

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

**STATUS REPORT AND REQUEST FOR JUDGMENT REGARDING TRUSTEE'S
OBJECTION TO PROOFS OF CLAIM FILED BY NEW BRUNSWICK SOUTHERN
RAILWAY COMPANY LIMITED AND MAINE NORTHERN RAILWAY COMPANY**

Robert J. Keach, the chapter 11 trustee (the "Trustee") of Montreal Maine & Atlantic Railway, Ltd. ("MMA" or the "Debtor"), hereby submits the following status report and request for judgment in connection with the ruling (the "Ruling") by the United States Bankruptcy Court for the District of Maine (the "Court") on the *Trustee's Objection to Proofs of Claim Filed by New Brunswick Southern Railway Company Limited and Maine Northern Railway Company on the Basis that Certain of such Claims are Duplicative of Others, and Such Others are Improperly Asserted as Administrative and/or Priority Claims* [D.E. 1826] (the "Objection")¹:

1. **Amount of Claims.** Due to, among other things, the pendency of: (a) litigation arising from the complaint styled *Wheeling & Lake Erie Railway Company v. Maine Northern Railway Company and New Brunswick Southern Railway Company*, No. 1-1:14-cv-00325-NT (D. Me.) (the "Wheeling/MNNB Litigation") involving, *inter alia*, any rights of Wheeling & Lake Erie Railway Company in amounts New Brunswick Southern Railway Company Limited ("NBSR") and Maine Northern Railway Company ("MNR," and together with NBSR, the "MN/NB Railways") owe to MMA; and (b) the Trustee's adversary proceedings, styled *Robert J. Keach v. Maine Northern Railway Company*, No. 15-01017 (Bankr. D. Me.) and *Robert J.*

¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the Objection.

Keach v. New Brunswick Southern Railway Company Limited, No. 15-01016 (Bankr. D. Me.) (together, the “Trustee’s Adversary Proceedings”), asserting, *inter alia*, preference claims against the MN/NB Railways and implicating Bankruptcy Code section 502(d) with regard to any allowed claim of the MN/NB Railways against MMA, the Trustee and the MN/NB Railways cannot at this time stipulate to the amounts of the MN/NB Railways’ claims against MMA.

2. The Trustee thus requests that the Court enter judgment in connection with the Ruling read into the record on February 5, 2016, documented in the minute entry at D.E. 1947.

3. The Trustee plans to seek leave, in accordance with the Bankruptcy Rules and applicable statutes, to file an interlocutory appeal of the order entered memorializing the Ruling (the “Motion for Leave”). Based on discussions with the MN/NB Railways, the Trustee expects the MN/NB Railways to consent to the Motion for Leave.

4. The Trustee requests a stay of further litigation as to the amount of the Asserted 1171(b) Claims, and would agree to a stay of the Trustee’s Adversary Proceedings should the MN/NB Railways consent to a stay of further litigation as to the amount of the Asserted 1171(b) Claims, pending final disposition of the Motion for Leave and any appeal resulting therefrom.

Dated: February 16, 2016

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

By his attorneys:

/s/ Sam Anderson

D. Sam Anderson, Esq.

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