

STATE OF MAINE

ANDREW ROBBINS, ET AL.,

Plaintiffs,

v.

STATE OF MAINE, ET AL.,

Defendants.

SUPREME JUDICIAL COURT

Sitting as the Law Court

Docket No. Ken-25-137

**EMERGENCY MOTION:
Action Requested by June 23, 2025¹**

**APPELLANT STATE OF MAINE’S EMERGENCY MOTION
TO STAY ALL ACTION IN THE SUPERIOR COURT RELATED
TO COUNT III WITH INCORPORATED MEMORANDUM OF LAW**

Pursuant to Maine Rule of Appellate Procedure 10(a)(4), Appellant State of Maine files this Emergency Motion to Stay All Action in the Superior Court Related to Count III and Incorporated Memorandum of Law, in light of the State of Maine’s appeal of the Superior Court’s March 7, 2025, “Order After Phase One Trial (Counts I, III, and V)” (“Post-Trial Order”).

The State of Maine respectfully requests that the Court confirm that (1) the Maine Rule of Appellate Procedure 3(b) automatically prevents the Superior Court from taking further action during the pendency of this appeal; or that (2) in the alternative this Court should issue a discretionary stay of all Superior Court action pending this appeal.

¹ If the Court finds it does not have sufficient time to act by June 23, the State of Maine respectfully requests that it enter a temporary stay while it considers this filing. Although the State of Maine is not specifically requesting to be heard at oral argument, it would be prepared to answer any questions the Court may have.

In accordance with Maine Rule of Appellate Procedure 10(a)(2), undersigned counsel affirms that he has informed counsel for all parties of its intent to file this Emergency Motion. Counsel for Petitioner-Plaintiffs (“Petitioners”) has indicated that they intend to submit an opposition, indicating that they will oppose it on its merits and for it allegedly being untimely. Counsel for all other parties have indicated that they do not intend to take a position on the Emergency Motion and do not plan to respond

Given the press of business of the Office of Attorney General, undersigned counsel affirms that he is filing this notice as soon as practicable as to provide sufficient notice to the Court and other parties.²

MEMORANDUM OF LAW

RELEVANT PROCEDURAL BACKGROUND

The following is an abbreviated chronology of the filings and events most relevant to this Emergency Motion.³ Several parties filed motions for summary

² To the extent Petitioners intend to argue this filing is untimely, they suffer no prejudice. Even if it were untimely as an Emergency Motion, it would be timely as a standard motion. Moreover, Petitioners have previously responded to these legal arguments in short order when they were litigated below. *See* Exs. C & D. The State of Maine could arguably wait until Monday, June 9 to file this motion, as that is when parties will supply the Superior Court with names of individuals asserted to be eligible for habeas relief, which the Superior Court will in turn use to determine whether any hearing is still necessary. *See* Ex. G at 2. However, the State of Maine wanted to file in advance of Monday in order to preserve the full two-week response window for other parties as envisioned by the Appellate Rules. If the Court determines that this Emergency Motion is untimely, the State of Maine requests that it be treated as a standard motion.

³ For the Court’s convenience, attached as “Exhibit A,” is an up-to-date Docket Report, which includes events that may have taken place since the Record was transmitted to the Law Court. Copies are attached of all potentially relevant filings that have occurred since the State of Maine filed its March 27, 2025 Notice

judgment in November 2024. *See* Ex. A at 44, Ex. H ¶ 6. The Superior Court ruled on these and other pre-trial motions, in a January 3, 2025 order titled “Combined Order on Partially Dispositive Motions” (“Summary Judgment Order”). *See* Ex. A at 48-49. A bench trial was held from January 22-24, and post-trial briefing was completed February 28.

On March 7, 2025, the Superior Court issued a comprehensive Post-Trial Order, which contained fact-finding, legal conclusions, and certain relief as a result of what occurred at trial. *See* Ex. A at 54, Ex. H ¶ 9. Among the relief issued by the Court included a framework for conducting hearings for the purpose of issuing individual writs of habeas corpus to eligible Petitioners. *See* Post-Trial Order at 40-42, *see also* Ex. H ¶ 9.e. Important features of the framework include a plan for the Superior Court to “conduct several court sessions at several locations in northern, central and southern Maine during the month of April 2025,” at which “any Subclass member who has been detained and remains detained for more than 14 days after their initial appearance or arraignment” would be released. *See* Post-Trial Order at 42. The order also provided that criminal charges would be dropped for Petitioners who do not have an assigned lawyer within 60 days of initial appearance. *Id.*

of Appeal. Finally, attached at Exhibit H is a more detailed chronology of events potentially relevant to this Emergency Motion or the merits of the appeal.

Both MCPDS and the State of Maine separately noticed timely appeals on March 27. *See* Ex. A at 54-55. After a conference of counsel, Petitioners filed at the suggestion of the Superior Court a “Motion to Continue Action on Count III” (“Ex. D”). *See also* Ex. H ¶¶ 12-14. On May 7, the Superior Court granted the Petitioners’ motion over the State of Maine’s opposition as part of a “Combined Order on All Pending Motions” (Ex. F). *See also* Ex. H ¶ 16. However, counsel for the State of Maine was not included on the email distribution for the Combined Order, nor was it ever received by mail.⁴ On May 15, the Superior Court issued an “Order Scheduling Individual Habeas Corpus Hearings” (Ex. G), setting an initial habeas hearing for June 24 and requiring parties to supply a list of people potentially eligible for habeas relief by June 9. On June 6, Sheriffs’ counsel and Petitioners’ counsel circulated lists of individuals potentially eligible for habeas relief at the June 24 hearing, which will presumably be provided to the Superior Court on June 9.⁵

LEGAL STANDARD

Ordinarily, a party seeking a discretionary stay pending appeal is “subject to the same standards for obtaining injunctive relief that are applied in the trial courts.”

⁴ Superior Court staff provided an electronic copy to counsel for the State of Maine on May 19 after counsel reached out upon not being included on an email distribution list for a subsequent May 15 order.

⁵ As of this date, there appear to be four individuals on the list for the June 24 hearing and one person on the list for the July 1 hearing, but it is unclear how many individuals will be eligible for release under the Superior Court’s framework. If at any point it becomes clear to undersigned counsel that either hearing is cancel, undersigned counsel will promptly notify the Court via the Clerk’s Office.

Nat'l Org. for Marriage v. Comm'n on Govt'l Ethics & Elections, 2015 ME 103, ¶ 14, 121 A.3d 792 (per curiam) (quoting Maine Appellate Practice § 10.1 at 107-98 (4th ed. 2013)). Such a party must demonstrate that

(1) it will suffer irreparable injury if the [stay] is not granted; (2) such injury outweighs any harm which granting the [stay] would inflict on the other party; (3) it has a likelihood of success on the merits (at most, a probability; at least, a substantial possibility); and (4) the public interest will not be adversely affected by granting the [stay].

Id. (alterations in original) (quoting *Bangor Historic Track, Inc. v. Dep't of Agric., Food & Rural Res.*, 2003 ME 140, ¶ 1, 837 A.2d 129 (per curiam)).

However, if a party asserts that the trial court failed to properly apply a jurisdictional rule, then the Law Court analyzes the rule's applicability de novo and without regard to the traditional injunction test. *See id.*, ¶¶ 8-12; *see also Jones v. Sec'y of State*, 202 ME 111, ¶¶ 3-4, 238 A.3d 250 (same); *cf In re Child of Radiance K.*, 2019 ME 73, ¶ 48, 208 A.3d 380 ("After an appeal is filed, 'the trial court shall take no further action pending disposition of the appeal,' unless either the trial court's action is explicitly permitted by Maine Rule of Appellate Procedure [3.]" (cleaned up) (quoting *Doggett v. Town of Gouldsboro*, 2002 ME 175, ¶5, 812 A.2d 256)).

ARGUMENT

Maine Rule of Appellate Procedure 3(b) should have stayed all action in the Superior Court when the State of Maine appealed its March 7 Post-Trial Order. No exception applies regarding Count III.⁶

But even if Appellate Rule 3(b) did not automatically stay all action, the Court should issue a stay pursuant to its “inherent authority.” *See Nat’l Org. for Marriage*, 2015 ME 103, ¶ 13, 121 A.3d 792. A stay is appropriate because the habeas framework is entirely dependent upon several legal issues ripe for review that this Court may never have the opportunity to resolve if proceedings continue below. Moreover, the State of Maine’s request meets the legal standards that this Court applies when considering requests for discretionary stays pending appeal.

I. Appellate Rule 3(b) should have automatically stayed all action in the Superior Court upon appeal of the Post-Trial Order.

This Court’s “Notice of Docketing in the Law Court” states clearly that the Maine Rules of Appellate Procedure apply to this appeal. Appellate Rule 3(b) unambiguously directs that “When an appeal is taken from a trial court action, the trial court's authority over the matter is suspended and the trial court shall take no further action pending disposition of the appeal by the Law Court.” *Nat’l Org. for*

⁶ Normally, Appellate Rule 3(b) would require a trial court to take no further action on any aspect of a case unless the Law Court issues an order instructing it to do so or if a party files a valid motion pursuant to Appellate Rule 3(c). Petitioners’ “Motion to Continue Action on Count III” was an attempt to file such a motion. Arguably, Petitioners have not asked the Superior Court to proceed on any other Count, and therefore action on *all* counts is arguably stayed. However, the State of Maine’s sole focus is its appeal of Count III and the relief that the Superior Court intends to grant.

Marriage., 2015 ME 103, ¶ 7, n.6, 121 A.3d 792 (cleaned up) (quoting *Flaherty v. Muther*, 2011 ME 34, ¶ 7, 17 A.3d 663). Moreover, this Court’s precedent states that Rule 3(b) prohibits a trial court from taking virtually any action, unless explicitly permitted by an exception carved out in Appellate Rule 3(c) or (d). *See, e.g., Flaherty*, 2011 ME 32 ¶ 90, 17 A.3d 640 (inappropriate to award costs pending appeal); *Lund v. Lund*, 2007 ME 98, ¶ 20, 927 A.2d 1185 (no authority to change a judgment pending appeal); *Doggett v. Town of Gouldsboro*, 2002 ME 175, ¶ 6, 812 A.2d 256 (no authority to issue remand pending appeal); *Erickson v. State*, 444 A.2d 345, 348-49 (Me. 1982) (no authority to decide Rule 60(b) motion pending appeal).

In civil cases like this, the only exceptions described by Appellate Rule 3 are actions taken pursuant to Maine Rules of Civil Procedure 27(b), 54(b)(3), 60(a), 62(a), 62(c), or 62(d), or actions taken “with leave of the Law Court” as provided by Appellate Rule 3(d). The Superior Court’s forthcoming habeas hearings fit no exception.⁷

A. Appeals docketed in the Law Court are always governed by the Maine Rules of Appellate Procedure, not ancient or foreign common law.

Below, Petitioners argued that the Superior Court was free to ignore Appellate Rule 3, citing a 1959 Reporter’s Note to Maine Rule of Civil Procedure 81, which

⁷ Civil Rule 27(b) relates to depositions pending appeal, while Civil Rule 54(b)(3) relates to attorneys’ fees. Civil Rules 60(a), 62(a), and 62(c) relate to actions courts may take after the entry of judgment, which has not occurred here. And Civil Rule 62(d) permits enforcement or alterations of an injunction, which is not a form of relief issued pursuant to Count III.

refers to the “limited applicability” of the Civil Rules to certain habeas actions. *See* Ex. D at 2. This is a red herring.

But the Maine Rules of Appellate Procedure—and not the Civil Rules—“govern the procedure for review of any judgment, order, or ruling” from the Superior Court. Me. R. App. P. 81 (emphasis added); *see also* Ex. E at 15 (“You must follow the Maine Rules of Appellate Procedure.”).⁸

Petitioners’ citations below to Law Court decisions regarding the availability of appeal—all issued decades before the adoption of the Appellate Rules—do not advance their argument.⁹ *See* Ex D. at 3-4.

B. Appellate Rule 3(c)(4) does not permit the Superior Court to proceed on Count III because its Post-Trial Order was not an order “granting or denying a motion for summary judgment.”

Below, Petitioners asserted that Appellate Rule 3(c)(4) permits the Superior Court to move forward with Count III, arguing that its Post-Trial Order constitutes an “order granting or denying a motion for summary judgment . . . that does not resolve all pending claims.” *See* Ex. D at 8. They seemed to theorize that because the Superior Court held a bench trial subsequent to issuing a Summary Judgment

⁸ Moreover, the “limited applicability” Petitioners’ pointed to below refers to “post-conviction relief” found in Title 15 of the Maine Revised Statutes, not the pre-conviction statutes housed in Title 14.

⁹ It is telling that these decisions are all from the Law Court—where an appeal was taken—and not the Superior Court. To the extent that any of these century-old common law cases ever had any bearing on the State of Maine’s ability to appeal a post-trial, pre-release order in a class habeas action, they were supplanted by the 2001 adoption of the Maine Rules of Appellate Procedure. Any citations to foreign common law in an attempt to override the Maine Appellate Rules, *see* Ex. D at 5-7, are plainly irrelevant.

Order, they can bootstrap to it the Post-Trial Order and characterize the latter as an order “granting or denying a motion for summary judgment.” *Id.* This crabbed interpretation is simply wrong on the law.

In the litigation timeline, motions for summary judgment occur before—not after—bench trials. The Superior Court’s Summary Judgment Order issued on January 3, 2025 is the type of order that would fall under Appellate Rule 3(c)(4). But a Post-Trial Order is a different animal. The difference between the two is highlighted by the familiar summary judgment standard: At the summary judgment phase, courts are required to view evidence “in the light most favorable to the nonmoving party.” *Bean v. City of Bangor*, 2022 ME 30, ¶ 2, 275 A.3d 324. Not so post-trial. The precise purpose of a trial is to resolve factual disputes. *See* Post-Trial Order at 2 (“The Court begins by making findings of fact . . .”).

The Superior Court did not characterize its Post-Trial Order as resolving a summary judgment motion at the time was issued, officially captioning the decision as an “Order After Phase One Trial.” Petitioners saw it this way too, at least when drafting their post-trial brief. There, they never asked for “summary judgment,” in stark contrast with their partial summary judgment motion. Their post-trial reply brief is even more revealing. On at least two occasions, they acknowledged that the “trial” was a “stage” of the litigation distinct from summary judgment. *See* Post-Trial Reply Br. at 19 (“Defendants reassert arguments already disposed of at the

summary judgment stage”) (emphasis added); *id.* at 14 (“Defendants failed to raise this defense either at summary judgment or during the evidentiary hearing”).

The Superior Court seemed to adopt a flavor of Petitioner’s argument when it determined that Appellate Rule 3(c)(4) permits it to press onward during the course of this appeal. *See* Ex. F. at 11 (“The January 3rd Order, the January 2025 trial, and the March 7th Order were all part and parcel of the decision of the parties to litigate and resolve Count III (and the other Counts) by way of Rule 56 of the Maine Rules of Civil Procedure, which anticipates and provides for such sequential proceedings.”); *see also generally, id.* at 10-12. But this theory conflates the summary judgment phase and trial phase when Appellate Rule 3(c)(4)’s narrow exception applies only to the former.¹⁰

Because the Court’s Post-Trial Order is not “an order granting or denying a motion for summary judgment,” Appellate Rule 3(c)(4) does not provide Petitioners a basis to proceed with Count III in the Superior Court when the State of Maine’s appeal is docketed in the Law Court.

¹⁰ This is easier illustrated in a less complex case. One could imagine a car-crash case where a party moves for partial summary judgment on liability but not damages. If the case needed to proceed to a bench trial on damages because certain material facts were still in dispute, one would hardly characterize a post-trial damages determination to be a “summary judgment order.” The same is true here where the Superior Court made factual findings in its Post-Trial Order and applied those findings to the relief granted in Count III. *See* Post-Trial Order at 2 n.2. (“The Court is unpersuaded that factual findings play no meaningful role in the Court’s consideration of the scope of the remedy available in habeas claims, in addition to determinations of liability in such claims.”).

C. The Superior Court's Post-Trial Order does not constitute an "injunction" that could qualify as an exception to Appellate Rule 3(b).

Below, Petitioners seemed to argue that the Superior Court could move forward with habeas proceedings because the Post-Trial Order's habeas framework feels more like an injunction than a judgment for damages. *See* Ex. D at 9. The Superior Court correctly rejected this theory. *See* Ex. F at 10 n.4.

Despite Petitioners' theory, court remedies do not fall into the dichotomy of "injunction/non-injunction" or "damages/non-damages," even if those are more common than others. Instead, there are a host of remedies courts can issue, and a writ of habeas corpus is neither a judgment for damages, nor an injunction.

Petitioners tried to point to a portion of a Black's Law Dictionary definition for "Injunction," which notes that injunctions involve a "court order commanding or preventing an action." *See* Ex. D at 9. But the fact that injunctions require parties to take an action (or inaction) does not mean that they are the only remedies that can do so. If a habeas writ were truly a form of injunction, Black's Law Dictionary would almost certainly provide more evidence than the few stray words quoted by Petitioners below. Yet the word "habeas" appears nowhere in the current, thousand-word definition of "Injunction" in Black's.¹¹ *Injunction*, Black's Law Dictionary (12th ed. 2024), *available at* Westlaw. Likewise, Black's comprehensive definition

¹¹ The definition does state that injunctions are sometimes called a "writ of injunction." But this only serves to underscore that a "writ of injunction" is different from a "writ of habeas corpus." *Injunction*, Black's Law Dictionary (12th ed. 2024).

for “habeas corpus” never uses or mentions the word “injunction.” *Habeas corpus*, Black’s Law Dictionary (12th ed. 2024).

Petitioners also argued below that the Superior Court should look to the *Betschart* case in the District of Oregon and the Ninth Circuit to determine whether the Superior Court’s order constitutes an injunction. But such foreign cases are irrelevant for purposes of interpreting Maine’s Rules of Appellate Procedure. The appropriate authority on Maine law is this Court’s precedent, which has consistently held that Maine’s habeas jurisdiction and the relief it provides are entirely distinct from Maine courts’ equitable jurisdiction and the injunctive relief available therein.

For example, in *Roussel v. State*, this Court extensively analyzed the distinction between habeas corpus jurisdiction and equitable (chancery) jurisdiction in the laws of England. *See* 274 A.2d 909, 913-18 (Me. 1971). It then described how those areas of law developed in Maine “in light of these separate and independent jurisdictions.” *Id.* at 918. (emphasis added); *see also id.* at 923 (noting “the respective separate and independent habeas corpus and equity jurisdictions”).

Likewise, Maine statutory law has long viewed injunctions as distinct from habeas writs. *Simpson v. Simpson*, 109 A. 254, 255 (Me. 1920), listed the types of cases that the Revised Statutes stated could be used to trigger the Law Court’s jurisdiction, distinguishing between injunctions and habeas petitions. Not only has this Court long-considered injunctions to be distinct from habeas writs, but so has

the Maine Legislature. Petitioners' conflation of the two for purposes of avoiding action in this Court is thus erroneous.

II. Even without Appellate Rule 3(b)'s automatic stay, it would be appropriate for this Court to rely upon its inherent power to stay proceedings in the Superior Court in order to avoid irreparable harm and to have an opportunity to rule upon critical statutory and constitutional questions that might otherwise evade review.

Because any action on Count III is automatically stayed by way of the State of Maine's appeal of the Post-Trial Order and Appellate Rule 3(b), this Court need not weigh all of the potential reasons to rely upon its inherent authority as an independent basis for staying further proceedings on Count III. Yet if the Court were to go through such an analysis, the scales tip heavily toward issuing a stay.

A. The State of Maine will suffer irreparable harm if the Superior Court proceeds with Count III before this Court has an opportunity to review the legal issues on appeal.

The irreparable harm of proceeding with the habeas framework under Count III is clear. The State of Maine, in the interest of public safety, has an obvious stake preventing individuals—especially dangerous individuals—from obtaining release from custody via a writ of habeas corpus, if such writ were invalid. If the State of Maine waited to appeal until after the Superior Court issued habeas writs ordering release, it may be too late to unring such a bell.

