

STATE OF MAINE

SUPREME JUDICIAL COURT
Sitting as the Law Court
Docket No. BCD-23-122

Robert E. Dupuis et al.

v.

Roman Catholic Bishop of Portland

**ORDER CONSOLIDATING
APPEALS AND SETTING COURSE
OF APPEAL**

In each of thirteen separate matters before the Business and Consumer Docket (BCD) involving claims that plaintiffs were the victims of sexual acts committed by adults serving as priests, clergy, lay educators, or in other roles within the parishes of the Roman Catholic Bishop of Portland, the BCD has reported to the Law Court, pursuant to M.R. App. P. 24(c), its interlocutory ruling denying the Bishop's motions to dismiss or for judgment on the pleadings. The Bishop had claimed that 2021 legislation removing the statute of limitations for "actions based upon sexual acts toward minors" is unconstitutional when applied to claims for which the previous limitations period had already expired when the legislation took effect and that the legislation applies only to actions against individuals and not to actions against other entities.

The Clerk of the Law Court has docketed the reports together under Law Court docket number BCD-23-122.

It appears to the Court at this juncture that the facts “essential to a decision of the questions by the Law Court,” M.R. App. P. 5(f), are limited and are common to all thirteen cases. As a result, consolidation of the reports with a single record on an agreed statement would appear to be the most efficient process for consideration of the reports.

It is therefore ORDERED as follows:

1. The reports are all CONSOLIDATED into Law Court docket number BCD-23-122.

2. The Bishop shall be treated as the appellant, and the plaintiffs shall be treated as the appellees.

3. The Bishop must pay a single appeal fee of \$175 to the Clerk of the Law Court on or before **April 28, 2023**.

4. The clerk of the BCD need not transmit the records on appeal to the Clerk of the Law Court until either (1) the BCD approves a statement of the case for certification to the Law Court pursuant to M.R. App. P. 5(f), which will then constitute the record on appeal for all thirteen matters, or (2) the Clerk of the Law Court requests them.

5. Counsel must, on or before **May 5, 2023**, confer to determine whether they can agree on a single statement of the case pursuant to M.R. App. P. 5(f) to apply to all thirteen reports. Counsel for the Bishop must, on or before the same

date, report to the Clerk of the Law Court whether counsel have been able to agree on a statement. If counsel do agree on a statement, counsel for the Bishop must, also on or before **May 5, 2023**, submit the statement to the trial court for approval for certification to this Court.

6. The State of Maine may file a brief as an appellee and will be permitted to argue. *See* M.R. Civ. P. 24(d) (providing for intervention by the State “for argument on the question of constitutionality” of a statute “[w]hen the constitutionality of an act of the legislature affecting the public interest is drawn in question”). The Clerk of the Law Court is directed to serve a copy of this order on the Attorney General.

7. The Clerk of the Law Court is directed to publish a public notice inviting amicus briefs from any interested persons or entities.

8. The Clerk of the Law Court is directed to establish a “High Profile Case” page on the Judicial Branch website for this matter, and to post on that page all documents received or issued by this Court relating to the reports.

Dated: April 18, 2023

For the Court,



Associate Justice

