

**Maine Business & Consumer Court
Docket Sheet**

Docket No.: BCDWB-

Date Filed:

Action:

Transferring Court:

Plaintiff

Plaintiff's Attorney

Telephone

E-Mail

Defendant

Defendant's Attorney

Telephone

E-Mail

For Prior Docket Entries, See:

Entries

Intervenors:

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Docket No.: BCDWB- AP-20-02

Christopher Roach, Esq.
Roach Ruprecht Sanchez & Bischoff, PC
527 Ocean Ave, Ste 1
Portland, ME 04103

Industrial Energy Consumer Group (Status granted 3/25/20)

Anthony W. Buxton, Esq.
Robert B. Borowski, Esq.
Sigmond D. Schutz, Esq.
PretiFlaherty
PO Box 1058
Augusta, ME 04332-1058

Maine State Chamber of Commerce (Status granted 4/3/20)

Gerald Petrucelli, Esq.
Nicole Bissonnette, Esq.
Petrucell, Martin, Haddow
PO Box 17555
Portland, ME 04112-8555

3/23/20

On 3/23/20. Transfer to Business and Consumer Court: By Agreement of parties, per Procedural Order of this date.

On 3/23/20. Notice of Acceptance, Counsel Information Sheet and E-mail guidelines sent to counsel on this date.

Rec'd 3/23/20. Unopposed Motion to Intervene of Mainers for Local Power with proposed order. Motion dated 3/18/20, received by Kennebec County Superior Court on 3/23/20. J. Murphy granted in procedural order of this date.)

3/24/20

Rec'd 3/20/20. Petitioner's Motion for Additional Evidence with Exhibits 1-4, and proposed order electronically filed.

Rec'd 3/20/20. Intervenor Mainers for Local Power's Motion to Quash Subpoenas and Request for Expedited Consideration with attachments and proposed order electronically filed.

Rec'd 3/21/20. Respondent's Memorandum in Response to Petitioner's Motion to Take Additional Evidence and Discovery electronically filed.

Rec'd 3/21/20. Intervenor Mainers for Local Power's Opposition to Petitioner's Motion for Additional Evidence with proposed order electronically filed.

Rec'd 3/22/20. Motion to Intervene of Industrial Energy Consumer Group filed electronically.

Rec'd 3/22/20. Petitioner;s Reply Memorandum in Support of Motion for Additional Evidence electronically filed.

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Rec'd 3/24/20. Motion to Intervene of NextEra Energy Resources with proposed order filed. (Electronically received by the court 3/20/20)

On 3/23/20. Order issued, Murphy, J.

Order on Petitioner's Motion to Take Additional Evidence. The Court remands this matter to the Secretary to take additional evidence. The Court denies Reed's motion to engage in discovery pursuant to Rule 80c(j), and to take additional evidence in the Superior Court. The Secretary shall have a deadline of Wednesday, April 1, 2020 to issue its Determination. The clerk is instructed to incorporate this order into the docket by reference. M. R.Civ.p.79(a). Parties noticed 3/24/20

On 3/23/20. Order issued, Murphy, J.

This matter having come before the Court on NextEra Energy Resources, LLC's ("NextEra") Motion to Intervene, and the Court having determined that (1) NextEra has claimed an interest in the petition that is the subject matter of this action, and (2) NextEra's interest is not adequately represented by existing parties, the Motion is hereby GRANTED over objection. Parties noticed 3/24/20

3/25/20.

On 3/25/20 Order issued, Murphy, J.

Hearing/Conference Record. From the date the Secretary of State issues his new Determination the briefing schedule shall be as follows: 1) Any Party appealing the new Determination, along with any Intervenor who joins in that challenge, has three days to file any Brief. 2) Any Party or Intervenor wishing to oppose the challenging parties' /intervenor(s)' position then has three days to file their Opposition. 3) the Appellants/Intervenors then have two days to file any Reply. Parties noticed 3/25/20

On 3/25/20 Order issued, Murphy, J.

