

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

Bk. No. 13-10670

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,

Chapter 11

Debtor.

**Canadian Pacific Railway Company's objection to trustee's motion for the destruction of
business records**

1. Canadian Pacific Railway Company (CP) objects to the trustee's request to destroy hard copy and electronic records. The chapter 11 trustee, Robert Keach, asks the Court to endorse such destruction. The trustee bases this request on Bankruptcy Code Section 554(a), which provides that "[a]fter notice and a hearing, the trustee may abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." 11 U.S.C. § 554(a). Abandonment of property is one thing; spoliation of evidence is quite another. Section 554(a) does not condone the latter.

2. CP limits the objection to opposing the immediate destruction of documents and setting a timetable for further destruction, while litigation pends in the United States and Canada. Lawsuits in various forums make Montreal, Maine & Atlantic Railway, Ltd. (MMAR) business records the subject of intense interest. Allowing documents to be discarded before the conclusion of the various actions cannot be characterized as anything other than spoliation.

3. The trustee seeks three classes of data destruction. First, he wants to immediately destroy "Stale Accounting Documents," defined as pre-2006 accounting documents. Motion, ¶
6. Second, in approximately four years, he wants to be rid of (a) the "Grindrod Files," defined as

“records from the office of the Debtor’s former President, Robert Grindrod, and other files potentially significant to the operation of the Debtor’s business” and (b) the “Retained Accounting Documents,” defined as financial documents from 2006 through 2013. *Id.*, ¶ 10.

4. Third, in approximately two years he would destroy the “General Business Records,” defined as “certain general business records, including company emails, employee files, the general ledger, payroll software, legal documents, tax returns, dispatch history, etc.” *Id.*, ¶¶ 8, 13. All three categories are collectively referred to as “MMAR Business Records.” The trustee offers to “work in good faith with counsel to CP to resolve any litigation-related concerns counsel to CP may have,” but he makes no commitments. *Id.*, ¶ 14.

5. “The obligation to preserve evidence arises when the party has notice that the evidence is relevant to litigation or when a party should have known that the evidence may be relevant to future litigation.” *Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212, 216 (S.D.N.Y. 2003). “Spoliation can be defined as the failure to preserve evidence that is relevant to pending or potential litigation.” *Jimenez–Sanchez v. Caribbean Restaurants, LLC*, 483 F.Supp.2d 140, 143 (D.P.R. 2007). “Litigants have the responsibility of ensuring that relevant evidence is protected from loss or destruction. ‘A litigant has a duty to preserve relevant evidence.’” *Velez v. Marriott PR Management, Inc.*, 590 F.Supp.2d 235, 258 (D.P.R. 2008) (quoting *Perez–Velasco v. Suzuki Motor Co. Ltd.*, 266 F.Supp.2d 266, 268 (D.P.R. 2003)). The duty to preserve “arises once litigation is reasonably anticipated.” *Perez v. Hyundai Motor Co.*, 440 F.Supp.2d 57, 60 (D.P.R. 2006).

6. 11 U.S.C. § 554(b) “allows for the abandonment of any property of the bankruptcy estate that is burdensome, or that is of inconsequential value and benefit, to the estate[.]” *In re Jolly Properties, Inc.*, No. 09-30872-H4-7, 2009 WL 2460865, at *3 (Bankr.

S.D. Tex. Aug. 11, 2009). When “the Court has insufficient information” to determine record inconsequentiality, a request to abandon or to destroy should be denied. *Id.* at *4. If a party would be prevented “from investigating possible causes of action[]” abandonment comes too soon. *Id.* at *5.

7. The trustee offers no evidence that would enable this Court to conclude that the MMAR Business Records lack value or relevance and therefore should be queued for destruction. The unavailability of the MMAR Business Records would frustrate claim investigation.

8. Lac Mégantic derailment related litigation is now pending in Maine, Illinois, Texas and Quebec. Discovery in the U.S. is not yet underway, and with stay orders being in place and being sought, discovery will not likely be completed any time soon. But when discovery ultimately begins, MMAR Business Records will be important. Thus allowing some destruction now and setting dates certain for further record destruction jumps the gun. No party can now say how long Lac Mégantic derailment litigation will be waged.

9. While the trustee expresses eagerness to discard allegedly “Stale Accounting Documents,” CP needs to see those records before they will be forever gone. Importantly, the trustee contends that CP caused “MMAR’s injuries includ[ing] ... the destruction of MMAR’s business operations, and the lost value of its assets[.]” ECF Doc. 134, Adversary Proceeding at ¶ 17 (Second Amended Complaint). Such a claim makes MMAR’s accounting and financial records essential to CP’s defense.

10. If that were not enough, the trustee provides no specifics about, for instance, the “company emails” or “dispatch history” that will cease to exist in approximately two years. What these documents say about MMAR’s knowledge, actions, or inactions will not be learned

until discovery is well under way. Yet that process has not begun in the adversary action and other Lac Mégantic derailment U.S. lawsuits, some of which have been or may be stayed. Yet the trustee wants to dump these documents without regard to litigation progress.

11. In sum, this Court should not sanction the destruction of any MMAR Business Records or set destruction timetable while any Lac Mégantic litigation is pending.

