

STATE OF MAINE

SUPREME JUDICIAL COURT
Sitting as the Law Court
Docket No. BCD-21-416

Avangrid Networks, Inc., et al.

v.

Bureau of Parks and Lands et al.

**ORDER ADMITTING VISITING
ATTORNEYS, REJECTING
TENDERED BRIEF OF AMICUS
CURIAE, AND ACCEPTING BRIEF
OF ANOTHER AMICUS CURIAE**

The Court has received the following:

- A motion of Timothy H. Norton, Esq., to permit David S. Rosenzweig, Esq., a member in good standing of the bar of Massachusetts, to practice in this matter as a visiting attorney;
- A motion of Elizabeth Boepple, Esq., to permit Paul W. Hughes, Esq., a member of the bars of the District of Columbia and the State of New York, to practice in this matter as a visiting attorney;
- A motion of Elizabeth Boepple, Esq., to permit Andrew Lyons-Berg, Esq., a member of the bars of Maryland and the District of Columbia, to practice in this matter as a visiting attorney;
- A document from David Gardiner that is intended as an amicus brief of Americans for a Clean Energy Grid, and
- A motion of NECEC Transmission LLC and Avangrid Networks, Inc.

(collectively Avangrid), to strike the amicus brief filed by Calpine Corporation, Vistra Corporation, Holly Bragdon, and Brian Ahern (collectively Calpine), and Calpine's opposition to that motion.

Motions to permit out-of-state attorneys to practice in this appeal

The Court grants the various motions to permit the out-of-state attorneys to appear in this appeal.

Intended amicus brief by Americans for a Clean Energy Grid

The document tendered by David Gardiner as an amicus brief on behalf of Americans for a Clean Energy Grid, an organization identified in the brief as a non-profit corporation, indicates that Gardiner is a "Senior Advisor" for (or to) the corporation. Gardiner is not a member of the Maine bar and therefore cannot represent a corporation before this Court. 4 M.R.S. § 807(1). Because Americans for a Clean Energy Grid cannot appear through a non-attorney agent, the brief is a nullity and must be rejected. *Land Mgmt., Inc. v. Dep't of Env't Prot.*, 368 A.2d 602, 603-04 (Me. 1977) (complaint of corporation was a nullity because corporation, as artificial entity, cannot appear or act in person or through a non-attorney agent).

Amicus brief of Calpine Corporation et al.

Avangrid moves to strike the brief by Calpine on the grounds that it exceeds the page and word limits for amicus briefs. The brief is 53 pages long

and contains at least 12,476 words.¹ However, as Calpine contends, the Court's Order of January 10, 2022 can be interpreted to have enlarged the page limit for the briefs of amici as well as the principal briefs of parties to 55 pages or 12,500 words. The length of Calpine's brief complies with that interpretation.

It is therefore ORDERED as follows:

- Attorneys Rosenzweig, Lyons-Berg, and Hughes are permitted to practice in this appeal as visiting attorneys *pro hac vice*, subject to the provisions of M.R. Civ. P. 89(b). The moving attorneys in each case shall remain associated with their visiting attorneys throughout this appeal.
- The tendered brief of amicus curiae filed by David Gardiner is REJECTED.
- Calpine's amicus brief is ACCEPTED as filed.

Dated: 4 April, 2022

For the Court,



Associate Justice

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APR 04 2022
Clerk's Office
Maine Supreme Judicial Court

¹ As commentators have long noted, the word count for a document will depend on the tool used to determine it; different software packages will count the same text differently. *See, e.g.,* Don Cruse, *Worried about word counts? Your choice of word processor matters a great deal*, SCOTX blog (Jan. 13, 2013), <https://www.scotxblog.com/writing/worried-about-word-counts-your-choice-of-word-processor-matters-a-great-deal/>. Calpine's word count tool yielded a count within the 12,500 word limit; Avangrid's yielded a count slightly over the limit.