

What to Do When It All Goes Wrong: New Challenges Facing Litigators in the Digital Era

The Lac-Mégantic rail disaster in Canada :
What to do when your client is caught in a maelstrom through no fault of its own

by
André Durocher

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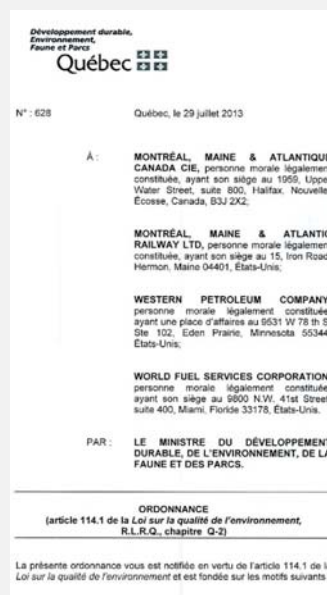
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Characterization and remediation order from the Minister of the Environment of July 29, 2013 against:

- Montreal, Maine & Atlantique Canada cie;
- Montreal, Maine & Atlantic Railway Ltd;
- Western Petroleum Company; and
- World Fuel Services Corporation.



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**MMAC's proceeding under the
Companies' Creditors Arrangement Act
on August 8th, 2013**

**(the Canadian equivalent to Chapter 11
of the U.S. Bankruptcy Code)**

Montreal, Maine & Atlantic Canada Co. (Montreal, Maine &
Atlantique Canada Cie) (Arrangement relatif à) 2013 QCCS 3777

CANADA

SUPERIOR COURT
(Commercial Division)

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

Sitting as a court designated pursuant to the
Companies' Creditors Arrangement Act, R.S.C.
C. C-36, as amended)

N°: 500-11-045094-139

Montréal, August 8, 2013

PRESENT: The Honourable Justice Martin
Castonguay, J.S.C.

IN THE MATTER OF THE PLAN OF
COMPROMISE OR ARRANGEMENT OF:

**MONTREAL, MAINE & ATLANTIC CANADA CO.
(MONTREAL, MAINE & ATLANTIQUE CANADA
CIE)**, a legal person incorporated under the laws of
the province of Nova Scotia, having a place of
business at 1, Place Ville-Marie, 37^e Floor,
Montréal, Québec H3B 3P4 (at the offices of its
attorney ("bénéficiaire de pouvoir")):

PETITIONER

and

**RICHTER ADVISORY GROUP INC. (RICHTER
GROUPE CONSEIL INC.)**, a legal person, having
a place of business at 1951, McGill College,
Montréal, Québec, H3A 0G6.

MONITOR

INITIAL ORDER

ON READING Petitioner's petition for an initial order pursuant to the Companies' Creditors
Arrangement Act, R.S.C. 1985, C-36 (as amended the "CCAA") and the exhibits, the affidavit of
Robert C. Grindrod filed in support thereof (the "Petition"), the consent of Richter Advisory
Group Inc. to act as monitor (the "Monitor"), relying upon the submissions of counsel and being
advised that the interested parties who are likely to be affected by the charges created herein

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**Amended order of the Minister of the
Environment of August 14, 2013, against:**

- Montreal, Maine & Atlantique Canada cie;
- Montreal, Maine & Atlantic Railway Ltd;
- Canadian Pacific Railway Company;
- Western Petroleum Company;
- World Fuel Services Corporation; and
- World Fuel Services inc.

Développement durable,
Environnement,
Faune et Parcs
Québec

N° : 628-A

Québec, le 14 août 2013

À : **MONTREAL, MAINE & ATLANTIQUE
CANADA CIE**, personne morale légalement
constituée, ayant son siège au 1559, Upper
Water Street, suite 800, Halifax, Nouvelle-
Écosse, Canada, B3J 2X2;

**MONTREAL, MAINE & ATLANTIC
RAILWAY LTD**, personne morale légalement
constituée, ayant son siège au 15, Iron Road,
Harrison, Maine 04401, États-Unis;

**COMPAGNIE DE CHEMIN DE FER
CANADIEN PACIFIQUE**, personne morale
légalement constituée, ayant son siège au
401, 9^e th avenue S.W., suite 500, Calgary,
Alberta, Canada, T2P 4Z4;

WESTERN PETROLEUM COMPANY,
personne morale légalement constituée,
ayant son siège au 9531, West 78th Street,
suite 102, Eden Prairie, Minnesota, États-
Unis, 55344;

WORLD FUEL SERVICES CORPORATION,
personne morale légalement constituée,
ayant son siège au 9500 N.W. 41st Street, suite
400, Miami, Floride, États-Unis, 33178;

WORLD FUEL SERVICES INC., personne
morale légalement constituée, ayant son
siège au 9500 N.W. 41st Street, suite 400,
Miami, Floride, États-Unis, 33178.