Dated: September 29, 2015

BRIGGS AND MORGAN, P.A

By: /s/ Timothy R. Thornton

Timothy R. Thornton
John R. McDonald
Paul J. Hemming
2200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
(612) 977-8400

And

PEARCE & DOW, LLC

By: /s/ Aaron P. Burns

Aaron P. Burns
Two Monument Square, Suite 901
PO Box 108
Portland, Maine 04112-0108
(207) 822-9900 (Tel)
(207) 822-9901 (Fax)

**ATTORNEYS FOR CANADIAN PACIFIC
RAILWAY COMPANY**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,

Chapter 11
Case No. 13-10670-PGC

Debtor.

Certificate of Service

I, the undersigned, legal assistant to counsel for Canadian Pacific Railway Company hereby certify that I have caused a copy of Canadian Pacific Railway Company's Objection to Trustee's Motion for the Destruction of Business Records to be served as follows.

Electronically through the Court's ECF System

D. Sam Anderson, Esq. on behalf of Attorney Bernstein, Shur, Sawyer & Nelson
sanderson@bernsteinshur.com,
acummings@bernsteinshur.com; astewart@bernsteinshur.com; kquirk@bernsteinshur.com; kbigelow@bernsteinshur.com

D. Sam Anderson, Esq. on behalf of Defendant Robert J. Keach, in his capacity as Chapter 11 Trustee of Maine Montreal and Atlantic Railway, Ltd.
sanderson@bernsteinshur.com,
acummings@bernsteinshur.com; astewart@bernsteinshur.com; kquirk@bernsteinshur.com; kbigelow@bernsteinshur.com

D. Sam Anderson, Esq. on behalf of Plaintiff Robert J. Keach
sanderson@bernsteinshur.com,
acummings@bernsteinshur.com; astewart@bernsteinshur.com; kquirk@bernsteinshur.com; kbigelow@bernsteinshur.com

D. Sam Anderson, Esq. on behalf of Trustee Robert J. Keach
sanderson@bernsteinshur.com,
acummings@bernsteinshur.com; astewart@bernsteinshur.com; kquirk@bernsteinshur.com; kbigelow@bernsteinshur.com

Darcie P.L. Beaudin, Esq. on behalf of Interested Party ConocoPhillips
dbeaudin@sta-law.com, jlhommedieu@sta-law.com; mleblond@sta-law.com

Darcie P.L. Beaudin, Esq. on behalf of Interested Party Enserco Energy LLC
dbeaudin@sta-law.com, jlhommedieu@sta-law.com; mleblond@sta-law.com

Fred W. Bopp III, Esq. on behalf of Defendant Irving Oil Limited
fbopp@perkinsthompson.com,

lweliver@perkinsthompson.com; sdoil@perkinsthompson.com; mnelson@perkinsthompson.com

Fred W. Bopp III., Esq. on behalf of Trustee P. J. Perrino, Esq., Chapter 7 Trustee

fbopp@perkinsthompson.com,

lweliver@perkinsthompson.com; sdoil@perkinsthompson.com; mnelson@perkinsthompson.com

Aaron P. Burns on behalf of Defendant Canadian Pacific Railway Corporation

aburns@pearcedow.com, rpearce@pearcedow.com; katwood@pearcedow.com

Aaron P. Burns on behalf of Interested Party New England Independent Transmission Company, LLC

aburns@pearcedow.com, rpearce@pearcedow.com; katwood@pearcedow.com

Richard Paul Campbell on behalf of Creditor Progress Rail Services Corporation

rpcampbell@campbell-trial-lawyers.com, mmichitson@campbell-trial-lawyers.com

Roger A. Clement, Jr., Esq. on behalf of Attorney Verrill Dana LLP

rclement@verrilldana.com, nhull@verrilldana.com; bankr@verrilldana.com

Roger A. Clement, Jr., Esq. on behalf of Debtor Montreal Maine & Atlantic Railway Ltd.

rclement@verrilldana.com, nhull@verrilldana.com; bankr@verrilldana.com

Roger A. Clement, Jr., Esq. on behalf of Trustee Robert J. Keach

rclement@verrilldana.com, nhull@verrilldana.com; bankr@verrilldana.com

Daniel C. Cohn, Esq. on behalf of Creditor Estates of Marie Alliance, et al

dcohn@murthalaw.com

Steven E. Cope, Esq. on behalf of Interested Party Devlar Energy Marketing LLC

scope@copelegal.com,

copefilings@copelegal.com; copefilings@gmail.com; copefilings@ecf.inforruptcy.com

Steven E. Cope, Esq. on behalf of Interested Party Slawson Exploration Company, Inc.

scope@copelegal.com,

copefilings@copelegal.com; copefilings@gmail.com; copefilings@ecf.inforruptcy.com

Maire Bridin Corcoran Ragozzine, Esq. on behalf of Defendant Robert J. Keach, in his capacity as Chapter 11 Trustee of Maine Montreal and Atlantic Railway, Ltd.

acummings@bernsteinshur.com

Maire Bridin Corcoran Ragozzine, Esq. on behalf of Trustee Robert J. Keach

acummings@bernsteinshur.com

Kevin J. Crosman, Esq. on behalf of Creditor Maine Revenue Services

kevin.crosman@maine.gov

Keith J. Cunningham, Esq. on behalf of Creditor Eastern Maine Railway Company

kcunningham@pierceatwood.com, mpottle@pierceatwood.com; rkelly@pierceatwood.com

Keith J. Cunningham, Esq. on behalf of Creditor Maine Northern Railway Company

kcunningham@pierceatwood.com, mpottle@pierceatwood.com; rkelly@pierceatwood.com

Keith J. Cunningham, Esq. on behalf of Creditor New Brunswick Southern Railway Company
kcunningham@pierceatwood.com, mpottle@pierceatwood.com; rkelly@pierceatwood.com