Order on Motion to Intervene by Industrial Energy Consumer Group. It is hereby ORDERED that IECG's motion is GRANTED. The Court has been informed that Petitioner and Respondent have no objection and that Intervenor NextEra takes no position on IECG's motion. The Court finds that IECG has met the standard for intervention under 21-AM.R.S 905(2) because it has timely filed a motion, shown that it has significant interests in the subject matter of the petition, and its interests are not adequately represented by existing parties. Parties noticed 3/25/20

3/27/20

Rec'd 3/26/20. Petitioner's Motion for Relief from Emergency Order with proposed order filed.

4/3/20

Rec'd 3/30/20. Motion for Leave to Intervene of Maine State Chamber of Commerce and proposed Order.

Rec'd 4/1/20. Signed copy of the Amended Determination of the Validity of a Petition for Initiated Legislation filed by AAG Gardner.

Rec'd 4/1/20. Request for telephonic conference from N. Riechl, Esq. to discuss filing of second motion to take additional evidence.

On 4/1/20. Telephonic conference held, Murphy, J.

Rec'd 4/1/20. Entry of Appearance of Phyllis Gardiner, AAG obo Matthew Dunlap, Secretary of State

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filed. (Rec'd in KENSC 3/23/20)

Rec'd 4/2/20. Petitioner's Second Motion to Take Additional Evidence with Exhibits A-C. Proposed order filed

Rec'd 4/2/20. Intervenor IECG's Memorandum in Support of Motion to Supplement the Record filed.

Rec'd 4/2/20. Intervenor Mainers for Local Power's Opposition to Petitioner's Second Motion for Additional Evidence filed.

Rec'd 4/3/20. Intervenor NextEra Energy Resources, LLC's Opposition to Motion for Additional Evidence filed.

Rec'd 4/3/20. Respondent's Opposition to Petitioner's Second Motion to Take Additional Evidence filed.

Rec'd 4/3/20. Signed Certification of Agency Record with thumb drive containing filed.

On 4/3/20 Order issued, Murphy, J.

Order on Motion for Leave to Intervene of Maine State Chamber of Commerce. The Petition for Leave to Intervene of Maine State Chamber of Commerce is GRANTED. Pursuant to M.R.Civ.P.79(A), the clerk is hereby ordered to incorporate this order by reference in the docket. Parties noticed by email 4/3/20. (Signed order sent 4/9/20)

On 4/3/20 Order issued, Murphy, J.

Order on Petitioner's Motion for Relief from Emergency Order is hereby GRANTED. Because of the statutory deadlines that apply to this proceeding, the Court finds that there are urgent and compelling reasons to permit hearings in this proceeding before May 1, 2020. Accordingly, as allowed by the Supreme Judicial Court's standing order dated March 18, 2020, hearings will be held as necessary to resolve this proceeding within the statutory deadlines. Parties noticed by email 4/3/20. (Signed order sent 4/9/20)

On 4/3/20 Order issued, Murphy, J.

Order on Petitioner's Second Motion to Take Additional Evidence. Petitioner Delbert Reed's Second Motion to Take Additional Evidence is DENIED. The clerk is directed to incorporate this order into the docket by reference. M.R.Civ.P.79(a). Parties noticed 4/3/20. (Signed order sent 4/9/20)

4/9/20

Rec'd 4/4/20. Rule 80C Brief of Intervenor Industrial Energy Consumer Group filed.

Rec'd 4/4/20. Maine State Chamber of Commerce's Memorandum in Support of Petitioner's Challenge to the Secretary of State's Amended Determination filed.

Rec'd 4/4/20. Petitioner's Brief Requesting Reversal of the Secretary of State's Amended Determination with Exhibits A-P filed.

Rec'd 4/6/20. Letter from Nolan Reichl, Esq. with attached Exhibit Q, and letter regarding Footnote 2 on Petitioner's Brief filed.

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Rec'd 4/7/20. Intervenor Mainers for Local Power's Rule 80C Merits Brief in Support of Respondent Secretary's Validity Determination filed.

Rec'd 4/7/20. Intervenor NextEra Energy Resources, LLC's Brief in Support of Respondent's April 1, 2020 Determination filed.

Rec'd 4/7/20. Respondent's Rule 80C Brief filed.

