Bankruptcy Courtroom, Room 30600, Bangor. Objections due by 8/8/2013. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Hearing Notice) (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013		<u>16</u>	Certificate of Service (related document(s): <u>14</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd., <u>15</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013		<u>17</u>	Notice of Appearance and Request for Notice <i>and Demand for Service of Papers</i> by Nathaniel R. Hull Esq. Filed by on behalf of Montreal Maine & Atlantic Railway Ltd.. (Hull, Nathaniel) (Entered: 08/07/2013)
08/07/2013		<u>18</u>	Supplemental document <i>Resolutions of Board of Directors of Montreal Maine & Atlantic Railway LTD. ("MMA") Held on August 2, 2013</i> Filed by Montreal Maine & Atlantic Railway Ltd. (related document(s): <u>1</u> Voluntary Petition (Chapter 11) filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Clement, Jr., Roger) (Entered: 08/07/2013)
08/07/2013			Hearing Set (related document(s): <u>5</u> Motion for Cash Collateral filed by Debtor Montreal Maine & Atlantic Railway Ltd., <u>6</u> Motion to Honor Employee Benefits filed by Debtor Montreal Maine & Atlantic Railway Ltd., <u>7</u> Motion to Maintain Bank Accounts filed by Debtor Montreal Maine & Atlantic Railway Ltd., <u>14</u> Motion for Order Authorizing Continued Operations filed by Debtor Montreal Maine & Atlantic Railway Ltd.). Hearing scheduled for 8/8/2013 at 01:00 PM at Bankruptcy Courtroom, Room 30600, Bangor. Docketed to add matters to calendaring program. (ljs) (Entered: 08/07/2013)
08/08/2013		<u>19</u>	Notice of Appearance and Request for Notice by Stephen G. Morrell Esq. Filed by on behalf of Office of U.S. Trustee. (Morrell, Stephen) (Entered: 08/08/2013)
08/08/2013		<u>20</u>	

			Order to Comply and Notice to Dismiss Case. Deficiency Requested: Summary of Schedules, Schedule A, Schedule B, Schedule D, Schedule E, Schedule F, Schedule G, Schedule H, Declaration of Schedules, Statement of Financial Affairs, Disclosure of Attorney Compensation, List of Equity Security Holders. Statement of Financial Affairs due 8/21/2013. Incomplete Filings due by 8/21/2013. (kef) (Entered: 08/08/2013)
08/08/2013			Plan or Disclosure Statement Deadline Updated (related document(s): <u>1</u> Voluntary Petition (Chapter 11) filed by Debtor Montreal Maine & Atlantic Railway Ltd.). Chapter 11 Plan due by 12/6/2013. Disclosure Statement due by 12/6/2013. (kef) (Entered: 08/08/2013)
08/08/2013		<u>21</u>	Notice of Appearance and Request for Notice (<i>with Certificate of Service</i>) by Victoria Morales Filed by on behalf of Maine Department of Transportation. (Morales, Victoria) (Entered: 08/08/2013)
08/08/2013		<u>22</u>	Certification for Admission Pro Hac Vice Filed by Maine Department of Transportation. (Morales, Victoria) (Entered: 08/08/2013)
08/08/2013		<u>23</u>	Certification for Admission Pro Hac Vice Filed by Eastern Maine Railway Company, Maine Northern Railway Company, New Brunswick Southern Railway Company. (Cunningham, Keith) (Entered: 08/08/2013)
08/08/2013		<u>24</u>	Notice of Appearance and Request for Notice by Michael F. Hahn Esq. Filed by on behalf of Bangor Savings Bank. (Hahn, Michael) (Entered: 08/08/2013)
08/08/2013		<u>25</u>	Minute Entry re: (related document(s): <u>15</u> Chapter 11 First Day Motion filed by Montreal Maine & Atlantic Railway Ltd.) Appearances : Roger A. Clement, Jr., Nathaniel R. Hull Esq., David C. Johnson, Benjamin E. Marcus, Stephen G. Morrell, William C. Price, John Stemplewicz, Alan Lepene. No objections. Motion granted. Order to enter. (LJS) (Entered: 08/08/2013)
08/08/2013		<u>26</u>	Minute Entry re: (related document(s): <u>14</u> Chapter 11 First Day Motion filed by Montreal Maine & Atlantic Railway Ltd.) Appearances : Roger A. Clement, Jr., Nathaniel R. Hull Esq., David C. Johnson, Benjamin E. Marcus, Stephen G. Morrell, William C. Price, John Stemplewicz, Alan Lepene. No objections. Motion granted. Order to enter. (LJS) (Entered: 08/08/2013)
08/08/2013		<u>27</u>	Minute Entry re: (related document(s): <u>8</u> Chapter 11 First Day Motion filed by Montreal Maine & Atlantic Railway Ltd.) Appearances : Roger A. Clement, Jr., Nathaniel R. Hull Esq., David C. Johnson, Benjamin E. Marcus, Stephen G. Morrell, William C. Price, John Stemplewicz, Alan Lepene. No objections. Motion granted. Order to enter. (LJS) (Entered: 08/08/2013)
08/08/2013		<u>28</u>	Minute Entry re: (related document(s): <u>5</u> Motion for Cash Collateral filed by Montreal Maine & Atlantic Railway Ltd.) Appearances : Roger A. Clement, Jr., Nathaniel R. Hull Esq., David C. Johnson, Benjamin E. Marcus, Stephen G. Morrell, William C. Price, John Stemplewicz, Alan Lepene. Motion granted on an interim basis. Revised form of order to be filed within 7 days. Continued hearing

			scheduled for 08/22/2013 at 11:00 AM at Kennebec County Courthouse, Augusta. (LJS) (Entered: 08/08/2013)
08/08/2013		<u>29</u>	PDF with attached Audio File. Court Date &Time [8/8/2013 1:04:49 PM]. File Size [16069 KB]. Run Time [01:06:57]. (courtaudio). (Entered: 08/08/2013)
08/08/2013		<u>30</u>	Minute Entry re: (related document(s): <u>7</u> Motion to Maintain Existing Bank Accounts filed by Montreal Maine &Atlantic Railway Ltd.) Appearances : Roger A. Clement, Jr., Nathaniel R. Hull Esq., David C. Johnson, Benjamin E. Marcus, Stephen G. Morrell, William C. Price, John Stemplewicz, Alan Lepene. Motion granted on an interim basis. Revised form of order to be filed within 7 days. Continued hearing scheduled for 08/22/2013 at 11:00 AM at Kennebec County Courthouse, Augusta. (LJS) (Entered: 08/08/2013)
08/08/2013		<u>31</u>	Minute Entry re: (related document(s): <u>6</u> Motion to Honor Employee Benefits filed by Montreal Maine &Atlantic Railway Ltd.) Appearances : Roger A. Clement, Jr., Nathaniel R. Hull Esq., David C. Johnson, Benjamin E. Marcus, Stephen G. Morrell, William C. Price, John Stemplewicz, Alan Lepene. Motion granted on an interim basis. Revised form of order to be filed within 7 days. Continued hearing scheduled for 08/22/2013 at 11:00 AM at Kennebec County Courthouse, Augusta. (LJS) (Entered: 08/08/2013)
08/08/2013		<u>32</u>	Notice of Appearance and Request for Notice <i>by Benjamin E. Marcus, Esq., Jeffrey T. Piampiano, Esq. and by Jeremy R. Fischer</i> Filed by on behalf of XL Insurance Company, Ltd., Indian Harbor Insurance Company. (Attachments: # <u>1</u> Certificate of Service) (Fischer, Jeremy) (Entered: 08/08/2013)
08/08/2013		<u>33</u>	Order Granting Motion for Emergency Hearing (Related Doc # <u>8</u>) (kef) (Entered: 08/08/2013)
08/08/2013		<u>34</u>	Order Authorizing the Debtor's Continued Business Operations Pending Appointment of a Chapter 11 Railroad Trustee (Related Doc # <u>14</u>) (kef) (Entered: 08/08/2013)
08/08/2013		<u>35</u>	Order Granting Motion for Emergency Hearing (Related Doc # <u>15</u>) (kef) (Entered: 08/08/2013)
08/08/2013		<u>36</u>	Certification for Admission Pro Hac Vice Filed by Indian Harbor Insurance Company, XL Insurance Company, Ltd.. (Attachments: # <u>1</u> Certificate of Service) (Fischer, Jeremy) (Entered: 08/08/2013)
08/08/2013			Deadlines Updated (BK) (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>6</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>7</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>28</u> Minutes of Proceedings, <u>30</u> Minutes of Proceedings, <u>31</u> Minutes of Proceedings). Proposed Orders due by 8/15/2013. (kef) (Entered: 08/08/2013)
08/08/2013		<u>37</u>	Amended <i>List of Creditors Holding 20 Largest Unsecured Claims</i> Filed by Montreal Maine &Atlantic Railway Ltd. (related

			document(s): <u>1</u> Voluntary Petition (Chapter 11) filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Attachments: # <u>1</u> List of 20 Largest Creditors Amended) (Clement, Jr., Roger) (Entered: 08/08/2013)
08/09/2013		<u>38</u>	Creditor's Notice of Appearance and Request for Notice by Pamela W. Waite Esq. Filed by on behalf of Maine Revenue Services. (Waite, Pamela) (Entered: 08/09/2013)
08/09/2013		<u>39</u>	Proposed Order <i>Authorizing Payment of Prepetition Employee Obligations and Continuation of Prepetition Employee Benefits</i> Filed by Montreal Maine & Atlantic Railway Ltd. (related document(s): <u>6</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Hull, Nathaniel) (Entered: 08/09/2013)
08/09/2013		<u>40</u>	Proposed Order (<i>Interim</i>) <i>Authorizing the Continued Use of Pre-Petition Bank Accounts and Business Forms</i> Filed by Montreal Maine & Atlantic Railway Ltd. (related document(s): <u>7</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Hull, Nathaniel) (Entered: 08/09/2013)
08/09/2013		<u>41</u>	Order Authorizing Payment of Prepetition Employee Obligations and Continuation of Prepetition Employee Benefits (related document(s): <u>6</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (kef) (Entered: 08/09/2013)
08/09/2013		<u>42</u>	Interim Order Authorizing the Continued Use of Pre-Petition Bank Accounts and Business Forms (related document(s): <u>7</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (kef) (Entered: 08/09/2013)
08/10/2013		<u>43</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>20</u> Order to Comply). Notice Date 08/10/2013. (Admin.) (Entered: 08/11/2013)
08/10/2013		<u>44</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>33</u> Order on Motion Re: Chapter 11 First Day Motions). Notice Date 08/10/2013. (Admin.) (Entered: 08/11/2013)
08/10/2013		<u>45</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>34</u> Order on Motion Re: Chapter 11 First Day Motions). Notice Date 08/10/2013. (Admin.) (Entered: 08/11/2013)
08/10/2013		<u>46</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>35</u> Order on Motion Re: Chapter 11 First Day Motions). Notice Date 08/10/2013. (Admin.) (Entered: 08/11/2013)
08/11/2013		<u>47</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>41</u> Order on Document). Notice Date 08/11/2013. (Admin.) (Entered: 08/12/2013)
08/11/2013		<u>48</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>42</u> Order on Document). Notice Date 08/11/2013. (Admin.) (Entered: 08/12/2013)
08/12/2013		<u>49</u>	

			Supplemental document to <i>Debtor's Motion for Order Pursuant to 11 U.S.C. §§ 361, 362, and 363: (I) Authorizing Debtor to Use of Cash Collateral on Interim Basis; and (II) Scheduling a Hearing to Consider the Use of Cash Collateral on a Final Basis</i> Filed by Montreal Maine & Atlantic Railway Ltd. (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Attachments: # <u>1</u> Proposed Order # <u>2</u> Certificate of Service) (Hull, Nathaniel) (Entered: 08/12/2013)
08/12/2013		<u>50</u>	Notice of Appearance and Request for Notice by John Thomas Stemplewicz Filed by on behalf of United States of America. (Stemplewicz, John) (Entered: 08/12/2013)
08/12/2013		<u>51</u>	Interim Order Authorizing Debtor to Use Cash Collateral and Granting Adequate Protection (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (kef) (Entered: 08/12/2013)
08/13/2013		<u>52</u>	<i>Notice of Continued Hearings, Shortened Objection Periods, and Limited Notice</i> Filed by Montreal Maine & Atlantic Railway Ltd. (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd., <u>6</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd., <u>7</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Attachments: # <u>1</u> Certificate of Service) (Hull, Nathaniel) (Entered: 08/13/2013)
08/13/2013		<u>53</u>	Certification for Admission Pro Hac Vice Filed by Maine Department of Transportation. (Morales, Victoria) (Entered: 08/13/2013)
08/13/2013		<u>54</u>	Certification for Admission Pro Hac Vice Filed by Maine Department of Transportation. (Morales, Victoria) (Entered: 08/13/2013)
08/13/2013		<u>55</u>	Notice of Appearance and Request for Notice by Alan R. Lepene Esq. Filed by on behalf of Eastern Maine Railway Company, Maine Northern Railway Company, New Brunswick Southern Railway Company. (Lepene, Alan) (Entered: 08/13/2013)
08/13/2013			Hearings Set (related document(s): <u>9</u> Motion for Utility Relief filed by Debtor Montreal Maine & Atlantic Railway Ltd., <u>10</u> Motion to Expedite Hearing filed by Debtor Montreal Maine & Atlantic Railway Ltd.). Hearings rescheduled for 8/22/2013 at 11:00 AM at Kennebec County Courthouse, to be heard with other matters in this case. THIS IS A TIME CHANGE ONLY. (ljs) (Entered: 08/13/2013)
08/13/2013		<u>56</u>	Notice of Appearance and Request for Notice by David C. Johnson Filed by on behalf of Wheeling & Lake Erie Railway Company. (Johnson, David) (Entered: 08/13/2013)
08/13/2013		<u>57</u>	Notice of Appearance and Request for Notice by George J. Marcus Esq. Filed by on behalf of Wheeling & Lake Erie Railway Company. (Marcus, George) (Entered: 08/13/2013)
08/14/2013		<u>58</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>51</u> Order on Document). Notice Date 08/14/2013. (Admin.) (Entered: 08/15/2013)

08/16/2013			RESCHEDULED Hearings Set (related document(s): <u>5</u> Motion to Use Cash Collateral filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>6</u> Motion to Honor Employee Benefits filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>7</u> Motion to Use Existing Bank Accounts filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>9</u> Motion for Utility Relief filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>10</u> Motion to Expedite Hearing filed by Debtor Montreal Maine &Atlantic Railway Ltd.). Due to lack of sufficient courtroom space in Augusta, all hearings above RESCHEDULED for 8/22/2013 at 02:00 PM at Bankruptcy Courtroom, PORTLAND. **PLEASE NOTE: THIS IS A TIME CHANGE AND A LOCATION CHANGE.** (ljs) (Entered: 08/16/2013)
08/16/2013			Notice of Change of Address: GATX Corporation, 222 West Adams Street, 6th Floor, Chicago, IL 60606-5314 Filed by GATX Corporation . (mdw) (Entered: 08/16/2013)
08/20/2013		<u>59</u>	Consent Motion to Extend Time <i>for Entry of an Order Granting the Debtor Additional Time Within Which to File Schedules and Statements</i> Filed by Montreal Maine &Atlantic Railway Ltd.. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Certificate of Service) (Hull, Nathaniel) (Entered: 08/20/2013)
08/20/2013		<u>60</u>	Response Filed by Maine Department of Transportation (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd., <u>51</u> Order on Document). (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Exhibit F # <u>7</u> Certificate of Service) (Price, William) (Entered: 08/20/2013)
08/20/2013		<u>61</u>	Limited Objection to <i>Debtors 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</i> Filed by Office of U.S. Trustee (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd.). (Pincus, Jennifer) (Entered: 08/20/2013)
08/21/2013		<u>62</u>	Exhibit Amended Exhibit A to Maine Department of Transportation's Response to Debtor's Motion for an Order Pursuant to 11 U.S.C. sec. 361, 362 and 363 Authorizing Debtor to Use Cash Collateral Filed by Maine Department of Transportation (related document(s): <u>60</u> Response filed by Creditor Maine Department of Transportation). (Price, William) (Entered: 08/21/2013)
08/21/2013		<u>63</u>	Order Granting Motion to Extend Time to Submit Incomplete Filings (Related Doc # <u>59</u>) Incomplete Filings due by 9/4/2013. 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.(kef) (Entered: 08/21/2013)
08/21/2013		<u>64</u>	Certificate of United States Trustee <i>of Appointment of Trustee</i> Filed by Office of U.S. Trustee. (Attachments: # <u>1</u> Affidavit of Disinterestedness) (Morrell, Stephen) (Entered: 08/21/2013)
08/21/2013		<u>65</u>	