Debra A. Dandeneau on behalf of Creditor CIT Group, Inc.
debra.dandeneau@weil.com, elizabeth.hendee@weil.com; jessica.diab@weil.com; Blaire.Cahn@weil.com

Roma N. Desai, Esq. on behalf of Trustee Robert J. Keach
rdesai@bernsteinshur.com,
acummings@bernsteinshur.com; kquirk@bernsteinshur.com; astewart@bernsteinshur.com

Joshua R. Dow, Esq. on behalf of Creditor Canadian Pacific Railway
jdow@pearcedow.com, rpearce@pearcedow.com; katwood@pearcedow.com

Joshua R. Dow, Esq. on behalf of Creditor Canadian Pacific Railway Co.
jdow@pearcedow.com, rpearce@pearcedow.com; katwood@pearcedow.com

Joshua R. Dow, Esq. on behalf of Defendant Canadian Pacific Railway Corporation
jdow@pearcedow.com, rpearce@pearcedow.com; katwood@pearcedow.com

John Eggum on behalf of Creditor SMBC Rail Services, LLC f/k/a Flagship Rail Services
jeggum@fgppr.com, rramirez@fgppr.com

John Eggum on behalf of Creditor TLP Rail Trust 1
jeggum@fgppr.com, rramirez@fgppr.com

Daniel R. Felkel, Esq. on behalf of Creditor Dakota Plains Transloading, LLC, Dakota Petroleum
Transport Solutions LLC, Dakota Plains Marketing LLC
dfelkel@troubhheisler.com

Jeremy R. Fischer on behalf of Creditor InCorr Energy Group, LLC
jfischer@dwmlaw.com, hwhite@dwmlaw.com; astead@dwmlaw.com

Jeremy R. Fischer on behalf of Creditor Marathon Oil Company
jfischer@dwmlaw.com, hwhite@dwmlaw.com; astead@dwmlaw.com

Jeremy R. Fischer on behalf of Creditor QEP Resources, Inc.
jfischer@dwmlaw.com, hwhite@dwmlaw.com; astead@dwmlaw.com

Jeremy R. Fischer on behalf of Interested Party Indian Harbor Insurance Company
jfischer@dwmlaw.com, hwhite@dwmlaw.com; astead@dwmlaw.com

Jeremy R. Fischer on behalf of Interested Party Railroad Acquisition Holdings LLC
jfischer@dwmlaw.com, hwhite@dwmlaw.com; astead@dwmlaw.com

Jeremy R. Fischer on behalf of Interested Party XL Insurance Company, Ltd.
jfischer@dwmlaw.com, hwhite@dwmlaw.com; astead@dwmlaw.com

Isaiah A. Fishman on behalf of Creditor C. K. Industries, Inc.
ifishman@krasnowsaunders.com

Peter J. Flowers on behalf of Creditor Estates of Stephanie Bolduc

pjf@meyers-flowers.com

Kelley J. Friedman on behalf of Interested Party Oasis Petroleum, Inc.
kfriedman@jandflaw.com, ppope@jandflaw.com

Taruna Garg, Esq. on behalf of Creditor Estates of Marie Alliance, et al
tgarg@murthalaw.com, kpatten@murthalaw.com

Jay S. Geller on behalf of Creditor Petroleum Transport Solutions, LLC
jgeller@jaysgellerlaw.com

Jay S. Geller on behalf of Creditor Western Petroleum Company
jgeller@jaysgellerlaw.com

Jay S. Geller on behalf of Creditor Western Petroleum Corporation
jgeller@jaysgellerlaw.com

Jay S. Geller on behalf of Creditor World Fuel Services Canada, Inc.
jgeller@jaysgellerlaw.com

Jay S. Geller on behalf of Creditor World Fuel Services Corporation
jgeller@jaysgellerlaw.com

Jay S. Geller on behalf of Creditor World Fuel Services, Inc.
jgeller@jaysgellerlaw.com

Jay S. Geller on behalf of Defendant Petroleum Transport Solutions, LLC
jgeller@jaysgellerlaw.com

Jay S. Geller on behalf of Defendant Western Petroleum Company
jgeller@jaysgellerlaw.com

Jay S. Geller on behalf of Defendant World Fuel Services Corporation
jgeller@jaysgellerlaw.com

Jay S. Geller on behalf of Defendant World Fuel Services, Canada, Inc.
jgeller@jaysgellerlaw.com

Jay S. Geller on behalf of Defendant World Fuel Services, Inc.
jgeller@jaysgellerlaw.com

Craig Goldblatt on behalf of Interested Party XL Insurance Company, Ltd.
craig.goldblatt@wilmerhale.com

Frank J. Guadagnino on behalf of Creditor Maine Department of Transportation
fguadagnino@clarkhillthorpreed.com, aporter@clarkhill.com

Susan N.K. Gummow, Esq. on behalf of Creditor TLP Rail Trust 1
sgummow@fgppr.com, rramirez@fgppr.com

Susan N.K. Gummow, Esq. on behalf of Defendant SMBC Rail Services, Inc.

sgummow@fgppr.com, rramirez@fgppr.com

Michael F. Hahn, Esq. on behalf of Creditor Bangor Savings Bank
mhahn@eatonpeabody.com,
clavertu@eatonpeabody.com; dcroizier@eatonpeabody.com; jmiller@eatonpeabody.com; dgerry@eatonpeabody.com

