

STATE OF MAINE

SUPREME JUDICIAL COURT
Sitting as the Law Court
Docket No. Cum-24-82

PETER MASUCCI et al.

Appellants

v.

JUDY'S MOODY, LLC et al.

Appellees

**MOTION RE: ORAL ARGUMENT
AND AMICUS BRIEFING REPLY**
M.R. App. P. 7A, 10, 11(b)

NOW COME Appellants Peter Masucci et al., by and through undersigned counsel, and move this Court to (1) extend the default time for oral argument to ninety (90) minutes, or at least sixty (60) minutes, and (2) to enlarge the time for all parties to file responsive briefs to amici from fourteen (14) days from service to August 23, 2024. In support of the motion, Appellants state as follows:

1. This matter concerns title to and public use of Maine's intertidal lands; this Court has designated the appeal "High Profile" case status.

2. The public interest in this case is substantial; numerous complex issues and the many parties involved present this Court with an appeal of extraordinary magnitude.

3. The foregoing is reflected in the extensive briefing (including amici), the voluminous appendix, and by extension, should be reflected by the scheduled oral arguments and time allotted.

4. The default fifteen (15) minutes per side in Maine Rule of Appellate Procedure 11(b) will not allow for adequate consideration of the issues implicated by the appeal or meaningful argument from each party.

5. Setting aside the cross-appellant designations in the initial docketing notice, and instead considering the parties' alignment, there are three parties that are appellants (Masucci et al., the Attorney General, and Orlando Delogu *pro se*) and four parties that are appellees (Judy's Moody, Ocean 503, OA 2012, and the "PLNS" Appellees & Parents).

6. The combined page total of the Appellee briefs is approximately two hundred (200) pages.

7. Adding to that briefing, Amici representing a range of interest groups and positions have submitted briefs totaling nearly another one hundred and fifty pages (150) pages.

8. There is a voluminous appendix in this matter, composed of over one thousand five hundred (1,500) pages.

9. Appellants respectfully request that the Court lengthen the time for oral argument from a combined 30 minutes, M.R. App. P. 11(b), to 90 minutes (or in the alternative, a minimum of 60 minutes), to allow for adequate consideration of the issues and opportunity for argument from all parties.

10. Additionally, Appellants request that the default time of 14 days after service, M.R. App. P. 7A(e)(1)(B), for any party to submit a reply to an amicus brief be enlarged to August 23, 2024.

11. Undersigned counsel has solicited the positions of the parties on this motion and they are as follows:

- a. Counsel for Appellees (Judy's Moody, Ocean 503, OA 2012 Trust, PLNS & Parents) and the Attorney General do not consent to enlarging the time for oral argument to 90 or 60 minutes;
- b. All parties consent to or take no position on an enlargement of the time for briefs responding to amici to August 23, 2024.

WHEREFORE, Appellants respectfully request that the Court enter an order (1) lengthening the time for oral argument from 30 minutes to 90 minutes, and (2) extending the time for filing a reply to the amicus briefs filed in this appeal to August 23, 2024.

Respectfully submitted,

Dated: August 13, 2024

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Certificate of Service

I hereby certify that the above motion was served on counsel below by email at the address and on the date indicated below:

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