			Certificate of Service (related document(s): <u>60</u> Response filed by Creditor Maine Department of Transportation, <u>62</u> Exhibit filed by Creditor Maine Department of Transportation). (Price, William) (Entered: 08/21/2013)
08/21/2013		<u>66</u>	Debtor's Motion to Reject Lease or Executory Contract Filed by Montreal Maine & Atlantic Railway Ltd.. Hearing scheduled for 10/3/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. Objections due by 9/12/2013. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Hearing Notice # <u>3</u> Certificate of Service) (Clement, Jr., Roger) (Entered: 08/21/2013)
08/21/2013		<u>67</u>	Exhibit A Filed by Montreal Maine & Atlantic Railway Ltd. (related document(s): <u>66</u> Motion to Assume/Reject filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Clement, Jr., Roger) (Entered: 08/21/2013)
08/21/2013		<u>68</u>	Trustee's Response Filed by Robert J. Keach (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd., <u>6</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd., <u>7</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd., <u>9</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Attachments: # <u>1</u> Certificate of Service) (Keach, Robert) (Entered: 08/21/2013)
08/21/2013		<u>69</u>	Certification for Admission Pro Hac Vice Filed by Estates of Marie Alliance, et al. (Kurr, George) (Entered: 08/21/2013)
08/21/2013		<u>70</u>	Certification for Admission Pro Hac Vice Filed by Estates of Marie Alliance, et al. (Kurr, George) (Entered: 08/21/2013)
08/21/2013		<u>71</u>	Certification for Admission Pro Hac Vice Filed by Estates of David Lacroix Beaudoin. (Kurr, George) (Entered: 08/21/2013)
08/21/2013		<u>72</u>	Certification for Admission Pro Hac Vice Filed by Estates of Stephanie Bolduc. (Kurr, George) (Entered: 08/21/2013)
08/21/2013		<u>73</u>	Certification for Admission Pro Hac Vice Filed by Estates of Stephanie Bolduc. (Kurr, George) (Entered: 08/21/2013)
08/21/2013		<u>74</u>	Application to Employ Bernstein, Shur, Sawyer & Nelson, P.A. as Attorneys <i>for the Trustee</i> Filed by Robert J. Keach. (Attachments: # <u>1</u> Proposed Order) (Keach, Robert) (Entered: 08/21/2013)
08/21/2013		<u>75</u>	Affidavit. Filed by Bernstein, Shur, Sawyer & Nelson (related document(s): <u>74</u> Application to Employ filed by Trustee Robert J. Keach). (Attachments: # <u>1</u> Exhibit A – Conflict Check # <u>2</u> Exhibit B – Client List # <u>3</u> Exhibit C – Biographies) (Fagone, Michael) (Entered: 08/21/2013)
08/22/2013		<u>76</u>	Motion to Appoint Creditors' Committee <i>for Wrongful Death Claimants'</i> Filed by Estates of Marie Alliance, et al, Estates of Stephanie Bolduc. Hearing scheduled for 10/3/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. Objections due by 9/12/2013. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Proposed Order # <u>3</u> Hearing Notice # <u>4</u> Certificate of Service) (Kurr, George) (Entered: 08/22/2013)

08/22/2013		<u>77</u>	Proposed Order <i>Second Interim Authorizing Debtor to Use Cash Collateral and Granting Adequate Protection</i> Filed by Montreal Maine &Atlantic Railway Ltd. (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd.). (Clement, Jr., Roger) (Entered: 08/22/2013)
08/22/2013		<u>78</u>	<i>Joinder to Wrongful Death Claimants' Motion for Formation of Creditors' Committee</i> Filed by Estates of David Lacroix Beaudoin (related document(s): <u>76</u> Motion to Appoint Creditors' Committee filed by Creditor Estates of Marie Alliance, et al, Creditor Estates of Stephanie Bolduc). (Attachments: # <u>1</u> Exhibit A # <u>2</u> Certificate of Service) (Kurr, George) (Entered: 08/22/2013)
08/22/2013		<u>79</u>	Certification for Admission Pro Hac Vice Filed by Maine Department of Transportation. (Morales, Victoria) (Entered: 08/22/2013)
08/22/2013		<u>80</u>	Certification for Admission Pro Hac Vice Filed by Unofficial Committee of Victims. (Olson, Richard) (Entered: 08/22/2013)
08/22/2013		<u>81</u>	Certification for Admission Pro Hac Vice Filed by Michael S. Wholly. (Molleur, James) (Entered: 08/22/2013)
08/22/2013		<u>82</u>	Certification for Admission Pro Hac Vice Filed by Jordan M. Kaplan. (Molleur, James) (Entered: 08/22/2013)
08/22/2013		<u>83</u>	Notice of Appearance and Request for Notice by James F. Molleur Esq. Filed by on behalf of Brotherhood of Locomotive Engineers and Trainmen (Molleur, James) Modified on 8/22/2013 (mdw). (Entered: 08/22/2013)
08/22/2013		<u>84</u>	Certificate of Service (related document(s): <u>74</u> Application to Employ filed by Trustee Robert J. Keach, <u>75</u> Affidavit filed by Attorney Bernstein, Shur, Sawyer & Nelson). (Keach, Robert) (Entered: 08/22/2013)
08/22/2013		<u>85</u>	PDF with attached Audio File. Court Date &Time [8/22/2013 1:59:58 PM]. File Size [14361 KB]. Run Time [00:47:52]. (courtaudio). (Entered: 08/22/2013)
08/22/2013		<u>86</u>	Minute Entry re: (related document(s): <u>5</u> Motion to Use Cash Collateral filed by Montreal Maine &Atlantic Railway Ltd.) Appearance List Attached. Parties have reached agreement. Motion granted on an interim basis. Further hearing scheduled for 09/04/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. Revised proposed order to be submitted as soon as possible. (LJS) Additional attachment(s) added on 8/23/2013 (ljs). (Entered: 08/23/2013)
08/22/2013		<u>87</u>	Minute Entry re: (related document(s): <u>7</u> Chapter 11 First Day Motion filed by Montreal Maine &Atlantic Railway Ltd.) Appearance List Attached. Further hearing scheduled for 09/04/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. (LJS) Additional attachment(s) added on 8/23/2013 (ljs). (Entered: 08/23/2013)
08/22/2013		<u>88</u>	Minute Entry re: (related document(s): <u>6</u> Motion to Honor Employees Benefits filed by Montreal Maine &Atlantic Railway

			Ltd.) No further hearing needed as order entered on 8/9/13. (LJS) Additional attachment(s) added on 8/23/2013 (ljs). (Entered: 08/23/2013)
08/22/2013		<u>89</u>	Minute Entry re: (related document(s): <u>9</u> Motion for Utility Relief filed by Montreal Maine & Atlantic Railway Ltd.) Appearances List Attached. Motion granted. Revised proposed order to be submitted. (LJS) Additional attachment(s) added on 8/23/2013 (ljs). (Entered: 08/23/2013)
08/22/2013		<u>90</u>	Minute Entry re: (related document(s): <u>10</u> Motion to Expedite Hearing filed by Montreal Maine & Atlantic Railway Ltd.) Appearances List Attached. Motion granted. Order to enter. (LJS) Additional attachment(s) added on 8/23/2013 (ljs). (Entered: 08/23/2013)
08/23/2013		<u>91</u>	Proposed Order (<i>Revised</i>) Filed by Bernstein, Shur, Sawyer & Nelson (related document(s): <u>9</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd., <u>68</u> Response filed by Trustee Robert J. Keach). (Fagone, Michael) (Entered: 08/23/2013)
08/23/2013			Deadlines Updated (BK). Check status of proposed orders on Cash Collateral and Utility Relief due by 8/26/2013. (kef) (Entered: 08/23/2013)
08/23/2013		<u>92</u>	Order Granting Motion for Expedited Hearing (Related Doc # <u>10</u>) (kef) (Entered: 08/23/2013)
08/23/2013			Change of Address for creditor: Previous Address: Helm Financial Corporation, Lock Box 13499, 13499 Collections Center Drive, Chicago, IL 60693-0134. New Address: Helm Financial Corporation, Attn: General Counsel, 505 Sansome Street, Suite 1800, San Francisco, CA 94111 as specified on returned envelope. Filed by Bernstein, Shur, Sawyer & Nelson. (Fagone, Michael) (Entered: 08/23/2013)
08/23/2013		<u>93</u>	Proposed Order <i>relating to Second Interim Order Authorizing Debtor to Use Cash Collateral and Granting Adequate Protection</i> Filed by Robert J. Keach (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Fagone, Michael) (Entered: 08/23/2013)
08/23/2013		<u>94</u>	Proposed Order <i>relating to Second Interim Order Authorizing the Continued use of Pre-Petition Bank Accounts and Business Forms</i> Filed by Robert J. Keach (related document(s): <u>7</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Fagone, Michael) (Entered: 08/23/2013)
08/23/2013		<u>95</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>63</u> Order on Motion to Extend Time). Notice Date 08/23/2013. (Admin.) (Entered: 08/24/2013)
08/25/2013		<u>96</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>92</u> Order on Motion Re: Chapter 11 First Day Motions). Notice Date 08/25/2013. (Admin.) (Entered: 08/26/2013)
08/26/2013		<u>97</u>	

			Second Interim Order Authorizing the Continued Use of Pre-Petition Bank Accounts and Business Forms.(related document(s): <u>7</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd.). (kef) (Entered: 08/26/2013)
08/26/2013		<u>98</u>	Second Interim Order Authorizing Debtor To Use Cash Collateral and Granting Adequate Protection (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd.). (kef) (Entered: 08/26/2013)
08/26/2013		<u>99</u>	Order Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, and Establishing Procedures for Determining Requests for Additional Adequare Assurance (Related Doc # <u>9</u>) (kef) (Entered: 08/26/2013)
08/26/2013		<u>100</u>	Application to Employ Development Specialists, Inc. as Financial Advisor Filed by Robert J. Keach. (Attachments: # <u>1</u> Affidavit of William A. Brandt, Jr. # <u>2</u> Proposed Order) (Keach, Robert) (Entered: 08/26/2013)
08/26/2013		<u>101</u>	Certificate of Service (related document(s): <u>100</u> Application to Employ filed by Trustee Robert J. Keach). (Keach, Robert) (Entered: 08/26/2013)
08/27/2013		<u>102</u>	Application to Employ Covington &Burling LLP as Special Regulatory Counsel Filed by Robert J. Keach. (Attachments: # <u>1</u> Affidavit of Michael St. Patrick Baxter, Esq. # <u>2</u> Proposed Order) (Keach, Robert) (Entered: 08/27/2013)
08/27/2013		<u>103</u>	Application to Employ Kugler Kandestin, LLP as Special Counsel Filed by Robert J. Keach. (Attachments: # <u>1</u> Affidavit of Gerald F. Kandestin # <u>2</u> Proposed Order) (Keach, Robert) (Entered: 08/27/2013)
08/27/2013		<u>104</u>	Certificate of Service (related document(s): <u>102</u> Application to Employ filed by Trustee Robert J. Keach, <u>103</u> Application to Employ filed by Trustee Robert J. Keach). (Keach, Robert) (Entered: 08/27/2013)
08/27/2013		<u>105</u>	Motion for Relief from Stay. Movant does not waive the requirement of section 362(e) for a preliminary hearing within 30 days. If the Movant schedules a preliminary hearing more than 30 days from the date of filing the motion, waiver of the requirement of section 362(e) in relation to the preliminary hearing is implied. Fee Amount \$ 176. Filed by Travelers Property Casualty Company of America. Hearing scheduled for 9/13/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. Objections due by 9/10/2013. (Attachments: # <u>1</u> Exhibit Proposed Declaratory Judgment Complaint # <u>2</u> Hearing Notice # <u>3</u> Proposed Order On Motion for Relief) (Randlett, Joshua) (Entered: 08/27/2013)
08/27/2013		<u>106</u>	Motion to Expedite Hearing Filed by Travelers Property Casualty Company of America (related document(s): <u>105</u> Motion for Relief From Stay filed by Interested Party Travelers Property Casualty Company of America). Hearing scheduled for 9/13/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. Objections due by 9/10/2013. (Randlett, Joshua) (Entered: 08/27/2013)

08/28/2013			Entry: Application to be set for hearing, as it requests relief Nunc Pro Tunc. (related document(s): <u>102</u> Application to Employ filed by Trustee Robert J. Keach). (kef) (Entered: 08/28/2013)
08/28/2013		<u>107</u>	Order Granting Application to Employ Bernstein, Shur, Sawyer, and Nelson, P.A. as Attorneys for the Trustee Michael A. Fagone, Esq. for Robert J. Keach (Related Doc # <u>74</u>) 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.(kef) (Entered: 08/28/2013)
08/28/2013		<u>108</u>	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 Filed by Robert J. Keach (related document(s): <u>103</u> Application to Employ filed by Trustee Robert J. Keach). (Attachments: # <u>1</u> Affidavit of Gerald F. Kandestin # <u>2</u> Proposed Order) (Keach, Robert) (Entered: 08/28/2013)
08/28/2013		<u>109</u>	Certification for Admission Pro Hac Vice Filed by Travelers Property Casualty Company of America. (Randlett, Joshua) (Entered: 08/28/2013)
08/28/2013		<u>110</u>	Certification for Admission Pro Hac Vice Filed by Travelers Property Casualty Company of America. (Randlett, Joshua) (Entered: 08/28/2013)
08/28/2013			Entry: Hearing Notice was not included in filing. (related document(s): <u>106</u> Motion to Expedite Hearing filed by Interested Party Travelers Property Casualty Company of America). (kef) (Entered: 08/28/2013)
08/28/2013			Receipt of Motion for Relief From Stay(13-10670) [motion,mrlfsty] (176.00) Filing Fee. Receipt number 69209. Fee amount 176.00. (re: Doc# <u>105</u>) (kaf) (Entered: 08/28/2013)
08/28/2013			Receipt of Relief from Stay Filing Fee – \$176.00 by MW. Receipt Number 00069209. (admin) (Entered: 08/28/2013)
08/28/2013		<u>111</u>	Motion to Expedite Hearing , Motion to Shorten Time , Motion to Limit Notice <i>With Respect to Applications Seeking to Employ Development Specialists, Inc. and Covington & Burling LLP Nunc Pro Tunc to August 21, 2013</i> Filed by Robert J. Keach (related document(s): <u>100</u> Application to Employ filed by Trustee Robert J. Keach, <u>102</u> Application to Employ filed by Trustee Robert J. Keach). Hearing scheduled for 9/4/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. Objections due by 9/3/2013. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Hearing Notice) (Keach, Robert) (Entered: 08/28/2013)
08/28/2013		<u>112</u>	Notice to take Deposition Filed by Wheeling & Lake Erie Railway Company. (Johnson, David) (Entered: 08/28/2013)
08/28/2013		<u>113</u>	Notice of Appearance and Request for Notice by Fred W. Bopp III, Esq. Filed by on behalf of Progress Rail Services Corporation. (Bopp III., Fred) (Entered: 08/28/2013)

08/28/2013		<u>114</u>	<i>Notice of Hearing</i> Filed by Travelers Property Casualty Company of America (related document(s): <u>106</u> Motion to Expedite Hearing filed by Interested Party Travelers Property Casualty Company of America). (Randlett, Joshua) (Entered: 08/28/2013)
08/28/2013		<u>115</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>97</u> Order on Document). Notice Date 08/28/2013. (Admin.) (Entered: 08/29/2013)
08/28/2013		<u>116</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>98</u> Order on Document). Notice Date 08/28/2013. (Admin.) (Entered: 08/29/2013)
08/28/2013		<u>117</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>99</u> Order on Motion Re: Chapter 11 First Day Motions). Notice Date 08/28/2013. (Admin.) (Entered: 08/29/2013)
08/29/2013		<u>118</u>	Certificate of Service (related document(s): <u>100</u> Application to Employ filed by Trustee Robert J. Keach, <u>102</u> Application to Employ filed by Trustee Robert J. Keach, <u>108</u> Amended Bk Application filed by Trustee Robert J. Keach, <u>111</u> Motion to Expedite Hearing filed by Trustee Robert J. Keach, Motion to Shorten Time, Motion to Limit Notice). (Keach, Robert) (Entered: 08/29/2013)
08/29/2013		<u>119</u>	Order Granting Application to Employ Development Specialists, Inc. as Financial Advisor for the Trustee (Related Doc # <u>100</u>) 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.(kef) (Entered: 08/29/2013)
08/29/2013		<u>120</u>	Notice of Appearance and Request for Notice <i>by Surface Transportation Board</i> by Ronald Stephen Louis Molteni Esq. Filed by on behalf of Surface Transportation Board. (Molteni, Ronald) (Entered: 08/29/2013)
08/29/2013		<u>121</u>	Order Granting Application to Employ Covington & Burling, LLP as Special Regulatory Counsel for the Trustee (Related Doc # <u>102</u>) 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.(kef) (Entered: 08/29/2013)
08/29/2013		<u>122</u>	Order Granting Application to Employ Kugler Kandestin, LLP as Special Counsel for the Trustee (Related Doc # <u>108</u>) 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.(kef) (Entered: 08/29/2013)
08/30/2013		<u>123</u>	Limited Objection <i>of the United States Trustee</i> Filed by Office of U.S. Trustee (related document(s): <u>119</u> Order on Application to Employ). (Attachments: # <u>1</u> Exhibit A – Proposed Order) (Pincus, Jennifer) (Entered: 08/30/2013)
08/30/2013		<u>124</u>	Motion <i>for Order Pursuant to 11 U.S.C. Sec. 542(b)</i> Filed by Robert J. Keach. (Attachments: # <u>1</u> Proposed Order) (Fagone, Michael) (Entered: 08/30/2013)