Regan M. Haines, Esq. on behalf of Creditor Union Tank Car Company
rhaines@curtisthaxter.com, jwashburn@curtisthaxter.com

Andrew Helman, Esq. on behalf of Creditor Wheeling & Lake Erie Railway Company
ahelman@mcm-law.com, bankruptcy@mcm-law.com

Andrew Helman, Esq. on behalf of Intervenor-Plaintiff Wheeling & Lake Erie Railway Company
ahelman@mcm-law.com, bankruptcy@mcm-law.com

Andrew Helman, Esq. on behalf of Plaintiff Wheeling & Lake Erie Railway Company
ahelman@mcm-law.com, bankruptcy@mcm-law.com

Paul Joseph Hemming on behalf of Creditor Canadian Pacific Railway Co.
pheemming@briggs.com, pkringen@briggs.com

Paul Joseph Hemming on behalf of Defendant Canadian Pacific Railway Corporation
pheemming@briggs.com, pkringen@briggs.com

Brian T. Henebry, Esq. on behalf of Creditor Union Tank Car Company
bhenebry@carmodylaw.com

Seth S. Holbrook on behalf of Creditor Atlantic Specialty Insurance Company
holbrook_murphy@msn.com

Nathaniel R. Hull, Esq. on behalf of Debtor Montreal Maine & Atlantic Railway Ltd.
nhull@verrilldana.com, bankr@verrilldana.com

David C. Johnson on behalf of Creditor Wheeling & Lake Erie Railway Company
bankruptcy@mcm-law.com, djohnson@mcm-law.com

David C. Johnson on behalf of Defendant Wheeling & Lake Erie Railway Company
bankruptcy@mcm-law.com, djohnson@mcm-law.com

David C. Johnson on behalf of Plaintiff Wheeling & Lake Erie Railway Company
bankruptcy@mcm-law.com, djohnson@mcm-law.com

Elizabeth Thorne Jozefowicz on behalf of Respondent Arrow Midstream Holdings, LLC
ejozefowicz@clausen.com

Jordan M. Kaplan, Esq. on behalf of Creditor Brotherhood of Locomotive Engineers and Trainmen
jkaplan@zwerdling.com, mwolly@zwerdling.com

Robert J. Keach, Esq. on behalf of Defendant Robert J. Keach, in his capacity as Chapter 11 Trustee of
Maine Montreal and Atlantic Railway, Ltd.

rkeach@bernsteinshur.com,
acummings@bernsteinshur.com; astewart@bernsteinshur.com; kquirk@bernsteinshur.com

Robert J. Keach, Esq. on behalf of Plaintiff Robert J. Keach

rkeach@bernsteinshur.com,
acummings@bernsteinshur.com; astewart@bernsteinshur.com; kquirk@bernsteinshur.com

Robert J. Keach, Esq. on behalf of Trustee Robert J. Keach

rkeach@bernsteinshur.com,
acummings@bernsteinshur.com; astewart@bernsteinshur.com; kquirk@bernsteinshur.com

Curtis E. Kimball, Esq. on behalf of Creditor Center Beam Flat Car Company, Inc.

ckimball@rudman-winchell.com, jphair@rudman-winchell.com; cderrah@rudmanwinchell.com

Curtis E. Kimball, Esq. on behalf of Creditor First Union Rail

ckimball@rudman-winchell.com, jphair@rudman-winchell.com; cderrah@rudmanwinchell.com

Curtis E. Kimball, Esq. on behalf of Creditor J. M. Huber Corporation

ckimball@rudman-winchell.com, jphair@rudman-winchell.com; cderrah@rudmanwinchell.com

Andrew J. Kull, Esq. on behalf of Creditor Estate of Jefferson Troester

akull@mittelasen.com, ktrogner@mittelasen.com

George W. Kurr, Jr. on behalf of Creditor Estates of David Lacroix Beaudoin

gwkurr@grossminsky.com, tmseymour@grossminsky.com; kclove@grossminsky.com

George W. Kurr, Jr. on behalf of Creditor Estates of Marie Alliance, et al

gwkurr@grossminsky.com, tmseymour@grossminsky.com; kclove@grossminsky.com

George W. Kurr, Jr. on behalf of Creditor Estates of Stephanie Bolduc

gwkurr@grossminsky.com, tmseymour@grossminsky.com; kclove@grossminsky.com

George W. Kurr, Jr. on behalf of Creditor Real Custeau Claimants et al

gwkurr@grossminsky.com, tmseymour@grossminsky.com; kclove@grossminsky.com

Alan R. Lepene, Esq. on behalf of Creditor Eastern Maine Railway Company

Alan.Lepene@ThompsonHine.com

Alan R. Lepene, Esq. on behalf of Creditor Maine Northern Railway Company

Alan.Lepene@ThompsonHine.com

Alan R. Lepene, Esq. on behalf of Creditor New Brunswick Southern Railway Company

Alan.Lepene@ThompsonHine.com

Alan R. Lepene, Esq. on behalf of Interested Party Irving Paper Limited

Alan.Lepene@ThompsonHine.com

Alan R. Lepene, Esq. on behalf of Interested Party Irving Pulp & Paper, Limited

Alan.Lepene@ThompsonHine.com

Alan R. Lepene, Esq. on behalf of Interested Party J.D. Irving, Limited
Alan.Lepene@ThompsonHine.com

