

STATE OF MAINE

SUPREME JUDICIAL COURT
Sitting as the Law Court
Docket No. BCD-21-257

Russell Black et al.

v.

Bureau of Parks and Lands et al.

**ORDER ON MOTION OF
APPELLANTS TO ENLARGE TIME
FOR THEIR REPLY BRIEFS**

Central Maine Power Company and NECEC Transmission, LLC, (collectively CMP) have filed a motion to enlarge the time for their reply brief through 21 days after Russell Black et al. (collective Black) file their reply brief in response to the briefs of amici curiae who support CMP. The motion states that the Bureau of Parks and Lands joins in the request and that Black opposes the motion. The Court has not waited for any written response from Black.

Contrary to CMP's argument, the Rules of Appellate Procedure do not contemplate that an appellant may respond to an appellee's reply brief filed in response to an amicus brief. The "last appellee's brief" that the briefing schedule refers to is not the last brief of any kind filed by an appellee but the last "appellee's brief," as that term is used in M.R. App. P. 7(a), (b), that is filed. The briefing schedule's notation that the deadline for the appellant's reply brief runs from the filing of the "last appellee's brief" means that if more than one appellee files an appellee's brief, the time for the appellant's reply brief runs from the filing of the last of those appellee's briefs to be filed.

The “reply brief” that an appellee files in response to an amicus brief pursuant to M.R. App. P. 7A(e)(1)(B) is not an “appellee’s brief” but is a type of “reply brief.” There are two types of reply briefs: the one filed by an appellant in response to an appellee’s brief, M.R. App. P. 7(a), (b), and the one filed by *any party* in response to a brief of an amicus curiae, M.R. App. P. 7A(e)(1)(B). The rules do not permit a response to any reply brief. M.R. App. P. 7A(c), (e)(1)(B).

To permit the parties sufficient time for their reply briefs, the Court will enlarge the time for all parties to respond to briefs of amici curiae.

It is therefore ORDERED that the time for any party (including Black, whose time for any reply brief in response to amicus briefs was previously enlarged through January 17, 2022) to file a reply brief addressing new matter raised *by an amicus curiae* is ENLARGED through **January 24, 2022**. This order does not affect the time for CMP’s or the Bureau’s reply brief in response to Black’s *appellee’s brief*.

Any further relief requested by CMP is DENIED.

Dated: December 27, 2021

For the Court,



Associate Justice