08/30/2013		<u>125</u>	Motion to Expedite Hearing , Motion to Shorten Time , Motion to Limit Notice <i>With Respect to Motion for Order Pursuant to 11 U.S.C. Sec. 542(b)</i> Filed by Robert J. Keach (related document(s): <u>124</u> Generic Motion filed by Trustee Robert J. Keach). Hearing scheduled for 9/4/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. Objections due by 9/3/2013. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Hearing Notice) (Fagone, Michael) (Entered: 08/30/2013)
08/30/2013		<u>126</u>	<i>Motion for Order Adopting Cross-Border Insolvency Protocol</i> Filed by Robert J. Keach. (Attachments: # <u>1</u> Exhibit A – Cross-Border Insolvency Protocol # <u>2</u> Proposed Order) (Fagone, Michael) (Entered: 08/30/2013)
08/30/2013		<u>127</u>	Motion to Appoint Creditors' Committee Filed by Informal Committee of Quebec Claimants. Hearing scheduled for 9/13/2013 at 10:00 AM at Bankruptcy Conference Room, Bangor. Objections due by 9/11/2013. (Attachments: # <u>1</u> Exhibit A–G # <u>2</u> Proposed Order) (Olson, Richard) Modified on 9/3/2013 (rmp). (Entered: 08/30/2013)
08/30/2013		<u>128</u>	Motion to Expedite Hearing Filed by Informal Committee of Quebec Claimants (related document(s): <u>127</u> Motion to Appoint Creditors' Committee filed by Creditor Informal Committee of Quebec Claimants). Hearing scheduled for 9/13/2013 at 10:00 AM at Bankruptcy Conference Room, Bangor. Objections due by 9/11/2013. (Attachments: # <u>1</u> Exhibit A–Mtn to Appoint Creditor Com # <u>2</u> Exhibit Exhs A–G # <u>3</u> Proposed Order # <u>4</u> Hearing Notice) (Olson, Richard) Modified on 9/3/2013 (rmp). (Entered: 08/30/2013)
08/30/2013		<u>129</u>	Certificate of Service (related document(s): <u>124</u> Generic Motion filed by Trustee Robert J. Keach, <u>125</u> Motion to Expedite Hearing filed by Trustee Robert J. Keach, Motion to Shorten Time, Motion to Limit Notice). (Fagone, Michael) (Entered: 08/30/2013)
08/30/2013		<u>130</u>	Motion to Expedite Hearing , Motion to Shorten Time , Motion to Limit Notice <i>With Respect to Motion for Order Adopting Cross-Border Insolvency Protocol</i> Filed by Robert J. Keach (related document(s): <u>126</u> Generic Motion filed by Trustee Robert J. Keach). Hearing scheduled for 9/4/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. Objections due by 9/3/2013. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Hearing Notice) (Fagone, Michael) (Entered: 08/30/2013)
08/30/2013		<u>131</u>	Certificate of Service (related document(s): <u>126</u> Generic Motion filed by Trustee Robert J. Keach, <u>130</u> Motion to Expedite Hearing filed by Trustee Robert J. Keach, Motion to Shorten Time, Motion to Limit Notice). (Fagone, Michael) (Entered: 08/30/2013)
08/30/2013		<u>132</u>	Notice of Appearance and Request for Notice <i>and Papers</i> by Patrick C. Maxcy Esq. Filed by on behalf of Edward A. Burkhardt, Robert Grindrod, Gaynor Ryan, Joseph McGonigle, Donald M. Gardner, Jr., Cathy Aldana, Rail World, Inc, Rail World Holdings, LLC, Rail World Locomotive Leasing, LLC and Earlston As. (Maxcy, Patrick) (Entered: 08/30/2013)
08/30/2013		<u>133</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>107</u> Order on Application to Employ). Notice Date

			08/30/2013. (Admin.) (Entered: 08/31/2013)
08/31/2013		<u>134</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>122</u> Order on Motion to Amend Application). Notice Date 08/31/2013. (Admin.) (Entered: 09/01/2013)
08/31/2013		<u>135</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>119</u> Order on Application to Employ). Notice Date 08/31/2013. (Admin.) (Entered: 09/01/2013)
08/31/2013		<u>136</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>121</u> Order on Application to Employ). Notice Date 08/31/2013. (Admin.) (Entered: 09/01/2013)
09/03/2013			Hearing Set (related document(s): <u>124</u> Generic Motion filed by Trustee Robert J. Keach, <u>126</u> Generic Motion filed by Trustee Robert J. Keach). Hearing scheduled for 9/4/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. Docketed to add to calendaring program. (ljs) (Entered: 09/03/2013)
09/03/2013		<u>137</u>	Trustee's Objection to <i>Motion of Travelers Property Casualty Company of America to Expedite Hearing on Travelers' Motion for Relief from the Automatic Stay Pursuant to 11 U.S.C. Sec. 362(d)(1)</i> Filed by Robert J. Keach (related document(s): <u>106</u> Motion to Expedite Hearing filed by Interested Party Travelers Property Casualty Company of America). (Fagone, Michael) (Entered: 09/03/2013)
09/03/2013		<u>138</u>	Amended Order Granting Application for Order, Pursuant to Sections 327 and 328 of the Bankruptcy Code, Authorizing the Employment of Development Specialists, Inc., as Financial Advisor for the Trustee Nunc Pro Tunc to August 21, 2013 (related document(s): <u>119</u> Order on Application to Employ). (kef) (Entered: 09/03/2013)
09/03/2013		<u>139</u>	Limited Objection Filed by Office of U.S. Trustee (related document(s): <u>121</u> Order on Application to Employ). (Attachments: # <u>1</u> Exhibit A (Proposed Amended Order)) (Pincus, Jennifer) (Entered: 09/03/2013)
09/03/2013		<u>140</u>	Amended Certificate of Service (related document(s): <u>139</u> Objection filed by U.S. Trustee Office of U.S. Trustee). (Pincus, Jennifer) (Entered: 09/03/2013)
09/03/2013		<u>141</u>	Limited Objection (<i>with Proposed Revised Order</i>) Filed by Office of U.S. Trustee (related document(s): <u>122</u> Order on Motion to Amend Application). (Attachments: # <u>1</u> Exhibit A (Proposed Amended Order)) (Pincus, Jennifer) (Entered: 09/03/2013)
09/03/2013		<u>142</u>	Amended Order Granting Application for Order, Pursuant to Sections 327 and 328 of the Bankruptcy Code, Authorizing the Employment of Covington & Burling LLP, as Special Regulatory Counsel for the Trustee Nunc Pro Tunc to August 21, 2013. (related document(s): <u>121</u> Order on Application to Employ). (kef) (Entered: 09/03/2013)
09/03/2013		<u>143</u>	Amended Order Granting 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 (related document(s): <u>122</u> Order on Motion to Amend Application). (kef) (Entered: 09/03/2013)
09/03/2013		<u>144</u>	Notice of Appearance and Request for Notice by Michael A. Fagone Esq. Filed by on behalf of Robert J. Keach. (Fagone, Michael) (Entered: 09/03/2013)
09/03/2013		<u>145</u>	Notice of Appearance and Request for Notice by D. Sam Anderson Esq. Filed by on behalf of Robert J. Keach. (Anderson, D. Sam) (Entered: 09/03/2013)
09/03/2013		<u>146</u>	Supplemental Response Filed by Robert J. Keach (related document(s): <u>7</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Attachments: # <u>1</u> Exhibit A – Proposed Form of Order) (Fagone, Michael) (Entered: 09/03/2013)
09/03/2013		<u>147</u>	Certificate of Service (related document(s): <u>137</u> Objection filed by Trustee Robert J. Keach, <u>146</u> Response filed by Trustee Robert J. Keach). (Fagone, Michael) (Entered: 09/03/2013)
09/03/2013		<u>148</u>	Limited Objection of the United States Trustee Filed by Office of U.S. Trustee (related document(s): <u>7</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Pincus, Jennifer) (Entered: 09/03/2013)
09/03/2013		<u>149</u>	Objection to The Chapter 11 Trustee's Motion for Expedited Hearing, Shortened Objection Period and Limited Notice with Respect to Motion for Order Pursuant to 11 U.S.C. § 542(b) Filed by J.D. Irving, Limited, Irving Pulp & Paper, Limited, Irving Paper Limited (related document(s): <u>125</u> Motion to Expedite Hearing filed by Trustee Robert J. Keach, Motion to Shorten Time, Motion to Limit Notice). (Attachments: # <u>1</u> Certificate of Service) (Cunningham, Keith) (Entered: 09/03/2013)
09/03/2013		<u>150</u>	Wrongful Death Claimants' Reservation of Rights Concerning Employment of Chapter 11 Professionals Filed by Estates of Marie Alliance, et al (related document(s): <u>107</u> Order on Application to Employ, <u>119</u> Order on Application to Employ, <u>121</u> Order on Application to Employ, <u>122</u> Order on Motion to Amend Application). (Garg, Taruna) (Entered: 09/03/2013)
09/03/2013		<u>151</u>	Objection Filed by GNP Maine Holdings, LLC (related document(s): <u>124</u> Generic Motion filed by Trustee Robert J. Keach, <u>125</u> Motion to Expedite Hearing filed by Trustee Robert J. Keach, Motion to Shorten Time, Motion to Limit Notice). (Attachments: # <u>1</u> Certificate of Service) (McDonald, Kelly) (Entered: 09/03/2013)
09/04/2013		<u>152</u>	Response Filed by Informal Committee of Quebec Claimants (related document(s): <u>126</u> Generic Motion filed by Trustee Robert J. Keach). (Olson, Richard) (Entered: 09/04/2013)
09/04/2013		<u>153</u>	Certificate of Service (related document(s): <u>152</u> Response filed by Creditor Informal Committee of Quebec Claimants). (Olson, Richard) (Entered: 09/04/2013)
09/04/2013		<u>154</u>	

			Certificate of Service (related document(s): <u>127</u> Motion to Appoint Creditors' Committee filed by Creditor Committee Unofficial Committee of Victims, <u>128</u> Motion to Expedite Hearing filed by Creditor Committee Unofficial Committee of Victims). (Olson, Richard) (Entered: 09/04/2013)
09/04/2013		<u>155</u>	Minute Entry re: (related document(s): <u>5</u> Motion to Use Cash Collateral filed by Montreal Maine & Atlantic Railway Ltd.). Continued use of cash collateral granted through continued hearing scheduled for 09/13/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. Revised proposed order to be submitted. (LJS) Additional attachment(s) added on 9/4/2013 (ljs). (Entered: 09/04/2013)
09/04/2013		<u>156</u>	Minute Entry re: (related document(s): <u>7</u> Motion to Use Bank Accounts filed by Montreal Maine & Atlantic Railway Ltd.). Motion granted without prejudice. Order to enter. (LJS) Additional attachment(s) added on 9/4/2013 (ljs). (Entered: 09/04/2013)
09/04/2013		<u>157</u>	Minute Entry re: (related document(s): <u>130</u> Motion to Expedite Hearing filed by Robert J. Keach). No objections. Motion granted. Order to enter. (LJS) Additional attachment(s) added on 9/4/2013 (ljs). (Entered: 09/04/2013)
09/04/2013		<u>158</u>	PDF with attached Audio File. Court Date & Time [9/4/2013 10:00:36 AM]. File Size [17165 KB]. Run Time [01:11:31]. (courtaudio). (Entered: 09/04/2013)
09/04/2013		<u>159</u>	Certificate of Service Filed by Estates of Marie Alliance, et al (related document(s): <u>150</u> Document filed by Creditor Estates of Marie Alliance, et al). (Garg, Taruna) (Entered: 09/04/2013)
09/04/2013		<u>160</u>	Minute Entry re: (related document(s): <u>126</u> Motion for Order Adopting Cross-Border Protocol filed by Robert J. Keach). Motion granted. Revised proposed order to be submitted. (LJS) Additional attachment(s) added on 9/4/2013 (ljs). (Entered: 09/04/2013)
09/04/2013		<u>161</u>	Order Authorizing the Continued Use of Pre-Petition Bank Accounts and Business Forms (related document(s): <u>7</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (kef) (Entered: 09/04/2013)
09/04/2013		<u>162</u>	Minute Entry re: (related document(s): <u>125</u> Motion to Expedite Hearing filed by Robert J. Keach). Motion granted in part, continued in part. Motion granted as to GNP. Revised proposed order to be submitted. Continued Hearing as to Irving scheduled for 09/16/2013 at 09:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. (LJS) Additional attachment(s) added on 9/4/2013 (ljs). (Entered: 09/04/2013)
09/04/2013		<u>163</u>	Minute Entry re: (related document(s): <u>124</u> Motion for Order pursuant to 542(b) filed by Robert J. Keach). Motion granted in part, continued in part. Motion granted as to GNP. Revised proposed order to be submitted. Continued Hearing as to Irving scheduled for 09/16/2013 at 09:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. (LJS) Additional attachment(s) added on 9/4/2013 (ljs). (Entered: 09/04/2013)

09/04/2013		<u>164</u>	Motion to Extend Time <i>Within Which to File Schedules and Statements</i> Filed by Robert J. Keach. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Certificate of Service) (Clement, Jr., Roger) Modified on 9/4/2013 (kef). (Entered: 09/04/2013)
09/04/2013		<u>165</u>	Proposed Order (<i>Revised</i>) Filed by Robert J. Keach (related document(s): <u>126</u> Generic Motion filed by Trustee Robert J. Keach). (Fagone, Michael) (Entered: 09/04/2013)
09/04/2013		<u>166</u>	Order Granting Motion Expedite Hearing (Related Doc # <u>130</u>), Granting Motion to Shorten Time (Related Doc # <u>130</u>), Granting Motion To Limit Notice (Related Doc # <u>130</u>) (kef) (Entered: 09/04/2013)
09/04/2013		<u>167</u>	Order Granting Motion to Extend Time to Submit Incomplete Filings (Related Doc # <u>164</u>) Incomplete Filings due by 9/11/2013. 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.(kef) (Entered: 09/04/2013)
09/04/2013		<u>168</u>	Order Adopting Cross-Border Insolvency Protocol (Related Doc # <u>126</u>) (kef) (Entered: 09/04/2013)
09/04/2013		<u>169</u>	Proposed Order Filed by Robert J. Keach (related document(s): <u>124</u> Generic Motion filed by Trustee Robert J. Keach). (Fagone, Michael) (Entered: 09/04/2013)
09/04/2013		<u>170</u>	Proposed Order Filed by Robert J. Keach (related document(s): <u>125</u> Motion to Expedite Hearing filed by Trustee Robert J. Keach, Motion to Shorten Time, Motion to Limit Notice). (Fagone, Michael) (Entered: 09/04/2013)
09/04/2013		<u>171</u>	Motion to Expedite Hearing Filed by Estates of Marie Alliance, et al (related document(s): <u>76</u> Motion to Appoint Creditors' Committee filed by Creditor Estates of Marie Alliance, et al, Creditor Estates of Stephanie Bolduc). Hearing scheduled for 9/13/2013 at 10:00 AM at Bangor. Objections due by 9/11/2013. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Hearing Notice # <u>3</u> Certificate of Service) (Garg, Taruna) (Entered: 09/04/2013)
09/05/2013		<u>172</u>	Proposed Order Filed by Robert J. Keach (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd.). (Fagone, Michael) (Entered: 09/05/2013)
09/05/2013		<u>173</u>	Third Interim Order Authorizing Debtor to Use Cash Collateral and Granting Adequate Protection (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine &Atlantic Railway Ltd.). (kef) (Entered: 09/05/2013)
09/05/2013		<u>174</u>	Order on Motion for Order Pursuant to 11 U.S.C. Sec. 542(b) (related document(s): <u>124</u> Generic Motion filed by Trustee Robert J. Keach). (kef) (Entered: 09/05/2013)
09/05/2013		<u>175</u>	Order Granting in part Motion Expedite Hearing (Related Doc # <u>125</u>), Granting in part Motion to Shorten Time (Related Doc # <u>125</u>), Granting in part Motion To Limit Notice (Related Doc # <u>125</u>) (kef) (Entered: 09/05/2013)

09/05/2013			Hearing Set (related document(s): <u>76</u> Motion to Appoint Creditors' Committee filed by Creditor Estates of Marie Alliance, et al, Creditor Estates of Stephanie Bolduc). Hearing scheduled for 9/13/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. Objections due by 9/11/2013. (kef) (Entered: 09/05/2013)
09/05/2013		<u>176</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>138</u> Order on Document). Notice Date 09/05/2013. (Admin.) (Entered: 09/06/2013)
09/05/2013		<u>177</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>142</u> Order on Document). Notice Date 09/05/2013. (Admin.) (Entered: 09/06/2013)
09/05/2013		<u>178</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>143</u> Order on Document). Notice Date 09/05/2013. (Admin.) (Entered: 09/06/2013)
09/06/2013		<u>179</u>	Debtor's Application to Employ Verrill Dana, LLP as Counsel Pursuant to 11 U.S.C. §§ 327(a) and 328(a), Fed. R. Bankr. P. 2014, and D. ME. LBR 2014–1 and 2014–2(b) Filed by Montreal Maine & Atlantic Railway Ltd.. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Verified Statement # <u>3</u> Certificate of Service) (Clement, Jr., Roger) (Entered: 09/06/2013)
09/06/2013		<u>180</u>	Notice of Appearance and Request for Notice by Isaiah A. Fishman Filed by on behalf of C. K. Industries, Inc.. (Fishman, Isaiah) (Entered: 09/06/2013)
09/06/2013		<u>181</u>	Notice of Hearing Filed by Robert J. Keach (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). Hearing scheduled for 9/13/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. Objections due by 9/11/2013. (Fagone, Michael) (Entered: 09/06/2013)
09/06/2013		<u>182</u>	Application to Employ Verrill Dana LLP as Special Counsel for the Trustee Filed by Robert J. Keach. Hearing scheduled for 10/3/2013 at 10:00 AM at Bankruptcy Courtroom, Room 30600, Bangor. Objections due by 9/26/2013. (Attachments: # <u>1</u> Exhibit – Verified Statement # <u>2</u> Proposed Order # <u>3</u> Hearing Notice) (Fagone, Michael) (Entered: 09/06/2013)
09/06/2013		<u>183</u>	Certificate of Service (related document(s): <u>181</u> Hearing (Bk) filed by Trustee Robert J. Keach, <u>182</u> Application to Employ filed by Trustee Robert J. Keach). (Fagone, Michael) (Entered: 09/06/2013)
09/06/2013		<u>184</u>	Notice by the Wheeling & Lake Erie Railway Company of Intent to Participate and Be Heard in Proceedings Related to the Trustees Pending Motion for Order Pursuant to 11 U.S.C. § 524(b) Filed by Wheeling & Lake Erie Railway Company (related document(s): <u>124</u> Generic Motion filed by Trustee Robert J. Keach). (Marcus, George) (Entered: 09/06/2013)
09/06/2013		<u>185</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>161</u> Order on Document). Notice Date 09/06/2013. (Admin.) (Entered: 09/07/2013)
09/06/2013		<u>186</u>	