Below, Petitioners argued that after a habeas writ orders release of an individual, respondents may not evade their discharge by filing an appeal. *See Ex.*

D at 4. While the State of Maine does not concede that Petitioners are correct that this constitutes a hard-and-fast rule, it is true that this Court has commented that it would be counterintuitive to the logic behind Maine’s habeas statute if a respondent could prevent someone’s release of an individual by simply filing an appeal. *See, e.g., Ex parte Holbrook*, 133 Me. 276, 277 (1935). It is therefore not implausible that this is the only opportunity for the State of Maine to seek review of the important legal issues in this case before individuals—some of whom could pose very real public safety concerns—being released.

The Superior Court’s post-trial factual findings themselves may have injected error into the habeas relief it has constructed for Count III, if such findings were in error or otherwise inappropriate. In addition to any trial errors that might be deserving of review, below are some of the important legal issues where this Court has never had an opportunity to weigh in, as it relates to releasing Petitioners, all of which are now appropriate to appeal post-trial:

1. Class Certification

Over MCPDS’s opposition, Petitioners successfully sought certification as a class and subclass before the Superior Court. Yet Petitioners’ own counsel has argued in a federal action that “there is no established class [habeas] remedy available in [Maine] state court.” *See* State of Maine Post-Trial Brief at 12 n.6.

Staying the action below would allow this Court to decide whether such a remedy is in fact available, and if so, how it should function.

2. Interpretation of the Sixth Amendment

In its Summary Judgment Order, the Superior Court made numerous determinations about the scope of the Sixth Amendment, including when it “attaches” during the criminal process. Which members of the class are eligible for relief is highly dependent on these interpretations of law. In accordance with standard civil litigation practice, no party attempted to file an interlocutory appeal of the Summary Judgment Order. But now that a bench trial has been held to make factual findings and apply the law to them, these issues are ripe for appeal.¹²

3. Availability of Habeas Relief for Individuals Accused of Crimes Historically Categorized as Felonies.

Following in the footsteps of Massachusetts, the very first Maine Legislature enacted a statute denying the availability of habeas writs to individuals accused of committing a felony. *See* Revised Statutes, 1821, 64, § 1; *see also* Ex. E at 10-12, & n.9. The Superior Court has already indicated its intent to disregard 14 M.R.S.A. § 5512 at future proceedings, despite it being a jurisdictional statute and one that Petitioners sought relief under in their Amended Complaint. *See* Ex. F at 6-9. This misreading of Maine’s habeas law risks serious consequences for not only this case,

¹² That the State of Maine has argued that the Superior Court need not make factual findings to determine whether habeas relief is proper is of no consequence, as the Superior Court rejected such an argument and stated that it was incorporating such findings into its Count III analysis.

but any future cases, if it is permitted to stand as precedent without the Law Court ever weighing in.

4. The Role of Public Safety in Considering Habeas Release

The State of Maine offered evidence at trial that the risks posed to public safety by individual Petitioners are not equivalent across all Subclass members, as some are likely to pose far more danger than others, which Petitioners' own expert witnesses conceded at trial. The State of Maine argued below that certain aspects of public safety must be considered on an individual basis in weighing the release of subclass members, but the Superior Court rejected that argument. *See* Post-Trial Order at 31-33. The public deserves this Court's review.

5. Whether Remedies Beyond Discharge Are Available

At times in this litigation, both the State of Maine and Petitioners have argued that the only remedy available under Maine's habeas statutes is discharge from custody. The State of Maine maintains that position, but the Superior Court has rejected it, indicating that it intends to issue other forms of relief, including dismissal of charges. *See* Post Trial Order at 42.

6. When Habeas Relief Becomes Available

The Superior Court relied upon foreign law in determining that individuals should be released from custody after fourteen days if they have not been appointed a permanent attorney at initial appearance. It relied upon the same in deciding that

criminal charges should be dismissed after 60 days. Whether these are the appropriate timetables—and whether this is the appropriate structure for such relief at all—is something that this Court Should determine.

7. The Structure of the Forthcoming Habeas Hearings

Finally, the Superior Court set up a framework and schedule for executing habeas relief that raises serious legal questions. The structure envisions that an individual Superior Court Justice will essentially ride circuit throughout the State of Maine, holding hearings to determine whether individuals are members of the Subclass and eligible for relief. Assuming a class-wide habeas petition is permissible under Maine law, this structure nevertheless seems to violate the very nature of what it means to be a “class action” under Rule 23.

A decent comparator would be the federal *Betschart* case in Oregon, where a federal judge provided the framework for class relief to habeas petitioners, but then remanded to Oregon state courts to properly execute relief. That would likewise be appropriate here—where a framework for the class’s relief is finalized, to be implemented by local Superior Court Justices. If, instead, individualized hearings are held within the four corners of this lawsuit, then it no longer resembles a Rule 23 class action, as the Superior Court would no longer be determining the common issues among the class. And as a practical matter, to the extent that individualized determinations need to be made—from issues of public safety to whether local

private counsel is available and qualified to represent a Subclass member—these are decisions best left in the hands of local Justices who are familiar with the criminal defendants and their local legal community.

The habeas framework also raises serious constitutional questions related to the Superior Court’s *ultra vires* actions, including its intent to assume control of criminal dockets from colleagues around Maine. The Superior Court seems to indicate that it may also issue writs of habeas corpus before the hearings take place. *See* Ex. G at 2 (“Once this list [of incarcerated individuals potentially eligible for relief] is received by the Court, it will issue individual writs of habeas corpus along with transport writs.”)

* * *

Not only are these issues important for review in this appeal, but many could resurface in other “phases” of this lawsuit. If the Superior Court has made a reversible mistake on an issue in the “Phase 1” trial, this Court should take the opportunity to correct those errors before they compound.

B. The State of Maine’s injuries absent a stay outweigh Petitioners’ injuries associated with granting a stay.

Any injury that Petitioners may suffer with a stay in place is outweighed by the State of Maine’s injuries. As outlined above, the State of Maine’s injuries—from the risk of irreparably executing invalid law to the practical risks to public safety—outweigh any potential risks to Petitioners if a stay is granted. All members

of the Petitioner Subclass are still receiving individual, weekly reviews under the Unified Criminal Docket by local judges across Maine, an alternative forum where their requested relief is not foreclosed. And as a practical matter, the number of individuals potentially subject to the Superior Court’s habeas framework as set out in its Post-Trial Order is only likely to fall during the course of the appeal. When the Superior Court had initially envisioned habeas hearings to begin in April 2025, the number of individuals appearing on the “in-custody” list supplied by parties to the Court from the month of March was around 75. But by the time the Superior Court held an April 7, 2025 conference, that number appeared to drop to single digits. And this drop occurred before enactment of L.D. 1101, “*An Act to Address the Limited Availability of Counsel in Courts to Represent Indigent Parties in Matters Affecting Their Fundamental Rights*,” which (1) allows judges to directly appoint qualified, non-rostered counsel for criminal defendants where MCPDS has not found an attorney; and (2) funds five additional assistant district defenders, alongside two paralegals and an office manager.”

C. The State of Maine’s appeal has at least a “substantial possibility” of succeeding on the merits.

This Court has indicated that a party’s motion to stay pending appeal needs merely a “substantial possibility” of success on the merits in order to grant a stay. *See Nat’l Org. for Marriage*, 2015 ME 103, ¶ 14, 121 A.3d 792. Without fully briefing the merits of the legal issues discussed above, there is no question that the

State of Maine has a “substantial possibility” of succeeding on at least one, which could affect the validity or nature Superior Court’s habeas framework.

D. The public interest will not be adversely affected by granting the stay.

In cases such as this, where the State of Maine is a party, the “public interest” prong of the test for an injunction or stay pending appeal will often merge with the prong that assessed the government’s irreparable injury. *See, e.g., Nken v. Holder*, 556 U.S. 418, 435. (2009). Because the State of Maine faces significant irreparable harm absent a stay, and because that harm outweighs the potential injury Petitioners will suffer if a stay is entered, the public interest will not be adversely affected by granting this emergency motion.

CONCLUSION

The State of Maine respectfully requests that this Court confirm that Maine Rule of Appellate Procedure 3(b) automatically stays all action in the Superior Court regarding Count III of the Amended Complaint during the course of this appeal.

Alternatively, if the Court does not find that Appellate Rule 3(b) automatically stays further action in the Superior Court, the State of Maine respectfully requests that this Court invoke its inherent authority to issue a discretionary stay of all Superior Court action regarding Count III during the pendency of the appeal.

Dated: June 6, 2025

Respectfully submitted,

/s/ Paul E. Suitter

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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 Defendant State of Maine's Motion to Stay All Action in the Superior Court Related to Count III of the Amended Complaint and Incorporated Memorandum of Law and any opposition thereto, the Court hereby ORDERS that the Superior Court take no further action in this matter during the pendency of this appeal as provided by Maine Rule of Appellate Procedure, 3(b).

SO ORDERED.

Dated: _____

Justice, Maine Supreme Court,
sitting as the Law Court

ANDREW ROBBINS - PLAINTIFF

SUPERIOR COURT

KENNEBEC, ss.

Docket No AUGSC-CV-2022-00054

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ZACHARY L HEIDEN - RETAINED
AMERICAN CIVIL LIBERTIES UNION OF MAINE
PO BOX 7860
PORTLAND ME 04112

Attorney for: MALCOLM PEIRCE
CAROL J GARVAN - RETAINED
AMERICAN CIVIL LIBERTIES UNION OF MAINE
PO BOX 7860
PORTLAND ME 04112

Attorney for: MALCOLM PEIRCE
ALEXANDRA HARRIMAN - RETAINED
PRETI FLAHERTY BELIVEAU PACHIOS LLP
PO BOX 9546
PORTLAND ME 04112-9546

LANH DANH HUYNH - PLAINTIFF

Attorney for: LANH DANH HUYNH
ZACHARY L HEIDEN - RETAINED
AMERICAN CIVIL LIBERTIES UNION OF MAINE
PO BOX 7860
PORTLAND ME 04112

Attorney for: LANH DANH HUYNH
CAROL J GARVAN - RETAINED
AMERICAN CIVIL LIBERTIES UNION OF MAINE
PO BOX 7860
PORTLAND ME 04112

Attorney for: LANH DANH HUYNH
ALEXANDRA HARRIMAN - RETAINED
PRETI FLAHERTY BELIVEAU PACHIOS LLP
PO BOX 9546
PORTLAND ME 04112-9546

vs
JUSTIN ANDRUS--SUBSTITUED JIM BILLINGS - DEFENDANT

Receipts

03/02/2022	Misc Fee Payments	\$100.00	paid.
03/02/2022	Misc Fee Payments	\$600.00	paid.

Page 2 of 58

Printed on: 06/04/2025

Attorney for: JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS
SEAN D MAGENIS - RETAINED
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

JOSHUA TARDY - DEFENDANT

Attorney for: JOSHUA TARDY
SEAN D MAGENIS - RETAINED
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

DONALD ALEXANDER - DEFENDANT

Attorney for: DONALD ALEXANDER
SEAN D MAGENIS - RETAINED
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

MEEGAN BURBANK - DEFENDANT

Attorney for: MEEGAN BURBANK
SEAN D MAGENIS - RETAINED
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

MICHAEL CAREY - DEFENDANT

Attorney for: MICHAEL CAREY
SEAN D MAGENIS - RETAINED
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6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

ROGER KATZ - DEFENDANT

Attorney for: ROGER KATZ
SEAN D MAGENIS - RETAINED
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6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

MATTHEW MORGAN-SUBSTITUTED - DEFENDANT

Attorney for: MATTHEW MORGAN-SUBSTITUTED
SEAN D MAGENIS - RETAINED
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6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

RONALD SCHEIDER-SUBSTITUED - DEFENDANT

Attorney for: RONALD SCHEIDER-SUBSTITUED
SEAN D MAGENIS - RETAINED
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

MAINE COMMISSION OF INDIGENT LEGAL SERVICES - DEFENDANT

Attorney for: MAINE COMMISSION OF INDIGENT LEGAL SERVICES
SEAN D MAGENIS - RETAINED
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

Attorney for: MAINE COMMISSION OF INDIGENT LEGAL SERVICES
ALEXANDER BEALS - RETAINED 11/22/2024
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

JIM BILLINGS - DEFENDANT

Attorney for: JIM BILLINGS
SEAN D MAGENIS - RETAINED
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

ROBERT CUMMINS-SUBSTITUTED - DEFENDANT

Attorney for: ROBERT CUMMINS-SUBSTITUTED
SEAN D MAGENIS - RETAINED
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

RANDALL BATES - DEFENDANT

Attorney for: RANDALL BATES
SEAN D MAGENIS - RETAINED
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

KIMBERLY MONAGHAN - DEFENDANT

Attorney for: KIMBERLY MONAGHAN
SEAN D MAGENIS - RETAINED
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6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

DAVID SOUCY - DEFENDANT

Attorney for: DAVID SOUCY
SEAN D MAGENIS - RETAINED
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

AARON FREY, AAG - DEFENDANT
6 STATE HOUSE STATION
AUGUSTA ME 04330
Attorney for: AARON FREY, AAG
VALERIE A WRIGHT - RETAINED 07/26/2024
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

ERIC SAMPSON - DEFENDANT

Attorney for: ERIC SAMPSON
PETER MARCHESI - RETAINED
WHEELER & AREY PA
27 TEMPLE ST
WATERVILLE ME 04901

ERIC SAMPSON - DEFENDANT OBO

Attorney for: ERIC SAMPSON
PETER MARCHESI - RETAINED
WHEELER & AREY PA
27 TEMPLE ST
WATERVILLE ME 04901

PETER JOHNSON - DEFENDANT OBO

Attorney for: PETER JOHNSON
PETER MARCHESI - RETAINED
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KEVIN JOYCE - DEFENDANT OBO

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SCOTT NICHOLS - DEFENDANT OBO

Attorney for: SCOTT NICHOLS
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Attorney for: SCOTT NICHOLS
ERICA M JOHANSON - RETAINED 06/17/2024
JENSEN BAIRD
P.O. BOX 4510
PORTLAND ME 04112-4510

SCOTT KANE - DEFENDANT OBO

Attorney for: SCOTT KANE
PETER MARCHESI - RETAINED
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WATERVILLE ME 04901

KENNETH MASON - DEFENDANT OBO

Attorney for: KENNETH MASON
PETER MARCHESI - RETAINED
WHEELER & AREY PA
27 TEMPLE ST
WATERVILLE ME 04901

PATRICK POLKY - DEFENDANT OBO

Attorney for: PATRICK POLKY
PETER MARCHESI - RETAINED
WHEELER & AREY PA
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WATERVILLE ME 04901

TODD BRACKET - DEFENDANT OBO

Attorney for: TODD BRACKET
PETER MARCHESI - RETAINED
WHEELER & AREY PA
27 TEMPLE ST
WATERVILLE ME 04901

CHRISTOPHER WAINWRIGHT - DEFENDANT OBO

Attorney for: CHRISTOPHER WAINWRIGHT
PETER MARCHESI - RETAINED
WHEELER & AREY PA
27 TEMPLE ST
WATERVILLE ME 04901

TROY MORTON - DEFENDANT OBO

Attorney for: TROY MORTON
PETER MARCHESI - RETAINED
WHEELER & AREY PA
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WATERVILLE ME 04901

ROBERT YOUNG - DEFENDANT OBO

Attorney for: ROBERT YOUNG
PETER MARCHESI - RETAINED
WHEELER & AREY PA
27 TEMPLE ST
WATERVILLE ME 04901

JOEL MERRY - DEFENDANT OBO

Attorney for: JOEL MERRY
PETER MARCHESI - RETAINED
WHEELER & AREY PA
27 TEMPLE ST
WATERVILLE ME 04901

DALE LANCASTER - DEFENDANT OBO

Attorney for: DALE LANCASTER
PETER MARCHESI - RETAINED
WHEELER & AREY PA
27 TEMPLE ST
WATERVILLE ME 04901

JASON TRUNDY - DEFENDANT OBO

Attorney for: JASON TRUNDY
PETER MARCHESI - RETAINED
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27 TEMPLE ST
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BARRY CURTIS - DEFENDANT OBO

Attorney for: BARRY CURTIS
PETER MARCHESI - RETAINED
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WILLIAM KING - DEFENDANT OBO

Attorney for: WILLIAM KING
PETER MARCHESI - RETAINED
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27 TEMPLE ST
WATERVILLE ME 04901

Attorney for: WILLIAM KING
TYLER SMITH - RETAINED
LIBBY O'BRIEN KINGSLEY & CHAMPION LLC
62 PORTLAND RD STE 17
KENNEBUNK ME 04043

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES - DEFENDANT

Attorney for: MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
SEAN D MAGENIS - RETAINED
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

OFFICE OF THE ATTORNEY GENERAL - DEFENDANT
6 STATE HOUSE STATION
AUGUSTA ME 04330

Attorney for: OFFICE OF THE ATTORNEY GENERAL
SCOTT W BOAK - RETAINED 07/11/2024
ATTORNEY GENERAL OFFICE OF AG
111 SEWALL STREET
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

Attorney for: OFFICE OF THE ATTORNEY GENERAL
VALERIE A WRIGHT - RETAINED 06/24/2024
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

MICHAEL CANTARA - DEFENDANT

Attorney for: MICHAEL CANTARA
SEAN D MAGENIS - RETAINED
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

STATE OF MAINE AS TO COUNT III - PARTIES IN INTEREST

Attorney for: STATE OF MAINE AS TO COUNT III
PAUL SUITTER - RETAINED
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA ME 04333-0006

DANIEL FELDMAN-INTERVENOR DENIED - INTERVENOR
277 EAST MAINE STREET
YARMOUTH ME 04096
SHERIFF OF ANDROSCOGGIN COUNTY - ORGANIZATION

Attorney for: SHERIFF OF ANDROSCOGGIN COUNTY
PETER MARCHESI - RETAINED
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27 TEMPLE ST
WATERVILLE ME 04901

SHERIFF AROOSTOOK COUNTY - ORGANIZATION

Attorney for: SHERIFF AROOSTOOK COUNTY
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SHERIFF CUMERLAND COUNTY - ORGANIZATION

Attorney for: SHERIFF CUMERLAND COUNTY
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SHERIFF FRANKLIN COUNTY - ORGANIZATION

Attorney for: SHERIFF FRANKLIN COUNTY
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Attorney for: SHERIFF FRANKLIN COUNTY
ERICA M JOHANSON - RETAINED 06/17/2024
JENSEN BAIRD
P.O. BOX 4510
PORTLAND ME 04112-4510

SHERIFF HANCOCK COUNTY - ORGANIZATION

Attorney for: SHERIFF HANCOCK COUNTY
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SHERIFF KENNEBEC COUNTY - ORGANIZATION

Attorney for: SHERIFF KENNEBEC COUNTY
PETER MARCHESI - RETAINED
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WATERVILLE ME 04901

SHERIFF KNOX COUNTY - ORGANIZATION

Attorney for: SHERIFF KNOX COUNTY
PETER MARCHESI - RETAINED

WHEELER & AREY PA
27 TEMPLE ST
WATERVILLE ME 04901

SHERIFF LINCOLN COUNTY - ORGANIZATION

Attorney for: SHERIFF LINCOLN COUNTY
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WATERVILLE ME 04901

SHERIFF OXFORD COUNTY - ORGANIZATION

Attorney for: SHERIFF OXFORD COUNTY
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WATERVILLE ME 04901

SHERIFF PENOBSCOT COUNTY - ORGANIZATION

Attorney for: SHERIFF PENOBSCOT COUNTY
JOHN HAMER - RETAINED
RUDMAN & WINCHELL
PO BOX 1401
BANGOR ME 04402-1401

Attorney for: SHERIFF PENOBSCOT COUNTY
PETER MARCHESI - RETAINED
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WATERVILLE ME 04901

SHERIFF PISCATAQUIS COUNTY - ORGANIZATION

Attorney for: SHERIFF PISCATAQUIS COUNTY
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27 TEMPLE ST
WATERVILLE ME 04901

SHERIFF SAGadahoc COUNTY - ORGANIZATION

Attorney for: SHERIFF SAGadahoc COUNTY
PETER MARCHESI - RETAINED
WHEELER & AREY PA
27 TEMPLE ST
WATERVILLE ME 04901

SHERIFF SOMERSET COUNTY - ORGANIZATION

Attorney for: SHERIFF SOMERSET COUNTY

PETER MARCHESI - RETAINED
WHEELER & AREY PA
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SHERIFF WALDO COUNTY - ORGANIZATION