On 4/9/20. Note: Signed versions of Orders issued 4/3/20 sent to parties on this date with complete list of contacts.

4/10/20.

Rec'd 4/9/20. Petitioner's Reply Brief in Further Support of Request for Reversal of the Secretary of State's Amended Determination filed.

Rec'd 4/9/20. Maine State Chamber of Commerce's Reply Memorandum in Support of Petitioner's Challenge to the Secretary of State's Amended Determination filed.

Rec'd 4/9/20. Intervenor IECG's Reply Brief filed.

Rec'd 4/9/20. Thumb drive containing Agency Record filed. (Court was unable to download previous record filed by OneDrive on 4/3/20)

4/13/20

On 4/13/20. Order issued, Murphy, J.

Order on Appeal of Amended Determination by Secretary of State re Citizen Initiative (Rule 80C M.R.C. P.) The Secretary of State's Amended Determination dated April 1, 2020 is AFFIRMED. Parties noticed 4/13/20.

4/16/20.

Rec'd 4/15/20. Petitioner Delbert A. Reed's Notice of Appeal to the Law Court filed. Delbert A. Reed appeals from the Secretary of State's determination concerning the validity of a petition for initiated legislation, dated March 4, 2020; the Secretary of State's amended determination concerning the validity of a petition for initiated legislation, dated April 1, 2020; the Superior Court's final order in this proceeding, dated April 13, 2020, and all prior Superior Court orders, including, without limitation, the Order on Petitioner's Motion to Take Additional Evidence dated March 23, 2020, and the Order on Petitioner's Second Motion to Take Additional Evidence Dated April 3, 2020 filed. Filing fee paid.

Rec'd 4/15/20. Notice of Appeal by Intervenor Industrial Energy Consumer Group filed. Intervenor Industrial Energy Consumer Group appeals from the Secretary of State's determination concerning the validity of a petition for initiated legislation (March 4, 2020); the Secretary of State's amended determination concerning the validity of a petition for initiated legislation (April 1, 2020); the Superior Court orders in connection with the Rule 80C appeal, including without limitation, the Order on Petitioner's Motion to Take Additional Evidence dated March 23, 2020, and the Order on Petitioner's Second Motion to Take Additional Evidence Dated April 3, 2020 filed. Filing fee paid.

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On 4/16/20. Copy of notices of appeal and docket entries sent to the Clerk of the Law court on this date. Copies of notices of appeal sent to counsel of record on this date. (AAG: Phyliss Gardner, Attorneys: Joshua Tardy, Christopher Roach, Anthony Buxton, David Kallin, Gerald Petrucelli, and Nolan Reichl)

J Murphy

Action:80C

Delbert A Reed

vs

Matthew Dunlap

Plaintiff's Attorney

Defendant's Attorney

Jared S DesRosiers, Esq.
Nolan L Relch, Esq.
Newell A Augur, Esq.
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Phyllis Gardiner, AAG
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Rudman Winchell
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PO Box 1401
Bangor, ME 04402

Date of Entry

- 03/13/20 Petition for Review of Final Agency Action, filed. s/DeRosiers, Esq.
- 03/23/20 Procedural Order, Murphy, J.
 - 1. Transfer to Business and Consumer Court: By agreement of the parties, this matter shall be transferred to the Business and Consumer Docket on March 23, 2020.
 - 2. Filings: Because the Capital Judicial Center was closed at the time of this conference the Court ordered that any filings be made in this matter prior to the case being formally accepted in the Business and Consumer Court, would be accepted by the Court electronically
 - 3. Motion to intervene: Mainers for Local Power moved to intervene in this matter. The motion is granted without objection
 - 4. Motion to Take Additional Evidence: Petitioners must file their motion to take additional evidence by 5 p.m., March 20, 2020. Respondents and Intervenors must file any opposition to Petitioner's motion by 5 p.m., March 21, 2020. The Court will render a decision in the motion by close of business March 23, 2020 and will, if necessary, notify counsel of record via email.
Copy of order to parties/counsel via e-mail
- 03/23/20 Case closed per Procedural Order of 3/23/20 ordering case to be transferred to the Business and Consumer Docket
- 03/23/20 Case permanently transferred