			BNC Certificate of Mailing – PDF Document (related document(s): <u>168</u> Generic Order). Notice Date 09/06/2013. (Admin.) (Entered: 09/07/2013)
09/06/2013		<u>187</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>166</u> Order on Motion to Expedite Hearing). Notice Date 09/06/2013. (Admin.) (Entered: 09/07/2013)
09/06/2013		<u>188</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>167</u> Order on Motion to Extend Time). Notice Date 09/06/2013. (Admin.) (Entered: 09/07/2013)
09/07/2013		<u>189</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>173</u> Order on Document). Notice Date 09/07/2013. (Admin.) (Entered: 09/08/2013)
09/07/2013		<u>190</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>174</u> Order on Document). Notice Date 09/07/2013. (Admin.) (Entered: 09/08/2013)
09/07/2013		<u>191</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>175</u> Order on Motion to Expedite Hearing). Notice Date 09/07/2013. (Admin.) (Entered: 09/08/2013)
09/09/2013		<u>192</u>	Rule 9013–1(d) Deficiency Order (related document(s): <u>179</u> Application to Employ filed by Debtor Montreal Maine &Atlantic Railway Ltd.). (kef) (Entered: 09/09/2013)
09/09/2013		<u>193</u>	Trustee's Bond Filed by Office of U.S. Trustee. (Morrell, Stephen) (Entered: 09/09/2013)
09/09/2013		<u>194</u>	Debtor's Application to Employ Verrill Dana, LLP as Counsel Pursuant to 11 U.S.C. Sections 327(a) and 328(a), Fed. R. Bankr. P. 2014, and D. ME. LBR 2014–1 and 2014–2(b) Filed by Montreal Maine &Atlantic Railway Ltd.. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Verified Statement # <u>3</u> Certificate of Service) (Clement, Jr., Roger) (Entered: 09/09/2013)
09/10/2013		<u>195</u>	Order Granting Application to Employ Verrill Dana LLP as counsel for Debtor Verrill &Dana, LLP for Montreal Maine &Atlantic Railway Ltd. (Related Doc # <u>194</u>) 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.(kef) (Entered: 09/10/2013)
09/10/2013		<u>196</u>	Certification for Admission Pro Hac Vice Filed by Travelers Property Casualty Company of America. (Randlett, Joshua) (Entered: 09/10/2013)
09/10/2013		<u>197</u>	Certification for Admission Pro Hac Vice Filed by Wrongful Death, Personal Injury, Business, Property and Environmental Clients as of 9/1/13. (Brown, Thomas) (Entered: 09/10/2013)
09/10/2013		<u>198</u>	Certification for Admission Pro Hac Vice Filed by Wrongful Death, Personal Injury, Business, Property and Environmental Clients as of September 1, 2013. (Brown, Thomas) (Entered: 09/10/2013)
09/10/2013		<u>199</u>	

			Trustee's Objection to <i>Motion of Travelers Property Casualty Company of America for Relief from the Automatic Stay Pursuant to 11 U.S.C. sec. 362(d)(1)</i> Filed by Robert J. Keach (related document(s): <u>105</u> Motion for Relief From Stay filed by Interested Party Travelers Property Casualty Company of America). (Attachments: # <u>1</u> Certificate of Service) (Fagone, Michael) (Entered: 09/10/2013)
09/10/2013		<u>200</u>	Notice of Appearance and Request for Notice by Deborah L. Thorne Esq. Filed by on behalf of GATX Corporation. (Thorne, Deborah) (Entered: 09/10/2013)
09/11/2013			Corrective Entry. Reason for Entry: Certification not signed by local counsel. Document terminated on system. Certification has been refiled at DE 198. (related document(s): <u>197</u> Certification for Admission Pro Hac Vice filed by Interested Party Wrongful Death, Personal Injury, Business, Property and Environmental Clients as of 9/1/13). (kef) (Entered: 09/11/2013)
09/11/2013		<u>201</u>	Objection to <i>Motion for Authority to Use Cash Collateral</i> Filed by Wheeling & Lake Erie Railway Company (related document(s): <u>5</u> Chapter 11 First Day Motion filed by Debtor Montreal Maine & Atlantic Railway Ltd.). (Marcus, George) (Entered: 09/11/2013)
09/11/2013		<u>202</u>	Trustee's Motion to Transfer Personal Injury Tort and Wrongful Death Claims Pursuant to 28 U.S.C. Sec. 157(b)(5) Filed by Robert J. Keach. (Attachments: # <u>1</u> Letter to Clerk of U.S. Bankruptcy Court) (Fagone, Michael) (Entered: 09/11/2013)
09/11/2013		<u>203</u>	Certificate of Service (related document(s): <u>202</u> Generic Motion filed by Trustee Robert J. Keach). (Fagone, Michael) (Entered: 09/11/2013)
09/11/2013		<u>204</u>	Notice of Appearance and Request for Notice by Curtis E. Kimball Esq. Filed by on behalf of First Union Rail. (Kimball, Curtis) (Entered: 09/11/2013)
09/11/2013		<u>205</u>	Notice of Appearance and Request for Notice for <i>Thomas M. Brown, Esq. and Mitchell A. Touns, Esq.</i> by Thomas M. Brown Esq. Filed by on behalf of Wrongful Death, Personal Injury, Business, Property and Environmental Clients as of September 1, 2013. (Brown, Thomas) (Entered: 09/11/2013)
09/11/2013			STATUS CONFERENCE Set (related document(s): <u>124</u> Generic Motion filed by Trustee Robert J. Keach). Status conference scheduled for 9/11/2013 at 02:00 PM at Bankruptcy Conference Room, Bangor. (ljs) (Entered: 09/11/2013)
09/11/2013		<u>206</u>	Motion Transfer Personal Injury Tort and Wrongful Death Claims Pursuant to 28 U.S.C. Sec. 157(b)(5) Filed by Western Petroleum Corporation. (Attachments: # <u>1</u> Memorandum of Law in Support of Transfer Motion # <u>2</u> Exhibit A to Memorandum of Law # <u>3</u> Proposed Order) (Geller, Jay) (Entered: 09/11/2013)
09/11/2013		<u>207</u>	PDF with attached Audio File. Court Date & Time [9/11/2013 1:59:50 PM]. File Size [7709 KB]. Run Time [02:08:29]. (courtaudio). (Entered: 09/11/2013)

09/11/2013		<u>208</u>	Response Filed by Wrongful Death, Personal Injury, Business, Property and Environmental Clients as of September 1, 2013 (related document(s): <u>127</u> Motion to Appoint Creditors' Committee filed by Creditor Committee Unofficial Committee of Victims). (Brown, Thomas) (Entered: 09/11/2013)
09/11/2013		<u>209</u>	Response Filed by Wrongful Death, Personal Injury, Business, Property and Environmental Clients as of September 1, 2013 (related document(s): <u>76</u> Motion to Appoint Creditors' Committee filed by Creditor Estates of Marie Alliance, et al, Creditor Estates of Stephanie Bolduc). (Brown, Thomas) (Entered: 09/11/2013)
09/11/2013		<u>210</u>	Minute Entry re: (related document(s): <u>124</u> Motion for Order Pursuant to 11 USC Sec 542(b) filed by Robert J. Keach) Appearances : Michael A. Fagone Esq., Alan R. Lepene, George J. Marcus, Stephen G. Morrell. Status/Scheduling Conference held. Hearing on Trustee's Motion for Order (docket #124), currently scheduled for 9/16/13, is rescheduled to 10/01/2013 at 09:00 AM at Bankruptcy Conference Room, Bangor. Oral motion of Wheeling & Lake Erie Railway for standing, as related to the Trustee's Motion for Order only (docket #124), is granted, over objection, for the limited purpose as stated on the record. Parties to file simultaneous points and authorities by 9/27/13. (LJS) (Entered: 09/11/2013)
09/11/2013		<u>211</u>	Certificate of Service (related document(s): <u>205</u> Notice of Appearance filed by Interested Party Wrongful Death, Personal Injury, Business, Property and Environmental Clients as of September 1, 2013, <u>208</u> Response filed by Interested Party Wrongful Death, Personal Injury, Business, Property and Environmental Clients as of September 1, 2013, <u>209</u> Response filed by Interested Party Wrongful Death, Personal Injury, Business, Property and Environmental Clients as of September 1, 2013). (Brown, Thomas) (Entered: 09/11/2013)
09/11/2013			Deadlines Updated (BK) (related document(s): <u>210</u> Minutes of Proceedings). Parties to file simultaneous points and authorities by 9/27/2013. (kef) (Entered: 09/11/2013)
09/11/2013		<u>212</u>	Trustee's Response Filed by Robert J. Keach (related document(s): <u>76</u> Motion to Appoint Creditors' Committee filed by Creditor Estates of Marie Alliance, et al, Creditor Estates of Stephanie Bolduc, <u>78</u> Document filed by Creditor Estates of David Lacroix Beaudoin, <u>127</u> Motion to Appoint Creditors' Committee filed by Creditor Committee Unofficial Committee of Victims). (Fagone, Michael) (Entered: 09/11/2013)
09/11/2013		<u>213</u>	Response Filed by Office of U.S. Trustee (related document(s): <u>76</u> Motion to Appoint Creditors' Committee filed by Creditor Estates of Marie Alliance, et al, Creditor Estates of Stephanie Bolduc, <u>127</u> Motion to Appoint Creditors' Committee filed by Creditor Committee Unofficial Committee of Victims). (Attachments: # <u>1</u> Proposed Order) (Morrell, Stephen) (Entered: 09/11/2013)
09/11/2013		<u>214</u>	Objection Filed by Estates of Marie Alliance, et al (related document(s): <u>127</u> Motion to Appoint Creditors' Committee filed by Creditor Committee Unofficial Committee of Victims). (Garg, Taruna) (Entered: 09/11/2013)
09/11/2013		<u>215</u>	

			Certificate of Service Filed by Estates of Marie Alliance, et al (related document(s): <u>214</u> Objection filed by Creditor Estates of Marie Alliance, et al). (Garg, Taruna) (Entered: 09/11/2013)
09/11/2013		<u>216</u>	Declaration re: <i>Debtor's Schedules</i> , Disclosure of Compensation of Attorney for Debtor <i>Roger Clement, Esquire, Verrill Dana for Montreal, Maine & Atlantic Railway Ltd.</i> , Equity Security Holders , Schedule A , Schedule B , Schedule D , Schedule E , Schedule F , Schedule G , Schedules and Statements, Statement of Financial Affairs , Summary of Schedules , Schedule H Filed by Montreal Maine & Atlantic Railway Ltd.. (Attachments: # <u>1</u> Exhibit Exhibit 1 to Schedules and Statments # <u>2</u> Exhibit Exhibit 2 to Schedules and Statements # <u>3</u> Exhibit Exhibit 3 to Schedules and Statements) (Clement, Jr., Roger) (Entered: 09/11/2013)
09/11/2013		<u>217</u>	BNC Certificate of Mailing – PDF Document (related document(s): <u>192</u> 9013–1(d) Deficiency Order). Notice Date 09/11/2013. (Admin.) (Entered: 09/12/2013)

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670
Chapter 11

**CHAPTER 11 TRUSTEE'S MOTION TO TRANSFER PERSONAL INJURY TORT AND
WRONGFUL DEATH CLAIMS PURSUANT TO 28 U.S.C. § 157(b)(5)**

Robert J. Keach, the chapter 11 trustee of Montreal Maine & Atlantic Railway, Ltd., hereby moves this Court for an order, pursuant to 28 U.S.C. § 157(b)(5), transferring nineteen civil actions currently pending in the United States District Court for the Northern District of Illinois to this Court. Precisely as envisioned by Congress when it enacted section 157(b)(5), and as detailed below, action by this Court pursuant to that section will bring all of the U.S. – based wrongful death litigation arising from the tragic derailment of one of Montreal Maine & Atlantic Railway, Ltd.'s trains in Lac-Mégantic, Quebec to the district where that company's chapter 11 case is already pending before the Honorable Judge Kornreich so that this Court, or the bankruptcy court on reference, can determine the locus of the trial of such litigation, particularly given that the bankruptcy court and the Canadian court handling a subsidiary's Canadian restructuring proceeding, have already adopted a cross border communications protocol. In support of this motion, the Trustee states as follows:

JURISDICTION AND STATUTORY BASIS

1. On August 7, 2013, Montreal Maine & Atlantic Railway, Ltd. (the "Debtor") filed a voluntary petition for relief under chapter 11 of the United States Bankruptcy Code. This Court has original and exclusive jurisdiction over the Debtor's chapter 11 case. *See* 28 U.S.C. § 1334(a).

As a result of this Court's local rules, the Debtor's chapter 11 case was referred, pursuant to 28 U.S.C. § 157(a), to the United States Bankruptcy Court for the District of Maine (the "Bankruptcy Court"). See D. Me. LR 83.6(a).

2. On August 21, 2013, the United States Trustee appointed Robert J. Keach (the "Trustee") as the chapter 11 trustee in the Debtor's case pursuant to 11 U.S.C. § 1163.

3. This motion is brought pursuant to 28 U.S.C. § 157(b)(5), which provides as follows:

The district court shall order that personal injury tort and wrongful death claims shall be tried in the district court in which the bankruptcy case is pending, or in the district court in the district in which the claim arose, as determined by the district court in which the bankruptcy case is pending.

28 U.S.C. § 157(b)(5). In addition, the Trustee believes that the relief sought by this motion is appropriately granted pursuant to 11 U.S.C. § 105(a). Section 105(a) allows a court to "issue any order . . . that is necessary or appropriate to carry out the provisions of [the United States Bankruptcy Code]." 11 U.S.C. § 105(a).

FACTUAL BACKGROUND

4. The Debtor and its wholly-owned subsidiary, Montreal Maine & Atlantic Canada Co. ("MMA Canada") operate an integrated, international shortline freight railroad system involving 510 route miles of track located in Maine, Vermont, and Québec

5. On July 6, 2013, one of the Debtor's eastbound trains derailed in Lac-Mégantic, Quebec (the "Derailed"). The Derailed set off several massive explosions, destroyed part of downtown Lac-Mégantic, and is presumed to have killed 47 people.

6. The Derailed precipitated the Debtor's chapter 11 filing, as well as a filing by MMA Canada under Canada's *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended.

7. Beginning on July 22, 2013 and continuing for several days thereafter, the representatives and administrators of the estates of some of the victims commenced civil actions against the Debtor and other co-defendants in the Circuit Court of Cook County, Illinois (the “Circuit Court”). In particular, twelve civil actions were commenced, each involving a single victim of the Derailment as a plaintiff and each containing nearly identical factual allegations and legal conclusions. These twelve cases were filed by two law firms, Meyers & Flowers LLC and The Webster Law Firm.

8. On July 26, 2013, another plaintiff commenced a civil action against the Debtor and other defendants in the Circuit Court. Like the others, this case arose out of the Derailment, and includes the same defendants. This case was filed by two different law firms, Edelman, Combs, Lattuner & Goodwin, LLC and Weller, Green, Toups & Terrell, L.L.P.¹

9. On August 14, 2013, seven additional civil actions were commenced in the Circuit Court. These civil actions were virtually identical to the twelve civil actions described in Paragraph 7 above. Notably, the Debtor was not named as a defendant in any of these seven civil actions. These seven civil actions were also filed by Meyers & Flowers LLC and The Webster Law Firm.

10. Beginning on August 29, 2013, all twenty of these civil actions were removed to the United States District Court for the Northern District of Illinois (the “Illinois District Court”). The removal of the cases was effectuated pursuant to 28 U.S.C. §§ 1331, 1332, 1334(b), 1441, 1446, and 1452. In general, section 1452 governs removal of claims related to bankruptcy cases. *See* 28 U.S.C. § 1452(a).

¹ This case was voluntarily dismissed by the plaintiff on September 8, 2013. *See Custeau v. Montreal, Maine and Atlantic Railway, Ltd.*, et al., 1:13-cv-06182 (N.D. Ill., Sept. 8, 2013).

11. On September 5, 2013, the Illinois District Court issued, *sua sponte*, a Memorandum Opinion and Order in one of the cases. See Grimard v. Montreal Maine and Atlantic Railway, Inc., 1:13-cv-06197 (N.D. Ill. September 5, 2013). Although the Court made no findings or conclusions, it noted that, for its current purposes, the Debtor's chapter 11 filing brought "Section[s] 1334(b) and 1452(a) into play. . . ." See *id.* at 3.

12. On September 9, 2013, one of the plaintiffs moved the Illinois District Court for an order remanding her case back to the Circuit Court. See Grimard v. Montreal Maine and Atlantic Railway, Ltd., et al., 1:13-cv-06197 (N.D. Ill., Sept. 9, 2013).² Also on September 9, each of the plaintiffs in the remaining cases voluntarily dismissed, without prejudice, the Debtor as a defendant.

13. As of September 10, 2013, nineteen of the twenty cases originally commenced in the Circuit Court and later removed to the Illinois District Court remain pending in that court. Those cases (collectively, the "PITWD Cases") are shown on Exhibit A attached hereto.

RELIEF REQUESTED

14. Pursuant to 28 U.S.C. § 157(b)(5) and 11 U.S.C. § 105(a), the Trustee seeks an order transferring the PITWD Cases to this Court.