Attorney for: SHERIFF WALDO COUNTY
PETER MARCHESI - RETAINED
WHEELER & AREY PA
27 TEMPLE ST
WATERVILLE ME 04901

SHERIFF WASHINGTON COUNTY - ORGANIZATION

Attorney for: SHERIFF WASHINGTON COUNTY
PETER MARCHESI - RETAINED
WHEELER & AREY PA
27 TEMPLE ST
WATERVILLE ME 04901

SHERIFF YORK COUNTY - ORGANIZATION

Attorney for: SHERIFF YORK COUNTY
PETER MARCHESI - RETAINED
WHEELER & AREY PA
27 TEMPLE ST
WATERVILLE ME 04901

Filing Document: COMPLAINT
Filing Date: 03/01/2022

Minor Case Type: GENERAL INJUNCTIVE RELIEF

Docket Events:

03/01/2022 FILING DOCUMENT - COMPLAINT FILED ON 03/01/2022

03/01/2022 Party(s): ANDREW ROBBINS
ATTORNEY - RETAINED ENTERED ON 03/01/2022
Plaintiff's Attorney: ZACHARY L HEIDEN

03/01/2022 Party(s): BRANDY GROVER
ATTORNEY - RETAINED ENTERED ON 03/01/2022
Plaintiff's Attorney: ZACHARY L HEIDEN

03/01/2022 Party(s): RAY MACK
ATTORNEY - RETAINED ENTERED ON 03/01/2022
Plaintiff's Attorney: ZACHARY L HEIDEN

03/01/2022 Party(s): MALCOLM PEIRCE
ATTORNEY - RETAINED ENTERED ON 03/01/2022
Plaintiff's Attorney: ZACHARY L HEIDEN

03/01/2022 Party(s): LANH DANH HUYNH

ATTORNEY - RETAINED ENTERED ON 03/01/2022
Plaintiff's Attorney: ZACHARY L HEIDEN

03/01/2022 Party(s): ANDREW ROBBINS
MOTION - MOTION TO ADMIT VISIT. ATTY FILED ON 01/03/2022
WITH MEMORANDUM OF LAW, DRAFT ORDER, NOTICE OF HEARING

03/01/2022 Party(s): ANDREW ROBBINS
MOTION - MOTION TO ADMIT VISIT. ATTY GRANTED ON 03/01/2022
COPIES TO PARTIES/COUNSEL

03/01/2022 Party(s): ANDREW ROBBINS
MOTION - OTHER MOTION FILED ON 03/01/2022
PL MOTION FOR CLASS CERTIFICATION AND INCORPORATED MEMORANDUM OF LAW

03/31/2022 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES, RAY MACK
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE SERVED ON 03/15/2022
ON AL DEF

03/31/2022 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES, RAY MACK
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE FILED ON 03/21/2022
Defendant's Attorney: SEAN D MAGENIS
FOR ALL DEF

03/31/2022 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
ATTORNEY - RETAINED ENTERED ON 03/21/2022
Defendant's Attorney: SEAN D MAGENIS

04/12/2022 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
MOTION - MOTION TO DISMISS FILED ON 04/08/2022
Defendant's Attorney: SEAN D MAGENIS
WITH MEMORANDUM OF LAW, DRAFT ORDER, NOTICE OF HEARING

04/12/2022 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
OTHER FILING - OPPOSING MEMORANDUM FILED ON 04/08/2022
Defendant's Attorney: SEAN D MAGENIS
OPPOSITION TO PLTF'S MOTION FOR CLASS CERTIFICATION

04/14/2022 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
MOTION - MOTION FOR ENLARGEMENT OF TIME FILED WITH AFFIDAVIT ON 04/12/2022
TO ENLARGE FILING DEADLINES FOR REPLY IN SUPPORT OF MOTION FOR CLASS ACT AND OPP TO
MOTION TO DISMISS

04/15/2022 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
MOTION - MOTION FOR ENLARGEMENT OF TIME GRANTED ON 04/15/2022
M MICHAELA MURPHY, JUSTICE
COPIES TO PARTIES/COUNSEL
ON ALL PENDING MOTION TO BE HELD ON 5/26/22 AT 9:00 AM

04/15/2022 HEARING - OTHER MOTION SCHEDULED FOR 05/26/2022 at 09:00 a.m.
ON ALL PENDING MOTIONS

ORAL ARGUMENTS

04/15/2022 HEARING - OTHER MOTION NOTICE SENT ON 04/15/2022

ON ALL PENDING MOTIONS

04/20/2022 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
 OTHER FILING - OTHER DOCUMENT FILED ON 04/19/2022
 Defendant's Attorney: SEAN D MAGENIS
 AMENDING THE CAPTION OF THE CASE ANDREW ROBBINS,
 BRANDY GROVER, RAY MACK, MALCOLM PIERCE AND LANH DANH HUYNHV
 MAINE COMMISSION ON INDIGENT LEGAL SERVICES
 JUSTIN ANDRUS, JOSHUA TARDY DONALD ALEXANDER, MEEGAN BURBANK, MICHAEL CAREY, ROGET
 KATZ, MATTHEW MORGAN AND RONALD SCHNEIDER

05/13/2022 Party(s): ANDREW ROBBINS
 OTHER FILING - OPPOSING MEMORANDUM FILED ON 05/13/2022
 Plaintiff's Attorney: ZACHARY L HEIDEN
 PL OPP TO DEF MOTION TO DISMISS

05/13/2022 Party(s): ANDREW ROBBINS
 OTHER FILING - REPLY MEMORANDUM FILED ON 05/13/2022
 Plaintiff's Attorney: ZACHARY L HEIDEN
 REPLY IN SUPPOSRT OF PL MOTION FOR CLASS CERTIFICATION

05/13/2022 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
 OTHER FILING - ENTRY OF APPEARANCE FILED ON 05/13/2022
 ENTRY OF APPEARANCE AS CO COUNSEL FOR PL ANDREW ROBBINS, BRANDY GROVER, RAY MACK,
 MALCOLM PEIRCE AND LANH DANH HUYNH

05/13/2022 Party(s): ANDREW ROBBINS
 ATTORNEY - RETAINED ENTERED ON 05/13/2022
 Plaintiff's Attorney: CAROL J GARVAN

05/13/2022 Party(s): BRANDY GROVER
 ATTORNEY - RETAINED ENTERED ON 05/13/2022
 Plaintiff's Attorney: CAROL J GARVAN

05/13/2022 Party(s): RAY MACK
 ATTORNEY - RETAINED ENTERED ON 05/13/2022
 Plaintiff's Attorney: CAROL J GARVAN

05/13/2022 Party(s): LANH DANH HUYNH
 ATTORNEY - RETAINED ENTERED ON 05/13/2022
 Plaintiff's Attorney: CAROL J GARVAN

05/13/2022 Party(s): MALCOLM PEIRCE
 ATTORNEY - RETAINED ENTERED ON 05/13/2022
 Plaintiff's Attorney: CAROL J GARVAN

05/24/2022 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
 OTHER FILING - REPLY MEMORANDUM FILED ON 05/24/2022
 DEF REPLY TO PL OPP TO DEF MOTION TO DISMISS

06/02/2022 ORDER - COURT ORDER ENTERED ON 06/02/2022
 M MICHAELA MURPHY , JUSTICE
 ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO

PARTIES/COUNSEL

DISMISS IS GRANTED INPART AND DENIED IN PART

THE STATES MOTION TO

PL COUNT II IS DISMISSED. THE STATE

MUST FILE AN ANSWER TO COUNT I NO

LATER THE 6/20/22.OA ON THE FULLY BRIEFED MOTION

FOR CLASS CERT SHALL BE SCHEDULED AS SOON AS PRACTIVABLE AFTER THAT DATE

06/09/2022 HEARING - OTHER MOTION HELD ON 05/26/2022
ON ALL PENDING MOTIONS

06/09/2022 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
MOTION - MOTION TO DISMISS OTHER DECISION ON 06/02/2022
M MICHAELA MURPHY , JUSTICE
THE STATES MOTION TO DISMISS IS GRANTED IN PART AND DENIED IN PART PL COUNT II IS
DISMISSED. THE STATE MUST FILE AN ANSWER TO COUNT I NO LATER THAN 6/20/22

06/10/2022 HEARING - OTHER HEARING SCHEDULED FOR 06/22/2022 at 10:00 a.m.
NOTICE TO PARTIES/COUNSEL PL MOTION FOR
CLASS CERTIFICATION

06/10/2022 HEARING - OTHER HEARING NOTICE SENT ON 06/10/2022 at 10:00 a.m.
ORAL ARGUMENTS

06/16/2022 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
RESPONSIVE PLEADING - ANSWER FILED ON 06/15/2022
Defendant's Attorney: SEAN D MAGENIS

06/22/2022 HEARING - OTHER HEARING HELD ON 06/22/2022

07/12/2022 HEARING - OTHER MOTION SCHEDULED FOR 07/25/2022 at 11:00 a.m.
SCHEDULING CONFERENCE

07/12/2022 HEARING - OTHER MOTION NOTICE SENT ON 07/12/2022
SCHEDULING CONFERENCE

07/13/2022 ORDER - COURT ORDER ENTERED ON 07/13/2022
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL PL MOTION FOR CLASS
CERTIFICATION IS GRANTED COURT APPOINTS INDIVIDUALS AS CLASS
COUNSEL: ZACHARY HEIDEN, ANAHITA SOTOHI, MATT WARNER, ANNE SEDLACK, KEVIN
MARTIN GERARD CEDRONE AND JORDAN BOCK

07/21/2022 OTHER FILING - OTHER DOCUMENT FILED ON 07/19/2022
TRANSCRIPT REQUEST FILED ONLINE DIRECTLY TO TRANSCRIPT OFFICE 7/19/22 SENT TO CTA
CATHERINE SMITH FOR PROCESSING 7/20/22 PROCESSING COMPLETED
7/20/22 BY CTA CATHERINE SMITH

07/25/2022 HEARING - OTHER MOTION HELD ON 07/25/2022
M MICHAELA MURPHY , JUSTICE
SCHEDULING CONFERENCE

09/12/2022 ORDER - SCHEDULING ORDER ENTERED ON 08/04/2022
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO

PARTIES/COUNSEL

2/3/23, REPORT 4/3/23, JT REQ 4/3/23, EST TIME JT
MOTIONS 5/15/23

DIS 4/3/23, ADR NOT

4/18/23, WIT/EXH LIST 4/18/23,

09/12/2022 DISCOVERY FILING - DISCOVERY DEADLINE ENTERED ON 04/03/2023

09/12/2022 ASSIGNMENT - SINGLE JUDGE/JUSTICE ASSIGNED TO JUSTICE ON 08/04/2022
M MICHAELA MURPHY , JUSTICE

10/05/2022 ORDER - COURT ORDER ENTERED ON 10/04/2022

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL JUDICIAL SETTLEMENT

CONFERENCE WITH ACTIVE RETIRED J WARREN

INITIAL CONFERENCE 10/12/22 AT

10:00 AM CUMBERLAND SUPERIOR COURT

10/21/2022 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES

OTHER FILING - OTHER DOCUMENT FILED ON 10/20/2022

Defendant's Attorney: SEAN D MAGENIS

NOTICE OF SUBSTITUTION

10/21/2022 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES

OTHER FILING - OTHER DOCUMENT FILED ON 10/20/2022

Defendant's Attorney: SEAN D MAGENIS

AMENDED NOTICE OF SUBSTITUTION

10/21/2022 Party(s): ANDREW ROBBINS

OTHER FILING - OTHER DOCUMENT FILED ON 10/19/2022

RETURNED ORDER FOR JSC TO CAROL GARVAN ESQ

11/18/2022 HEARING - REQUEST TELEPHONE CONFERENCE SCHEDULED FOR 11/28/2022 at 12:00 p.m.

11/18/2022 HEARING - REQUEST TELEPHONE CONFERENCE NOTICE SENT ON 11/18/2022

11/28/2022 HEARING - REQUEST TELEPHONE CONFERENCE HELD ON 11/28/2022

M MICHAELA MURPHY , JUSTICE

11/28/2022 ORDER - COURT ORDER ENTERED ON 11/28/2022

M MICHAELA MURPHY , JUSTICE

PARTIES HAVE DISCOVER DISPUTES WHICH MAY REQUIRE COURT INTERVENTION. COUNSEL WILL FILE
RULE 26G LETTERS WITH THE COURT ELECTRONICALLY AND THE COURT WILL CONDUCT A RULE 26G
CONFERENCE BYN PHONE AT 2:00 ON DECEMBER 6, 2022. CLERK TO SEND NOTICE AND SAME
CONFERENCE NUMBER TO BE USED. IF DISPUTE IS NOT RESOLVED AFTER CONFERENCE THE COURT WILL
SET UP A BRIEFING SCHEDULE FOR MOTIONS TO BE FILED.

11/28/2022 HEARING - 26(G) CONFERENCE SCHEDULED FOR 12/06/2022 at 02:00 p.m.

NOTICE TO PARTIES/COUNSEL

COURT TO CONDUCT CONFERENCE

WITH BCD CONFERENCE LINE. ATTORNEYS NOTIFIED.

11/28/2022 HEARING - 26(G) CONFERENCE NOTICE SENT ON 11/28/2022

12/07/2022 HEARING - 26(G) CONFERENCE HELD ON 12/06/2022

12/07/2022 ORDER - CONFERENCE REPORT & ORDER ENTERED ON 12/06/2022
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL PL HAVE LEAVE TO FILE A
MOTION TO COMPEL DIS BY 12/16/22. OPP BY DEF DEF SHALL BE FILED BY 1/06/23 WITH REPLY BY
1/13/23 PL WILL ALSO BE FILING A MOTION TO EXTEND DEADLINE TO
DES EXPERTS WHICH WILL BE UNOPPOSED

12/14/2022 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION FOR ENLARGEMENT OF TIME FILED ON 12/14/2022
Plaintiff's Attorney: ZACHARY L HEIDEN
CONSENT MOTION TO ENLARGE EXPERT DISCOVERY DEADLINES

12/20/2022 Party(s): ANDREW ROBBINS
MOTION - MOTION TO COMPEL FILED ON 12/19/2022
Plaintiff's Attorney: ZACHARY L HEIDEN
WITH MEMORANDUM OF LAW, DRAFT ORDER, NOTICE OF HEARING

12/21/2022 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION FOR ENLARGEMENT OF TIME GRANTED ON 12/21/2022
M MICHAELA MURPHY , JUSTICE
COPIES TO PARTIES/COUNSEL

12/22/2022 ORDER - COURT ORDER ENTERED ON 12/22/2022
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL AMENDED ORDER GRANTING
CONSENT MOTION TO ENLARGE THE EXPERT DISCOVERY DEADLINES
BY 3/3/23 PL SHALL SERVE THEIR EXPERT ON DEF
BY 4/3/23 DEF SHALL SERVE THEIR EXPERT ON PL

01/06/2023 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
OTHER FILING - OPPOSING MEMORANDUM FILED ON 01/06/2023
Defendant's Attorney: SEAN D MAGENIS

01/13/2023 Party(s): ANDREW ROBBINS
OTHER FILING - REPLY MEMORANDUM FILED ON 01/13/2023
Plaintiff's Attorney: ZACHARY L HEIDEN
REPLY IN SUPPORT OF MOTION TO COMPEL

02/03/2023 Party(s): ANDREW ROBBINS
OTHER FILING - REPLY MEMORANDUM FILED ON 02/03/2023
Plaintiff's Attorney: CAROL J GARVAN
SUP REPLY IN SUPPORT OF PL MOTION TO COMPEL

02/07/2023 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
MOTION - MOTION TO IMPOUND FILED ON 02/06/2023
Defendant's Attorney: SEAN D MAGENIS
WITH MEMORANDUM OF LAW, DRAFT ORDER, NOTICE OF HEARING DEF MOTION TO
IMPOUND OR SEAL EXHIBITS TO PL SUPP REPLY IN SUPPORT OF PL MOTION TO COMPEL

02/10/2023 HEARING - MOTION TO COMPEL SCHEDULED FOR 02/06/2023 at 09:00 a.m.

02/10/2023 HEARING - MOTION TO COMPEL NOTICE SENT ON 02/09/2023

02/10/2023 HEARING - MOTION TO COMPEL HELD ON 02/10/2023

PRESENT VIA ZOOM JORDAN BOCK ESQ, ANAHITA SOTOHI ESQ, CAROL GARVAN ESQ GERARD CEDRONE
ESQ, JUSTIN ANDRUS, SEAN MAGENIS AAG, ZACH HEIDEN AAG

02/16/2023 Party(s): ANDREW ROBBINS

MOTION - MOTION TO COMPEL OTHER DECISION ON 02/10/2023

M MICHAELA MURPHY , JUSTICE

MOTION IS GRANTED IN PART.PL SHALL BY 2/13/23 SUBMIT A LIST OF SECOND TERMS TO DEF. DEF
SHALL RESPOND BY 2/17/23. ANY AGREED UPON SEARCH TERMS SHALL BE SUBMITTED TO EXEC DIR
OIT. ANY TERMS NOT AGREEN TO SHALL BE PRESENTED TO COURT FOR RESOLUTION. ONCE THE COURT
IS INFORMED AS TO RESULTS OF THE OIT SEARCH AND IF THERE ARE OUTSTANDING ISSUES RE
SEARCH TERMS, ANOTHER HEARING ON THEMOTION TO COMPEL WILL BE SET BY THE COURT

03/14/2023 ORDER - COURT ORDER ENTERED ON 12/22/2022

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL

EDITED BY J MURPHY, DEADLINES TO BE:

PL 4/3/23 FOR EXPERT-WITNESS DESIGNATION

DEF 5/3/23 FOR EXPERT-WITNESS DESIGNATION

03/15/2023 HEARING - OTHER HEARING SCHEDULED FOR 03/15/2023 at 10:00 a.m.

NOTICE TO PARTIES/COUNSEL

03/15/2023 HEARING - OTHER HEARING NOTICE SENT ON 03/15/2023

03/15/2023 HEARING - OTHER HEARING NOT HELD ON 03/15/2023

03/15/2023 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES

MOTION - MOTION STAY OF PROCEEDINGS FILED ON 03/13/2023

WITH MEMORANDUM OF LAW, DRAFT ORDER, NOTICE OF HEARING

JOINT REQUEST FOR STAY.

03/16/2023 HEARING - OTHER MOTION SCHEDULED FOR 04/07/2023 at 10:00 a.m.

