

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

**OPPOSITION OF NECEC  
TRANSMISSION LLC TO  
APPELLEES/CROSS-APPELLANTS'  
REQUEST FOR LEAVE TO FILE A  
RESPONSE APPELLANTS'  
MOTION TO DEFER OR  
CONSOLIDATE**

Pursuant to Maine Rule of Appellate Procedure 10(c), Appellants/Cross-Appellees Central Maine Power Company (“CMP”) and NECEC Transmission LLC (together “NECEC LLC”) hereby oppose the Request for Leave to File a Response to Appellant’s [sic] Motion to Defer or Consolidate (the “Motion”) filed by Appellees/Cross-Appellants Russell Black, et al. (“Plaintiffs”).

Plaintiffs filed the Motion following argument presented by NECEC LLC and BPL in opposition to Plaintiffs’ motion to dismiss this case as moot. NECEC LLC disputes Plaintiffs’ characterization of NECEC LLC’s previous argument as a “motion to defer” or a “motion to consolidate,” however. Neither NECEC LLC nor BPL filed any motion or otherwise formally requested the Court grant any relief, and thus no further filing from Plaintiffs concerning the motion to dismiss is warranted. Nevertheless, NECEC LLC plans to file a motion before the end of this week

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formally requesting the Court delay argument in this matter until at or near the time of the argument in the related litigation *NECEC Transmission LLC, et al. v. Bureau of Parks and Lands*, BCD-21-416 (the “Referendum Challenge”), currently pending before the Court on an expedited schedule. Pursuant to Rule 10(c) of the Maine Rules of Appellate Procedure, Plaintiffs will have the opportunity to respond to NECEC LLC’s forthcoming motion and should present their arguments concerning the link between this case and the Referendum Challenge there, rather than in the form of an unwarranted reply memorandum on Plaintiffs’ motion to dismiss.

WHEREFORE, the Court should deny Plaintiffs’ Request for Leave to File a Response to Appellant’s [sic] Motion to Defer or Consolidate.

DATED: January 25, 2022



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## CERTIFICATE OF SERVICE

I, Nolan L. Reichl, Esq., hereby certify that a copy of this Opposition of NECEC Transmission LLC to Appellees/Cross-Appellants' Request for Leave to File a Response to Appellant's [sic] Motion to Defer or Consolidate was served upon counsel at the address set forth below by email and first class mail, postage-prepaid on January 25, 2022:

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DATED: January 25, 2022



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