BASIS FOR RELIEF

15. As noted above, section 157(b)(5) dictates that "personal injury tort and wrongful death claims shall be tried in the district court in which the bankruptcy case is pending, or in the district court in the district in which the claim arose" 28 U.S.C. § 157(b)(5). Section 157(b)(5) aims to centralize the adjudication of a bankruptcy case, and the plain language of the statute expressly confers authority on this Court to determine the proper venue for trial of the PITWD Cases. See, e.g., Whittingham v. CLC of Laurel, LLC, 2006 WL 2423104, at *1 (S.D.

² The plaintiff has scheduled the remand motion for hearing on September 12, 2013, three days after it was filed.

Miss. Aug. 22, 2006) (“the ultimate venue of the trial in the personal injury case should be determined by the District Court where the bankruptcy case is pending”); Hopkins v. Plant Insulation Co., 342 B.R. 703, 708 (D. Del. 2006) (district court where bankruptcy case is pending has sole authority to determine venue for personal injury and wrongful death claims). As noted in a leading bankruptcy treatise:

Section 157(b)(5) provides that venue of the PITWD trial is to be determined by the district court in which the title 11 case is pending. This unusual, perhaps unique, provision empowers a court other than that in which the litigation is pending to decide where the trial is to take place. The court in which the title 11 case is pending has the options of trying the case itself or directing that the trial occur in the district court for the district where the claim arose.

1-3 Collier on Bankruptcy ¶ 3.06[3] (16th ed. 2010) (emphasis added).

16. Courts routinely transfer personal injury tort and wrongful death cases under section 157(b)(5) when one of the defendants is a debtor in a bankruptcy case. See Garza v. Hoop Retail Stores, LLC, 2012 WL 1149293 at *1 (D. Del. 2012); Whittingham, 2006 WL 2423104 at *1; Dow Corning Corp., 86 F.3d 482 (6th Cir. 1996); In re Pan Am Corp., 16 F.3d 513 (2d. Cir. 1994). The same result should occur here.

17. After the PITWD Cases were removed to the Illinois District Court, that court obtained subject matter jurisdiction over the cases under 28 U.S.C. § 1334. Section 1334(b) provides district courts with subject matter jurisdiction in bankruptcy cases as follows:

(b) Except as provided in subsection (e)(2), and notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11.

28 U.S.C. § 1334(b) (emphasis added). “Related to” jurisdiction is broadly defined to include any civil action whose outcome “could conceivably have any effect on the estate being administered in bankruptcy.” Celotex Corp. v. Edwards, 514 U.S. 300, 306 (1995). An action is “related to

bankruptcy if the outcome could alter the debtor's rights, liabilities, options, or freedom of action (either positively or negatively) and which in any way impacts upon the handling and administration of the bankruptcy estate." Id. The action "need not be against the debtor or the debtor's property to invoke 'related to' jurisdiction under Section 1334(b)[.]" Hopkins, 342 B.R. at 710; *see also* Celotex Corp., 514 U.S. at 307, n.5 ("Proceedings 'related to' the bankruptcy include . . . suits between third parties which have an effect on the bankruptcy estate."); In re Boston Regional Medical Center, Inc., 410 F.3d 100, 105 (1st Cir. 2005) ("related to" jurisdiction enables bankruptcy courts "to deal efficiently and effectively with the entire universe of matters connected with bankruptcy estates."); In re G.S.F. Corp., 938 F.2d 1467, 1475 (1st Cir. 1991) (related proceedings must "potentially have some effect on the bankruptcy estate[.]"). The Illinois District Court unquestionably has "related to" jurisdiction over all of the PITWD Cases. The plaintiffs' dismissal of their claims against the Debtor, after removal to the federal court, does not alter the jurisdictional analysis. *See, e.g., In re Jefferson County, Alabama*, 491 B.R. 277 (Bankr. N.D. Ala. 2013 (where two insurance companies filed virtually identical actions but one action did not directly name the debtor, court held that stay applied to both actions because it was apparent that the debtor was a party in interest in both actions, claims against the debtor and non-debtor defendant were inextricably interwoven, and non-debtor defendant asserted third-party indemnification claims against debtor that could make debtor responsible for any recovery)).

18. The conclusion that the PITWD Cases are "related to" the chapter 11 case is buttressed by the claimants' conduct in the chapter 11 case. As mentioned above, all of the PITWD Cases arise out of the Derailment, and all of the claims arise out of the same common nucleus of operative facts. The plaintiffs have moved the Bankruptcy Court for an order appointing a creditors' committee in the chapter 11 case [Bankruptcy Court Docket No. 76] (the "Committee Motion"). By filing the Committee Motion, the plaintiffs acknowledge their intent to

involve themselves in the bankruptcy case and submit to this Court's jurisdiction. The plaintiffs go so far as to assert that the Debtor and other non-debtor defendants "will benefit by utilizing the orderly and efficient process, and the certainty of closure, that a consensual Chapter 11 plan can provide in the mass tort context, as a far superior alternative to the risk of being subject to uncertainty, duplication of effort, inconsistent results, indefinite duration and ever-burgeoning expense in the tort system." Committee Motion, ¶ 6. This coincides with the purpose of centralizing adjudication of claims, which is the driving force behind 28 U.S.C. § 157(b)(5).

19. Despite dismissing the Debtor as a defendant, the PITWD Cases will undoubtedly alter the Debtor's liabilities and impact the handling and administration of the estate. The plaintiffs even concede as much since the Committee Motion outlines the several ways in which the PITWD Cases could conceivably have an effect on the estate. In the Committee Motion, the plaintiffs support their need for a committee because the "[w]rongful death and personal injury claimants will be by far the largest constituency in [the bankruptcy case]" and "[g]iven the horrific circumstances of the Disaster and the Debtor's role in it, wrongful death verdicts in the hundreds of millions of dollars can be expected." Id. at ¶ 2. The plaintiffs also liken themselves to other creditors in the Bankruptcy Case and contend that "[c]onfirmation of a Chapter 11 plan will require support from the wrongful death and personal injury claimants" and the plaintiffs will provide "a negotiating partner in connection with the Chapter 11 plan and other aspects of [the bankruptcy case] – thus enhancing the likelihood of a successful outcome. Id. at ¶ 5. The plaintiffs even allege that the "wrongful death and personal injury claimants are almost certainly covered by insurance" and they have "claims against wrongdoers other than the Debtor, which may be affected by orders entered or a plan confirmed in [the bankruptcy case]. Id. at ¶ 8.

20. Based on the foregoing, clearly the PITWD Cases, with or without MMA as a named defendant, will have an effect on the chapter 11 case. Because a train operated by the

Debtor is at the center of the PITWD Cases, the Debtor will be involved in the suits, whether or not the plaintiffs have, at the moment, asserted direct claims against the Debtor. The costs associated with the discovery process alone will exhaust valuable resources of the Debtor's estate, and discovery and motion practice would be a significant burden on the Debtor while the Trustee attempts to maximize the value of the assets for the benefit of all creditors. Further, the Trustee anticipates that the non-debtor defendants will assert cross-claims against the Debtor that will likely include contribution and indemnification. Such cross-claims will certainly have an impact on the Debtor's liabilities. *See In re Dow Corning Corp.*, 86 F.3d at 494 (6th Cir. 1996) ("potential for [debtor] being held liable to the non-debtors for contribution and indemnification, or vice versa, suffices to establish a conceivable impact on the estate in bankruptcy."); *see also In re Jefferson County, Alabama*, 491 B.R. at 290 (automatic stay applied to action against non-debtor defendant because of potential implication of debtor's indemnification and contribution obligations).

21. For reasons outlined above, the PITWD Cases should be transferred to this Court to ultimately decide the proper venue for trial.

NOTICE

22. Notice of this 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; (6) others who have, as of the date of this Motion, entered an appearance and requested service of papers in the Case; (7) counsel for the plaintiffs in the PITWD Cases; and (8) counsel for the co-defendants in the PITWD Cases.

WHEREFORE, the Trustee requests that the Court enter an Order: (1) transferring the PITWD Cases to this Court; (2) setting a briefing schedule to determine the appropriate venue for trial of the PITWD Cases after they have been transferred from the Illinois District Court to this Court; and (3) granting such other further relief as may be appropriate.

Dated: September 11, 2013

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

By his attorneys:

/s/ Michael A. Fagone
Michael A. Fagone, Esq.
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sanderson@bernsteinshur.com



Plaintiff	N.D. Ill. Docket No.	Defendants
1. Real Breton o/b/o Estate of Genevieve Breton	13-CV-06194	Montreal, Maine and Atlantic Railway Inc.* Rail World, Inc. Edward Burkhardt, individually World Fuel Services Corporation Western Petroleum Company Petroleum Transport Solutions, LLC Dakota Plains Transloading, LLC Dakota Petroleum Transport Solutions, LLC Dakota Plains Marketing, LLC DPTS Marketing, LLC
2. Rejean Roy o/b/o Estate of Melissa Roy	13-CV-06202	Montreal, Maine and Atlantic Railway Inc.* Rail World, Inc. Edward Burkhardt, individually World Fuel Services Corporation Western Petroleum Company Petroleum Transport Solutions, LLC Dakota Plains Transloading, LLC Dakota Petroleum Transport Solutions, LLC Dakota Plains Marketing, LLC DPTS Marketing, LLC
3. Annick Roy o/b/o Estate of Jean- Guy Veilleux	13-CV-06192	Montreal, Maine and Atlantic Railway Inc.* Rail World, Inc. Edward Burkhardt, individually World Fuel Services Corporation Western Petroleum Company Petroleum Transport Solutions, LLC Dakota Plains Transloading, LLC Dakota Petroleum Transport Solutions, LLC Dakota Plains Marketing, LLC DPTS Marketing, LLC
4. Alexia Dumas-Chaput o/b/o Estate of Mathieu Pelletier	13-CV-06196	Montreal, Maine and Atlantic Railway Inc.* Rail World, Inc. Edward Burkhardt, individually World Fuel Services Corporation Western Petroleum Company Petroleum Transport Solutions, LLC Dakota Plains Transloading, LLC Dakota Petroleum Transport Solutions, LLC Dakota Plains Marketing, LLC DPTS Marketing, LLC

* Defendant was voluntarily dismissed by plaintiff.

Plaintiff	N.D. Ill. Docket No.	Defendants
5. Karine Paquet o/b/o Estate of Roger Paquet	13-CV-06201	Montreal, Maine and Atlantic Railway Inc.* Rail World, Inc. Edward Burkhardt, individually World Fuel Services Corporation Western Petroleum Company Petroleum Transport Solutions, LLC Dakota Plains Transloading, LLC Dakota Petroleum Transport Solutions, LLC Dakota Plains Marketing, LLC DPTS Marketing, LLC
6. Joannie Proteau o/b/o Estate of Maxime Dubois	13-CV-06200	Montreal, Maine and Atlantic Railway Inc.* Rail World, Inc. Edward Burkhardt, individually World Fuel Services Corporation Western Petroleum Company Petroleum Transport Solutions, LLC Dakota Plains Transloading, LLC Dakota Petroleum Transport Solutions, LLC Dakota Plains Marketing, LLC DPTS Marketing, LLC
7. Therese Dubois Poulin o/b/o Estate of Denise Dubois	13-CV-06195	Montreal, Maine and Atlantic Railway Inc.* Rail World, Inc. Edward Burkhardt, individually World Fuel Services Corporation Western Petroleum Company Petroleum Transport Solutions, LLC Dakota Plains Transloading, LLC Dakota Petroleum Transport Solutions, LLC Dakota Plains Marketing, LLC DPTS Marketing, LLC
8. Lisette Fortin-Bolduc o/b/o Estate of Stephane Bolduc	13-CV-06198	Montreal, Maine and Atlantic Railway Inc.* Rail World, Inc. Edward Burkhardt, individually World Fuel Services Corporation Western Petroleum Company Petroleum Transport Solutions, LLC Dakota Plains Transloading, LLC Dakota Petroleum Transport Solutions, LLC Dakota Plains Marketing, LLC DPTS Marketing, LLC
9. Sandy Bedard o/b/o Estate of Michel Guertin, Jr.	13-CV-06193	Montreal, Maine and Atlantic Railway Inc.* Rail World, Inc. Edward Burkhardt, individually World Fuel Services Corporation Western Petroleum Company Petroleum Transport Solutions, LLC Dakota Plains Transloading, LLC Dakota Petroleum Transport Solutions, LLC Dakota Plains Marketing, LLC DPTS Marketing, LLC

* Defendant was voluntarily dismissed by plaintiff.

Plaintiff	N.D. Ill. Docket No.	Defendants
10. Sophie Veilleux o/b/o Estate of Richard Veilleux	13-CV-06203	Montreal, Maine and Atlantic Railway Inc.* Rail World, Inc. Edward Burkhardt, individually World Fuel Services Corporation Western Petroleum Company Petroleum Transport Solutions, LLC Dakota Plains Transloading, LLC Dakota Petroleum Transport Solutions, LLC Dakota Plains Marketing, LLC DPTS Marketing, LLC
11. Georgette Martin o/b/o Estate of David Martin	13-CV-06199	Montreal, Maine and Atlantic Railway Inc.* Rail World, Inc. Edward Burkhardt, individually World Fuel Services Corporation Western Petroleum Company Petroleum Transport Solutions, LLC Dakota Plains Transloading, LLC Dakota Petroleum Transport Solutions, LLC Dakota Plains Marketing, LLC DPTS Marketing, LLC
12. Marie-Josée Grimard o/b/b Estate of Henriette Latulippe	13-CV-06197	Montreal, Maine and Atlantic Railway Inc.* Rail World, Inc. Edward Burkhardt, individually World Fuel Services Corporation Western Petroleum Company Petroleum Transport Solutions, LLC Dakota Plains Transloading, LLC Dakota Petroleum Transport Solutions, LLC Dakota Plains Marketing, LLC DPTS Marketing, LLC
13. Pascal Charest o/b/o Estate of Alyssa Charest Begnoche	13-CV-06263	Rail World, Inc. Rail World Locomotive Leasing, LLC Edward Burkhardt, individually World Fuel Services Corporation Western Petroleum Company Petroleum Transport Solutions, LLC Dakota Plains Transloading, LLC Dakota Petroleum Transport Solutions, LLC Dakota Plains Marketing, LLC DPTS Marketing, LLC Union Tank Car, Co. GATX Corporation CIT Group, Inc. Trinity Industries, Inc.

* Defendant was voluntarily dismissed by plaintiff.

Plaintiff	N.D. Ill. Docket No.	Defendants
14. Pascal Charest o/b/o Estate of Bianka Charest Begnoche	13-CV-06266	Rail World, Inc.
		Rail World Locomotive Leasing, LLC
		Edward Burkhardt, individually
		World Fuel Services Corporation
		Western Petroleum Company
		Petroleum Transport Solutions, LLC
		Dakota Plains Transloading, LLC
		Dakota Petroleum Transport Solutions, LLC
		Dakota Plains Marketing, LLC
		DPTS Marketing, LLC
		Union Tank Car, Co.
		GATX Corporation
		CIT Group, Inc.
15. Elise Dubois-Couture o/b/o Estate of David LaCroix-Beaudoin	13-CV-06262	Trinity Industries, Inc.
		Rail World, Inc.
		Rail World Locomotive Leasing, LLC
		Edward Burkhardt, individually
		World Fuel Services Corporation
		Western Petroleum Company
		Petroleum Transport Solutions, LLC
		Dakota Plains Transloading, LLC
		Dakota Petroleum Transport Solutions, LLC
		Dakota Plains Marketing, LLC
		DPTS Marketing, LLC
		Union Tank Car, Co.
		GATX Corporation
16. Gaston Begnoche o/b/o Estate of Talitha Coumi Begnoche	13-CV-06257	CIT Group, Inc.
		Trinity Industries, Inc.
		Rail World, Inc.
		Rail World Locomotive Leasing, LLC
		Edward Burkhardt, individually
		World Fuel Services Corporation
		Western Petroleum Company
		Petroleum Transport Solutions, LLC
		Dakota Plains Transloading, LLC
		Dakota Petroleum Transport Solutions, LLC
		Dakota Plains Marketing, LLC
		DPTS Marketing, LLC
		Union Tank Car, Co.
		GATX Corporation
		CIT Group, Inc.
		Trinity Industries, Inc.

Plaintiff	N.D. Ill. Docket No.	Defendants
17. Louise Couture o/b/o Estate of Kathy Clusiauxt	13-CV-06264	Rail World, Inc.
		Rail World Locomotive Leasing, LLC
		Edward Burkhardt, individually
		World Fuel Services Corporation
		Western Petroleum Company
		Petroleum Transport Solutions, LLC
		Dakota Plains Transloading, LLC
		Dakota Petroleum Transport Solutions, LLC
		Dakota Plains Marketing, LLC
		DPTS Marketing, LLC
		Union Tank Car, Co.
		GATX Corporation
		CIT Group, Inc.
18. Michel Boulanger o/b/o Estate of Eliane Parenteau	13-CV-06261	Trinity Industries, Inc.
		Rail World, Inc.
		Rail World Locomotive Leasing, LLC
		Edward Burkhardt, individually
		World Fuel Services Corporation
		Western Petroleum Company
		Petroleum Transport Solutions, LLC
		Dakota Plains Transloading, LLC
		Dakota Petroleum Transport Solutions, LLC
		Dakota Plains Marketing, LLC
		DPTS Marketing, LLC
		Union Tank Car, Co.
		GATX Corporation
19. Yann Proteau o/b/o Estate of Karine Champagne	13-CV-06258	CIT Group, Inc.
		Trinity Industries, Inc.
		Rail World, Inc.
		Rail World Locomotive Leasing, LLC
		Edward Burkhardt, individually
		World Fuel Services Corporation
		Western Petroleum Company
		Petroleum Transport Solutions, LLC
		Dakota Plains Transloading, LLC
		Dakota Petroleum Transport Solutions, LLC
		Dakota Plains Marketing, LLC
		DPTS Marketing, LLC
		Union Tank Car, Co.
		GATX Corporation
		CIT Group, Inc.
		Trinity Industries, Inc.