Matthew E. Linder, Esq. on behalf of Interested Party Railroad Acquisition Holdings LLC
mlinder@sidley.com, efilingnotice@sidley.com; tlabuda@sidley.com; jsteen@sidley.com

Edward MacColl, Esq. on behalf of Creditor CIT Group, Inc.
emaccoll@thomport.com, bbowman@thomport.com; jhuot@thomport.com; eakers@thomport.com

Anthony J. Manhart on behalf of Creditor Trinity Industries Leasing, Inc.
amanhart@preti.com; dshigo@preti.com; ashub@preti.com; rgreen@preti.com

Anthony J. Manhart on behalf of Creditor Trinity Industries, Inc.
amanhart@preti.com; dshigo@preti.com; ashub@preti.com; rgreen@preti.com

Anthony J. Manhart on behalf of Creditor Trinity Rail Leasing 2012 LLC
amanhart@preti.com; dshigo@preti.com; ashub@preti.com; rgreen@preti.com

Anthony J. Manhart on behalf of Creditor Trinity Tank Car, Inc.
amanhart@preti.com; dshigo@preti.com; ashub@preti.com; rgreen@preti.com

Benjamin E. Marcus, Esq. on behalf of Interested Party Railroad Acquisition Holdings LLC
bmarcus@dwmlaw.com, hwhite@dwmlaw.com; dsoucy@dwmlaw.com

Benjamin E. Marcus, Esq. on behalf of Interested Party XL Insurance Company, Ltd.
bmarcus@dwmlaw.com, hwhite@dwmlaw.com; dsoucy@dwmlaw.com

George J. Marcus, Esq. on behalf of Creditor Wheeling & Lake Erie Railway Company
bankruptcy@mcm-law.com

George J. Marcus, Esq. on behalf of Intervenor-Plaintiff Wheeling & Lake Erie Railway Company
bankruptcy@mcm-law.com

George J. Marcus, Esq. on behalf of Plaintiff Wheeling & Lake Erie Railway Company
bankruptcy@mcm-law.com

Michael K. Martin, Esq. on behalf of Respondent Arrow Midstream Holdings, LLC
mmartin@pmhlegal.com, bkeith@pmhlegal.com; kwatson@pmhlegal.com

Patrick C. Maxcy, Esq. on behalf of Creditor Director and Officer Administrative Claimants
patrick.maxcy@dentons.com

Patrick C. Maxcy, Esq. on behalf of Creditor LMS Acquisition Corp.
patrick.maxcy@dentons.com

Patrick C. Maxcy, Esq. on behalf of Creditor Rail World Locomotive Leasing, LLC
patrick.maxcy@dentons.com

Patrick C. Maxcy, Esq. on behalf of Creditor Rail World, Inc.
patrick.maxcy@dentons.com

Patrick C. Maxcy, Esq. on behalf of Defendant LMS Acquisition Corp.
patrick.maxcy@dentons.com

Patrick C. Maxcy, Esq. on behalf of Defendant Montreal Maine & Atlantic Corporation
patrick.maxcy@dentons.com

Patrick C. Maxcy, Esq. on behalf of Other Prof. 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
patrick.maxcy@dentons.com

John R McDonald, Esq. on behalf of Creditor Canadian Pacific Railway Co.
jmcdonald@briggs.com, mjacobson@briggs.com

John R McDonald, Esq. on behalf of Defendant Canadian Pacific Railway Corporation
jmcdonald@briggs.com, mjacobson@briggs.com

Kelly McDonald, Esq. on behalf of Creditor Camden National Bank
kmcdonald@mpmlaw.com, kwillette@mpmlaw.com

Kelly McDonald, Esq. on behalf of Creditor GNP Maine Holdings, LLC
kmcdonald@mpmlaw.com, kwillette@mpmlaw.com

Paul McDonald on behalf of Plaintiff Robert J. Keach
pmcdonald@bernsteinshur.com, jsmith@bernsteinshur.com; astewart@bernsteinshur.com

Timothy J. McKeon, Esq. on behalf of Defendant Robert J. Keach, in his capacity as Chapter 11 Trustee of Maine Montreal and Atlantic Railway, Ltd.
tmckeon@bernsteinshur.com,
kquirk@bernsteinshur.com; astewart@bernsteinshur.com; kbigelow@bernsteinshur.com

Timothy J. McKeon, Esq. on behalf of Plaintiff Robert J. Keach
tmckeon@bernsteinshur.com,
kquirk@bernsteinshur.com; astewart@bernsteinshur.com; kbigelow@bernsteinshur.com

Timothy J. McKeon, Esq. on behalf of Trustee Robert J. Keach
tmckeon@bernsteinshur.com,
kquirk@bernsteinshur.com; astewart@bernsteinshur.com; kbigelow@bernsteinshur.com

James F. Molleur, Esq. on behalf of Creditor Brotherhood of Locomotive Engineers and Trainmen
jim@molleurlaw.com,
all@molleurlaw.com; tanya@molleurlaw.com; jen@molleurlaw.com; barry@molleurlaw.com; kati@molleurlaw.com; martine@molleurlaw.com; Jessica@molleurlaw.com; andy@molleurlaw.com

Ronald Stephen Louis Molteni, Esq. on behalf of Interested Party Surface Transportation Board
moltenir@stb.dot.gov