MOTION FOR TEMPORARY STAY

03/16/2023 HEARING - OTHER MOTION NOTICE SENT ON 03/16/2023

MOTION FOR TEMPORARY STAY

03/16/2023 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES

MOTION - MOTION STAY OF PROCEEDINGS GRANTED ON 03/16/2023

M MICHAELA MURPHY , JUSTICE

COPIES TO PARTIES/COUNSEL

05/10/2023 CASE STATUS - CASE FILE LOCATION ON 05/10/2023

M MICHAELA MURPHY , JUSTICE

IN CHAMBERS

06/16/2023 CASE STATUS - CASE FILE RETURNED ON 06/15/2023

06/21/2023 HEARING - OTHER HEARING SCHEDULED FOR 06/23/2023 at 10:00 a.m. in Room No. 5
NOTICE TO PARTIES/COUNSEL

06/21/2023 HEARING - OTHER HEARING NOTICE SENT ON 06/21/2023
SENT ELECTRONICALLY

06/21/2023 HEARING - OTHER MOTION HELD ON 04/07/2023
M MICHAELA MURPHY , JUSTICE
Defendant Present in Court

MOTION FOR TEMPORARY STAY

06/23/2023 HEARING - OTHER HEARING HELD ON 06/23/2023
M MICHAELA MURPHY , JUSTICE

06/23/2023 HEARING - PRETRIAL/STATUS SCHEDULED FOR 07/28/2023 at 10:00 a.m. in Room No. 4
NOTICE TO PARTIES/COUNSEL BY ZOOM

06/23/2023 HEARING - PRETRIAL/STATUS NOTICE SENT ON 06/23/2023

07/21/2023 HEARING - PRETRIAL/STATUS CONTINUED ON 07/21/2022
M MICHAELA MURPHY , JUSTICE

07/21/2023 HEARING - PRETRIAL/STATUS SCHEDULED FOR 08/02/2023 at 03:30 p.m.
NOTICE TO PARTIES/COUNSEL VIA ZOOM

07/21/2023 HEARING - PRETRIAL/STATUS NOTICE SENT ON 07/21/2023

08/02/2023 HEARING - PRETRIAL/STATUS HELD ON 08/02/2023
CR 6

08/22/2023 Party(s): ANDREW ROBBINS,MAINE COMMISSION OF INDIGENT LEGAL SERVICES,BRANDY GROVER,RAY
MACK,MALCOLM PEIRCE,LANH DANH HUYNH,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA
TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER KATZ,MATTHEW MORGAN-
SUBSTITUTED,RONALD SCHEIDER-SUBSTITUED
MOTION - MOTION FOR LEAVE FILED ON 08/21/2023
MOTION FOR LEAVE TO FILE MOTION IN EXCESS OF PAGE LIMIT

08/22/2023 Party(s): ANDREW ROBBINS,MAINE COMMISSION OF INDIGENT LEGAL SERVICES,BRANDY GROVER,RAY
MACK,MALCOLM PEIRCE,LANH DANH HUYNH,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA
TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER KATZ,MATTHEW MORGAN-
SUBSTITUTED,RONALD SCHEIDER-SUBSTITUED
MOTION - OTHER MOTION FILED ON 08/21/2023
JOINT MOTION TO CONDUCT PRELIMINARY REVIEW OF CLASS ACTION SETTLEMENT

08/23/2023 Party(s): ANDREW ROBBINS,MAINE COMMISSION OF INDIGENT LEGAL SERVICES,BRANDY GROVER,RAY
MACK,MALCOLM PEIRCE,LANH DANH HUYNH,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA
TARDY,DONALD ALEXANDER,MEEGAN BURBANK
MOTION - MOTION FOR LEAVE FILED ON 08/23/2023
M MICHAELA MURPHY , JUSTICE
Defendant's Attorney: SEAN D MAGENIS
Plaintiff's Attorney: ZACHARY L HEIDEN
MOTION FOR LEAVE TO FILE MOTION IN EXCESS OF PAGE LIMIT

08/23/2023 Party(s): ANDREW ROBBINS,MAINE COMMISSION OF INDIGENT LEGAL SERVICES,BRANDY GROVER,RAY
MACK,MALCOLM PEIRCE,LANH DANH HUYNH,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA
TARDY,DONALD ALEXANDER,MEEGAN BURBANK
MOTION - MOTION FOR LEAVE GRANTED ON 08/23/2023
M MICHAELA MURPHY , JUSTICE

08/25/2023 HEARING - PRETRIAL/STATUS SCHEDULED FOR 08/30/2023 at 10:00 a.m. in Room No. 3
M MICHAELA MURPHY , JUSTICE
NOTICE TO PARTIES/COUNSEL EMAILED PER J MURPHY
IN PERSON CONFERENCE SCHEDULED
AT J MURPHYS REQUEST

08/25/2023 HEARING - PRETRIAL/STATUS NOTICE SENT ON 08/25/2023
M MICHAELA MURPHY , JUSTICE
EMAILED PER J MURPHYS REQUEST

08/31/2023 HEARING - PRETRIAL/STATUS HELD ON 08/30/2023
M MICHAELA MURPHY , JUSTICE
2 HOUR HEARING HELD

09/06/2023 HEARING - OTHER HEARING HELD ON 08/30/2023
M MICHAELA MURPHY , JUSTICE
Defendant Present in Court
3 HOUR HEARING

09/07/2023 MOTION - OTHER MOTION FILED ON 09/06/2023
REC/FIL MOTION FOR TRANSCRIPT AT STATE EXPENSE FILED BY PORTLAND PRESS HERALD BY JULIA
ARENSTAM PPH

09/07/2023 MOTION - OTHER MOTION GRANTED ON 09/07/2023
M MICHAELA MURPHY , JUSTICE
REC/FIL MOTION FOR TRANSCRIPT AT STATE EXPENSE FILED BY PORTLAND PRESS HERALD BY JULIA
ARENSTAM PPH

09/07/2023 ORDER - TRANSCRIPT ORDER ENTERED ON 09/06/2023
M MICHAELA MURPHY , JUSTICE
COPIES TO PARTIES/COUNSEL. SENT TO OTO
THIS DAY

09/07/2023 HEARING - OTHER HEARING SCHEDULED FOR 09/15/2023 at 10:00 a.m. in Room No. 3
NOTICE TO PARTIES/COUNSEL SCHEDULING
STATUS CONFERENCE IN PERSON OPEN COURT- FOR UNDETERMINED AMOUNT OF TIME

PENNY CARVER, COURT REPORTER PRESENT

09/07/2023 HEARING - OTHER HEARING NOTICE SENT ELECTRONICALLY ON 09/07/2023
NOTICE TO COUNSEL SENT VIA EMAIL

09/08/2023 HEARING - OTHER HEARING NOTICE SENT ON 09/08/2023
TAMARA RUEDA , CLERK IV

09/13/2023 OTHER FILING - OTHER DOCUMENT FILED ON 09/13/2023

TRANSCRIPT AND
AUDIO ORDER FORM FILED BY SEAN MAGENIS, AAG REQUESTING CD OF HEARING HELD 8/30/23. CD
COMPLETED AND MAILED WITH \$25 INVOICE 9/13/2023 BY CTA CATHERINE SMITH

09/13/2023 Party(s): ANDREW ROBBINS, MAINE COMMISSION OF INDIGENT LEGAL SERVICES, BRANDY GROVER, RAY
MACK, MALCOLM PEIRCE, LANH DANH HUYNH, JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS, JOSHUA
TARDY, DONALD ALEXANDER, MEEGAN BURBANK, MICHAEL CAREY, ROGER KATZ, MATTHEW MORGAN-
SUBSTITUTED, RONALD SCHEIDER-SUBSTITUED
MOTION - OTHER MOTION DENIED ON 09/13/2023
M MICHAELA MURPHY , JUSTICE
JOINT MOTION TO CONDUCT PRELIMINARY REVIEW OF CLASS ACTION SETTLEMENT

09/13/2023 ORDER - COURT ORDER ENTERED ON 09/13/2023
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL DENIED ORDER ON JOINT
MOTION FOR PRELIMINARY SETTLEMENT APPROVAL

09/15/2023 HEARING - OTHER HEARING HELD ON 09/15/2023
M MICHAELA MURPHY , JUSTICE

09/15/2023 HEARING - OTHER HEARING SCHEDULED FOR 09/29/2023 at 10:00 a.m. in Room No. 2
M MICHAELA MURPHY , JUSTICE
NOTICE TO PARTIES/COUNSEL IN PERSON

09/15/2023 HEARING - OTHER HEARING NOTICE SENT ON 09/15/2023

09/29/2023 Party(s): ANDREW ROBBINS, MAINE COMMISSION OF INDIGENT LEGAL SERVICES, BRANDY GROVER, RAY
MACK, MALCOLM PEIRCE, LANH DANH HUYNH, JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS, JOSHUA
TARDY, DONALD ALEXANDER, MEEGAN BURBANK
OTHER FILING - TRANSCRIPT ORDER FORM FILED ON 09/29/2023
M MICHAELA MURPHY , JUSTICE

09/29/2023 Party(s): ANDREW ROBBINS, MAINE COMMISSION OF INDIGENT LEGAL SERVICES, BRANDY GROVER, RAY
MACK, MALCOLM PEIRCE, LANH DANH HUYNH, JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS, JOSHUA
TARDY, DONALD ALEXANDER, MEEGAN BURBANK
OTHER FILING - TRANSCRIPT ORDER FORM SENT TO REPORTER/ER ON 09/29/2023
M MICHAELA MURPHY , JUSTICE
REQUESTED FROM CAROL GARVAN, ESQ/ACLU OF MAINE

10/06/2023 OTHER FILING - TRANSCRIPT ORDER FORM FILED ON 10/06/2023
EXPEDITED REQUEST FROM CAROL GARVIN ESQ FROM ACLU

10/06/2023 OTHER FILING - TRANSCRIPT ORDER FORM SENT TO REPORTER/ER ON 10/06/2023
SENT TO PENNY CARVER AND OTO THIS DAY

10/06/2023 HEARING - SETTLEMENT CONFERENCE SCHEDULED FOR 10/13/2023 at 08:30 a.m. in Room No. 4
NOTICE TO PARTIES/COUNSEL WITH JUSTICE
BILLINGS

10/06/2023 HEARING - SETTLEMENT CONFERENCE NOTICE SENT ON 10/04/2023
BY CHANDRA PITCHER VIA EMAIL

10/06/2023 HEARING - SETTLEMENT CONFERENCE SCHEDULED FOR 11/03/2023 at 08:30 a.m. in Room No. 6
NOTICE TO PARTIES/COUNSEL WITH JUSTICE
BILLINGS

10/06/2023 HEARING - SETTLEMENT CONFERENCE NOTICE SENT ON 10/04/2023
SENT BY CHANDRA PITCHER VIA EMAIL TO THE PARTIES

10/13/2023 HEARING - SETTLEMENT CONFERENCE HELD ON 10/13/2023
DANIEL I BILLINGS , JUSTICE

11/28/2023 MOTION - OTHER MOTION FILED ON 11/28/2023
Defendant's Attorney: SEAN D MAGENIS
SUPPLEMENTAL JOINT MOTION TO CONDUCT PRELIMINARY REVIEW OF AMENDED CLASS ACTION
SETTLEMENT, DIRECT NOTICE TO CLASS MEMBERS OF AMENDED PROPOSED SETTLEMENT AND MAKE FURTHER
ORDERS AS PART OF THE SETTLEMENT APPROVAL PROCESS

11/30/2023 HEARING - OTHER HEARING SCHEDULED FOR 12/15/2023 at 10:30 a.m. in Room No. 1
NOTICE TO PARTIES/COUNSEL ORAL ARGUMENT
IN PERSON

11/30/2023 HEARING - OTHER HEARING NOTICE SENT ON 11/30/2023

11/30/2023 HEARING - SETTLEMENT CONFERENCE HELD ON 11/03/2023

11/30/2023 HEARING - OTHER HEARING HELD ON 09/29/2023

12/08/2023 OTHER FILING - OTHER DOCUMENT FILED ON 11/27/2023
LETTER FROM THOMAS PROIA COPIES MAILED
TO COUNSEL ON RECORD 12/8/23

01/08/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM
BILLINGS,JOSHUA TARDY,DONALD ALEXANDER,MEEGAN BURBANK
OTHER FILING - TRANSCRIPT ORDER FORM FILED ON 01/03/2024
Plaintiff's Attorney: SEAN D MAGENIS
TRANSCRIPT AND AUDIO ORDER FORM
REC'D 01/19/24

01/08/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM
BILLINGS,JOSHUA TARDY,DONALD ALEXANDER,MEEGAN BURBANK
OTHER FILING - TRANSCRIPT ORDER FORM SENT TO REPORTER/ER ON 01/08/2024
M MICHAELA MURPHY , JUSTICE
CD COMPLETED AND MAILED 1/9/24 BY CTA CATHERINE SMITH

01/12/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION FOR ENLARGEMENT OF TIME FILED ON 01/11/2024
Plaintiff's Attorney: ZACHARY L HEIDEN
CONSET MOTION TO ENLARGE DEADLINE FOR PARTIES TO FILE SUPPLEMENTAL BRIEFINGIN SUPPORT OF
JOINT MOTION TO CONDUCT PRELIMINARY REVIEW OF CLASS ACTION SETTLEMENT

01/17/2024 HEARING - PRETRIAL/STATUS SCHEDULED FOR 02/02/2024 at 09:00 a.m. in Room No. 4
M MICHAELA MURPHY , JUSTICE
NOTICE TO PARTIES/COUNSEL

IN PERSON CONFERENCE

01/17/2024 HEARING - PRETRIAL/STATUS NOTICE SENT ON 01/17/2024

01/17/2024 HEARING - OTHER HEARING HELD ON 01/17/2024
M MICHAELA MURPHY , JUSTICE

01/19/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION FOR ENLARGEMENT OF TIME GRANTED ON 01/19/2024
M MICHAELA MURPHY , JUSTICE
COPIES TO PARTIES/COUNSEL

PARTIES HAVE UNTIL JANUARY 22,
2024 TO FILE AND SERVE SUPPLEMENTAL BRIEFING

01/22/2024 Party(s): ANDREW ROBBINS
LETTER - TO PARTY(S) SENT ON 01/22/2024
I NOAH BREWINGTON WISH TO BE CALLED AS A WITNESS IN THIS CASE

01/23/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,BRANDY GROVER,RAY MACK,MALCOLM
PEIRCE,LANH DANH HUYNH,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA TARDY,DONALD
ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER KATZ,MATTHEW MORGAN-SUBSTITUTED,RONALD
SCHEIDER-SUBSTITUED
OTHER FILING - REPLY MEMORANDUM FILED ON 01/22/2024
Plaintiff's Attorney: SEAN D MAGENIS
MEMORANDUM IN FURTHER SUPPORT OF THE PARTIES SUPPLEMENTAL JOINT MOTION REGARDING
SETTLEMENT APPROVAL

02/01/2024 Party(s): ANDREW ROBBINS,MAINE COMMISSION OF INDIGENT LEGAL SERVICES,BRANDY GROVER,RAY
MACK,MALCOLM PEIRCE,LANH DANH HUYNH,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA
TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER KATZ,MATTHEW MORGAN-
SUBSTITUTED,RONALD SCHEIDER-SUBSTITUED
OTHER FILING - OTHER DOCUMENT FILED ON 12/14/2023
M MICHAELA MURPHY , JUSTICE
MEDIA NOTIFICATION REQUEST FOR COVERAGE OF COURT PROCEEDINGS ON 12/15/23
GRANTED 12/5/23 J. MURPHY

02/16/2024 Party(s): ANDREW ROBBINS,MAINE COMMISSION OF INDIGENT LEGAL SERVICES,BRANDY GROVER,RAY
MACK,MALCOLM PEIRCE,LANH DANH HUYNH,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA
TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER KATZ,MATTHEW MORGAN-
SUBSTITUTED,RONALD SCHEIDER-SUBSTITUED
MOTION - OTHER MOTION FILED ON 02/14/2024
Defendant's Attorney: SEAN D MAGENIS
Plaintiff's Attorney: ZACHARY L HEIDEN
SECOND AMENDED JOINT MOTION TO CONDUCT PRELIMINARY REVIEW OF SECOND AMENDED CLASS ACTION
SETTLEMENT, DIRECT NOTICE TO CLASS MEMBERS OF AMENDED PROPOSED SETTLEMENT

02/16/2024 Party(s): ANDREW ROBBINS,MAINE COMMISSION OF INDIGENT LEGAL SERVICES,BRANDY GROVER,RAY
MACK,MALCOLM PEIRCE,LANH DANH HUYNH,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA
TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER KATZ,MATTHEW MORGAN-
SUBSTITUTED,RONALD SCHEIDER-SUBSTITUED
OTHER FILING - OTHER DOCUMENT FILED ON 02/14/2024
Defendant's Attorney: SEAN D MAGENIS
Plaintiff's Attorney: ZACHARY L HEIDEN

NOTICE OF WITHDRAWAL OF AMENDED JOINT MOTION TO CONDUCT PRELIMINARY REVIEW OF AMENDED
CLASS ACTION SETTLEMENT (NOVEMBER 28, 2023)

02/27/2024 HEARING - PRETRIAL/STATUS SCHEDULED FOR 03/15/2024 at 09:00 a.m. in Room No. 3
M MICHAELA MURPHY , JUSTICE
NOTICE TO PARTIES/COUNSEL

IN PERSON CONFERENCE

02/27/2024 HEARING - PRETRIAL/STATUS NOTICE SENT ELECTRONICALLY ON 02/27/2024
M MICHAELA MURPHY , JUSTICE

02/27/2024 HEARING - PRETRIAL/STATUS NOTICE SENT ON 02/27/2024
M MICHAELA MURPHY , JUSTICE

02/27/2024 ORDER - COURT ORDER ENTERED ON 02/27/2024
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL

COMBINED ORDER

02/28/2024 HEARING - PRETRIAL/STATUS HELD ON 02/02/2024
M MICHAELA MURPHY , JUSTICE

03/11/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION FOR LEAVE FILED ON 03/08/2024
M MICHAELA MURPHY , JUSTICE
PLT MOT FOR LEAVE TO AMEND AND SUPPLEMENT COMPLAINT

03/11/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
LETTER - REQUEST FOR PROTECTION FILED ON 03/08/2024
Plaintiff's Attorney: CAROL J GARVAN
TRIAL PROTECTION DATES

6/24/24-7/5/24

03/11/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION TO INTERVENE FILED ON 03/11/2024
M MICHAELA MURPHY , JUSTICE
WITH MEMORANDUM OF LAW, DRAFT ORDER, NOTICE OF HEARING

PLT PETITION TO INTERVENE

DANIEL FELDMAN

03/11/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
OTHER FILING - ENTRY OF APPEARANCE FILED ON 03/11/2024
ENTRY OF APPEARANCE
ENTER MY APPEARANCE AS A SELF REPRESENTED PLAINTIFF

CLERK SHALL

DANIEL FELDMAN

03/15/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM
BILLINGS,JOSHUA TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER
KATZ,MATTHEW MORGAN-SUBSTITUED,RONALD SCHEIDER-SUBSTITUED
MOTION - OTHER MOTION FILED ON 03/15/2024
Defendant's Attorney: SEAN D MAGENIS
DEF CONSENT MOT TO EXCEED PAGE LIMITS

03/15/2024 HEARING - PRETRIAL/STATUS HELD ON 03/15/2024

M MICHAELA MURPHY , JUSTICE

03/22/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER KATZ,MATTHEW MORGAN-SUBSTITUTED,RONALD SCHEIDER-SUBSTITUED

APPEAL - NOTICE OF APPEAL FILED ON 03/15/2024

Defendant's Attorney: SEAN D MAGENIS

03/22/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER KATZ,MATTHEW MORGAN-SUBSTITUTED,RONALD SCHEIDER-SUBSTITUED

LETTER - REQUEST FOR PROTECTION FILED ON 03/15/2024

Defendant's Attorney: SEAN D MAGENIS

PROTECTION DATE

THIRD AND

FOURTH WEEK OF JULY

03/22/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER KATZ,MATTHEW MORGAN-SUBSTITUTED,RONALD SCHEIDER-SUBSTITUED

MOTION - MOTION TO DISMISS FILED ON 03/20/2024

WITH MEMORANDUM OF LAW, DRAFT ORDER, NOTICE OF HEARING

MOT TO D/M APPEAL

03/22/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER KATZ,MATTHEW MORGAN-SUBSTITUTED,RONALD SCHEIDER-SUBSTITUED

APPEAL - NOTICE OF APPEAL SENT TO LAW COURT ON 03/22/2024

M MICHAELA MURPHY , JUSTICE

03/22/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
OTHER FILING - REPLY MEMORANDUM FILED ON 03/22/2024

Plaintiff's Attorney: ZACHARY L HEIDEN

03/22/2024 MOTION - OTHER MOTION FILED ON 03/22/2024

Plaintiff's Attorney: ZACHARY L HEIDEN

PLT MOT FOR LEAVE TO EXCEED PAGE LIMITS

03/22/2024 MOTION - OTHER MOTION FILED ON 03/22/2024

MOT FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF CLASS OF INDIGENT ACCUSED

03/22/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER KATZ,MATTHEW MORGAN-SUBSTITUTED,RONALD SCHEIDER-SUBSTITUED

OTHER FILING - REPLY MEMORANDUM FILED ON 03/22/2024

BRIEF OF AMICUS CURIAE A PREVIOUSLY NAMED DEFENDANT IN SUPPORT OF CLASS OF INDIGENT ACCUSED

04/02/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES

OTHER FILING - OPPOSING MEMORANDUM FILED ON 03/15/2024

REC/FIL DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO LEAVE TO AMEND AND SUPPLEMENT THE COMPLAINT S/ SEAN MAGENIS AAG

04/02/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM

BILLINGS, JOSHUA TARDY, DONALD ALEXANDER, MEEGAN BURBANK, MICHAEL CAREY, ROGER KATZ, MATTHEW MORGAN-SUBSTITUTED, RONALD SCHEIDER-SUBSTITUTED

MOTION - OTHER MOTION GRANTED ON 03/15/2024

M MICHAELA MURPHY , JUSTICE

DEF CONSENT MOT TO EXCEED PAGE LIMITS

04/08/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES, JUSTIN ANDRUS-SUBSTITUTED JIM BILLINGS, JOSHUA TARDY, DONALD ALEXANDER, MEEGAN BURBANK, MICHAEL CAREY, ROGER KATZ, MATTHEW MORGAN-SUBSTITUTED, RONALD SCHEIDER-SUBSTITUTED

OTHER FILING - OPPOSING MEMORANDUM FILED ON 04/01/2024

DEFT'S OPPOSITION TO PETITION TO INTERVENE S/ SEAN MAGENIS ESQ

04/12/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
OTHER FILING - TRANSCRIPT ORDER FORM FILED ON 04/08/2024

04/12/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
OTHER FILING - TRANSCRIPT ORDER FORM SENT TO REPORTER/ER ON 04/12/2024
TAMARA RUEDA , CLERK IV
OTO

04/12/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
OTHER FILING - OPPOSING MEMORANDUM FILED ON 04/09/2024
REC/FIL DEFENDANT'S OPPOSITION TO MOTION FOR LEAVE TO FILE AMICUS BRIEF S/ SEAN MAGENIS
AAG

04/12/2024 OTHER FILING - OTHER DOCUMENT FILED ON 04/11/2024
REC'D PLAINTIFF'S PROPOSED PHASE 1 SCHEDULING ORDER S/ ZACHARY HEIDEN ESQ AND KEVIN MARTIN
ESQ

04/12/2024 OTHER FILING - OTHER DOCUMENT FILED ON 04/12/2024
REC'D DEFT'S PROPOSED SCHEDULING ORDER S/SEAN MAGENIS ESQ

05/07/2024 APPEAL - MANDATE/ORDER DISMISSED ON 05/01/2024
APPEAL DISMISSED

05/08/2024 HEARING - PRETRIAL/STATUS SCHEDULED FOR 05/13/2024 at 09:00 a.m. in Room No. 3
NOTICE TO PARTIES/COUNSEL CONFERENCE WITH
COUNSEL ONLY VIA ZOOM MEETING ID 991 8305
7511 PASSCODE 635234

05/08/2024 HEARING - PRETRIAL/STATUS NOTICE SENT ELECTRONICALLY ON 05/07/2024

05/13/2024 HEARING - PRETRIAL/STATUS HELD ON 05/13/2024
CR 3 BY ZOOM

05/13/2024 ORDER - COURT ORDER ENTERED ON 05/13/2024
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL PRELIMINARY SCHEDULING
ORDER FOR PHASE 1 TRIAL

05/13/2024 ORDER - SCHEDULING ORDER ENTERED ON 05/13/2024
M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL

05/13/2024 DISCOVERY FILING - DISCOVERY DEADLINE ENTERED ON 09/13/2024

05/17/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 05/15/2024
Plaintiff's Attorney: ZACHARY L HEIDEN
PLT TAKE NO POSITION ON DANIEL FELDMAN'S MOTION TO INTERVENE FILED 3/11/2024 OR ROBERT
CUMMINS'S MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF FILED 3/20/24.