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September 11, 2013

Alec Leddy
Clerk of the Bankruptcy Court
U.S. Bankruptcy Court
537 Congress Street
Portland, ME 04101

**Re: Montreal Maine & Atlantic Railway Ltd.
United States Bankruptcy Court for the District of Maine
Chapter 11, Case No. 13-10670-lhk**

Dear Mr. Leddy:

As you probably know, this firm represents Robert J. Keach (the "Trustee") in his capacity as the chapter 11 trustee of Montreal Maine & Atlantic Railway Ltd. (the "Debtor"). On September 11, 2013, the Trustee filed his Motion to Transfer Personal Injury Tort and Wrongful Death Claims Pursuant to 28 U.S.C. § 157(b)(5) (the "Section 157(b)(5) Motion"). Based on our understanding of D. Me. LBR 5005-1(b)(1), we have filed the Section 157(b)(5) Motion with the Bankruptcy Clerk. However, section 157(b)(5) specifically directs that the District Court will determine the place of the trial of certain personal injury tort and wrongful death claims. *See* 28 U.S.C. § 157(b)(5) (the "district court shall order that personal injury tort and wrongful death claims shall be tried in the district court . . . as determined by the district court in which the bankruptcy case is pending.") (emphasis added). Accordingly, the Trustee requests that you forward the Section 157(b)(5) Motion to the Clerk of the United States District Court for the District of Maine for assignment to a District Judge for hearing. This is the process contemplated by D. Me. LBR 5005-1(b)(1) with respect to motions to withdraw the reference and, although the Section 157(b)(5) Motion is not a motion to withdraw the reference, the analogy seems apt to us, at least with respect to the process for getting the motion filed and heard.

Alec Leddy
September 11, 2013
Page 2

If you have any questions or concerns about this, we would be happy to discuss them with you.

Sincerely,



Michael A. Fagone

MAF

cc: Christa K. Berry, Clerk, U.S. District Court
Robert J. Keach, Trustee
Jennifer H. Pincus, Esq.
Roger A. Clement, Jr., Esq.
Chapter 11 CM/EFC Service List

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,

Debtor.

Chapter 11
Case No. 13-10670

CERTIFICATE OF SERVICE

I, Angela L. Stewart, being over the age of eighteen and an employee of Bernstein, Shur, Sawyer & Nelson, P.A. in Portland, Maine, hereby certify that, on September 11, 2013, I filed the *Chapter 11 Trustee's Motion to Transfer Personal Injury Tort and Wrongful Death Claims Pursuant to 28 U.S.C. §157(b)(5)* (the "Motion") [D.E. 202] via the Court's CM/ECF electronic filing system.

I further certify that I served the Motion upon the following parties via CM/ECF, e-mail or U.S. First Class Mail: (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; (6) others who have, as of the date of this Motion, entered an appearance and requested service of papers in the case; (7) counsel for the plaintiffs in the PITWD Cases; and (8) counsel for the co-defendants in the PITWD Cases.

A full list of the parties served and the manner of service is detailed on the attached Service List.

Dated: September 11, 2013

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**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

In re

**MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,**

Debtor.

CHAPTER 11
CASE NO. 13-10670-LHK

**MOTION TO TRANSFER CERTAIN PERSONAL INJURY TORT
AND WRONGFUL DEATH LAWSUITS TO THE MAINE DISTRICT COURT
PURSUANT TO 28 U.S.C. §§ 157(b)(5) AND 1334**

Pursuant to 28 U.S.C. §§ 157(b)(5) and 1334, Western Petroleum Corporation (“WPC”) and Petroleum Transport Services, Inc. (“PTS,” and together with WPC, the “WFS Entities”) file this motion (the “Transfer Motion”) for entry of an order transferring to the United States District Court for the District of Maine (the “Maine District Court”) the nineteen (19) remaining personal injury tort and wrongful death lawsuits identified on Exhibit “A” to the accompanying memorandum of law (the “U.S. Wrongful Death Actions”).¹ While the Transfer Motion is being filed initially in the United States Bankruptcy Court for the District of Maine (the “Bankruptcy Court”) because there is no pending case in the Maine District Court, 28 U.S.C. § 157(b)(5) provides that the Maine District Court is vested with the exclusive authority to hear the Transfer Motion, which relates to personal injury and wrongful death claims. In support of the Transfer Motion, the WFS Entities state:

¹ World Fuel Services Corp (“WFSC”) was also named in the U.S. Wrongful Death Actions but has not been properly served. The plaintiffs originally filed twenty (20) U.S. Wrongful Death Actions. The Plaintiffs dismissed this first filed complaint on Sunday, September 9, 2013, seemingly as part of an effort to situate these cases in the Circuit Court of Cook County, Illinois, a jurisdiction with no material connection to this litigation.

1. The U.S. Wrongful Death Actions assert claims for damages for personal injuries and wrongful death arising out of the tragic derailment of Train 282 operated by Montreal, Maine & Atlantic Railway, Ltd. (“MMA,” or the “Debtor”) in Lac-Mégantic, Quebec, Canada on July 6, 2013 (the “Derailement”). Each of the decedents and each of the Plaintiffs in the U.S. Wrongful Death Actions (the “Plaintiffs”) is a Canadian citizen or resident.

2. The Plaintiffs filed the U.S. Wrongful Death Actions in the Circuit Court for Cook County, Illinois (the “Illinois State Court”). On August 7, 2013 (the “Petition Date”), MMA commenced a chapter 11 case (the “Chapter 11 Case”) in the Bankruptcy Court.² On August 21, 2013, the United States Trustee appointed Robert J. Keach, Esq. to serve as the chapter 11 trustee (the “Trustee”) of MMA.

3. The WFS Entities removed the U.S. Wrongful Death Actions to the United States District Court for the Northern District of Illinois pursuant to, among other things, Bankruptcy Rule 9027, because the U.S. Wrongful Death Actions are related to the Chapter 11 Case. The grounds for removal also included diversity jurisdiction, because the sole reason there is not complete diversity is the Plaintiffs’ fraudulent joinder of certain defendants.

4. The WFS Entities, WFSC, MMA, and others were originally named defendants in thirteen (13) of the U.S. Wrongful Death Actions, which were filed prior to the Petition Date. MMA was not named in the seven (7) U.S. Wrongful Death Actions that were filed after the Petition Date. The automatic stay imposed by section 362(a) of the Bankruptcy Code prohibited

² On August 7, 2013, Montreal Maine & Atlantic Canada Co. (“MMA Canada”), a wholly-owned subsidiary of MMA, also commenced a proceeding in the Superior Court (Commercial Division) of the Superior Court of the Province of Quebec, District of Montreal (the “Quebec Court”), pursuant to the Canadian Companies’ Creditors Arrangement Act (the “CCAA”) (In the Matter of the Plan of Compromise or Arrangement Relating of: Montreal, Maine & Atlantic Canada Co. (Debtor / Respondent), Case No. 500-11-045094-139 (Superior Court, Quebec, Dist. of Montreal)) (the “CCAA Case”).

the commencement of lawsuits against MMA once it was under bankruptcy protection.³ After the U.S. Wrongful Death Actions were removed to the Illinois District Court, the Plaintiffs dismissed their claims against MMA. This is irrelevant, however, because most or all of the named defendants hold claims against MMA for indemnification and contribution for any liability that they may have as the result of the Derailment, and will be subrogated to the rights of the Plaintiffs if the named defendants are found to be jointly liable with MMA.

5. Prior to dismissing MMA from the U.S. Wrongful Death Actions, the Plaintiffs had asserted that claims arising from the Derailment, including the claims alleged in the U.S. Wrongful Death Actions and both direct and derivative claims against MMA by the defendants named in the U.S. Wrongful Death Actions, represent the vast majority of claims against MMA's chapter 11 estate.

6. Section 157(b)(5) of title 28 of the United State Code provides that the U.S. Wrongful Death Actions "shall" be transferred to this District or the district in which the claim arose. The claims arguably arose in Quebec and there is no United States district court in Quebec. The Maine District Court is, therefore, the only available forum in the United States under subsection 157(b)(5). The Bankruptcy Court and the Quebec Court have adopted cross border protocols to coordinate the Chapter 11 Case with the CCAA Case. At this early stage in the litigation of personal injury and wrongful death claims, the Maine District Court can centralize the U.S. Wrongful Death Actions here without deciding whether they should ultimately be tried in the district where the Chapter 11 Case is pending (here) or in the Quebec Court.

³ In addition to the U.S. Wrongful Death Actions, there is a putative class action arising from the Derailment pending in the Quebec Court.

7. The WFS Entities have filed this Transfer Motion in this Court in accordance with 28 U.S.C. §§ 157(b)(5). The Trustee has informed the WFS Entities that he also intends to seek transfer of the U.S. Wrongful Death Actions to this Court under subsection 157(b)(5).

WHEREFORE, the WFS Entities request that the Court enter an Order: (a) granting the Transfer Motion; (b) transferring all of the U.S. Wrongful Death Actions to the Maine District Court; and (c) granting such other further relief as may be appropriate.

Respectfully submitted,

**WESTERN PETROLEUM CORPORATION
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By their attorney:

Dated: September 11, 2013

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UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

In re

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,

Debtor.

CHAPTER 11
CASE NO. 13-10670-LHK

MEMORANDUM OF LAW IN SUPPORT OF MOTION BY WESTERN PETROLEUM CORPORATION AND PETROLEUM TRANSPORT SERVICES, INC. TO TRANSFER CERTAIN PERSONAL INJURY AND WRONGFUL DEATH LAWSUITS TO THE MAINE DISTRICT COURT PURSUANT TO 28 U.S.C. §§ 157(b)(5) AND 1334

Western Petroleum Corporation (“WPC”) and Petroleum Transport Services, Inc. (“PTS,” and together with WPC, the “WFS Entities”)¹ file the *Motion to Transfer Certain Personal Injury Tort and Wrongful Death Lawsuits to the Maine District Court Pursuant to 28 U.S.C. §§ 157(b)(5) and 1334* (the “Transfer Motion”) and this memorandum of law in support of the Transfer Motion, seeking entry of an order from the United States District Court for the District of Maine (the “Maine District Court”)² transferring to the Maine District Court the personal injury tort and wrongful death lawsuits identified on Exhibit “A” hereto (the “U.S. Wrongful Death Actions”). The WFS Entities seek the transfer of the U.S. Wrongful Death Actions to the Maine District Court because 28 U.S.C. § 157(b)(5) vests exclusive

¹ World Fuel Services Corp. (“WFSC”) was also named in the U.S. Wrongful Death Actions but has not been properly served.

² While the Transfer Motion is being filed initially in the United States Bankruptcy Court for the District of Maine (the “Bankruptcy Court”) because there is no pending case in the Maine District Court, 28 U.S.C. § 157(b)(5) provides that the Maine District Court is vested with the exclusive authority to hear the Transfer Motion, which relates to personal injury and wrongful death claims.

authority in the Maine District Court to determine where the U.S. Wrongful Death Actions should be tried.

BACKGROUND

A. Insolvency Proceedings in Maine and Canada

1. On August 7, 2013 (the “Petition Date”), Montreal, Maine & Atlantic Railway, Ltd. (“MMA,” or the “Debtor”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”), commencing Case No. 13-10670 (the “Chapter 11 Case”) in the United States Bankruptcy Court for the District of Maine (the “Bankruptcy Court”). The Bankruptcy Court subsequently authorized MMA to continue to operate its business pending the appointment of a chapter 11 trustee.

2. On August 21, 2013, the United States Trustee appointed Robert Keach, Esq. (the “Trustee”) to serve as the chapter 11 trustee for MMA. The Trustee is authorized to operate MMA’s business.

3. On August 7, 2013, Montreal Maine & Atlantic Canada Co. (“MMA Canada”), a wholly-owned subsidiary of MMA, also commenced a proceeding in the Superior Court (Commercial Division) of the Superior Court of the Province of Quebec, District of Montreal (the “Quebec Court”), pursuant to the Canadian Companies’ Creditors Arrangement Act (the “CCAA”) (In the Matter of the Plan of Compromise or Arrangement Relating of: Montreal, Maine & Atlantic Canada Co. (Debtor / Respondent), Case No. 500-11-045094-139 (Superior Court, Quebec, Dist. of Montreal)) (the “CCAA Case”). Richter Advisory Group, Inc. was named as “Monitor” in the CCAA Case.

4. On August 8, 2013, the Quebec Court entered an Initial Order commencing a Canadian proceeding involving MMA Canada and staying all litigation against MMA and MMA Canada.³

B. The Derailment and Resulting Fire

5. Both the Chapter 11 Case and the CCAA Case were filed as the direct result of litigation arising from the derailment of Train 282 (the “Train”) early on the morning on July 6, 2013, in Lac- Mégantic, Quebec (the “Derailment”). The plaintiffs in the U.S. Wrongful Death Action (the “Plaintiffs”) make the following allegations:⁴

(a) Tragically, the Derailment resulted in a fire that killed 47 people. Cmplt. at ¶¶ 44-

51. At the time of the Train’s derailment it was being hauled by MMA and/or MMA Canada.

(b) The Train was initially carried by Canadian Pacific Railway (“CP”) from New Town, North Dakota, to Cote Saint-Luc, Quebec, where it was transferred to MMA to complete the journey. *Id.* ¶¶ 27, 29.

(c) At about 11:25 p.m. on July 5, the Train stopped for the evening in Nantes, Quebec, and was parked on the main line. *Id.* ¶ 32.

(d) The engineer set the brakes and shut down all the Train’s locomotives except the lead engine before retiring for the evening. *Id.* ¶ 33.

³ The WFS Entities reserve their right to argue that the Initial Order, which includes a stay that is broader than the “automatic stay” of litigation that arose in the Chapter 11 Case pursuant to Bankruptcy Code § 362(a), bars the filing of the complaints in the seven (7) U.S. Wrongful Death Actions filed after the Petition Date.

⁴ The description of events set forth in this section is based on the first complaint filed in the Illinois State Court, which commenced the case entitled *Custeau et al. v. Montreal, Maine & Atlantic Railway, Ltd., et al.*, No. 2013-L-008506 (Cook County, Ill. July 26, 2013) (“Cmplt.”). After that suit was removed to federal court, the Plaintiffs dismissed this first filed complaint, without prejudice to reinstating it, on Sunday, September 8, 2013, seemingly as part of an effort to situate these cases in the Circuit Court of Cook County, Illinois, a jurisdiction with no material connection to this litigation. The other complaints filed in the Illinois State Court, and since removed to the federal court in Chicago, contain similar allegations. Although these allegations are the basis for the litigation that the WFS Entities seek to transfer, the WFS Entities do not concede their truth, and reserve all defenses.

- (e) The lead engine was left running to power the Train's air-brake system. *Id.* ¶ 41.
- (f) Shortly before midnight on July 5, a fire was noticed in one of the locomotives and the Nantes Fire Department was called to the scene. *Id.* ¶ 37.
- (g) The lead engine was powered down per MMA protocols so that the fire department could extinguish the fire. *Id.* ¶ 38.
- (h) The fire was extinguished by 12:15 a.m., and the firefighters left the scene in the custody of an MMA track maintenance employee who assured the fire department that further assistance was not required. *Id.* ¶ 39.
- (i) The MMA employee then left the scene without restarting the lead engine. *Id.* ¶¶ 40-41.
- (j) In the absence of power supplied by a running locomotive, the Train's air-brake system lost power, and the unattended Train began rolling downhill in the direction of Lac-Mégantic. *Id.* ¶¶ 41, 44.
- (k) At or about 1:15 a.m., the unattended MMA runaway train entered downtown Lac-Mégantic at a "high rate of speed" and over twenty of the tank cars carrying crude oil derailed. *Id.* ¶¶ 47-49.
- (l) Some of the tank cars ruptured in the Derailment and released their contents, which then ignited. *Id.* ¶¶ 50-52.

C. Litigation Arising from the Derailment

6. Litigation asserting claims arising from the Derailment has been filed in both Quebec, Canada, and Cook County, Illinois.

7. On July 15, 2013, a putative class action lawsuit (the “Canadian Class Action”) was instituted against MMA Canada and others in the Quebec Court, on behalf of victims of the Derailment.

8. Despite the pending Canadian Class Action, representatives of some of the individuals who died as the result of the Derailment filed the U.S. Wrongful Death Actions in the Circuit Court for Cook County, Illinois (the “Illinois State Court”). The U.S. Wrongful Death Actions allege that each of the decedents was a Canadian citizen who lived in Lac-Mégantic. The decedents’ representatives are also Canadian residents.

9. Although neither the accident, the injuries, nor any specific alleged wrongful conduct occurred in Illinois, the Plaintiffs chose to file the U.S. Wrongful Death Actions in the Illinois State Court, naming multiple defendants. Thirteen (13) of the U.S. Wrongful Death Actions were filed prior to the Petition Date against MMA⁵ and other parties, including WFSC⁶ and the WFS Entities. After MMA and MMA Canada filed their insolvency cases, seven (7) post-petition U.S. Wrongful Death Actions were filed, which did not name MMA. Section 362(a) of the Bankruptcy Code and the Initial Order issued in the CCAA barred the Plaintiffs from naming MMA in the post-petition U.S. Wrongful Death Actions.