Frederick C. Moore, Esq. on behalf of Creditor SMBC Rail Services, LLC f/k/a Flagship Rail Services
frederick.moore@libertymutual.com, tammy.chianese@libertymutual.com

Frederick C. Moore, Esq. on behalf of Creditor TLP Rail Trust 1
frederick.moore@libertymutual.com, tammy.chianese@libertymutual.com

Dennis L. Morgan on behalf of Creditor Fred's Plumbing & Heating, Inc.
dmorgan@coopercargillchant.com, hplourde@coopercargillchant.com

Stephen G. Morrell, Esq. on behalf of U.S. Trustee Office of U.S. Trustee
stephen.g.morrell@usdoj.gov

Kameron W. Murphy, Esq. on behalf of Creditor Midwest Railcar Corporation
kmurphy@tuethkeeney.com, gcasey@tuethkeeney.com

Timothy H. Norton, Esq. on behalf of Interested Party Oasis Petroleum, Inc.
tnorton@krz.com, mhansen@krz.com

Office of U.S. Trustee
ustpregion01.po.ecf@usdoj.gov

Richard P. Olson, Esq. on behalf of Creditor Informal Committee of Quebec Claimants
rolson@perkinsolson.com, jmoran@perkinsolson.com; lkubiak@perkinsolson.com

Richard P. Olson, Esq. on behalf of Creditor Official Committee of Victims
rolson@perkinsolson.com, jmoran@perkinsolson.com; lkubiak@perkinsolson.com

Richard P. Olson, Esq. on behalf of Creditor Province of Quebec
rolson@perkinsolson.com, jmoran@perkinsolson.com; lkubiak@perkinsolson.com

Adam Paul, Esq. on behalf of Creditor Western Petroleum Corporation
adam.paul@kirkland.com

Jeffrey T. Piampiano, Esq. on behalf of Interested Party XL Insurance Company, Ltd.
jpiampiano@dwmlaw.com, hwhite@dwmlaw.com; astead@dwmlaw.com

Jennifer H. Pincus, Esq. on behalf of U.S. Trustee Office of U.S. Trustee
Jennifer.H.Pincus@usdoj.gov

William C. Price on behalf of Creditor Maine Department of Transportation
wprice@clarkhill.com, aporter@clarkhill.com

Tracie J. Renfroe, Esq. on behalf of Creditor Marathon Oil Company
trenfroe@kslaw.com

Adam J. Shub, Esq. on behalf of Creditor Lexington Insurance Company
ashub@preti.com, lcopeland@preti.com; amanhart@preti.com

Richard Silver, Esq., on behalf of Interested Minister of Justice and Attorney General of Canada
rsilver@lanhamblackwell.com; tleclair@lanhamblackwell.com; gronco@lanhamblackwell.com;
Richard.silver.53@gmail.com

Richard Silver, Esq., on behalf of Interested Party William R. Moorman, Jr.
rsilver@lanhamblackwell.com; tleclair@lanhamblackwell.com; gronco@lanhamblackwell.com;
Richard.silver.53@gmail.com

Elizabeth L. Slaby on behalf of Creditor Maine Department of Transportation
bslaby@clarkhill.com, aporter@clarkhill.com

F. Bruce Sleeper, Esq. on behalf of Creditor Guy Ouellet
bankruptcy@jbgh.com

F. Bruce Sleeper, Esq. on behalf of Creditor Louis-Serges Parent
bankruptcy@jbgh.com

F. Bruce Sleeper, Esq. on behalf of Creditor Serge Jacques
bankruptcy@jbgh.com

F. Bruce Sleeper, Esq. on behalf of Creditor Yannick Gagne
bankruptcy@jbgh.com

Renee D. Smith on behalf of Creditor Western Petroleum Corporation
renee.smith@kirkland.com,
kimberly.davenport@kirkland.com; cassandra.milleville@kirkland.com; molly.boyd@kirkland.com; katie.tucco@kirkland.com; luke.madson@kirkland.com

Jeffrey D. Sternklar, Esq. on behalf of Creditor Estates of David Lacroix Beaudoin
Jeffrey@sternklarlaw.com; jdsternklar@yahoo.com

Jeffrey D. Sternklar, Esq. on behalf of Creditor Estates of Marie Alliance. Et al.
Jeffrey@sternklarlaw.com; jdsternklar@yahoo.com

Jeffrey D. Sternklar, Esq. on behalf of Creditor Estates of Stephanie Bolduc
Jeffrey@sternklarlaw.com; jdsternklar@yahoo.com

Jeffrey D. Sternklar, Esq. on behalf of Creditor Estates of Real Custeau Claimants et al
Jeffrey@sternklarlaw.com; jdsternklar@yahoo.com

Deborah L. Thorne, Esq. on behalf of Creditor GATX Corporation
deborah.thorne@btlaw.com

Timothy R. Thornton on behalf of Creditor Canadian Pacific Railway Co.
pvolk@briggs.com

Timothy R. Thornton on behalf of Defendant Canadian Pacific Railway Corporation
pvolk@briggs.com

Mitchell A. Toups on behalf of Interested Party Wrongful Death, Personal Injury, Business, Property and
Environmental Clients as of September 1, 2013
matoups@wgttlaw.com, jgordon@wgttlaw.com

Matthew Jordan Troy on behalf of Creditor United States of America

matthew.Troy@usdoj.gov

Jason C. Webster, Esq. on behalf of Creditor Estates of David Lacroix Beaudoin
jwebster@thewebsterlawfirm.com, dgarcia@thewebsterlawfirm.com; hvicknair@thewebsterlawfirm.com