05/21/2024 LETTER - FROM NON-PARTY FILED ON 05/13/2024
LETTER FROM FRANCIS ENWONWN FILING A CLASE ACTION LAW SUITE FOR FAILING TO APPOINT COUNSEL
FOR HIS LEGAL NEEDS IN A CRIMINAL MATTER PER JUSTICE MURPHY LETTER AND
DOCUMENTS SENT TO ATTY MAGIS , HEIDEN AND PARSONS FOR POSITIONS.

05/21/2024 MOTION - MOTION TO INTERVENE FILED WITH AFFIDAVIT ON 05/13/2024
FILED BY FRANCIS ENWONWN PRO SE

05/21/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
LETTER - FROM PARTY FILED ON 05/17/2024
REC'D LETTER FROM ZACH HEIDEN ESQ STATING THE PLAINTIFF'S TAKES NO POSITION ON DANIEL D
FELDMAN'S MOTION TO INTERVENE FILED ON MARCH 11, 2024 OR ROBERT CUMMINS'S MOTION FOR LEAVE
T FILE AMICUS CURIE BRIEF (FILED MARCH 20 2024) S/ZACH HEIDEN ESQ

05/23/2024 MOTION - OTHER MOTION FILED ON 03/08/2024
REC/FIL PLAINTIFF'S MOTION FOR LEAVE TO AMEND AND SUPPLEMENT THE COMPLAINT S/ ZACH HEIDEN
ESQ, MATT WARNER ESQ AND KEVIN MARTIN ESQ

05/23/2024 MOTION - OTHER MOTION OTHER DECISION ON 05/23/2024
M MICHAELA MURPHY , JUSTICE
REC/FIL PLAINTIFF'S MOTION FOR LEAVE TO AMEND AND SUPPLEMENT THE COMPLAINT S/ ZACH HEIDEN
ESQ, MATT WARNER ESQ AND KEVIN MARTIN ESQ PLAINTIFF'S MOTION IS GRANTED
IN PART AND DENIED IN PART

05/23/2024 ORDER - COURT ORDER ENTERED ON 05/23/2024
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL ORDER ON PLAINTIFF'S
MOTION FOR LEAVE TO AMEND & SUPPL COMPLAINT

06/06/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
SUPPLEMENTAL FILING - AMENDED COMPLAINT FILED ON 05/31/2024
PLAINTIFF'S FIRST AMENDED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND CASE ACTION
PETITION FOR HABEAS RELIEF ANE EXHIBITS 1-7 TO THE FIRST AMENDED ACTION COMPLAINT.
S/ZACH HEIDEN ESQ

06/06/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
OTHER FILING - OPPOSING MEMORANDUM FILED ON 06/03/2024
Defendant's Attorney: SEAN D MAGENIS
DEFS OPPOSITION TO MITION TO INTERVENE BY

06/13/2024 Party(s): AARON FREY, AAG

MOTION - MOTION FOR ENLARGEMENT OF TIME FILED ON 06/12/2024
Defendant's Attorney: VALERIE A WRIGHT
UNOPPOSED MOTION TO ENLARGE DEADLINE TO ANSWER AMENDED COMPLAINT WITH PROPOSED ORDER

06/13/2024 Party(s): TROY MORTON
RESPONSIVE PLEADING - ANSWER FILED ON 06/11/2024
Defendant's Attorney: JOHN HAMER

06/13/2024 Party(s): MATTHEW MORGAN-SUBSTITUTED
ATTORNEY - RETAINED ENTERED ON 06/11/2024

06/13/2024 Party(s): SHERIFF PENOBSCOT COUNTY
ATTORNEY - RETAINED ENTERED ON 06/11/2024
Attorney: JOHN HAMER

06/13/2024 Party(s): ERIC SAMPSON
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

Party(s): ERIC SAMPSON
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

Party(s): PETER JOHNSON
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

Party(s): KEVIN JOYCE
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

Party(s): SCOTT NICHOLS
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

06/13/2024 Party(s): SCOTT KANE
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

06/13/2024 Party(s): KENNETH MASON
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

Party(s): PATRICK POLKY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

Party(s): TODD BRACKET
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

Party(s): CHRISTOPHER WAINWRIGHT
ATTORNEY - RETAINED ENTERED ON 06/12/2024

Defendant's Attorney: PETER MARCHESI

Party(s): TROY MORTON
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

Party(s): ROBERT YOUNG
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

Party(s): JOEL MERRY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

Party(s): DALE LANCASTER
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

Party(s): JASON TRUNDY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

06/13/2024 Party(s): BARRY CURTIS
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

Party(s): WILLIAM KING
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

Party(s): SHERIFF OF ANDROSCOGGIN COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF AROOSTOOK COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF CUMERLAND COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF FRANKLIN COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF HANCOCK COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF KENNEBEC COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF KNOX COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF LINCOLN COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

06/13/2024 Party(s): SHERIFF OXFORD COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF PENOBSCOT COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF PISCATAQUIS COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF SAGadahoc COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF SOMERSET COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF WALDO COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF WASHINGTON COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

Party(s): SHERIFF YORK COUNTY
ATTORNEY - RETAINED ENTERED ON 06/12/2024
Attorney: PETER MARCHESI

06/13/2024 Party(s): ERIC SAMPSON, ERIC SAMPSON, SHERIFF OF ANDROSCOGGIN COUNTY, PETER JOHNSON, SHERIFF AROOSTOOK COUNTY, KEVIN JOYCE, SHERIFF CUMERLAND COUNTY, SCOTT NICHOLS, SHERIFF FRANKLIN COUNTY, SCOTT KANE, SHERIFF HANCOCK COUNTY, KENNETH MASON, SHERIFF KENNEBEC COUNTY, PATRICK POLKY, SHERIFF KNOX COUNTY, TODD BRACKET, SHERIFF LINCOLN COUNTY, CHRISTOPHER WAINWRIGHT, SHERIFF OXFORD COUNTY, TROY MORTON, SHERIFF PENOBSCOT COUNTY, ROBERT YOUNG, SHERIFF PISCATAQUIS COUNTY, JOEL MERRY, SHERIFF SAGadahoc COUNTY, DALE LANCASTER, SHERIFF SOMERSET COUNTY, JASON TRUNDY, SHERIFF WALDO COUNTY, BARRY CURTIS, SHERIFF WASHINGTON COUNTY, WILLIAM KING, SHERIFF YORK COUNTY
RESPONSIVE PLEADING - ANSWER & AFFIRMATIVE DEFENSE FILED ON 06/12/2024
Defendant's Attorney: PETER MARCHESI

06/20/2024 Party(s): TROY MORTON, SHERIFF PENOBSCOT COUNTY

SUMMONS/SERVICE - ACCEPTANCE OF SERVICE SERVED ON 06/05/2024

06/20/2024 Party(s): TROY MORTON, SHERIFF PENOBSCOT COUNTY
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE FILED ON 06/14/2024
Defendant's Attorney: JOHN HAMER

06/20/2024 Party(s): WILLIAM KING, SHERIFF YORK COUNTY
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE SERVED ON 06/05/2024

06/20/2024 Party(s): WILLIAM KING, SHERIFF YORK COUNTY
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE FILED ON 06/14/2024
Defendant's Attorney: TYLER SMITH

06/20/2024 Party(s): SCOTT KANE, SHERIFF HANCOCK COUNTY
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE SERVED ON 06/06/2024

06/20/2024 Party(s): SCOTT KANE, SHERIFF HANCOCK COUNTY
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE FILED ON 06/14/2024
Defendant's Attorney: MICHAEL LICHTENSTEIN

06/20/2024 Party(s): ERIC SAMPSON, SHERIFF OF ANDROSCOGGIN COUNTY
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE SERVED ON 06/06/2024

06/20/2024 Party(s): ERIC SAMPSON, SHERIFF OF ANDROSCOGGIN COUNTY
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE FILED ON 06/14/2024
Defendant's Attorney: MICHAEL LICHTENSTEIN

06/20/2024 Party(s): KEVIN JOYCE, KENNETH MASON, PATRICK POLKY, TODD BRACKET, CHRISTOPHER WAINWRIGHT, JOEL MERRY, DALE LANCASTER, JASON TRUNDY, BARRY CURTIS
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE SERVED ON 06/06/2024
Defendant's Attorney: MICHAEL LICHTENSTEIN
ACCEPTANCE OF SERVICE OF COMPLAINT AND WAIVER OF SERVICE OF SUMMONS

06/20/2024 Party(s): KEVIN JOYCE, KENNETH MASON, PATRICK POLKY, TODD BRACKET, CHRISTOPHER WAINWRIGHT, JOEL MERRY, DALE LANCASTER, JASON TRUNDY, BARRY CURTIS
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE FILED ON 06/14/2024

06/20/2024 Party(s): SHERIFF OF ANDROSCOGGIN COUNTY, SHERIFF CUMERLAND COUNTY, SHERIFF KENNEBEC COUNTY, SHERIFF KNOX COUNTY, SHERIFF LINCOLN COUNTY, SHERIFF OXFORD COUNTY, SHERIFF PISCATAQUIS COUNTY, SHERIFF SAGADAHOC COUNTY, SHERIFF SOMERSET COUNTY, SHERIFF WALDO COUNTY, SHERIFF WASHINGTON COUNTY
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE SERVED ON 06/06/2024

06/20/2024 Party(s): SHERIFF OF ANDROSCOGGIN COUNTY, SHERIFF CUMERLAND COUNTY, SHERIFF KENNEBEC COUNTY, SHERIFF KNOX COUNTY, SHERIFF LINCOLN COUNTY, SHERIFF OXFORD COUNTY, SHERIFF PISCATAQUIS COUNTY, SHERIFF SAGADAHOC COUNTY, SHERIFF SOMERSET COUNTY, SHERIFF WALDO COUNTY, SHERIFF WASHINGTON COUNTY
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE FILED ON 06/14/2024
Defendant's Attorney: MICHAEL LICHTENSTEIN

06/20/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE SERVED ON 06/03/2024

06/20/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE FILED ON 06/14/2024
Defendant's Attorney: CHRISTOPHER C TAUB

06/20/2024 Party(s): SCOTT NICHOLS
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE SERVED ON 06/03/2024

06/20/2024 Party(s): SCOTT NICHOLS
SUMMONS/SERVICE - ACCEPTANCE OF SERVICE FILED ON 06/14/2024
Defendant's Attorney: ERICA M JOHANSON

06/20/2024 Party(s): WILLIAM KING, SHERIFF YORK COUNTY
RESPONSIVE PLEADING - ANSWER & AFFIRMATIVE DEFENSE FILED ON 06/14/2021
Defendant's Attorney: TYLER SMITH
RESPONDENT WILLIAM KING'S ANSWER AND AFFIRMATIVE DEFENSES TO FIRST AMENDED CLASS ACTION
COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND CLASS ACTION PETITION FOR HABEAS
RELIEF.

06/20/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
RESPONSIVE PLEADING - ANSWER FILED ON 06/14/2024
Defendant's Attorney: SEAN D MAGENIS
AND PAUL SUITTER BAR # 5736

06/21/2024 Party(s): SCOTT NICHOLS
RESPONSIVE PLEADING - RESPONSE FILED ON 06/17/2024
ANSWER OF RESPONDENT SCOTT NICHOLS

06/26/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
ATTORNEY - RETAINED ENTERED ON 06/24/2024
Defendant's Attorney: VALERIE A WRIGHT

06/26/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - MOTION TO DISMISS FILED ON 06/24/2024
WITH MEMORANDUM OF LAW, DRAFT ORDER, AND EXHIBIT A AND A PROPOSED ORDER

06/26/2024 Party(s): SCOTT NICHOLS, SHERIFF FRANKLIN COUNTY
RESPONSIVE PLEADING - ANSWER TO AMENDED PLEADING FILED ON 06/17/2024

06/26/2024 Party(s): SCOTT NICHOLS
ATTORNEY - RETAINED ENTERED ON 06/17/2024
Defendant's Attorney: ERICA M JOHANSON

06/26/2024 Party(s): SHERIFF FRANKLIN COUNTY
ATTORNEY - RETAINED ENTERED ON 06/17/2024
Attorney: ERICA M JOHANSON

07/03/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
OTHER FILING - OPPOSING MEMORANDUM FILED ON 07/03/2024
PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS THE STAT OF MAINE AND MCILS AS DEFENDANTS. S.
ZACHARY HEIDEN ESQ

07/08/2024 HEARING - OTHER HEARING SCHEDULED FOR 07/31/2024 at 09:00 a.m. in Room No. 3
NOTICE TO PARTIES/COUNSEL

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FOR ORAL
Printed on: 06/04/2025

AGRUMENT ON ALL PENDING MOTIONS

07/08/2024 HEARING - OTHER HEARING NOTICE SENT ON 07/08/2024
NOTICE MAILED TO ATTY SMITH ON 7/22/24.

07/12/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
ATTORNEY - RETAINED ENTERED ON 07/11/2024
Defendant's Attorney: SCOTT W BOAK

07/12/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
OTHER FILING - OPPOSING MEMORANDUM FILED ON 07/12/2024
OPPOSITION TO MOTION TO DISMISS BY THE MAINE ATTORNEY GENERAL S. ZACHARY HEIDEN ESQ

07/18/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
RESPONSIVE PLEADING - RESPONSE FILED ON 07/17/2024
Defendant's Attorney: HALLIDAY MONCURE
MAINE COMMISSION ON INDIGENT LEGAL SERVICES REPLY TO PLTS OPPOSITION TO THE MAINE
COMMISSION ON INDIGENT LEGAL SERVICES MOTION TO DISMISS AND STATE OF MAINE'S REPLY IN
SUPPORT OF MOTION TO DISMISS

07/18/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
RESPONSIVE PLEADING - RESPONSE FILED ON 07/17/2024
Plaintiff's Attorney: PAUL SUITTER
STATE OF MAINE'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS

07/22/2024 Party(s): WILLIAM KING
ATTORNEY - RETAINED ENTERED ON 07/22/2024
Defendant's Attorney: TYLER SMITH

07/24/2024 HEARING - 26(G) CONFERENCE SCHEDULED FOR 07/31/2024 at 11:30 a.m. in Room No. 3
NOTICE TO PARTIES/COUNSEL

07/24/2024 HEARING - 26(G) CONFERENCE NOTICE SENT ON 07/24/2024

07/25/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 07/23/2024
Plaintiff's Attorney: ZACHARY L HEIDEN
PLTS OBJECTIONS TO DEF.S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS
PROPOUNDED UPON PLTS FILED VIA EMAIL

07/29/2024 Party(s): AARON FREY, AAG
ATTORNEY - RETAINED ENTERED ON 07/26/2024
Defendant's Attorney: VALERIE A WRIGHT

07/29/2024 Party(s): AARON FREY, AAG
OTHER FILING - REPLY MEMORANDUM FILED ON 07/26/2024
REPLY TO PLAINTIFF'S OPPOSITION TO DISMISS BY THE ATTORNEY GENERAL S/ VALERIE WRIGHT AAG

07/29/2024 LETTER - FROM NON-PARTY FILED ON 07/26/2024
LETTER FROM FRANCIS ENWONWU PRO SE ASKING FOR A WRIT TO BE ISSUED SO HE CAN PARTICIPATE IN
THE JULY 31 ORAL ARGUMENTS

08/06/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES

OTHER FILING - OTHER DOCUMENT FILED ON 08/05/2024

Defendant's Attorney: SEAN D MAGENIS

NOTICE OF SUBSTITUTION FILED BY THE AAG MAGENIS; JAMES BILLINGS IN HIS OFFICIAL
CAPACITY AS EXEC. DIRECTOR OF MAINE COMMISSION ON PUBLIC DEFENSES; JOSHUA TARTY AS CHAIR OF
THE MAINE COMMISSION OF PUBLIC DEFENSE SERVICES; DONALD ALEXANDER, RANDALL BATES MEEGAN
BURBANK, MICHAEL CONTARA, MICHAEL CAREY, ROGER KATZ, KIMBERLY MONAGHAN AND DAVID SOUCY IN
THEIR OFFICIAL CAPACITIES AS COMMISSIONERS OF THE MAINE COMMISSION ON PUBLIC DEFENSE
SERVICE.

08/06/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE

MOTION - OTHER MOTION FILED ON 08/02/2024

Plaintiff's Attorney: ZACHARY L HEIDEN

MOTION FOR PROTECTIVE ORDER AND TO EXCLUDE EVIDENCE REGARDING PREJUDICE TO INDIVIDUAL CLASS
MEMBERS FILED BY COUNSEL FOR THE PTLs.

08/07/2024 Party(s): MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

ATTORNEY - RETAINED ENTERED ON 08/05/2024

Defendant's Attorney: SEAN D MAGENIS

08/12/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES, MAINE COMMISSION ON PUBLIC DEFENSE
SERVICES

RESPONSIVE PLEADING - RESPONSE FILED ON 08/09/2024

Defendant's Attorney: SEAN D MAGENIS

DEFS OPPOSITION TO PTLs MOTION FOR PROTECTIVE ORDER AND TO EXCLUDE EVIDENCE
REGARDING PREJUDICE TO INDIVIDUAL CLASS MEMBER WITH EXHIBITS A-E TO DEFS OPPOSITION
TO PTLs MOTION FOR PROTECTION ORDER AND TO EXCLUDE EVIDENCE REGARDING PREJUDICE TO
INDIVIDUAL CLASS MEMBERS FILED BY AAG MAGENIS.