10. The U.S. Wrongful Death Actions allege that the Derailment occurred in Lac-Mégantic, Canada. The only basis for the Illinois State Court’s alleged jurisdiction over the U.S.

⁵ In an attempt to deprive the Maine District Court of jurisdiction over the U.S. Wrongful Death Actions, which the plaintiffs have argued are part of the largest constituency of claims against MMA, the Plaintiffs dismissed MMA without prejudice from the U.S. Wrongful Death Actions on September 9, 2013, in response to the removal of the U.S. Wrongful Death Actions to the Illinois District Court. On Sunday, September 8, 2013, the Plaintiffs also dismissed, without prejudice to reinstating, this first filed complaint. (*Custeau v. Montreal, Maine & Atlantic Railway, Ltd., et al.*, 1:13-cv-06182 (N.D. Ill., Sept. 8, 2013), seemingly as part of an effort to situate these cases in the Circuit Court of Cook County, Illinois, a jurisdiction with no material connection to this litigation. There are now only nineteen (19) pending U.S. Wrongful Death Actions.

⁶ WFSC is a holding company which does no business in Illinois and did not own the crude oil in the tanker cars in Train 282. WFSC is not a moving party, because it has not been properly served in any of the U.S. Wrongful Death Actions.

Wrongful Death Actions appears to be the allegation that certain of the defendants are residents of Illinois.

D. Removal of U.S. Wrongful Death Actions to the Illinois District Court

11. The WFS Entities timely removed the U.S. Wrongful Death Actions to the United States District Court for the Northern District of Illinois (the “Illinois District Court”). The thirteen (13) U.S. Wrongful Death Actions that were originally filed prior to the Petition Date were removed on August 29, 2013. The seven (7) U.S. Wrongful Death Actions that were originally filed after the Petition Date were removed on September 3, 2013.

12. The WFS Entities properly removed the U.S. Wrongful Death Actions to the Illinois District Court pursuant to, *inter alia*, Fed. R. Bankr. P. 9027, which provides for removal of pending state court lawsuits to the district court in the jurisdiction where the state court litigation was pending. Similarly, removal based on diversity must be made to the Illinois District Court, because the Illinois District Court is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). Following removal, the determination of the proper venue for the U.S. Wrongful Death Actions is to be made by the Maine District Court pursuant to 28 U.S.C. 157(b)(5).

E. The Defendants’ Claims Against MMA

13. Many or all of the defendants in the U.S. Wrongful Death Actions have claims against MMA, including (i) direct claims arising from the Derailment and (ii) indirect claims by virtue of subrogation should the defendants be required to pay anything to the Plaintiffs. The WFS Entities were not operating the Train at the time of the Derailment; the WFS Entities deny

all liability to the Plaintiffs. If, however, the WFS Entities were found liable, then they would have the right to recover from MMA, to the extent they did not recover from another party.⁷

14. On September 9, 2013, after the U.S. Wrongful Death Actions were removed to the Illinois District Court, the Plaintiffs dismissed MMA without prejudice from the U.S. Wrongful Death Actions, in an apparent effort to impact the Maine District Court's jurisdiction over the U.S. Wrongful Death Actions. The Plaintiffs then moved in the Illinois District Court to remand the U.S. Wrongful Death Actions to the Illinois State Court. Because many or all of the defendants in the U.S. Wrongful Death Actions have claims against MMA arising out of the very same facts as the Plaintiffs' claims, the Plaintiffs' tactical dismissal of their direct claims against MMA without prejudice to renaming MMA does not change the fact that the U.S. Wrongful Death Actions are "related to" the Chapter 11 Case. *See* cases cited in Section A, below.

F. Importance of MMA Chapter 11 to Maine and Centrality of U.S. Wrongful Death Actions to Chapter 11 Case

15. The Maine Department of Transportation has filed a brief in the Chapter 11 Case arguing that the rail system operated by MMA is of "vital importance to the Maine economy." (Dkt. No. 60 ¶ 14.) Accordingly, the speedy and efficient reorganization of MMA and the resolution of the personal injury and wrongful death claims against MMA is in the public interest, as well as the interest of MMA's direct stakeholders, parties in interest, and parties to the U.S. Wrongful Death Actions.

16. Dealing with the U.S. Wrongful Death Actions is critical to the Chapter 11 Case. On August 22, 2013, before their tactical dismissal of MMA without prejudice from the U.S. Wrongful Death Actions and their remand motions, counsel representing most of the Plaintiffs

⁷ The WFS Entities reserve all rights to assert (a) contribution, indemnification, and subrogation claims against any other party, including, without limitation, Canadian Pacific, and (b) additional damage claims against all parties, including MMA and Canadian Pacific, for all losses suffered as the result of the Derailment.

in the U.S. Wrongful Death Actions filed their *Wrongful Death Claimants' Motion for Formation of Creditors' Committee* [Docket No. 76] in the Bankruptcy Court (the "Plaintiffs' Committee Motion"). In the Plaintiffs' Committee Motion, the Plaintiffs argue as follows:

Wrongful death and personal injury claimants will be by far the largest creditor constituency in this case. The Debtor has acknowledged \$33.5 million of secured debt together with unsecured trade payables of \$3.5 million. Given the horrific circumstances of the Disaster and the Debtor's role in it, wrongful death verdicts in the hundreds of millions of dollars can be expected.

Dkt. 76, Plaintiffs' Committee Motion ¶ 2 (emphasis in original).

17. Plaintiffs also argue that resolution of all wrongful death claims arising from the Derailment, including the U.S. Wrongful Death Actions, is central to MMA's ability to confirm a chapter 11 plan:

Confirmation of a Chapter 11 plan will require support from wrongful death and personal injury claimants. Section 1171(a) of the Bankruptcy Code provides that wrongful death and personal injury claims, including those arising prepetition, are entitled to payment as administrative claims. . . . If, as seems inevitable because of the amount they are owed, bodily injury claimants remain unpaid at the time a plan is considered for confirmation, the plan may not be confirmed without paying them the full amount they are owed, in cash, on the effective date of the plan *except to the extent that they otherwise agree*. 11 U.S.C. § 1129(a)(9)(A). There are many reasons why wrongful death and personal injury claimants might otherwise agree. . . . [F]ormation of an official committee will benefit the bankruptcy estate by providing a negotiating partner in connection with the Chapter 11 plan and other aspects of this case — thus enhancing the likelihood of a successful outcome.

Id. ¶ 5.

18. The Plaintiffs further describe the inherent inefficiencies of multiple lawsuits in multiple jurisdictions as a reason to centralize the resolution of all claims by and against all parties arising from the Derailment:

The prospect of being sued in the tort system, probably in many different lawsuits in multiple jurisdictions, cannot be comforting to the Debtor's affiliates and other parties that might share the Debtor's liability for claims arising from the Disaster. These constituencies will benefit by utilizing the orderly and efficient process, and the certainty of closure, that a consensual Chapter 11 plan can provide in the mass tort context, as a far superior alternative to the risk of being subject to uncertainty, duplication of effort,

inconsistent results, indefinite duration and ever-burgeoning expense in the tort system. In sum, parties that potentially share liability for the Disaster should welcome the opportunity to deal with bodily injury claimants inside the Chapter 11 tent, rather than outside.

Id. ¶ 6.

19. On August 30, 2013, the following parties filed two (2) additional motions in the Bankruptcy Court: (i) the government of the Province of Quebec, Canada; (ii) the municipality of Lac- Mégantic, Quebec; and (iii) the representatives of a Canadian class action lawsuit consisting of victims of the July 6, 2013 accident that led to the Chapter 11 Case (“Canadian Personal Injury Representatives”). The Canadian Personal Injury Representatives filed (a) the *Motion Of Informal Committee Of Quebec Claimants Pursuant To Local Rule 9013-1(i) For Expedited Hearing With Respect To Motion For Appointment Of Creditors' Committee Pursuant To Bankruptcy Code Section 1102(a)(2)* [Docket No. 128] (the “Motion to Shorten Time”), and (b) the *Motion Of Informal Committee Of Quebec Claimants For Appointment Of Creditors' Committee Pursuant To Bankruptcy Code Section 1102(a)(2)* [Docket No. 127] (the “Second Committee Motion”). Like the Plaintiffs, the Canadian Personal Injury Representatives allege that resolution of the personal injury and wrongful death claims is central to the resolution of the Chapter 11 Case and that “the creditors holding the largest claims against the Debtor, in the aggregate, consist of tort victims (asserting personal injury/wrongful death and property damage claims) and entities with subrogation rights and environmental claims.” Dkt. 127, Second Committee Motion ¶ 3.

20. The arguments by the Plaintiffs and the Canadian Personal Injury Representatives confirm that all of the personal injury and wrongful death claims arising from the Derailment, including, without limitation, the U.S. Wrongful Death Actions, should be resolved in a single forum in a consistent manner. Subsection 157(b)(5) provides for the centralization where

MMA's chapter 11 case is pending or, if appropriate, where the claims arose. The Bankruptcy Court has recognized the need to coordinate the two (2) insolvency cases currently pending: the Chapter 11 Case for MMA in the Bankruptcy Court and the CCAA proceeding for MMA Canada in the Quebec Court. On September 4, 2013, the Bankruptcy Court entered its *Order Adopting Cross-Border Insolvency Protocol* [Docket No. 168]. Centralization of the resolution of wrongful death and personal injury claims can be accomplished in either the Maine District Court or the Quebec Court.⁸

21. The WFS Entities have been informed that the Trustee also intends to seek transfer of the U.S. Wrongful Death Actions to the Maine District Court pursuant to 28 U.S.C. §§ 157(b)(5).

22. The Maine District Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. The statutory bases for the relief requested herein are set forth in 28 U.S.C. § 157(b)(5).

⁸ The Plaintiffs dismissed MMA without prejudice from the U.S. Wrongful Death Actions and moved to remand the U.S. Wrongful Death Actions to the Illinois State Court. The WFS Entities respectfully submit that it would be inappropriate for the Illinois District Court to address the remand motions before the Maine District Court rules on the Transfer Motion, because subsection 157(b)(5) vests in the Maine District Court exclusive authority to decide whether the U.S. Wrongful Death Actions should be tried in the Maine District Court. Even if the Illinois District Court were to remand the U.S. Wrongful Death Actions to the Illinois State Court before the Maine District Court grants the Transfer Motion, the Maine District Court would have the authority to transfer the U.S. Wrongful Death Actions directly from the Illinois State Court to the Maine District Court. *See, e.g., In re Pan Am Corp.*, 16 F.3d 513 (2d Cir. 1994) ("Pan Am II") (affirming transfer of cases from the Florida state courts directly to the district court where Pan Am's chapter 11 case was pending); *In re New England Compounding Pharmacy, Inc.*, MDL No. 1813 –md-2419-FDS, 2013 U.S. Dist. LEXIS 76739 (D. Mass. May 31, 2013) (transferring lawsuits from multiple state courts to the district court where the debtor's bankruptcy case was pending).

ARGUMENT

A. Transfer of the U.S. Wrongful Death Actions to the Maine District Court is Appropriate.

23. 28 U.S.C § 157(b)(5) vests the Maine District Court with exclusive authority to determine where personal injury and wrongful death claims that are related to the Chapter 11 Case are to be adjudicated. Subsection 157(b)(5) provides as follows:

The district court shall order that personal injury tort and wrongful death claims shall be tried in the district court in which the bankruptcy case is pending, or in the district court in the district in which the claim arose, as determined by the district court in which the bankruptcy case is pending.

28 U.S.C § 157(b)(5) (emphasis added). Subsection 157(b)(5) addresses two different concepts: (a) centralization of litigation in either the district court where the bankruptcy case is pending or in the location where the accident occurred; and (b) the district court in the district in which the bankruptcy case is pending is best situated to decide where such claims should be liquidated.

24. Courts have recognized that there are benefits to consolidating personal injury and wrongful death claims in the district in which the bankruptcy case is pending. In *In re New England Compounding Pharmacy, Inc.*, 2013 U.S. Dist. LEXIS 76739 (D. Mass. 2013), the Massachusetts District Court recently transferred personal injury cases to that district from multiple courts around the country, given that such cases were related to a bankruptcy case pending in Massachusetts:

If the court were to decline to assert jurisdiction over the state-court cases, it might make it difficult or impossible to resolve the entire litigation in an equitable or efficient manner. Any cases that remain pending in state court could ultimately result in large judgments and corresponding claims for contribution or indemnity against the estate of [the debtor].

...

Furthermore, allowing some state-court cases to proceed without consolidation [in the district court where the chapter 11 cases was pending], creates a possibility of inconsistent rulings or judgments on factual or scientific issues that may greatly complicate the resolution of these matters. And litigation in multiple courts also

threatens to impose significant discovery burdens, as discovery from many of the same people and entities may be sought on multiple occasions.

2013 U.S. Dist. LEXIS 76739, at *14-16.

25. Likewise, in *A.H. Robins v. Piccinin (In re A.H. Robins Co.)*, 788 F.2d 994, 1014 (4th Cir. 1986), the Fourth Circuit affirmed a decision that centralized thousands of personal injury cases in the district court where the bankruptcy case was pending, reasoning as follows:

No progress along estimating these contingent claims . . . can be made until all Dalkon Shield claims and suits are centralized before a single forum where all interests can be heard and in which the interests of all claimants with one another may be harmonized. (Citation omitted.) That undoubtedly was the purpose of the motion to fix venue and to transfer the pending suits to the district court sitting in bankruptcy before which the proceedings were pending. This unquestionably was the idea which prompted the district court to opt tentatively in his order fixing venue in the district court sitting in bankruptcy for all these claims. We approve of the idea and find it conducive of the interests of all concerned.

See also Lindsey v. O'Brien (In re Dow Corning Corp.), 86 F.3d 482, 497 (6th Cir. 1996) (“We agree with the Fourth Circuit that Section 157(b)(5) should be read to allow a district court to fix venue for cases pending against nondebtor defendants which are ‘related to’ a debtor’s bankruptcy proceedings pursuant to section 1334(b). This approach will further the prompt, fair, and complete resolution of all claims ‘related to’ bankruptcy proceedings, and harmonize Section 1334(b)’s broad jurisdictional grant with the oft-stated goal of centralizing the administration of a bankruptcy case.”)

26. Consolidation of the personal injury and wrongful death litigation against the non-debtor defendants and MMA in either the Maine District Court or the Quebec Court is also necessary to ensure that no one Plaintiff receives a windfall in the Chapter 11 Case due to the impact that the resolution of other pending causes of action will have on the estate. *See CPC Livestock, LLC v. Fifth Third Bank, Inc.*,--- B.R. ----, No. 1:12-cv-00204-JHM, 2013 WL 1411222, *12 (W.D. Ky. Apr. 8, 2013) (concluding that “related to” jurisdiction was appropriate

to avoid plaintiffs receiving a “double recovery” where plaintiffs filed proofs of claim with the bankruptcy estate and claims against co-defendants arising out of the same conduct); *Omega Tool Corp. v. Alix Partners, LLP*, 416 B.R. 315, 320 (E.D. Mich. 2009) (finding “related to” jurisdiction because the plaintiff sought to recover from the defendants for the same injuries as against the debtor); *In re Canion*, 196 F.3d 579, 586–87 (5th Cir. 1999) (finding “related to” jurisdiction in similar circumstances where resolution of lawsuits involving non-debtor third parties potentially would reduce the liabilities of the estate).

27. The plain language of 28 U.S.C. § 157(b)(5) is mandatory. It provides that the U.S. Wrongful Death Actions “shall” be transferred to the Maine District Court or to the district court for the district in which the claim arose. The Plaintiffs’ claims arguably arose in Quebec, where the Derailment occurred, and there is no United States district court in Quebec. The Maine District Court is, therefore, the only available forum in the United States under subsection 157(b)(5), though the Maine District Court does have the power to dismiss the U.S. Wrongful Death Actions based on *forum non conveniens*, to allow them to be litigated in Quebec, Canada, if the Maine District Court ultimately concludes that would be most efficient. *See* authorities cited in Section C, below.

B. The Plaintiffs’ and the Canadian Personal Injury Representatives’ Arguments in Support of the Formation of an Official Committee Demonstrate that Centralized Resolution of All Personal Injury and Wrongful Death Claims Arising from the Derailment is Appropriate.

28. The Plaintiffs contend that the wrongful death and personal injury claims arising from the Derailment are the largest claims in the Chapter 11 Case. Dkt. 76, Plaintiffs’ Committee Motion ¶ 2 (“*Wrongful death and personal injury claimants will be by far the largest creditor constituency in this case.*”) The Canadian Personal Injury Representatives agree. Dkt. 127, Second Committee Motion ¶ 3 (“[T]he creditors holding the largest claims against the

Debtor, in the aggregate, consist of tort victims (asserting personal injury/wrongful death and property damage claims) and entities with subrogation rights and environmental claims.”).

29. In seeking an official committee to advocate for the personal injury and wrongful death claimants, the Plaintiffs argue that the administrative priority status of their claims makes them key players in any plan process:

Confirmation of a Chapter 11 plan will require support from wrongful death and personal injury claimants. Section 1171(a) of the Bankruptcy Code provides that wrongful death and personal injury claims, including those arising prepetition, are entitled to payment as administrative claims. . . . If, as seems inevitable because of the amount they are owed, bodily injury claimants remain unpaid at the time a plan is considered for confirmation, the plan may not be confirmed without paying them the full amount they are owed, in cash, on the effective date of the plan except to the extent that they otherwise agree.

Dkt. 76, Plaintiffs’ Committee Motion ¶ 5. If this is true, then resolving the amount they are owed through a centralized claims resolution process is a necessary component of resolving the Chapter 11 Case.