William H. Welte, Esq. on behalf of Creditor Atlantic Specialty Insurance Company
wwelte@weltelaw.com

Elizabeth J. Wyman, Esq. on behalf of Creditor Maine Department of Transportation
liz.wyman@maine.gov, eve.fitzgerald@maine.gov

Lindsay K. Zahradka on behalf of Trustee Robert J. Keach
lzahradka@bernsteinshur.com,
acummings@bernsteinshur.com; astewart@bernsteinshur.com; kquirk@bernsteinshur.com

Via First Class U.S. Mail, Postage Prepaid

Wystan M. Ackerman on behalf of Interested Party Travelers Property Casualty Company of America
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103

Omar J. Alaniz on behalf of Creditor Shell Oil Company
Baker Botts
2001 Ross Avenue
Dallas, TX 75201

Daniel Aube
308 St-Lambert Street
Sherbrooke, QU J1C0N9

Joseph M Bethony on behalf of Creditor Estates of Marie Alliance, et al
Gross, Minsky & Mogul, P.A.
23 Water Street, Suite 400
PO Box 917
Bangor, ME 04402-0917

Sarah R. Borders on behalf of Creditor Marathon Oil Company
King & Spalding LLP
1180 Peachtree Street, NE
Atlanta, GA 30309

Steven J. Boyajian on behalf of Interested Party Travelers Property Casualty Company of America
Robinson & Cole LLP
One Financial Plaza, Suite 1430
Providence, RI 02903

Allison M. Brown on behalf of Creditor CIT Group, Inc.
Weil, Gotshal & Manges LLP
301 Carnegie Center, Suite 303
Princeton, NJ 08540

Craig D. Brown on behalf of Creditor Estates of Stephanie Bolduc
Meyers & Flowers, LLC
3 North Second Street, Suite 300
St. Charles, IL 60174

Blaire Cahn on behalf of Creditor CIT Group, Inc.
Weil, Gotshal & Manges, LLP
767 Fifth Avenue
New York, NY 10153

Clean Harbors
42 Lonwater Dr.
Norwell, MA 02061

Maureen Daneby Cox, Esq. on behalf of Creditor Union Tank Car Company
Carmody Torrance Sandak & Hennessey
50 Leavenworth Street
Waterbury, CT 06702

Stephen C. Currie
17 Dodlin Road
Enfield, ME 04493

Timothy A. Davidson on behalf of Creditor InCorr Energy Group, LLC
Andrews Kurth LP
600 Travis St., Suite 4200
Houston, TX 77002

Luc A. Despins on behalf of Creditor Informal Committee of Quebec Claimants
Paul Hastings, LLP
75 East 55th Street
New York, NY 10022

Development Specialists, Inc.
Fred Caruso
Suite 2300
70 West Madison Street
Chicago, IL 60602

Jeffrey C. Durant
1029 Main Rd.
Brownville, ME 04414

Michael R. Enright on behalf of Interested Party Travelers Property Casualty Company of America
Robinson & Cole, LLP
280 Trumbull Street
Hartford, CT 06103

Randy L. Fairless on behalf of Interested Party Oasis Petroleum, Inc.
Johanson & Fairless, LLC
1456 First Colony Blvd.
Sugar Land, TX 77479

Kelley J. Friedman on behalf of Interested Party Oasis Petroleum, Inc.
Johanson & Fairless, LLP
1456 First Colony Blvd.
Sugar Land, TX 77479

Jason R. Gagnon, Esq. on behalf of Creditor Union Tank Car Company
Carmody Torrance Sandak & Hennessey
50 Leavenworth Street
Waterbury, CT 06702

Alan S. Gilbert on behalf of Other Prof. 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
233 South Wacker Drive, Suite 7800
Chicago, IL 60606

Stephen Edward Goldman on behalf of Interested Party Travelers Property Casualty Company of America
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103

Marcia L. Goldstein on behalf of Creditor CIT Group, Inc.
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153

Julie Alleen Hardin on behalf of Interested Party ConocoPhillips
Reed Smith LLP
811 Main Street, Suite 1700
Houston, TX 77002

Julie Alleen Hardin on behalf of Interested Party Enserco Energy LLC
Reed Smith LLP
811 Main Street, Suite 1700
Houston, TX 77002

Marcus A. Helt on behalf of Creditor Lexington Insurance Company
Gardere Wynne Sewell LLP
1601 Elm St., Ste. 3000
Dallas, TX 75201

Eric M. Hocky on behalf of Creditor Maine Department of Transportation
Clark Hill Thorp Reed
2005 Market Street
Suite 1000
Philadelphia, PA 19103

Terence M. Hynes, Esq. on behalf of Interested Party Railroad Acquisition Holdings LLC
Sidley Austin LLP
1501 K. Street N.W.
Washington, DC 20005

Robert Jackstadt on behalf of Creditor Midwest Railcar Corporation
Tueth, Keeney, Cooper, Mohan & Jackstadt
101 West Vandalia, Suite 210
Edwardsville, IL 62025

Ji Eun Kim on behalf of Creditor Official Committee of Victims
Paul Hastings, LLP
75 East 55th Street
New York, NY 10022

Bill Kroger on behalf of Creditor Shell Oil Company
Baker Botts
910 Louisiana Street
Houston, TX 77002