08/13/2024 HEARING - OTHER MOTION SCHEDULED FOR 08/16/2024 at 11:00 a.m. in Room No. 3

M MICHAELA MURPHY, JUSTICE

SCHEDULE CONFERENCE AND MOTION FOR PROTECTIVE ORDER

08/13/2024 HEARING - OTHER MOTION NOTICE SENT ELECTRONICALLY ON 08/13/2024

M MICHAELA MURPHY, JUSTICE

SCHEDULE CONFERENCE AND MOTION FOR PROTECTIVE ORDER

VIA ZOOM

08/13/2024 HEARING - OTHER MOTION NOTICE SENT ON 08/13/2024

SCHEDULE CONFERENCE AND MOTION FOR PROTECTIVE ORDER

08/13/2024 ORDER - COURT ORDER ENTERED ON 08/13/2024

M MICHAELA MURPHY, JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL ELECTRONICALLY THIS DATE. ORDER ON PENDING MOTIONS
TO DISMISS MAILED ON 8/14/24. AG MOTION TO DISMISS GRANTED AS TO PARTY IN CT 1&2; MCPD
MOTION TO DISMISS IV IS GRANTED; STATE MOTION TO DISMISS COUNT V IS DENIED; STATE IS
DESIGNATION AS PARTY IN INTEREST WITH RESPECT TO COUNT III; STATE SHALL FILE ANSWER TO
AMENDED COMPLAINT WITHIN 14 DAYS OF THIS ORDER.

08/14/2024 Party(s): ANDREW ROBBINS, MAINE COMMISSION OF INDIGENT LEGAL SERVICES, BRANDY GROVER, RAY
MACK, MALCOLM PEIRCE, LANH DANH HUYNH, JUSTIN ANDRUS-SUBSTITUTED JIM BILLINGS, JOSHUA
TARDY, DONALD ALEXANDER, MEEGAN BURBANK

RESPONSIVE PLEADING - RESPONSE FILED ON 08/14/2024

Plaintiff's Attorney: ZACHARY L HEIDEN

PLTS REPLY IN SUPPORT OF ITS MOTION FOR PROTECTIVE ORDER AND TO EXCLUDE EVIDENCE REGARDING PREJUDICE TO INDIVIDUAL CLASS MEMBERS FILED.

08/14/2024 OTHER FILING - OTHER DOCUMENT FILED ON 08/14/2024

18 PAGE HAND WRITTEN CORRESPONDENCE FILED BY FRANCIS OBIORA ENWONWM WHO IS IN THE CUMBERLAND COUNTY JAIL. COPY OF THIS FILING MAILED TO ALL COUNSEL OF RECORD

08/15/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
MOTION - OTHER MOTION FILED ON 08/15/2024

Plaintiff's Attorney: ZACHARY L HEIDEN
PLAINTIFFS MOTION TO AMEND THE CLASS DEFINITION.

08/15/2024 OTHER FILING - OTHER DOCUMENT FILED ON 08/14/2024

AUDIO ORDER COMPLETED AND FORWARDED TO OTO ON 8/14/24 BY CTA SANDRA BOURGET

08/21/2024 ORDER - COURT ORDER ENTERED ON 08/20/2024

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. ORDER ON MOTION FOR PROTECTIVE ORDER-PLTS HAVE 10 DAYS FROM THE DATE OF THIS ORDER TO ANSWER THE REQUEST FOR ADMISSIONS AND REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO THE PROVISION OF RULE 3 AS DISCUSSED HEREIN. THE MOTION FOR PROTECTIVE ORDER IS THEREFORE GRANTED IN PART AND DENIED IN PART 8/21/24: COPY OF ORDER MAILED TO ALL COUNSEL OF RECORD THIS DATE.

08/21/2024 HEARING - OTHER MOTION HELD ON 08/16/2024

M MICHAELA MURPHY , JUSTICE

SCHEDULE CONFERENCE AND MOTION FOR PROTECTIVE ORDER

08/21/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE

MOTION - OTHER MOTION OTHER DECISION ON 08/20/2024

M MICHAELA MURPHY , JUSTICE

MOTION FOR PROTECTIVE ORDER AND TO EXCLUDE EVIDENCE REGARDING PREJUDICE TO INDIVIDUAL CLASS MEMBERS FILED BY COUNSEL FOR THE PLTS. MOTION FOR PROTECTIVE ORDER

GRANTED IN PART AND DENIED IN PART.

08/22/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES

OTHER FILING - TRANSCRIPT ORDER FORM FILED ON 08/14/2024

Defendant's Attorney: SEAN D MAGENIS

WITH CD OF THE 7/31/24 ORAL ARGUMENT

08/22/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH

MOTION - MOTION TO AMEND PLEADING FILED ON 08/19/2024

Defendant's Attorney: ZACHARY L HEIDEN

ORDER AND EXHIBITS
DEFINITION

WITH PROPOSED
MOTION TO AMEND THE CLASS

VIA EMAIL

ORIGINAL FILING REC'D ON 8/15/24

08/22/2024 ORDER - COURT ORDER ENTERED ON 08/14/2024

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO PARTIES/COUNSEL 8/22/24 VIA MAIL

ORDER OF SUBSTITUED JIM

BILLINGS IS SUBSTITUED FOR JUSTIN ANDRUS;

RANDALL BATES, KIMBERLY MONAGHAN AND

DAVID SOUCY ARE SUBSTITUED AS DEFS FOR RONALD SCHNEIDER, ROBERT CUMMINS AND MATTHEW

MORGAN

08/22/2024 HEARING - OTHER MOTION SCHEDULED FOR 09/13/2024 at 09:00 a.m.
M MICHAELA MURPHY , JUSTICE
SCHEDULING AND PENDING MOTIONS
HTTPS://COURTS-MAINE-GOV.ZOOM.US/J/96825125735
5735 PASSCODE 513415

ZOOM
MEETING ID 968 2512

08/22/2024 HEARING - OTHER MOTION NOTICE SENT ON 08/22/2024
SCHEDULING AND PENDING MOTIONS

09/06/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
RESPONSIVE PLEADING - RESPONSE FILED ON 09/05/2024
Defendant's Attorney: SEAN D MAGENIS
OPPOSITION TO PLTS MOTION TO AMEND CLASS FILED BY AAG MAGENIS.

09/11/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 09/11/2024
Plaintiff's Attorney: ZACHARY L HEIDEN
PLT'S REPLY IN SUPPOIRT OF MITON TO AMEND THE CLASS DEFINITION AND PLT'S PRETRIAL STATUS
REPORT FILED BY COUNSEL.

09/11/2024 Party(s): LANH DANH HUYNH
OTHER FILING - TRANSCRIPT ORDER FORM FILED ON 09/11/2024
Plaintiff's Attorney: CAROL J GARVAN
OF HEARING ON 8/16/24

09/12/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 09/11/2024
Plaintiff's Attorney: CAROL J GARVAN
PLTS REPLY IN SUPPORT OF MOTION TO AMEND THE CLASS DEFINITION FILED BY PLT WITH
PLAINTIFFS PRETRIAL STATUS REPORT VIA HAND DELIVERY AND EMAIL

09/17/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
RESPONSIVE PLEADING - RESPONSE FILED ON 09/12/2024
Defendant's Attorney: SEAN D MAGENIS
REESPONCE TO PLTS SEPT. 11 FILING

09/17/2024 ORDER - SCHEDULING ORDER ENTERED ON 09/17/2024
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL ELECTRONICALLY THIS DATE.

09/17/2024 DISCOVERY FILING - DISCOVERY DEADLINE ENTERED ON 11/08/2024

09/26/2024 HEARING - OTHER MOTION HELD ON 09/13/2024
M MICHAELA MURPHY , JUSTICE
SCHEDULING AND PENDING MOTIONS
HTTPS://COURTS-MAINE-GOV.ZOOM.US/J/96825125735
5735 PASSCODE 513415

ZOOM
MEETING ID 968 2512

09/26/2024 ORDER - COURT ORDER ENTERED ON 09/26/2024
M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO COUNSEL OF RECORD VIA EMAIL AND USPS THIS DATE. THIS ORDER IS SUBJECT TO THE MAINE RULES OF CIVIL PROCEDURE ON MATTER OF PROCEDURE AND CALCULATION OF TIME PERIODS. FORMS AND TIMING OF DESIGNATION APARTY MAY DESIGNATE DOCUMENTS AS CONFIDENTIAL AND RESTRICTED IN DISCLOSURE UNDER THIS ORDER BY PLACING OR AFFIXING THE WORDS "CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER ON THE DOCUMENT (CONT)

09/26/2024 ORDER - COURT ORDER ENTERED ON 09/26/2024

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO PARTIES/COUNSEL 9/26/24. (CONT) SCOPE: ALL DOCUMENTS PRODUCED IN THE COURSE OF DISCOVERY INCLUDING INITIAL DISCLOSURES, ALL RESPONSES TO DISCOVERY REQUESTS, ALL DEPOSITION TESTIMONY AND EXHIBITS...SHALL BE SUBJECT TO THIS ORDER CONCERNING CONFIDENTIAL INFORMATION AS SET FORTH BELOW. THIS ORDER IS SUBJECT TO THE MAINE RULES OF CIVIL PROCEDURE ON MATTERS OF PROCEDURE AND CALCULATION OF TIME PERIODS.

09/26/2024 ORDER - COURT ORDER ENTERED ON 09/26/2024

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO PARTIES/COUNSEL 9/26/24. DOCUMENT WHICH MAY BE DESIGNATED CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER; DEPOSITIONS; PROTECTION OF CONFIDENTIAL MATERIAL A. GENERAL PROTECTIONS B. LIMITED THIRD PARTY DISCLOSURES 1. COUNSEL 2. PARTIES 3. COURT REPORTERS AND RECORDERS 4. CONTRACTORS 5 CONSULTANTS AND EXPERTS 6. OTHERS BY CONSENT C CONTROL OF DOCUMENTS; D COPIES 6. FILING OF CONFIDENTIAL-SUBJECT TO PROT.ORDER

09/26/2024 ORDER - COURT ORDER ENTERED ON 09/26/2024

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO PARTIES/COUNSEL 9/26/24. NO GREATER PROTECTION OF SPECIFIC DOCUMENTS; CHALLENGES BY A PARTY TO DESIGNATION AS CONFIDENTIAL OR REDACTIONS; USE OF CONFIDENTIAL DOCUMENT OR INFORMATION AT TRIAL; OBLIGATIONS ON CONCLUSIONS OF LITIGATION ORDER REMAINS IN EFFECT RETURN OF CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER DOCUMENTS; ORDER SUBJECT TO MODIFICATION; NO PRIOR JUDICIAL DETERMINATION; PERSONS BOUND

09/26/2024 ORDER - COURT ORDER ENTERED ON 09/26/2024

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO PARTIES/COUNSEL 9/26/24. ORDER ON PRODUCTION OF JUDICIAL BRANCH DATA-DATA TO BE PRODUCED, CONSISTING OF NON-PUBLIC INFORMATION PROTECTED FROM DISCLOSURE BY MAINE LAW INCLUDING BUT NOT LIMITED TO 4 MRSA SEC. 1806(3) SHALL BE SUBJECT TO AND MAINTAINED BY PLTS IN A MANNER WHICH WILL PRESERVE ITS CONFIDENTIALITY CONSENT CONFIDENTIALITY ORDER JOINTLY FILED BY THE PARTIES ON 11/21/22 AND ENTERED BY COURT 9/26/24.

09/26/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH

MOTION - OTHER MOTION GRANTED ON 09/26/2024

M MICHAELA MURPHY , JUSTICE

PLAINTIFFS MOTION TO AMEND THE CLASS DEFINITION. GRANTED IN PART. CASE-MANAGEMENT SUBCLASS MEETS THE CRITERIA SET FORTH IN RULES 23(A) AND (B) AND 23(B) (2) AND WILL NOW BE TREATED AS A CLASS PURSUANT TO RULE 23(C) (4) (B). THE DEFINITION FOR THE SUBCLASS IS AMENDED AS SET FORTH ABOVE PURSUANT TO RULE 23(C) (1). CLERK IS DIRECTED TO DOCKET BY REFERENCE PURSUANT TO RULE 79(A) OF THE MAINE RULES OF CIVIL PROCEDURE. 9/26/24: COPY EMAILED AND USPS TO COUNSEL

09/30/2024 HEARING - 26(G) CONFERENCE HELD ON 07/31/2024
M MICHAELA MURPHY , JUSTICE

09/30/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - MOTION TO DISMISS OTHER DECISION ON 08/13/2024
M MICHAELA MURPHY , JUSTICE
AG'S MOTION TO DISMISS IS GRANTED, AND HE WILL BE DISMISSED AS A PARTY FROM COUNTS I AND II; MCPD'S MOTION TO DISMISS IV IS GRANTED; STATE'S MOTION TO DISMISS IS DENIED; STATE OF MAINE IS DESIGNATED AS A PARTY IN INTEREST WITH RESPECT TO COUNT III; THE STATE SHALL FILE THEIR ANSWER TO THE AMENDED COMPLAINT WITHIN 14 DAYS FROM THE DATE OF THIS ORDER. COPIES TO COUNSEL OF RECORD ELECTRONICALLY AND VIA USPS ON 8/13/24

10/01/2024 HEARING - OTHER HEARING HELD ON 07/31/2024

10/01/2024 Party(s): AARON FREY, AAG
JURY FILING - DEMAND FOR JURY TRIAL FILED ON 10/01/2024
Defendant's Attorney: SEAN D MAGENIS
WITH 300.00 FILING FEE.

10/02/2024 ORDER - COURT ORDER ENTERED ON 10/02/2024
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO PARTIES/COUNSEL ORDER TO CORRECT CLERICAL
ERROR - THE CLERK IS DIRECTED TO DOCKET FORTHWITH THE COPY OF THE NOTOICE OF APPEAL WITH WAS REC'D ELECTRONICALLY BY THE CLERK'S OFFICE AT THE SAME TIME AS THE HARD COPIES WERE FILED, SO AS TO MEK THE STATE'S APPEAL EFFECTIVE AS OF AUGUST 16 2024

10/02/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
OTHER FILING - OTHER DOCUMENT FILED ON 08/16/2024
NOTICE OF WITHDRAWAL AND REQUEST TO BE ADDED TO SERVICE LIST S/ PAUL SUITTER AAG

10/02/2024 Party(s): STATE OF MAINE AS TO COUNT III
ATTORNEY - RETAINED ENTERED ON 08/16/2024
Attorney: PAUL SUITTER

10/02/2024 Party(s): STATE OF MAINE AS TO COUNT III
APPEAL - NOTICE OF APPEAL FILED ON 08/16/2024 at 10:18 a.m.
10/3/24 COPY OF NOTICE OF APPEAL EMAILED TO COUNSEL OF RECORD

10/02/2024 Party(s): JOSHUA TARDY
ATTORNEY - RETAINED ENTERED ON 08/16/2024
Defendant's Attorney: SEAN D MAGENIS

Party(s): DONALD ALEXANDER
ATTORNEY - RETAINED ENTERED ON 08/16/2024
Defendant's Attorney: SEAN D MAGENIS

Party(s): MEEGAN BURBANK
ATTORNEY - RETAINED ENTERED ON 08/16/2024
Defendant's Attorney: SEAN D MAGENIS

10/02/2024 Party(s): MICHAEL CAREY
ATTORNEY - RETAINED ENTERED ON 08/16/2024

Defendant's Attorney: SEAN D MAGENIS

Party(s): ROGER KATZ
ATTORNEY - RETAINED ENTERED ON 08/16/2024
Defendant's Attorney: SEAN D MAGENIS

10/02/2024 Party(s): JIM BILLINGS
ATTORNEY - RETAINED ENTERED ON 08/16/2024
Defendant's Attorney: SEAN D MAGENIS

Party(s): MICHAEL CANTARA
ATTORNEY - RETAINED ENTERED ON 08/16/2024
Defendant's Attorney: SEAN D MAGENIS

10/02/2024 ORDER - COURT ORDER ENTERED ON 09/26/2024
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. CONSENT
CONFIDENTIALITY ORDER ISSUED 9/26/24

10/03/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
OTHER FILING - OTHER DOCUMENT FILED ON 12/08/2023
Plaintiff's Attorney: ZACHARY L HEIDEN
NOTICE OF SUBSTITUTION OF DEFS UNDER RULE 25(D)(1) JIM BILLINGS
SUBSTITUTED FOR JUSTIN ANDRUS; RANDAL BATES, KIMBERLY MONAGHAN AND DAVID SOUCY SHOULD BE
SUBSTITUTED AS DEFS FOR FORMER COMMISSIONERS RONALD SCHNEIDER, ROBERT CUMMINS AND MATTHEW
MORGAN.

10/03/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
MOTION - MOTION TO IMPOUND GRANTED ON 10/02/2024
M MICHAELA MURPHY , JUSTICE
COPIES TO PARTIES/COUNSEL

10/03/2024 Party(s): ANDREW ROBBINS
MOTION - OTHER MOTION GRANTED ON 07/13/2022
M MICHAELA MURPHY , JUSTICE
PL MOTION FOR CLASS CERTIFICATION AND INCORPORATED MEMORANDUM OF LAW

10/03/2024 ORDER - COURT ORDER ENTERED ON 12/21/2022
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL CONSENT CONFIDENTIALITY
ORDER FILED

10/03/2024 Party(s): ANDREW ROBBINS, MAINE COMMISSION OF INDIGENT LEGAL SERVICES, BRANDY GROVER, RAY
MACK, MALCOLM PEIRCE, LANH DANH HUYNH, JUSTIN ANDRUS-SUBSTITUTED JIM BILLINGS, JOSHUA
TARDY, DONALD ALEXANDER, MEEGAN BURBANK, MICHAEL CAREY, ROGER KATZ, MATTHEW MORGAN-
SUBSTITUTED, RONALD SCHEIDER-SUBSTITUTED
MOTION - MOTION FOR LEAVE GRANTED ON 08/23/2023
M MICHAELA MURPHY , JUSTICE

10/03/2024 MOTION - OTHER MOTION MOOT ON 10/03/2024
M MICHAELA MURPHY , JUSTICE
SUPPLEMENTAL JOINT MOTION TO CONDUCT PRELIMINARY REVIEW OF AMENDED CLASS ACTION

SETTLEMENT, DIRECT NOTICE TO CLASS MEMBERS OF AMENDED PROPOSED SETTLEMENT AND MAKE FURTHER ORDERS AS PART OF THE SETTLEMENT APPROVAL PROCESS

10/03/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
OTHER FILING - OTHER DOCUMENT FILED ON 12/08/2023
ANDREW ROBBINS, BRANDY GROVER, RAY MAC, MALCOLM PIERCE, LANH DANH HYNH NOTICE OF
SUBSTITUTION UNDER RULE 25(D) (1)

10/03/2024 Party(s): ANDREW ROBBINS,MAINE COMMISSION OF INDIGENT LEGAL SERVICES,BRANDY GROVER,RAY
MACK,MALCOLM PEIRCE,LANH DANH HUYNH,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA
TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER KATZ,MATTHEW MORGAN-
SUBSTITUTED,RONALD SCHEIDER-SUBSTITUED
MOTION - OTHER MOTION DENIED ON 02/27/2024
M MICHAELA MURPHY , JUSTICE
SECOND AMENDED JOINT MOTION TO CONDUCT PRELIMINARY REVIEW OF SECOND AMENDEDCLASS ACTION
SETTLEMENT, DIRECT NOTICE TO CLASS MEMBERS OF AMENDED PROPOSED SETTLEMENT

10/03/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
OTHER FILING - OTHER DOCUMENT FILED ON 03/11/2024
PETITION TO INTERVENE FILED BY COUNSEL FOR PLT.

