

RELIEF REQUESTED WITHOUT A HEARING

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

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,

Debtor.

Bk. No. 13-10670
Chapter 11

**FIFTH CONSENT MOTION TO CONTINUE THE HEARING ON CANADIAN
PACIFIC RAILWAY COMPANY'S APPLICATION FOR ALLOWANCE
AND PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM
AND TO EXTEND RELATED DEADLINES**

Robert J. Keach, as trustee (the "Trustee") of Montreal Maine & Atlantic Railway, Ltd. (the "Debtor"), hereby requests, with the consent of Canadian Pacific Railway Company ("CPR"), that this Court enter an Order continuing the hearing and extending related deadlines with respect to the Application of Canadian Pacific Railway Company for Allowance and Payment of Administrative Expense Claim [D.E. 1295] (the "Application"). In support of this consented-to motion, the Trustee states as follow:

1. On October 3, 2014, the Trustee filed the Trustee's Motion, Pursuant to 11 U.S.C. §§ 105(a) and 503, for an Order Establishing the Deadline for Filing Administrative Claims and Approving the Form and Manner of Notice Thereof [D.E. 1134] (the "Admin Bar Date Motion"). On October 22, 2014, the Court entered an Order granting the Admin Bar Date Motion [D.E. 1164]. Thereafter, on December 1, 2014, CPR submitted the Application.

2. On February 17, 2015, the Trustee filed the Consent Motion to Continue Hearings on Parties' Applications for Administrative Expenses and to Extend Related Deadlines [D.E. 1359] (the "First Consent Motion"), which proposed to continue the hearing on the Application from March 10, 2015 to May 19, 2015 (the "Hearing"). The First Consent Motion also proposed to extend the deadline for the Trustee to file a response or objection to the Application from March 3, 2015 to April 21, 2015 (the "Objection Deadline"), and proposed a deadline for CPR to file a reply to any response or objection to the Application of May 12, 2015 (the "Reply Deadline"). On February 18, 2015, the Court entered an order granting the First Consent Motion [D.E. 1362].

3. On April 21, 2015, the Trustee filed the Second Consent Motion to Continue the Hearing on Canadian Pacific Railway Company's Application for Allowance and Payment of Administrative Expense Claim and to Extend Related Deadlines [D.E. 1400] (the "Second Consent Motion"), which proposed to continue the Hearing from May 19, 2015 to July 21, 2015. The Second Consent Motion also proposed to extend the Objection Deadline from April 21, 2015 to June 30, 2015 and the Reply Deadline from May 12, 2015 to July 14, 2015. On April 21, 2015, the Court entered an order granting the Second Consent Motion [D.E. 1405].

4. On June 25, 2015, the Trustee filed the Third Consent Motion to Continue the Hearing on Canadian Pacific Railway Company's Application for Allowance and Payment of Administrative Expense Claim and to Extend Related Deadlines [D.E. 1480] (the "Third Consent Motion"), which proposed to continue the Hearing from July 21, 2015 to September 22, 2015. The Third Consent Motion also proposed to extend the Objection Deadline from June 30, 2015 to August 25, 2015, and the Reply Deadline from July 14, 2015 to September 15, 2015. On June 26, 2015, the Court entered an order granting the Third Consent Motion [D.E. 1484].

5. On August 24, 2015, the Trustee filed the Fourth Consent Motion to Continue the Hearing on Canadian Pacific Railway Company's Application for Allowance and Payment of Administrative Expense Claim and to Extend Related Deadlines [D.E. 1613] (the "Fourth Consent Motion"), which proposed to continue the Hearing from September 22, 2015 to October 22, 2015. The Fourth Consent Motion also proposed to extend the Objection Deadline from August 22, 2015 to October 1, 2015, and the Reply Deadline from September 15, 2015 to October 15, 2015. On August 25, 2015, the Court entered an order granting the Fourth Consent Motion [D.E. 1617].

6. Since the submission of the Application, the Trustee has filed a disclosure statement (the "Disclosure Statement") and a proposed plan of reorganization (the "Plan"), which, among other things, addresses the claims asserted by CPR. On July 17, 2015, the Court entered an order approving the Disclosure Statement [D.E. 1544]. A final confirmation hearing with respect to the plan is scheduled for October 5, 2015.

7. In light of the above, and pursuant to Fed. R. Bankr. P. 9006(b) and D. Me. LBR 9006-1(a), counsel for the Trustee and CPR have agreed to continue the Hearing from October 22, 2015 to December 10, 2015. The parties have also agreed to extend the Objection Deadline from October 1, 2015 to November 19, 2015. The parties further agree to extend the Reply Deadline from October 15, 2015 to December 3, 2015.

8. The Trustee and CPR request that the Court grant this consented-to motion without a hearing pursuant to D. Me. LBR 9013-1.

WHEREFORE, the Trustee, with CPR's consent, respectfully requests that the Court enter an Order: (a) continuing the Hearing to December 10, 2015 at 9:00 a.m. E.S.T.; (b) extending the Objection Deadline to November 19, 2015; (c) extending the Reply Deadline to

December 3, 2015; and (d) granting such other and further relief as may be granted.

Dated: October 1, 2015

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

By his attorneys:

/s/ Timothy J. McKeon _____

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

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,

Debtor.

Bk. No. 13-10670
Chapter 11

**ORDER GRANTING THE FIFTH CONSENT MOTION TO CONTINUE THE
HEARING ON CANADIAN PACIFIC RAILWAY COMPANY'S APPLICATION
FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE EXPENSE
CLAIM AND TO EXTEND RELATED DEADLINES**

Upon consideration of the Fifth Consent Motion to Continue the Hearing on Canadian Pacific Railway Company's Application for Allowance and Payment of Administrative Expense Claim and to Extend Related Deadlines (the "Fifth Consent Motion") filed by Robert J. Keach, as trustee of Montreal Maine & Atlantic Railway, Ltd., and CPR consenting to the relief sought in the Fifth Consent Motion, and without a hearing pursuant to D. Me. LBR 9013-1(d)(1) and Fed. R. Bankr. P. 9006(b)(1), it is hereby **ORDERED**, **ADJUDGED** and **DECREED** as follows:¹

1. The Fifth Consent Motion is granted.
2. The Hearing shall take place on **December 10, 2015** at **9:00 a.m. E.S.T.**
3. The Objection Deadline is extended up to and including **November 19, 2015**.
4. The Reply Deadline is extended up to and including **December 3, 2015**.

¹ Unless otherwise indicated, all capitalized terms used but not defined herein have the same meaning as ascribed to such terms in the Fifth Consent Motion.

5. This Order shall become final in fourteen (14) days unless a party in interest sooner objects, in which case the matter shall be set for hearing and considered by the Court as if this Order had not been entered.

Dated: _____, 2015

The Honorable Peter G. Cary
United States Bankruptcy Judge for the
District of Maine