30. Plaintiffs go on to argue that using the chapter 11 claims resolution process is far superior to multiple tort lawsuits in other jurisdictions:

These constituencies [referring to other defendants] will benefit by utilizing the orderly and efficient process, and the certainty of closure, that a consensual Chapter 11 plan can provide in the mass tort context, as a far superior alternative to the risk of being subject to uncertainty, duplication of effort, inconsistent results, indefinite duration and ever-burgeoning expense in the tort system.

Dkt. 76, Plaintiffs’ Committee Motion ¶ 6. It is precisely this need for centralized claims resolution that led to the enactment of 28 U.S.C. § 157(b)(5) and led the courts in the decisions cited above to transfer multiple personal injury and wrongful death cases to the district court where the chapter 11 case was pending.

C. Transferring the U.S. Wrongful Death Actions to the Maine District Court does not Require a Final Determination of Whether the U.S. Wrongful Death Actions Should Ultimately be Tried Here or in Quebec, Canada.

31. 28 U.S.C. § 157(b)(5) provides that the U.S. Wrongful Death Actions “shall” be transferred to this District or the district in which the claim arose. The claims arose in Quebec and there is no United States district court in Quebec. The Maine District Court is, therefore, the only available forum in the United States under subsection 157(b)(5). The Bankruptcy Court and the Quebec Court have adopted cross border protocols to coordinate the Chapter 11 Case with the CCAA Case. At this early stage in the litigation of personal injury and wrongful death claims, the Maine District Court can centralize the U.S. Wrongful Death Actions here without deciding whether they should ultimately be tried in the district where the Chapter 11 Case is pending (here) or in the Quebec Court.

32. Several courts have held that the district court where the bankruptcy case is pending can transfer personal injury and wrongful death cases from other courts to itself for the purpose of centralizing such cases, and thereafter decide whether to hear such cases or to dismiss them based on *forum non conveniens*, because 28 U.S.C. § 157(b)(5) vests exclusive authority to decide whether such claims should be tried in the district court where the bankruptcy case is pending or where the injury occurred.

33. In *In re Pan Am Corp.*, 16 F.3d 513 (2d Cir. 1994) (“*Pan Am II*”), the Second Circuit affirmed the judgment of the United States District Court for the Southern District of New York (the “Southern District”), holding that 28 U.S.C. § 157(b)(5) is intended to vest in the district court in the district in which a bankruptcy case is pending the authority to decide where related wrongful death and personal injury cases should be heard. In *Pan Am II*, the debtor asked the Southern District, where Pan Am’s chapter 11 case was pending, to transfer to itself wrongful death cases that were pending in the state court in Florida. The debtor informed the Southern

District that the debtor would then ask that the Southern District either dismiss the actions based on *forum non conveniens* (thereby requiring the plaintiffs to file in Scotland where the plane had crashed) or transfer the lawsuits to the Eastern District of New York, where other tort cases arising from the crash had been consolidated. The plaintiffs' objected that it was inappropriate for the district court where the bankruptcy case was pending to transfer cases to itself only to then transfer them again. The Second Circuit described the issue presented as follows:

With commendable candor, Pan Am also informed the district court that if the court granted its motion to transfer the cases from Florida to the Southern District, Pan Am would then either (1) move in the Southern District to dismiss the action on the ground of *forum non conveniens*, or (2) move in the Southern District for a transfer (under 28 U.S.C. § 1407) to the Eastern District of New York where the Judicial Panel of Multidistrict Litigation had earlier consolidated other tort cases against Pan Am. (Citation omitted.) Pan Am's stated goal was to have the cases ultimately heard in either Scotland or the Eastern District.

The plaintiffs objected to Pan Am's transfer motion. They pointed out that Section 157(b)(5) authorizes a district court to transfer a personal injury case from state court only to either of two federal districts: (1) the district where the bankruptcy is proceeding (here, the Southern District), or (2) the district where the cause of action arose (here, Scotland, which, of course, has no district court). Because Section 157(b)(5) does not authorize transfer directly to Scotland or the Eastern District, the plaintiffs argued that Pan Am should not be permitted to accomplish in two steps what it could not do in one.

Id. at 515. The Second Circuit affirmed the Southern District's rejection of the plaintiffs' contentions, holding as follows:

We are unpersuaded. Congress enacted Section 157(b)(5) to expand the district court's venue fixing powers with an eye to centralizing the adjudication of a bankruptcy case. (Citation omitted.) While Section 157 limits the courts to which the district court may transfer cases *under that section*, that restriction does not diminish the district court's other powers to change venue. (Citation omitted.) Accordingly, we find that a court may transfer a case under Section 157(b)(5) without considering any party's plans to relocate the case in the future. *See generally* [*Baumgart v. Fairchild Aircraft Corp.*, 981 F.2d 824, 834 (5th Cir. 1993)] (“[s]pecific legislation would be necessary to abrogate the doctrine of *forum non conveniens*”).

Common sense compels our conclusion. If Pan Am's scheme to relocate the cases after the initial transfer proves nettlesome, the district court may simply refuse to transfer the cases from the Southern District.

Id. at 516; *accord, e.g., Baumgart v. Fairchild Aircraft Corp.*, 981 F.2d 824 (5th Cir. 1993) (German residents filed lawsuits in the state courts in Texas for damages suffered from a plane crash in Germany. Fairchild filed a bankruptcy case. The lawsuits were removed to the Texas district court in the district where the bankruptcy was pending. That district court thereafter dismissed the lawsuits on *forum non conveniens* grounds, requiring the plaintiffs to seek recourse in Germany.); *Robert v. Bell Helicopter Textron, Inc.*, No. 3-01-cv-1576-L, 2002 U.S. Dist. LEXIS 7232, at *16 (N.D. Tex. Apr. 23, 2002) (Canadian citizens sued in Texas based on deaths in a helicopter crash that occurred in Canada. One of the defendants filed a bankruptcy case. The district court in the district where the bankruptcy case was filed first transferred the litigation to itself, and thereafter dismissed based on *forum non conveniens*.).

34. In both *Baumgart v. Fairchild Aircraft Corp.* and *Robert v. Bell Helicopter Textron, Inc.* the district court where the bankruptcy case was pending exercised its power to centralize multiple personal injury and wrongful death claims, and thereafter concluded that the policies underlying the enactment of section 157(b)(5) justified dismissal based on *forum non conveniens*. The Maine District Court need not determine where the U.S. Wrongful Death Actions will ultimately be adjudicated in order to exercise its power to centralize them in the Maine District Court pending a determination of the most efficient and appropriate forum.

CONCLUSION

WHEREFORE, the WFS Entities respectfully request that the Maine District Court enter an Order transferring the U.S. Wrongful Death Actions to the Maine District Court for further proceedings pursuant to 28 U.S.C. § 157(b)(5).

Respectfully submitted,

**WESTERN PETROLEUM CORPORATION
and PETROLEUM TRANSPORT SERVICES,
INC.**

By their attorney:

Dated: September 11, 2013

/s/ Jay S. Geller
Jay S. Geller, Esq.
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List of 19 Northern District Illinois Cases

<i>CaseNo</i>	<i>Plaintiffs</i>	<i>Defendants</i>	<i>Complt. Filed</i>	<i>Removal Filed</i>	<i>Judge</i>
1:13-cv-06192	ANNICK ROY, as special Administrator of the ESTATE OF JEAN- GUY VEILLEUX, Deceased	MONTREAL, MAINE and ATLANTIC RAILWAY, INC.; RAIL WORLD, INC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC.; DAKOTA PLAINS MARKETING, LLC.; DPTS MARKETING, LLC	7/22/2013	08/29/2013	Elaine E. Bucklo
1:13-cv-06193	SANDY BEDARD, as Special Administrator of the ESTATE OF MICHAEL GUERTIN, JR., Deceased	MONTREAL, MAINE and ATLANTIC RAILWAY, INC.; RAIL WORLD, INC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC.; DAKOTA PLAINS MARKETING, LLC.; DPTS MARKETING, LLC.,	7/29/2013	08/29/2013	Ronald Guzman
1:13-cv-06194	REAL BRETON, as Special Administrator of the ESTATE OF GENEVIEVE BRETON, Deceased	MONTREAL, MAINE and ATLANTIC RAILWAY, INC.; RAIL WORLD, INC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC.; DAKOTA PLAINS MARKETING, LLC.; DPTS MARKETING, LLC	7/25/2013	08/29/2013	Robert W. Gettleman
1:13-cv-06195	THERESE DUBOIS POULIN, as Special Administrator of the ESTATE OF DENISE DUBOIS, Deceased	MONTREAL, MAINE and ATLANTIC RAILWAY, INC.; RAIL WORLD, INC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC.; DAKOTA PLAINS MARKETING, LLC.; DPTS MARKETING, LLC	7/29/2013	08/29/2013	Ruben Castillo
1:13-cv-06196	ALEXIA DUMAS- CHAPUT, as Special Administrator of the ESTATE OF MATHIEU PELLETIER, Deceased	MONTREAL, MAINE and ATLANTIC RAILWAY, INC.; RAIL WORLD, INC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC.; DAKOTA PLAINS MARKETING, LLC.; DPTS MARKETING, LLC	7/29/2013	08/29/2013	Samuel Der- Yeghiayan
1:13-cv-06197	MARIE-JOSEE GRIMARD, as Special Administrator of the ESTATE OF HENRIETTE LATULIPPE, Deceased,	MONTREAL, MAINE and ATLANTIC RAILWAY, INC.; RAIL WORLD, INC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC.; DAKOTA PLAINS MARKETING, LLC.; DPTS MARKETING, LLC	7/29/2013	08/29/2013	Milton I. Shadur

1:13-cv-06198	LISETTE FORTIN-BOLDUC, as Special Administrator of the ESTATE OF STEPHANE BOLDUC, Deceased	MONTREAL, MAINE and ATLANTIC RAILWAY, INC.; RAIL WORLD, INC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC.; DAKOTA PLAINS MARKETING, LLC.; DPTS MARKETING, LLC	7/29/2013	08/29/2013	Thomas M. Durkin
1:13-cv-06199	GEORGETTE MARTIN, as Special Administrator of the ESTATE OF DAVID MARTIN, Deceased	MONTREAL, MAINE and ATLANTIC RAILWAY, INC.; RAIL WORLD, INC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC.; DAKOTA PLAINS MARKETING, LLC.; DPTS MARKETING, LLC	7/29/2013	08/29/2013	Charles R. Norgle, Sr.,
1:13-cv-06200	JOANNIE PROTEAU, as Special Administrator of the ESTATE OF MAXIME DUBOIS, Deceased	MONTREAL, MAINE and ATLANTIC RAILWAY, INC.; RAIL WORLD, INC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC.; DAKOTA PLAINS MARKETING, LLC.; DPTS MARKETING, LLC	7/29/2013	08/29/2013	Charles R. Norgle
1:13-cv-06201	KARINE PAQUET, as Special Administrator of the ESTATE OF ROGER PAQUET, Deceased	MONTREAL, MAINE and ATLANTIC RAILWAY, INC.; RAIL WORLD, INC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC.; DAKOTA PLAINS MARKETING, LLC.; DPTS MARKETING, LLC	7/29/2013	08/29/2013	Amy J. St. Eve
1:13-cv-06202	REJEAN ROY, as Special Administrator of the ESTATE OF MELISSA ROY, Deceased	MONTREAL, MAINE and ATLANTIC RAILWAY, INC.; RAIL WORLD, INC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC.; DAKOTA PLAINS MARKETING, LLC.; DPTS MARKETING, LLC	7/25/2013	08/29/2013	Virginia M. Kendall
1:13-cv-06203	SOPHIE VEILLEUX, as Special Administrator of the ESTATE OF RICHARD VEILLEUX, Deceased	MONTREAL, MAINE and ATLANTIC RAILWAY, INC.; RAIL WORLD, INC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC.; DAKOTA PLAINS MARKETING, LLC.; DPTS MARKETING, LLC	7/29/2013	08/29/2013	Rebecca R. Pallmeyer
1:13-cv-06257	GASTON BEGNOCHE, as Special Administrator of the ESTATE OF TALITHA COUMI BEGNOCHE, Deceased	RAIL WORLD, INC.; RAIL WORLD LOCOMOTIVE LEASING, LLC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS MARKETING, LLC; DPTS MARKETING, LLC; UNION TANK CAR, CO.; GATX CORPORATION; CIT GROUP, INC.; and TRINITY INDUSTRIES, INC.	8/14/2013	09/03/2013	Joan B. Gottschall

1:13-cv-06258	YANN PROTEAU, as Special Administrator of the ESTATE OF KARINE CHAMPAGNE, Deceased	RAIL WORLD, INC.; RAIL WORLD LOCOMOTIVE LEASING, LLC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS MARKETING, LLC; DPTS MARKETING, LLC; UNION TANK CAR, CO.; GATX CORPORATION; CIT GROUP, INC.; and TRINITY INDUSTRIES, INC.	8/14/2013	09/03/2013	Charles R. Norgle, Sr.
1:13-cv-06261	MICHEL BOULANGER, as Special Administrator of the ESTATE OF ELIANE PARENTEAU, Deceased	RAIL WORLD, INC.; RAIL WORLD LOCOMOTIVE LEASING, LLC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS MARKETING, LLC; DPTS MARKETING, LLC; UNION TANK CAR, CO.; GATX CORPORATION; CIT GROUP, INC.; and TRINITY INDUSTRIES, INC.	8/14/2013	09/03/2013	Amy J. St. Eve
1:13-cv-06262	ELISE DUBOIS-COUTURE, as Special Administrator of the ESTATE OF DAVID LACROIX-BEAUDIN, Deceased	RAIL WORLD, INC.; RAIL WORLD LOCOMOTIVE LEASING, LLC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS MARKETING, LLC; DPTS MARKETING, LLC; UNION TANK CAR, CO.; GATX CORPORATION; CIT GROUP, INC.; and TRINITY INDUSTRIES, INC.	8/14/2013	09/03/2013	John Z. Lee
1:13-cv-06263	PASCAL CHAREST, as Special Administrator of the ESTATE OF ALYSSA CHAREST BEGNOCHE, Deceased	RAIL WORLD, INC.; RAIL WORLD LOCOMOTIVE LEASING, LLC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS MARKETING, LLC; DPTS MARKETING, LLC; UNION TANK CAR, CO.; GATX CORPORATION; CIT GROUP, INC.; and TRINITY INDUSTRIES, INC.	8/14/2013	09/03/2013	Samuel Der-Yeghiayan
1:13-cv-06264	LOUISE COUTURE, as Special Administrator of the ESTATE OF KATHY CLUSIAULT, Deceased	RAIL WORLD, INC.; RAIL WORLD LOCOMOTIVE LEASING, LLC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS MARKETING, LLC; DPTS MARKETING, LLC; UNION TANK CAR, CO.; GATX CORPORATION; CIT GROUP, INC.; and TRINITY INDUSTRIES, INC.	8/14/2013	09/03/2013	John F. Grady
1:13-cv-06266	PASCAL CHAREST, as Special Administrator of the ESTATE OF BIANKA CHAREST BEGNOCHE, Deceased	RAIL WORLD, INC.; RAIL WORLD LOCOMOTIVE LEASING, LLC.; EDWARD BURKHARDT, individually; WORLD FUEL SERVICES CORPORATION; WESTERN PETROLEUM COMPANY; PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS TRANSLOADING, LLC; DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC; DAKOTA PLAINS MARKETING, LLC; DPTS MARKETING, LLC; UNION TANK CAR, CO.; GATX CORPORATION; CIT GROUP, INC.; and TRINITY INDUSTRIES, INC.	8/14/2013	09/03/2013	George M. Marovich

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

In re

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,

Debtor.

CHAPTER 11
CASE NO. 13-10670-LHK

**ORDER TRANSFERRING CERTAIN PERSONAL INJURY AND WRONGFUL DEATH
LAWSUITS TO THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MAINE PURSUANT TO 28 U.S.C. §§ 157(b)(5) AND 1334**

Upon consideration of the *Motion to Transfer Certain Personal Injury Tort and Wrongful Death Lawsuits to the Maine District Court Pursuant to 28 U.S.C. §§ 157(b)(5) and 1334* (the “Transfer Motion”) in the above-captioned chapter 11 case by Western Petroleum Corporation (“WPC”) and Petroleum Transport Services, Inc. (“PTS,” and together with WPC, the “WFS Entities”), seeking entry of an order from the United States District Court for the District of Maine (the “Maine District Court”) transferring to the Maine District Court the personal injury tort and wrongful death lawsuits identified on Exhibit “A” hereto (the “U.S. Wrongful Death Actions”), pursuant to 28 U.S.C. §§ 157(b)(5) and 1334; and the Court having found that notice of the Transfer Motion is proper; and all interested parties having been afforded an opportunity to be heard with respect to the Transfer Motion and all relief related thereto; and the Court having reviewed and considered (i) the Transfer Motion and all relief related thereto, and (ii) the objections thereto; and the Court having heard statements of counsel and the evidence presented in support of the relief requested in the Transfer Motion at the hearing before the Court on [____], 2013; and it appearing that the Court has jurisdiction over this matter; and it further

appearing that the legal and factual bases set forth in the Transfer Motion establish just cause for the relief granted herein; and after due deliberation thereon; and good and sufficient cause appearing therefor; it is hereby

1. **ORDERED**, that the Transfer Motion is granted; and it is further
2. **ORDERED**, that pursuant to 28 U.S.C. § 157(b)(5), the clerk of the respective court for each of the U.S. Wrongful Death Actions shall transfer the case file pertaining to the respective U.S. Wrongful Death Action to the Maine District Court within __ days of entry of this Order; and it is further
3. **ORDERED**, that this Order shall not modify or in any way affect the automatic stay to the extent it is applicable to the U.S. Wrongful Death Actions.

Dated: _____, 2013

United States District Court Judge