10/03/2024 Party(s): STATE OF MAINE AS TO COUNT III
APPEAL - NOTICE OF APPEAL SENT TO REPORTER/ER ON 10/03/2024

10/03/2024 Party(s): STATE OF MAINE AS TO COUNT III
APPEAL - NOTICE OF APPEAL SENT TO LAW COURT ON 10/03/2024

10/07/2024 TRIAL - BENCH SCHEDULED FOR 12/09/2024 at 08:30 a.m.
BETWEEN 12/9 AND 12/20/24

10/07/2024 TRIAL - BENCH NOTICE SENT ON 10/18/2024

10/11/2024 HEARING - PRETRIAL/STATUS HELD ON 10/11/2024
M MICHAELA MURPHY , JUSTICE
TELEPHONE CONFERENCE WITH COUNSEL GARVIN, HEIDEN, WARNER, JANDL, MARTIN,HAIMER,
WICKENSTEIN, JOHANSON, SMITH, MAGENIS AND TABITHA TARDIFF REGARDING TRIAL PLAN

10/16/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - OTHER MOTION FILED ON 10/15/2024
PLTS MOTION TO STRIKE DEFS JURY TRIAL DEMAND AS TO COUNT I

10/16/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION TO AMEND PLEADING FILED ON 10/15/2024
PLTS MOTION TO AMEND SCHEDULING ORDER AS TO EXPERT WITNESS DESIGNATION FILED BY PLTS
SERVE THEIR EXPERT WITNESS DESIGNATION ON DEFS BY OCT. 15, 2024

10/18/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION TO AMEND PLEADING GRANTED ON 10/18/2024
M MICHAELA MURPHY , JUSTICE
BY AGREEMENT OF THE PARTIES, DEADLINE TO FILE ALL MOTIONS RE: SUMMARY FOR SUMMARY
JUDGMENT IS NOW 11/15/24. 10/18/24: COPY OF ORDER MAILED TO COUNSEL OF RECORD THIS
DATE.

10/18/2024 Party(s): JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS
ATTORNEY - RETAINED ENTERED ON 10/18/2024
Defendant's Attorney: SEAN D MAGENIS

10/18/2024 Party(s): RONALD SCHEIDER-SUBSTITUED
ATTORNEY - RETAINED ENTERED ON 10/18/2024
Defendant's Attorney: SEAN D MAGENIS

10/18/2024 Party(s): MATTHEW MORGAN-SUBSTITUTED
ATTORNEY - RETAINED ENTERED ON 10/18/2024
Defendant's Attorney: SEAN D MAGENIS

10/18/2024 Party(s): ROBERT CUMMINS-SUBSTITUTED
ATTORNEY - RETAINED ENTERED ON 10/18/2024
Defendant's Attorney: SEAN D MAGENIS

10/18/2024 Party(s): RANDALL BATES
ATTORNEY - RETAINED ENTERED ON 10/18/2024
Defendant's Attorney: SEAN D MAGENIS

10/18/2024 Party(s): KIMBERLY MONAGHAN
ATTORNEY - RETAINED ENTERED ON 10/18/2024
Defendant's Attorney: SEAN D MAGENIS

10/18/2024 Party(s): DAVID SOUCY
ATTORNEY - RETAINED ENTERED ON 10/18/2024
Defendant's Attorney: SEAN D MAGENIS

10/18/2024 HEARING - PRETRIAL/STATUS SCHEDULED FOR 11/22/2024 at 03:00 p.m. in Room No. 3
NOTICE TO PARTIES/COUNSEL 11/18/24 ELECTRONICALLY VIA ZOOM
[HTTPS://COURTS.MAINE-MAINE-GOV.ZOOM/J/93222930705](https://courts.maine-maine-gov.zoom/j/93222930705) MEETING ID: 9322293 0705 PASSCODE 750903

10/18/2024 HEARING - PRETRIAL/STATUS NOTICE SENT ON 10/18/2024

10/23/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
RESPONSIVE PLEADING - RESPONSE FILED ON 10/23/2024
Defendant's Attorney: SEAN D MAGENIS
DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO AMEND SCHEDULING ORDER AS TO EXPERT WITNESSES

10/28/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION TO AMEND PLEADING GRANTED ON 10/28/2024
M MICHAELA MURPHY , JUSTICE
ORDER AMENDING SCHEDULING ORDER REGARDING EXPERT DEADLINE IS GRANTED; PLTS SHALL SERVE
THEIR EXPERT-WITNESS DESIGNATION ON DEFS BY 10/15/24. COPY OF ORDER TO ALL
PARTIES THIS DATE ELECTRONICALLY AND VIA USPS AS WELL

10/29/2024 ORDER - COURT ORDER ENTERED ON 10/24/2024
ANDREW HORTON , ASSOCIATE JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL 10/29/24 ORDER PERMITTING TIRAL
COURT ACTION: IT IS ORDERED THAT THE PROVISIONS OF MRAPP.3(B) ARE SUSPENDED. THE TRIAL
COURT MAY TAKE ANY ACTION ON AND MAY PROCEED WITH ITS MATTER IN THE USUAL COURSE AS THOUGH

NO APPEAL HAD BEEN TAKEN. THIS ORDER IS EFFECTIVE RETROATIVELY AS NECESSARY TO VALIDATE ANY ACTION AFTER THE STATE FILED ITS NOTICE OF APPEAL (CONT

10/29/2024 ORDER - COURT ORDER ENTERED ON 10/24/2024
ANDREW HORTON , ASSOCIATE JUSTICE
ORDER PERMITTING TRIAL COURT ACTION (CONT) BUT BEFORE THE DATE OF THIS ORDER. 10/29/24:
COPIES OR ORDER TO COUNSEL ELECTRONICALLY AND USPS THIS DATE

10/29/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
RESPONSIVE PLEADING - RESPONSE FILED ON 10/28/2024
Defendant's Attorney: SEAN D MAGENIS
DEFENDANTS RESPONSE TO PLTS MOTION TO AMEND SCHEDULING ORDER AS TO EXPERT WITNESSES FILED

10/31/2024 MOTION - MOTION TO QUASH SUBPOENA FILED ON 10/30/2024
MOTION TO QUASH/MODIFY SUBVPOENA WITH INCORPORATED MEMO OF LAW FILED BY BARBARA
CARDONE, DIRECTOR OF LEGAL AFFAIRS AND PUBLIC RELATIONS, MAINE JUDICIAL BRANCH

11/01/2024 HEARING - MOTION TO QUASH SUBPOENA SCHEDULED FOR 11/04/2024 at 02:30 p.m. in Room No. 3
FOLLOWING THIS HEARING THERE WILL BE A CONFERENCE REGARDING THE APPEAL

11/01/2024 HEARING - MOTION TO QUASH SUBPOENA NOTICE SENT ELECTRONICALLY ON 11/01/2024

11/04/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 11/01/2024
Plaintiff's Attorney: ZACHARY L HEIDEN
RESPONSE TO MOTION TO QUASH OR MODIFY SUBPOENA FILED BY COUNSEL FOR THE PLTS

11/04/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - OTHER MOTION FILED ON 11/01/2024
Defendant's Attorney: PAUL SUITTER
MOTION FOR CARIFICATION OF ORDER PERMITTING TRIAL COURT ACTION FILED

11/04/2024 OTHER FILING - TRANSCRIPT FILED ON 11/01/2024
Defendant's Attorney: PAUL SUITTER
REQUEST FOR TRANSCRIPT FILED 11/4/24: ORDER
FORM EMAILED TO OTO ELECTRONICALLY. TRANSCRIPT ORDER COMPLETED AND
FORWARDED TO OTO BY CTA SANDRA BOURGET ON 11/4/24

11/04/2024 HEARING - MOTION TO QUASH SUBPOENA CONTINUED ON 11/04/2024
M MICHAELA MURPHY , JUSTICE

11/04/2024 HEARING - MOTION TO QUASH SUBPOENA SCHEDULED FOR 11/12/2024 at 01:00 p.m.
M MICHAELA MURPHY , JUSTICE
VIA TELEPHONE 1-888-450-5996 PASSCODE 9152301#

11/06/2024 Party(s): AARON FREY, AAG, OFFICE OF THE ATTORNEY GENERAL
RESPONSIVE PLEADING - RESPONSE FILED ON 11/05/2024
Defendant's Attorney: SEAN D MAGENIS
OPPOSITION TO PLTS MOTION TO STRIKE DEFS JURY TRIAL DEMAND AS TO COUNT I FILED

11/06/2024 OTHER FILING - OTHER DOCUMENT FILED ON 11/06/2024
ANDREW HORTON , ASSOCIATE JUSTICE
ORDER ON MOTION FOR CCLARIFICATION OF ORDER

11/06/2024 HEARING - OTHER HEARING SCHEDULED FOR 11/08/2024 at 08:30 a.m.
CONFERENCE VIA ZOOM FOR ORDER ON MOTION FOR CLARIFICATION OF ORDER VIA ZOOM; LINK ON
THE JUDGES BOOK FOR THIS DATE AND TIME

11/12/2024 HEARING - OTHER HEARING HELD ON 11/08/2024
M MICHAELA MURPHY , JUSTICE

11/12/2024 Party(s): ANDREW ROBBINS,MAINE COMMISSION OF INDIGENT LEGAL SERVICES,BRANDY GROVER,RAY
MACK,MALCOLM PEIRCE,LANH DANH HUYNH,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA
TARDY,DONALD ALEXANDER,MEEGAN BURBANK
MOTION - OTHER MOTION FILED ON 11/12/2024
JOINT MOTION TO AMEND SCHEDULING ORDER AND AMENDED SCHEDULING ORDER FOR JUSTICE MURPHY
TO SIGN.

11/14/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 11/12/2024
Plaintiff's Attorney: ZACHARY L HEIDEN
ATTY. GARVAN & SOTOOHI. PLT. REPLY IN
SUPPORT OF MOTION TO STRIKE DEF'S JURY TRIAL DEMAND AS TO CT 1

11/14/2024 Party(s): ERIC SAMPSON,ERIC SAMPSON,PETER JOHNSON,KEVIN JOYCE,SCOTT NICHOLS,SCOTT KANE,KENNETH
MASON,PATRICK POLKY,TODD BRACKET,CHRISTOPHER WAINWRIGHT,TROY MORTON,ROBERT
YOUNG,JOEL MERRY,DALE LANCASTER,JASON TRUNDY,BARRY CURTIS,WILLIAM KING
MOTION - OTHER MOTION FILED ON 11/13/2024
Defendant's Attorney: MICHAEL LICHTENSTEIN
MOTION FOR CLARIFICATION ON BEHALF OF THE SHERIFFS

11/14/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 11/14/2024
Plaintiff's Attorney: ZACHARY L HEIDEN
CAROL GARVAN AND ANAHITA SOTOOHI CORRECTED
SINGLE SIDED FILING OF PLTS. REPLY IN SUPPORT OF MOTION TO STRIKE DEF'S JURY DEMAND AS TO
COUNT I FILED BY COUNSEL FOR THE PLTS

11/18/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 11/15/2024
Plaintiff's Attorney: ZACHARY L HEIDEN

11/18/2024 TRIAL - JURY TRIAL SCHEDULED FOR 01/09/2025
JURY SELECTION 1/9/24 AND 1/10/24

11/18/2024 TRIAL - JURY TRIAL NOTICE SENT ON 11/18/2024
ELECTRONICALLY AND USPS THIS DATE. JURY SELECTION

11/18/2024 TRIAL - JURY TRIAL NOTICE SENT ON 11/18/2024

11/18/2024 HEARING - OTHER MOTION SCHEDULED FOR 01/23/2025 at 08:30 a.m. in Room No. 3
COUNT III (HABEUS)

11/18/2024 HEARING - OTHER MOTION NOTICE SENT ON 11/18/2024
COUNT III (HABEUS)

11/18/2024 HEARING - OTHER MOTION SCHEDULED FOR 11/24/2024
COUNT III HABEUS

11/18/2024 HEARING - OTHER MOTION NOTICE SENT ON 11/18/2024
COUNT III HABEUS

11/19/2024 HEARING - MOTION TO QUASH SUBPOENA NOT HELD ON 11/18/2024
M MICHAELA MURPHY , JUSTICE

11/19/2024 MOTION - MOTION TO QUASH SUBPOENA MOOT ON 11/18/2024
M MICHAELA MURPHY , JUSTICE
MOTION IS MOOT AS PARTIES HAVE RESOLVED THE ISSUE PRESENTED. COPY OF ORDER TO COUNSEL
ELECTRONICALLY 11/18/24; VIA USPS 11/19/24.

11/19/2024 HEARING - OTHER MOTION NOT HELD ON 11/19/2024
M MICHAELA MURPHY , JUSTICE
COUNT III HABEUS

11/19/2024 Party(s): ERIC SAMPSON,ERIC SAMPSON,PETER JOHNSON,KEVIN JOYCE,SCOTT NICHOLS,SCOTT KANE,KENNETH
MASON,PATRICK POLKY,TODD BRACKET,CHRISTOPHER WAINWRIGHT,TROY MORTON,ROBERT
YOUNG,JOEL MERRY,DALE LANCASTER,JASON TRUNDY,BARRY CURTIS,WILLIAM KING
MOTION - OTHER MOTION GRANTED ON 11/18/2024
M MICHAELA MURPHY , JUSTICE
MOTION FOR CLARIFICATION ON BEHALF OF THE SHERIFFS THE COURT
APPROVES THIS REQUEST REGARDING THE ROLE THE SHERIFFS WILL PLAY AT ANY TRIAL IN COUNT
III. THE COURT UNDERSTANDS THAT HE PARTIES WILL DISMISS THIS FURTHER AT ANY PRETRIAL
CONFERENCE. COPY OF ORDER SENT ELECTRONICALLY TO COUNSEL OF RECORD 11/18/24; 11/19/24
USPS

11/19/2024 Party(s): ANDREW ROBBINS,MAINE COMMISSION OF INDIGENT LEGAL SERVICES,BRANDY GROVER,RAY
MACK,MALCOLM PEIRCE,LANH DANH HUYNH,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA
TARDY,DONALD ALEXANDER,MEEGAN BURBANK
MOTION - OTHER MOTION GRANTED ON 11/18/2024
M MICHAELA MURPHY , JUSTICE
JOINT MOTION TO AMEND SCHEDULING ORDER AND AMENDED SCHEDULING ORDER FOR JUSTICE MURPHY
TO SIGN. WITNESS AND EXHIBIT EXCHANGE
11/15/24; PRETRIAL CONFERENCE

11/19/2024 TRIAL - BENCH NOT HELD ON 11/19/2024

11/19/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
OTHER FILING - OTHER DOCUMENT FILED ON 11/18/2024
PLT FOURTH SET OF INTERROGATORIES TO THE MCPDC DEFS (PHASE 1)

11/19/2024 Party(s): STATE OF MAINE AS TO COUNT III
OTHER FILING - TRANSCRIPT ORDER FORM FILED ON 11/19/2024
Defendant's Attorney: PAUL SUITTER

11/20/2024 MOTION - OTHER MOTION MOOT ON 11/20/2024
M MICHAELA MURPHY , JUSTICE
MOT FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF CLASS OF INDIGENT ACCUSED
COPY OF ORDER MAILED TO COUNSEL
OF RECORD THIS DATE.

11/22/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - OTHER MOTION OTHER DECISION ON 11/04/2024
ANDREW HORTON , ASSOCIATE JUSTICE
MOTION FOR CARIFICATION OF ORDER PERMITTING TRIAL COURT ACTION FILED ORDER ON MOTION
FOR CLARIFICATION OF ORDER....THIS ORDER DOES NOT DIRECT THE SUPERIOR COURT TO
TAKE ANY PARTICULAR ACTION AND DOES NOT PROHIBIT THE SUPERIOR COURT FROM TAKING ANY
PARTICULAR ACTION.

11/22/2024 ORDER - COURT ORDER ENTERED ON 11/04/2024
ANDREW HORTON , ASSOCIATE JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. FROM LAW COURT
ORDER ON MOTION FOR CLARIFICATION OF ORDER; ORDER DATED 10/24/24 IS AMENDED: THIS
ORDER DOES NOT DIRECT THE SUPUIOR COURT TO TAKE ANY PARTICULAR ACTION AND DOES NOT
PROHIBIT THE SUPERIOR COURT FROM TAKING ANY PARTICULAR ACTION.

11/22/2024 Party(s): AARON FREY, AAG
MOTION - MOTION FOR ENLARGEMENT OF TIME MOOT ON 11/22/2024
M MICHAELA MURPHY , JUSTICE

11/22/2024 MOTION - OTHER MOTION GRANTED ON 03/15/2024
M MICHAELA MURPHY , JUSTICE
PLT MOT FOR LEAVE TO EXCEED PAGE LIMITS

11/22/2024 ORDER - COURT ORDER ENTERED ON 01/22/2024
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL 11/22/24 VIA EMAIL AND USPS ORDER ON MOTION TO
WITHDRAW FILED BY ATTY. CEDRONE WILL BE DEPARTING GOODWIN PROCTER, LLP EFFECTIVE
11/30/24.

11/22/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION PARTIAL SUMMARY JUDG FILED WITH AFFIDAVIT ON 11/22/2024

11/25/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - MOTION TO CONTINUE FILED ON 11/22/2024
Defendant's Attorney: PAUL SUITTER
AS TO COUNT V WITH INCORPORATED MEMOR OF LAW PROPOSED ORDER AND EXHIBIT A CONDENSED
TRANSCRIPT AND STATEMENT OF MATERIAL FACTS NO IN GENUINE ISSUE WITH EXHIBIT A AND B

11/25/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - MOTION SUMMARY JUDGMENT FILED ON 11/22/2024
Defendant's Attorney: PAUL SUITTER
OF COUNT V WITH PROPOSED ORDER

11/25/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION IN LIMINE FILED ON 11/25/2024
Plaintiff's Attorney: ZACHARY L HEIDEN
TO EXLUDE EVIDENCE OF PRIOR CONVICTIONS, PRIOR ARRESTS, BAD ACTS AND PENDING
CRIMINAL CHARGES

11/25/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION PARTIAL SUMMARY JUDG FILED ON 11/22/2024

Plaintiff's Attorney: ZACHARY L HEIDEN
WITH MEMORANDUM OF LAW, STATEMENT OF MATERIAL FACTS IN SUPPORT OF MOTION FOR SUMMARY
JUDGMENT; MEMO OF LAW IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT WITH PROPOSED
ORDER AND AFFIDAVITS AND DEPOSITIONS OF PARTIES(19)

11/25/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - MOTION SUMMARY JUDGMENT FILED ON 11/22/2024
Defendant's Attorney: SEAN D MAGENIS
ON COUNT I AND II OF PLTS. AMENDED COMPLAINT, STATEMENT OF MATERIAL FACT IN SUPPORT.

11/25/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - MOTION PARTIAL SUMMARY JUDG FILED ON 11/22/2024
Defendant's Attorney: SEAN D MAGENIS
FOR PARTIAL SUMMARY JUDGMENT ON RELIEF DEMANDED IN COUNTS I AND II WITH EXHIBITS,
STATEMENT OF MATERIAL FACTS

11/25/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - OTHER MOTION FILED ON 11/22/2024
Plaintiff's Attorney: SEAN D MAGENIS
MOTION TO LIMIT TESTIMONY OF RACHEL CASEY WITH EXHIBITS

11/25/2024 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - OTHER MOTION FILED ON 11/22/2024
Defendant's Attorney: SEAN D MAGENIS
MOTION TO EXCLUDE EXPERT TISTIMONY OF LEGAL MATTERS WITH EXHIBITS

11/25/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
ATTORNEY - RETAINED ENTERED ON 11/22/2024
Defendant's Attorney: ALEXANDER BEALS

11/25/2024 HEARING - PRETRIAL/STATUS HELD ON 11/22/2024
M MICHAELA MURPHY , JUSTICE
ON THE RECORD COURTROOM # 1

11/25/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,BRANDY GROVER,RAY MACK,MALCOLM
PEIRCE,LANH DANH HUYNH
OTHER FILING - OTHER DOCUMENT FILED ON 11/22/2024
Plaintiff's Attorney: ZACHARY L HEIDEN
ALL COUNSEL FOR THE PLTS-STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF THEIR MOTION
FOR PARTIAL SUMMARY JUDGMENT

11/26/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION TO INTERVENE DENIED ON 11/20/2024
M MICHAELA MURPHY , JUSTICE
COPIES TO PARTIES/COUNSEL 11/26/24. CLERK MAY NOTE THIS ON THE DOCKET PURSUANT TO
RULE 79(A) OF THE MAINE RULES.

11/26/2024 MOTION - MOTION TO INTERVENE DENIED ON 11/20/2024
M MICHAELA MURPHY , JUSTICE
COPIES TO PARTIES/COUNSEL 11/26/24. CLERK IS DIRECTED TO INCORPORATE THIS ORDER BY
REFERENCE PURSUANT TO MRCIV.P 79(A) OF THE MAINE RULES.