Thomas A. Labuda, Jr. on behalf of Interested Party Railroad Acquisition Holdings LLC
Sidley Austin, LLP
One South Dearborn
Chicago, IL 60603

Arvin Maskin on behalf of Creditor CIT Group, Inc.
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153

Stefanie Wowchuck McDonald on behalf of Other Prof. 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
233 South Wacker Drive, Suite 7800
Chicago, IL 60606

William K. McKinley, Esq. on behalf of Creditor Dakota Plains Transloading, LLC, Dakota Petroleum Transport Solutions LLC, Dakota Plains Marketing LLC
Troubh Heisler
511 Congress Street
PO Box 9711
Portland, ME 04104-5011

Victoria Morales, Esq. on behalf of Creditor Maine Department of Transportation
Maine Department of Transportation
16 State House Station
Augusta, ME 04333

Kyle J. Ortiz, Esq. on behalf of Creditor Official Committee of Victims
Paul Hastings LLP
75 East 55th Street
New York, NY 10022

Paul Hastings LLP on behalf of Creditor Official Committee of Victims
75 East 55th St.
New York, NY 10022

Lazar Pol Raynal on behalf of Defendant Irving Oil Limited
McDermott Will & Emery
227 West Monroe Street, Suite 4700
Chicago, IL 60607

James K. Robertson, Jr., Esq. on behalf of Creditor Union Tank Car Company
Carmody Torrance Sandak & Hennessey
50 Leavenworth Street
Waterbury, CT 06702

Joseph P. Rovira on behalf of Creditor InCorr Energy Group, LLC
Andrews Kurth LP
600 Travis St., Suite 4200
Houston, TX 77002

Dennis M. Ryan, Esq. on behalf of Creditor Dakota Plains Transloading, LLC, Dakota Petroleum Transport
Solutions LLC, Dakota Plains Marketing LLC
Faegre Baker Daniels LLP
90 South 7th St Ste 2200
Minneapolis, MN 55402-3901

John L. Scott on behalf of Interested Party Enserco Energy LLC
Reed Smith LLP
599 Lexington Avenue
New York, NY 10022

Shaw Fishman Glantz & Towbin LLC on behalf of Trustee Robert J. Keach
321 N, Clark Street, Suite 800
Chicago, IL 60654

Jeffrey C. Steen, Esq. on behalf of Interested Party Railroad Acquisition Holdings LLC
Sidley Austin LLP
One South Dearborn
Chicago, IL 60603

Jeffrey D. Sternklar, Esq. on behalf of Creditor Estates of David Lacroix Beaudoin
Jeffrey Sternklar, LLC
26th Floor
225 Franklin Street
Boston, MA 02110

Jeffrey D. Sternklar, Esq. on behalf of Creditor Estates of Marie Alliance, et al
Duane Morris LLP
100 High Street, Suite 2400
Boston, MA 02110

Jeffrey D. Sternklar, Esq. on behalf of Creditor Estates of Stephanie Bolduc
Jeffrey Sternklar, LLC
26th Floor
225 Franklin Street
Boston, MA 02110

Jeffrey D. Sternklar, Esq. on behalf of Creditor Real Custeau Claimants et al
Jeffrey Sternklar, LLC
26th Floor
225 Franklin Street
Boston, MA 02110

Virginia Strasser on behalf of Interested Party Surface Transportation Board
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

Diane P. Sullivan on behalf of Creditor CIT Group, Inc.
Weil, Gotshal & Manges LLP
301 Carnegie Center, Suite 303
Princeton, NJ 08540

Robert D. Thomas
49 Park Street
Dexter, ME 04930

Victoria Vron on behalf of Creditor CIT Group, Inc.
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153

Elizabeth S. Whyman on behalf of Creditor Estates of Marie Alliance, et al
Murtha Cullina LLP
99 High Street
Boston, MA 02110

Frederick J. Williams
74 Bellevue Street
Compton, QU J0B 1L0

Michael S. Wolly, Esq. on behalf of Creditor Brotherhood of Locomotive Engineers and Trainmen
Zwerdling, Paul, Kahn & Wolly, PC
1025 Connecticut Ave., N.W
Washington, DC 20036

Mark W. Zimmerman on behalf of Respondent Arrow Midstream Holdings, LLC
Clausen Miller PC
10 South LaSalle Street
Chicago, IL 60603

Maureen Daneby Cox
Carmody Torrance Sandak et al
50 Leavenworth Street
Waterbury CT 06702

Christopher Fong, Esq.
Paul Hastings, LLP
75 East 55th Street
New York, NY 10022

Isley Markman Gostin
WilmerHale
1875 Pennsylvania Ave, NW
Washington, DC 20006

Devon MacWilliam
Partridge Snow & Hahn, LLP
30 Federal Street
Boston, MA 02110

William R. Moorman
Partridge Snow & Hahn, LLP
30 Federal Street
Boston, MA 02110

Christopher J. Panos
Partridge Snow & Hahn, LLP
30 Federal Street
Boston, MA 02110

Sierra Liquidity Fund, LLC
19772 MacArthur Blvd #200
Irvine, CA 92612

Stephen Wald
Partridge Snow & Hahn, LLP
30 Federal Street
Boston, MA 02110

Dated at Portland, Maine this 29th day of September, 2015

/s/ Kelly J. Atwood
Kelly J. Atwood
Pearce & Dow, LLC
PO Box 108
Portland, ME 04112-0108
(207) 822-9900