

STATE OF MAINE

**SUPREME JUDICIAL COURT
Sitting as the Law Court
Docket No. Ken-25-137**

ANDREW ROBBINS, ET AL.,

Plaintiffs,

v.

STATE OF MAINE, ET AL.,

Defendants.

**PARTY-IN INTEREST-APPELLANT STATE OF MAINE'S MOTION
FOR ONE-DAY EXTENSION TO ACCEPT FILING OF APPELLANT BRIEF**

Pursuant to Maine Rules of Appellate Procedure 10(a) and 12A(b), Party-in-Interest-Appellant State of Maine files this Motion for One-Day Extension to Accept Filing of Appellant Brief. The State of Maine respectfully requests that the Court accept for filing its Appellant brief that has previously been electronically filed in the above captioned matter.

As basis for granting this motion, the State of Maine sets forth the following:

1. The State of Maine's brief as Party-in-Interest-Appellant was due on July 25, 2025.
2. Undersigned counsel for the State of Maine sent an email, transmitting the State of Maine's brief to "lawcourt.clerk@courts.maine.gov" and all

counsel of record in this appeal at approximately 11:40 p.m. on July 25, 2025.

3. Undersigned counsel then was away from his computer and without access to his email throughout Saturday, July 26 and Sunday, July 27.
4. Upon accessing his computer and email at approximately 7:00 a.m. on Monday, July 28, 2025, undersigned counsel observed that he had received an automatic reply from one counsel of record in this appeal, and further noticed that the attorney did not appear to have received his email transmitting the State of Maine's brief until 9:02 a.m. on the morning of Saturday, July 26, 2025.
5. Undersigned counsel does not know why it would have taken more than 9 hours for the email transmitting the State of Maine's brief to reach any of the recipients listed in either the "TO:" or "CC:" lines of the email sent on Friday, July 25, 2025.
6. Had undersigned counsel believed there was a possibility that the email would not reach all recipients on Friday, July 25, 2025, he would have (1) attempted to transmit his brief a second time through a different email account; (2) transmitted his brief electronically to each recipient separately, alongside a cover letter indicating all recipients by a "cc:" line, in the event that the large number of recipients caused

the delay; or (3) filed a motion pursuant to M. R. App. P. 10(a) and 12A(b), seeking a one-day extension to submit the State of Maine's brief at the time of filing.

7. Out of an abundance of caution regarding the discrepancy in email timing and upon speaking with the Clerk's Office after its opening at 8:00 a.m. on Monday, July 28, 2025, the State of Maine is filing this Motion out of respect for this Court's deadlines, rules, and undersigned counsel's duty of candor to the Court.
8. Maine Rule of Appellate Procedure Rule 12A(b) authorizes the Clerk of the Law Court to "[g]rant motions filed pursuant to M.R. App. P. 10 to enlarge the time for the filing of a brief, appendix, petition, or memorandum for up to 7 days."
9. No party participating in this appeal will be prejudiced from receiving the State of Maine's brief approximately 9.5 hours after they would have received the brief had the email been transmitted without delay and approximately 9 hours after they were entitled to receive a copy of the brief, at 11:59 p.m. on Friday, July 25, 2025.

The State of Maine therefore respectfully requests that if its Appellant brief would not otherwise be accepted for filing, that the Clerk of the Law Court exercise the authority vested in it by the Maine Supreme Judicial Court and

Maine Rule of Appellate Procedure 12A(b)(1) to enlarge the time for the filing the State of Maine's brief by one day, and to accept the brief that the Clerk's Office has already electronically received from undersigned counsel.

The State of Maine does not oppose providing Appellees a one-day extension to file their brief-in-opposition if Appellees were to so request or if the Clerk of the Law Court feels it is otherwise appropriate.

Given the expedited nature of this appeal, if a one-day extension is requested by Appellees or is otherwise deemed appropriate by the Clerk of the Law Court, the State of Maine is willing to cede to Appellees one day from what would have been the State of Maine's Reply-brief response period in order to maintain the original expedited briefing schedule set by the Court and in order to prevent any delay in bringing the briefing schedule to a close.

In order to prevent as little delay as possible in getting this motion to the Clerk of the Law Court, the State of Maine has not consulted with Appellees' counsel and is instead informing them of this motion simultaneously alongside its submission.

Dated: July 28, 2025

Respectfully submitted,

/s/ Paul E. Sutter

Paul E. Sutter, Asst. AG

Bar No. 5736

Office of the Attorney General

6 State House Station

Augusta, ME 04333-0006

(207) 626-8800

paul.sutter@maine.gov

*Counsel for the State of Maine,
Party-in-Interest-Appellant*

STATE OF MAINE

**SUPREME JUDICIAL COURT
Sitting as the Law Court
Docket No. Ken-25-137**

ANDREW ROBBINS, ET AL.,

Plaintiffs,

v.

STATE OF MAINE, ET AL.,

Defendants.

[PROPOSED] ORDER

Upon review of Party-in-Interest–Appellant State of Maine’s Motion for One-Day Extension to Accept Filing of Appellant Brief, the State of Maine’s Motion is hereby GRANTED, and its brief is accepted as timely.

SO ORDERED.

Dated: _____

Clerk, Maine Supreme Judicial Court