PAR : **LE MINISTRE DU DÉVELOPPEMENT
DURABLE, DE L'ENVIRONNEMENT, DE LA
FAUNE ET DES PARCS.**

ORDONNANCE MODIFIÉE
(article 114.1 de la Loi sur la qualité de l'environnement,
R.L.R.Q., chapitre Q-2)

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▼ Motion to authorize the bringing of a class action of July 15, 2013 (initial version)

- YANNICK GAGNÉ and GUY OUELLET

Petitioners

v.

- RAIL WORLD, INC.
- RAIL WORLD HOLDINGS, LLC,
- MONTREAL MAINE & ATLANTIC RAILWAY LTD.
- EARLSTON ASSOCIATES LP.
- PEA VINE CORPORATION
- MONTREAL, MAINE & ATLANTIC CORPORATION
- MONTREAL, MAINE & ATLANTIC CANADA COMPANY
- EDWARD BURKHARDT
- ROBERT GRINDROD
- GAINOR RYAN
- DONALD GARDNER, JR

- JOE MCGONIGLE
- CATHY ALDANA
- THOMAS HARDING

Respondents

and

- XL INSURANCE COMPANY LIMITED
- XL GROUP PLC

Mises-en-cause (Intervenors)

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▼ Second amended Motion to authorize the bringing of a class action of August 16, 2013

- YANNICK GAGNÉ and GUY OUELLET

Petitioners

v.

- RAIL WORLD, INC., RAIL WORLD HOLDINGS, LLC, MONTREAL MAINE & ATLANTIC RAILWAY LTD., EARLSTON ASSOCIATES LP., PEA VINE CORPORATION, MONTREAL, MAINE & ATLANTIC CORPORATION, MONTREAL, MAINE & ATLANTIC CANADA COMPANY, EDWARD BURKHARDT, ROBERT GRINDROD, GAINOR RYAN, DONALD GARDNER, JR, JOE MCGONIGLE, CATHY ALDANA, THOMAS HARDING,
- IRVING OIL LIMITED
- IRVING OIL COMPANY, LIMITED
- IRVING OIL OPERATIONS GENERAL PARTNER LIMITED
- IRVING OIL OPERATIONS LIMITED

- WORLD FUEL SERVICES CORP.
- WORLD FUEL SERVICES. INC.
- WORLD FUEL SERVICES CANADA INC.
- DAKOTA PLAINS HOLDINGS. INC.
- WESTERN PETROLEUM COMPANY
- UNION TANK CAR COMPANY
- TRINITY INDUSTRIES. INC.
- TRINITY RAIL GROUP. LLC
- GENERAL ELECTRIC RAILCAR SERVICES CORPORATION
- CANADIAN PACIFIC RAILWAY COMPANY

Respondents

and

- XL INSURANCE COMPANY LIMITED
- XL GROUP PLC

Mises-en-cause (Intervenors)

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Texas

DISTRICT OF
Freene

NO. DC-15-06428

SAMUEL AUDET, ET. AL. § **IN THE DISTRICT COURT OF**
 VS. § **DALLAS COUNTY, TEXAS**
 § **DEVLAR ENERGY MARKETING,** §
 § **LLC., ET AL** § **D-95TH JUDICIAL DISTRICT**

PLAINTIFFS' ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

117. Defendant, Canadian Pacific Railway Company ("CP-Railroad") is a Canadian company, headquartered in Calgary, Alberta, Canada, with corporate offices in Minneapolis, Minnesota, and operates its trains throughout Canada and the United States, including the State of Illinois.

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Maine

United States Bankruptcy Court District of Maine		Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle): Montreal Maine & Atlantic Railway Ltd.		Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):		All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): 11-3660859		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all):
Street Address of Debtor (No. and Street, City, and State): 15 Iron Road Hermon, ME ZIP Code: 04401		Street Address of Joint Debtor (No. and Street, City, and State): ZIP Code:
County of Residence or of the Principal Place of Business: Penobscot		County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): ZIP Code:		Mailing Address of Joint Debtor (if different from street address): ZIP Code:
Location of Principal Assets of Business Debtor (if different from street address above):		
Type of Debtor (Form of Organization) (Check one box) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (if debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input checked="" type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

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*“Not our crew,
Not our locomotives,
Not our tracks.”*

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- adurocher@fasken.com

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