

NOLAN L. REICHL

Merrill's Wharf
254 Commercial Street
Portland, ME 04101

P 207.791.1304
F 207.791.1350
nreichl@pierceatwood.com
pierceatwood.com

Admitted in: ME, MA, NY

September 28, 2021

HAND DELIVERED

Matthew Pollack, Esq.
Clerk of the Law Court
Maine Supreme Judicial Court
205 Newbury Street, Room 139
Portland, ME 04101

Re: *Russell Black, et al. v. Bureau of Parks and Lands, et al.*
Docket No. BCD-21-257

Dear Mr. Pollack:

Enclosed for filing in the above-referenced action, please find the original and one copy of Motion of Appellants/Cross Appellees CMP and NECEC Transmission to Enlarge Page Limits and Seek Leave for Amicus Curiae.

Thank you for your attention to this matter.

Sincerely,



Nolan L. Reichl

Enclosures

cc: Via Email and U.S. Mail
James T. Kilbreth, Esq.
David M. Kallin, Esq.
Adam R. Cote, Esq.
Jeana M. McCormick, Esq.
Lauren E. Parker, AAG
Scott W. Boak, AAG

RECD ME SUPREME JUD CT
SEP 28 '21 PM3:29

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

**MOTION OF
APPELLANTS/CROSS-APPELLEES
CMP AND NECEC TRANSMISSION
LLC TO ENLARGE PAGE LIMITS
AND SEEK LEAVE FOR AMICUS
CURIAE**

Pursuant to Maine Rule of Appellate Procedure 10, Appellants/Cross-Appellees Central Maine Power Company (“CMP”) and NECEC Transmission LLC (together “NECEC LLC”) move the Court to (a) enlarge the page limits on the parties’ briefs in this matter and (b) enter an order allowing any person or organization interested in these proceedings to file a brief as an amicus curiae without consent of the parties or separate leave of the Court.

In support of this motion, NECEC LLC states as follows:

1. Maine Rule of Appellate Procedure P. 7A(f)(1) limits Appellants/Cross-Appellees NECEC LLC and Appellants/Cross-Appellees Bureau of Parks and Lands and Andy Cutko (together, the “Bureau”) to the greater of 40 pages or 10,000 words for their respective principal brief in these appellate proceedings and, in light of the decision by Appellees/Cross-Appellants Russell Black et al. to cross-appeal the

Superior Court's judgment, the greater of 30 pages or 9,000 words for their respective reply briefs. Rule 7A(f)(1) limits Appellees/Cross-Appellants Russell Black et al. to the greater of 50 pages or 13,000 words for their principal brief as a consequence of their cross-appeal.

2. Appellants NECEC LLC and the Bureau have conferred over this matter and request the Court enlarge the foregoing page limits to account for the significant number of historical, legal, and procedural questions at issue in this appeal, many of which questions will be ones of first impression for the Court. Accordingly, NECEC LLC, with the consent and agreement of the Bureau, respectfully requests the Court enlarge the page limits set by Rule 7A(f)(1) such that that Appellants/Cross-Appellees' respective principal briefs may not exceed 50 pages and that their respective reply briefs may not exceed 35 pages. As a consequence of this proposed enlargement, NECEC LLC, with the consent and agreement of the Bureau, request the Court enlarge the page limit for Appellees/Cross-Appellants' principal brief to 60 pages.

3. With respect to the foregoing request, counsel for Appellees/Cross-Appellants Russell Black et al. has stated that his clients believe the existing page limits provided by Rule 7A(f)(1) to be adequate but that they do not object to NECEC LLC's request.

4. NECEC LLC also requests the Court enter an order allowing any person or organization interested in these proceedings to file a brief as an amicus curiae

without consent of the parties or separate leave of the Court, as is required by Rule 7A(e)(1). NECEC LLC expects a number of third parties to submit amicus briefs in this matter, in support of both sides of this dispute, and respectfully suggests authorizing those briefs in advance, without each amicus party seeking individualized approval, will save the parties' and the Court's time. The Court has granted such orders in previous litigation over the NECEC transmission line project.

5. The Bureau and Appellees/Cross-Appellants Russell Black et al. consent to the foregoing request.

WHEREFORE, the Court should (a) enlarge the page limits on the parties' briefs in these proceedings consistent with the request set forth herein and (b) enter an order allowing any person or organization interested in these proceedings to file a brief as an amicus curiae without consent of the parties or separate leave of the Court.

DATED: September 28, 2021



Nolan L. Reichl, Bar No. 4874
Jared S. des Rosiers, Bar No. 7548

PIERCE ATWOOD LLP
Merrill's Wharf
254 Commercial Street
Portland, ME 04101
207-791-1100
nreichl@pierceatwood.com
idesrosiers@pierceatwood.com

*Attorneys for Appellants/ Cross-Appellees
Central Maine Power Company and
NECEC Transmission LLC*

CERTIFICATE OF SERVICE

I, Nolan L. Reichl, Esq., hereby certify that a copy of this Motion of Appellants/Cross-Appellees Central Maine Power Company and NECEC Transmission LLC to Enlarge Pole Limits and Seek Leave for Amicus Curiae was served upon counsel at the address set forth below by email and first class mail, postage-prepaid on September 28, 2021:

James T. Kilbreth, Esq.	jkilbreth@dwmlaw.com
David M. Kallin, Esq.	dkallin@dwmlaw.com
Adam R. Cote, Esq.	acote@dwmlaw.com
Jeana M. McCormick, Esq.	jmccormick@dwmlaw.com

Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101

Lauren E. Parker, AAG	lauren.parker@maine.gov
Scott W. Boak, AAG	scott.boak@maine.gov

Office of the Attorney General
6 State House Station
Augusta, ME 04333-0006

DATED: September 28, 2021



Nolan L. Reichl, Bar No. 4874
PIERCE ATWOOD LLP
Merrill's Wharf
254 Commercial Street
Portland, ME 04101
207-791-1100
nreichl@pierceatwood.com

*Attorney for Appellants/ Cross-Appellees Central
Maine Power Company and
NECEC Transmission LLC*