

to CMP's motion and did not object to amicus curiae being permitted to file briefs without individualized approval.

2. On September 30, 2021, this Court issued an Order granting the requested page enlargements and granting any interested person, entity, or organization to file an amicus brief without the consent of the parties or separate leave of the Court. In setting the enlarged page limits, the Court wrote: "The parties' briefs, *except for reply briefs in response to briefs of amici*, may exceed the page and word limits in Rule 7A(f) [as follows]" and the Court also wrote: "This order does not affect the page limit for amicus briefs or replies to amicus briefs." (Emphasis added).

3. On December 14, 2021, two amicus briefs were filed – one by Maine Forest Products Council and one by H.Q. Energy Services (U.S.) Inc., and on December 15, 2021, two more amicus briefs were filed – one by Joshua Reynolds and one by Orlando Delogu, all in support of the position of Appellants/Cross-Appellees Bureau of Parks and Lands, Director Cutko, Central Maine Power Company, and NECEC Transmission LLC. These briefs total 104 pages.

4. Plaintiffs' principal brief is due on January 3, 2021, and must respond to the 100 pages of briefing from Appellants/Cross-Appellees. In addition, Plaintiffs now have an additional 104 pages of briefing to which they must respond from the aforementioned amici curiae.

5. In accordance with Rule 7A(e)(1)(B), amicus briefs are typically filed on the date on which the appellee's brief is due to be filed. In addition, Rule 7A(e)(1)(B) provides that "[a]ny party may file a reply brief addressing new matter raised by an amicus curiae within 14 days after service of the brief of an amicus curiae or within such other time as the Law Court may specify in granting leave for later filing to the amicus curiae."

6. Additional amicus briefs may be filed on or before January 3, 2022, when the brief of Appellees/Cross-Appellants is filed.

7. Plaintiffs' Counsel contacted Assistant Attorney General Lauren Parker and Attorney Nolan Reichl to request consent to this motion. Assistant Attorney General Parker stated: "The Bureau has no position on this motion." Attorney Reichl refused to consent and in support of his refusal stated that "we do not think that supporting amicus briefs filed more than 14 days before Appellees' brief is due qualifies as 'new matter' under Appellate Rule 7A(e)(1)(A)" and that "[r]ather, in that scenario, Appellees would address the Appellants' brief and any supporting amicus briefs in a single Appellees' brief." CMP, he added, would oppose the motion.

8. Attorney Reichl's position is not supported by the Appellate Rules and is contrary to the Court's Order regarding amicus briefs. Specifically, nothing in Appellate Rule 7A(e)(1)(A) or (B) supports Attorney Reichl's position that Plaintiffs

must respond to the 104 pages of amici curiae briefing in their principal brief. In fact, under Rule 7A, Plaintiffs, absent the relief requested herein, would be forced to respond to the 104 pages of amici on December 28 and 29.

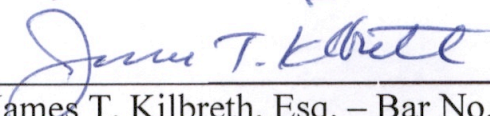
9. Requiring the Plaintiffs to respond to the 104 pages of amici curiae briefing on December 28 or 29 (or in their principal brief) would prejudice Plaintiffs for two reasons. First, the coordinated filing of the four amicus briefs in support of CMP right before the holidays, and prior to Plaintiffs filing their principal brief, means that Plaintiffs will not have time to meaningfully respond to the amici curiae briefs. Second, the coordinated filing of the four amici curiae briefs appears to be an attempt by CMP to get more pages of briefing while simultaneously attempting to prevent Plaintiffs from any meaningful chance to respond.

10. By contrast, allowing Plaintiffs to respond to the briefs of amicus curiae on January 17, 2021, 14 days after their principal brief is filed, will not prejudice CMP (or the Bureau).

11. In accordance with Rule 10(a)(2), Plaintiffs' Counsel has notified Plaintiffs of this motion.

12. Accordingly, Plaintiffs respectfully request that the Court extend their deadline to respond to amicus briefs to January 17, 2021.

Dated at Portland, Maine this 21st day of December, 2021.


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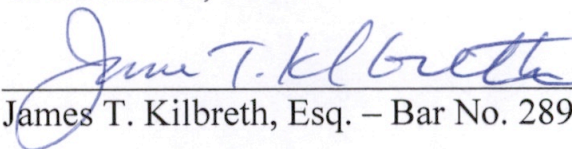
CERTIFICATE OF SERVICE

I, James T. Kilbreth, attorney for Appellees/Cross-Appellants certify that I have this day caused two copies of the foregoing Motion to Extend Deadline to Respond to Amicus Briefs to be served on the individuals below via electronic mail and U.S. mail, first class postage prepaid, addressed as follows:

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Dated at Portland, Maine this 21st day of December, 2021.


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STATE OF MAINE

SUPREME JUDICIAL COURT
Sitting as the Law Court
DOCKET NO. BCD-21-257

RUSSELL BLACK, *et al.*,

Appellees/Cross-Appellants,

v.

BUREAU OF PARKS AND LANDS,
et al.,

Appellants/Cross-Appellees,

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**ORDER
ON MOTION TO EXTEND
DEADLINE TO RESPOND
TO AMICUS BRIEFS**

Upon consideration of Appellees/Cross-Appellants’ Motion to Extend Deadline to Respond to Amicus Briefs up to and including January 17, 2022, the motion is hereby **GRANTED**.

Dated: _____, 2021

Associate Justice