11/26/2024 ORDER - COURT ORDER ENTERED ON 11/26/2024

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. ORDER ON DEFS
CONSENT TO MOTION TO ENLARGE DEADLINE TO RESPOND TO COMPLAINT IS GRANTED; DEFS DEADLINE TO
RESPOND TO THE COMPLAINT IS HEREBY ENLARGED TO 12/9/24. 11/26/24: COPY SENT
ELECTRONICALLY AND USPS.

11/26/2024 ORDER - COURT ORDER ENTERED ON 11/21/2024

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. ORDER ON PLTS
MOTION TO EXCEED PAGE LIMITS IS HEREBY GRANTED. ALL PARTIES SHALL BE PERMITTED TO FILE
MEMORANDA IN SUPPORT OF THEIR MOTIONS FOR SUMMARY JUDGMENT THAT ARE NOT LONGER THAN
25 PAGES. 11/26/24: COPY TO COUNSEL OF RECORD ELECTRONICALLY AND VIA USPS

11/26/2024 Party(s): ANDREW ROBBINS

ATTORNEY - RETAINED ENTERED ON 11/21/2021

Plaintiff's Attorney: ALEXANDRA HARRIMAN

Party(s): BRANDY GROVER

ATTORNEY - RETAINED ENTERED ON 11/21/2024

Plaintiff's Attorney: ALEXANDRA HARRIMAN

Party(s): RAY MACK

ATTORNEY - RETAINED ENTERED ON 11/21/2024

Plaintiff's Attorney: ALEXANDRA HARRIMAN

Party(s): MALCOLM PEIRCE

ATTORNEY - RETAINED ENTERED ON 11/21/2024

Plaintiff's Attorney: ALEXANDRA HARRIMAN

Party(s): LANH DANH HUYNH

ATTORNEY - RETAINED ENTERED ON 11/21/2024

Plaintiff's Attorney: ALEXANDRA HARRIMAN

12/02/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH

MOTION - MOTION FOR WITHDRAWAL OF CNSL FILED ON 11/27/2024

WITH MEMORANDUM OF LAW, DRAFT ORDER, NOTICE OF HEARING

WITHDRAWAL OF

GERARD CEDRONE- PRO HAC VICE

12/17/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE

RESPONSIVE PLEADING - RESPONSE FILED ON 12/13/2024

Plaintiff's Attorney: ZACHARY L HEIDEN

OPPOSITION TO MCPDS DEFS MOTION FOR SUMMARY JUDGMENT ON LIABILITY COUNTS I & II

12/17/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE

RESPONSIVE PLEADING - RESPONSE FILED ON 12/13/2024

Plaintiff's Attorney: ZACHARY L HEIDEN

RESPONSE TO MCPDS DEFS STATEMENT OF MATERIAL FACTS IN SUPPORT OF MOTION FOR SUMMARY
JUDGMENT ON COUNTS I & II OF PLTS. AMENDED COMPLAINT

12/17/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH

OTHER FILING - OTHER DOCUMENT FILED ON 12/13/2024

Plaintiff's Attorney: ZACHARY L HEIDEN

PLST STATEMENT OF ADDITIONAL MATERIAL FACTS IN OPPOSITION TO MCPDS DEFS MOTION FOR SUMMARY

JUDMGNT ON COUNT I &II AS TO LIABILTIY

- 12/17/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
OTHER FILING - AFFIDAVIT FILED ON 12/13/2024
Plaintiff's Attorney: ZACHARY L HEIDEN
SUPPLEMENT AFFIDAVIT OF ELEANOR SHEA AND ITS EXHIBITS
- 12/17/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 12/13/2024
Plaintiff's Attorney: ZACHARY L HEIDEN
PLTS OPPOSITION TO DEF. MOTION FOR PARTIAL SUMMARY JUDGMENT ON RELIEF DEMANDED IN COUNSE I
AND II OF THE AMENDED COMPLAINT
- 12/17/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 12/13/2024
Plaintiff's Attorney: ZACHARY L HEIDEN
PLTS RESPOSE TO MCPDS DEFS STATEMENT OF MATERIAL FACTS IN SUPPORT OF MOTION FOR PARTIAL
SUMMARY JUDGMENT ON RELIEF DEMANDED IN COUNTS I & II OF AMENDED COMPLAINT. PLTS.
OPPOSITION TO STATE OF MAINE'S MOTION FOR SUMMARY JUDGMENT WITH INCORPORATED MEMORANDUM OF
LAW. PLTS RESPONSE TO DEF. STATE OF MAINE RULE 56(H) (I) STATEMENT OF MATERIAL FACTS NOT IN
GENUINE ISSUE; PLTS OBJ. TO DEFS. STATE OF MAINE MOTION TO CONTINUE TRIAL.
- 12/17/2024 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 12/13/2024
Plaintiff's Attorney: ZACHARY L HEIDEN
PLTS OPPOSITION TO DEFS MOTION TO EXCLUDE TESTIMONY ON APPLICABLE PRINCIPLES OF
THE LAW AND PLTS OPPOSITION TO DEFS MOTION TO LIMIT THE TESTIMONY.
- 12/17/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM
BILLINGS,JOSHUA TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER
KATZ,MATTHEW MORGAN-SUBSTITUED,RONALD SCHEIDER-SUBSTITUED,AARON FREY, AAG,ERIC
SAMPSON,ERIC SAMPSON,PETER JOHNSON,KEVIN JOYCE,SCOTT NICHOLS,SCOTT KANE,KENNETH
MASON,PATRICK POLKY,TODD BRACKET,CHRISTOPHER WAINWRIGHT,TROY MORTON,ROBERT
YOUNG,JOEL MERRY,DALE LANCASTER,JASON TRUNDY,BARRY CURTIS,WILLIAM KING,OFFICE OF THE
ATTORNEY GENERAL,MAINE COMMISSION ON PUBLIC DEFENSE SERVICES,JIM BILLINGS,ROBERT
CUMMINS-SUBSTITUED,RANDALL BATES,KIMBERLY MONAGHAN,DAVID SOUCY,MICHAEL CANTARA
RESPONSIVE PLEADING - RESPONSE FILED ON 12/13/2024
Defendant's Attorney: SEAN D MAGENIS
DEFS OPPOSITION TO PLTS MOTION FOR SUMMARY JUDGMENT
- 12/17/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM
BILLINGS,JOSHUA TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER
KATZ,MATTHEW MORGAN-SUBSTITUED,RONALD SCHEIDER-SUBSTITUED,AARON FREY, AAG,ERIC
SAMPSON,ERIC SAMPSON,PETER JOHNSON,KEVIN JOYCE,SCOTT NICHOLS
RESPONSIVE PLEADING - RESPONSE FILED ON 12/13/2024
Defendant's Attorney: SEAN D MAGENIS
OPPOSITION TO PLTS MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRIOR CONVICTIONS, PRIOR
ARRESTS, BAD ACTS OR PENDING CRIMINAL CHARGES
- 12/17/2024 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM
BILLINGS,JOSHUA TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER
KATZ,MATTHEW MORGAN-SUBSTITUED,RONALD SCHEIDER-SUBSTITUED,AARON FREY, AAG,ERIC
SAMPSON,ERIC SAMPSON,PETER JOHNSON,KEVIN JOYCE,SCOTT NICHOLS,SCOTT KANE,KENNETH

MASON, PATRICK POLKY, TODD BRACKET, CHRISTOPHER WAINWRIGHT, TROY MORTON, ROBERT YOUNG, JOEL MERRY, DALE LANCASTER, JASON TRUNDY, BARRY CURTIS, WILLIAM KING, OFFICE OF THE ATTORNEY GENERAL, MAINE COMMISSION ON PUBLIC DEFENSE SERVICES, JIM BILLINGS, ROBERT CUMMINS-SUBSTITUTED, RANDALL BATES, KIMBERLY MONAGHAN, DAVID SOUCY, MICHAEL CANTARA
RESPONSIVE PLEADING - RESPONSE FILED ON 12/13/2024

Defendant's Attorney: SEAN D MAGENIS

DEFS. OPPOSING STATEMENT OF MATERIAL FACTS WITH EXHIBITS A-N

12/17/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
MOTION - MOTION FOR WITHDRAWAL OF CNSL GRANTED ON 12/11/2024
M MICHAELA MURPHY , JUSTICE
COPIES TO PARTIES/COUNSEL 12/17/24

12/20/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 12/20/2024
RECEIVED/FILED PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT S/
ZACHAREY HEIDEN ESQ

12/20/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 12/20/2024
REC/FIL PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO
DEFENDANTS STATE OF MAINE S/ ZACH HEIDEN ESQ

12/20/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 12/20/2024
PLAINTIFF'S REPLY TO DEFT'S RESPONSE TO PLAINTIFF'S STATEMENTS OF MATERIAL FACTS S/
ZACHARY HEIDEN ESQ

12/20/2024 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 12/20/2024
REC/FIL PLAINTIFF'S REPLY IN SUPPORT OF MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRIOR
CONVICTIONS , PRIOR ARRESTS, BAD ACTS OR PENDING CRIMINAL CHARGES S/ZACHARY HEIDEN ESQ

01/02/2025 TRIAL - BENCH SCHEDULED FOR 01/24/2025 at 08:30 a.m. in Room No. 3

01/02/2025 HEARING - OTHER HEARING SCHEDULED FOR 01/06/2025 at 01:00 p.m.
NOTICE TO PARTIES/COUNSEL 12/31/24 ELECTRONICALLY.

01/03/2025 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH
MOTION - MOTION PARTIAL SUMMARY JUDG GRANTED ON 01/03/2025
M MICHAELA MURPHY , JUSTICE
COPIES TO PARTIES/COUNSEL 1/3/25PTLS. MOTION FOR PARTIAL SUMMARY JUDGMENT IS GRANTED ON
THE ISSUE OF LIABILITY ONLY. THE COURT WILL CONDUCT FURTHER PROCEEDINGS TO CONSIDER THE
ARGUMENTS OF THE PARTIES ON THE ISSUE OF REMEDY. 2/21/25: MOTION FOR PARTIAL SUMMARY
JUDGMENT ON RELIEF DEMANED IN COUNTS I AND II IS DENIED.

01/03/2025 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - MOTION SUMMARY JUDGMENT DENIED ON 01/03/2025
M MICHAELA MURPHY , JUSTICE
COPIES TO PARTIES/COUNSEL 1/3/25. THE MCPDS DEFS MOTION FOR SUMMARY JUDGMENT ON COUNT I
IS DENIED. MOTION FOR PARTIAL SUMMARY
JUDGMENT ON RELIEF DEMANED IN COUNT I AND II IS DENIED.

01/03/2025 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - MOTION SUMMARY JUDGMENT GRANTED ON 01/03/2025
M MICHAELA MURPHY , JUSTICE
COPIES TO PARTIES/COUNSEL ELECTRONICALLY & VIA MAIL 1/3/25 ON COUNT II THE
MCPDS DEFS MOTION FOR SUMMARY JUDGMENT IS GRANTED AND PLTS MOTION ON THE ISSUED OF
LIABILITY OF DENIED. ON COUNT III, THE HABEUSPROCEEDING WILL PROCEED BEFORE THE COURT ON
1/22-24, 2025. THE LEGAL FINDINGS MADE IN THIS ORDER MAY BE APPLIED TO ANY ORDER ISSUED
ON COUNT III AFTER HEARING AND ARGUMENT.

01/03/2025 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - MOTION SUMMARY JUDGMENT OTHER DECISION ON 01/03/2025
M MICHAELA MURPHY , JUSTICE
ON SOVEREIGN IMMUNITY IS DEFERRED AND THE MOTION TO CONTINUE TRIAL ON COUNTV ONLY IS
GRANTED IN PART TO GIVE THE STATE OF MAINE A BRIEF PERIOD TO CONDUCT DISCOVERY FOR REASONS
STATED ABOVE. 1/3/25: COPIES TO COUNSEL OF RECORD ON 1/3/25 ELECTRONICALLY AND USPS
1/3/25.

01/03/2025 ORDER - COURT ORDER ENTERED ON 01/03/2025
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL COMBINED ORDER ON
PARTIALLY DISPOSITION MOTIONS COUNT I PLTS MOTION FOR PARTIAL IS GRANTED ON LIABITLITY
ONLY; DEFS MOTION FOR MSJ COUNT I IS DENIED. COUNT II DEFS MSJ IS GRANTED & THE PLTS
MOTION ON ISSUE OF LIABILITY IS DENIED. COUNT III, THE HABEUS WILL PROCEED BEFORE THE
COURT ON 1/22-24 LEGAL FINDINGS MADE IN THIS ORDER MAY BE APPLIED

01/03/2025 ORDER - COURT ORDER ENTERED ON 01/03/2025
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL 1/3/25 ELECTRONIALLY AND USPS(CONT) MAY BE APPPLIED TO ANY ORDER ISSUED ON
COUNT III AFTER HEARING & ARGUMENT. COUNT V MOTION FOR SUMMARY JUDGMENT FILED BY THE
STATE ON SOVEREIGN IMMUNITY IS DEFERRED AND MOTION TO CONTINUE TRIAL ON COUNT V ONLY
IS GRANTED IN PART TO GIVE THE STATE A BRIEF PERIOD TO CONDUCT DISCOVERY FOR REASONS
STATED ABOVE

01/06/2025 HEARING - OTHER HEARING HELD ON 01/06/2025
M MICHAELA MURPHY , JUSTICE
ORDER ISSUED THIS DATE. SEE DOCKET ENTRY FOR COURT ORDER

01/06/2025 ORDER - COURT ORDER ENTERED ON 01/06/2025
M MICHAELA MURPHY , JUSTICE
BY 1/8/25 PLTS WILL FILE WITNESS LIST AND MOTION REGARDING REMEDIES SOUGHT IN COUNT I AND
III. BY 1/20/25 MCPDS DEFS AND STATE OF MAINE WILL RESPOND TO PLTS MOTION. WITNESS LISTS
FROM DEFS ARE DUE 1/17/25. ON COUNT 5 STATESHALL PROMULGATE INTERROGATORIES BY 1/8/25, &
PLTS WILL RESPOND BY 1/17/25.SUPPLEMENTAL FILING ON COUNT 5 WILL BE DISCUSSED AND
SCHEDULED ON THE MORNING OF 1/22/25. CASE SET FOR TRIAL PROCEEDINGS 1/22/25-1/24/25.
NOTICE TO FOLLOW. COPIES TO ALL COUNSEL OF RECORD THIS DATE

01/06/2025 TRIAL - BENCH SCHEDULED FOR 01/22/2025 at 08:30 a.m. in Room No. 3

01/06/2025 TRIAL - BENCH SCHEDULED FOR 01/23/2025 at 09:00 a.m. in Room No. 3

01/06/2025 TRIAL - BENCH SCHEDULED FOR 01/24/2025 at 09:00 a.m. in Room No. 3

01/07/2025 TRIAL - BENCH NOTICE SENT ON 01/07/2025

01/09/2025 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE
MOTION - OTHER MOTION FILED ON 01/08/2025
Plaintiff's Attorney: ZACHARY L HEIDEN
MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF AND HABEAS REMEDIES FILED

01/09/2025 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 01/08/2025
Plaintiff's Attorney: ZACHARY L HEIDEN

01/16/2025 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
OTHER FILING - EXHIBIT LIST FILED ON 01/15/2025
Plaintiff's Attorney: ZACHARY L HEIDEN
CAROL GARVAN, ANAHITA SOTOCHI, MATT WARNER ALEX HARRIMAN AND KEVIN MARTIN AND JORDAN BOCK
AMENDED EXHIBIT LIST

01/17/2025 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE
MOTION - OTHER MOTION FILED ON 01/16/2025
Plaintiff's Attorney: ZACHARY L HEIDEN
FOR SAMANTHA JANDL. MOTION FOR PRO
HAC VICE ADMISSION.

01/17/2025 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
OTHER FILING - EXHIBIT LIST FILED ON 01/17/2025
Plaintiff's Attorney: ZACHARY L HEIDEN
PLTS SECOND AMENDED EXHIBIT LIST FILED BY COUNSEL FOR PLTS.

01/17/2025 Party(s): MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
OTHER FILING - WITNESS LIST FILED ON 01/17/2025
Defendant's Attorney: SEAN D MAGENIS
DEFS WITNESS LIST

01/17/2025 Party(s): MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
MOTION - OTHER MOTION FILED ON 01/17/2025
Defendant's Attorney: SEAN D MAGENIS
MOTION TO ALTER OR AMEND COMBINED ORDER ON PARTIALLY DISPOSITIVE MOTIONS AND PROPOSED
ORDER

01/17/2025 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
OTHER FILING - OTHER DOCUMENT FILED ON 01/17/2025
LETTER FILED REGARDING DECISIONS ON PENDING MOTIONS/STRUCTURE OF HEARING/ EXHIBITS AND
DEPOSITION DESIGNATION FILED BY COUNSEL FOR THE PLTS.

01/21/2025 Party(s): OFFICE OF THE ATTORNEY GENERAL
RESPONSIVE PLEADING - RESPONSE FILED ON 01/21/2025
Defendant's Attorney: PAUL SUITTER
PII STATE OF MAINE'S RESPONSE TO PLTS MOTION FOR HABEAS REMEDIES FILED BY ATTY SUITTER

01/21/2025 Party(s): OFFICE OF THE ATTORNEY GENERAL,MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
RESPONSIVE PLEADING - RESPONSE FILED ON 01/21/2025
Defendant's Attorney: SEAN D MAGENIS

DEFS OPPOSITION TO PLTS MOTION REGARDING RELIEF ON COUNT I OF PLTS
COMPLAINT.

AMENDED

01/21/2025 Party(s): OFFICE OF THE ATTORNEY GENERAL,MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
MOTION - OTHER MOTION FILED ON 01/17/2025

Defendant's Attorney: PAUL SUITTER

STATE OF MAINE PARTY IN INTEREST ON COUNT III NOTICE REGARDING WITNESSES FILED

01/22/2025 OTHER FILING - OTHER DOCUMENT FILED ON 01/21/2025

M MICHAELA MURPHY , JUSTICE

MEDIA REQUESTING COVERAGE OF PROCEEDING FILED BY PORTLAND PRESS HERALD. EMAILED BACK TO
JULIA ARENSTAM WITH ZOOM LINK 1/21/25

01/22/2025 OTHER FILING - OTHER DOCUMENT FILED ON 01/22/2025

M MICHAELA MURPHY , JUSTICE

MEDICA REQUEST FILED BY MAINE PUBLIC RADIO ON 1/22/25; APPROVED AND EMAILED BACK TO SUSAN
SHARON WITH ZOOM LINK

01/22/2025 OTHER FILING - OTHER DOCUMENT FILED ON 01/22/2025

M MICHAELA MURPHY , JUSTICE

MEDIA REQUEST FILED BY MAINE MONITOR; EMAILED APPROVED BACK TO STEPHANIE MCFEETERS WITH
ZOOM LINK THIS DATE.

01/22/2025 Party(s): ANDREW ROBBINS,MAINE COMMISSION OF INDIGENT LEGAL SERVICES,BRANDY GROVER,RAY
MACK,MALCOLM PEIRCE,LANH DANH HUYNH,JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS,JOSHUA
TARDY,DONALD ALEXANDER,MEEGAN BURBANK,SCOTT NICHOLS

OTHER FILING - ENTRY OF APPEARANCE FILED ON 01/21/2025

Defendant's Attorney: ROY PIERCE

01/22/2025 ORDER - COURT ORDER ENTERED ON 01/21/2025

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL 1/22/25: COPY OF ORDER
MAILED TO SAMANTHA JANDL THIS DATE.

01/22/2025 OTHER FILING - OTHER DOCUMENT FILED ON 01/21/2025

M MICHAELA MURPHY , JUSTICE

MEDIA REQUEST FILED AND APPROVED FOR WMTW-TV FOR VIDEO, AUDIO AND STILL/ VIDEO. COPY IN
HAND TO MEDIA.

01/23/2025 Party(s): ERIC SAMPSON,ERIC SAMPSON,PETER JOHNSON,KEVIN JOYCE,SCOTT NICHOLS,SCOTT KANE,KENNETH
MASON,PATRICK POLKY,TODD BRACKET,CHRISTOPHER WAINWRIGHT,TROY MORTON,ROBERT
YOUNG,JOEL MERRY,DALE LANCASTER

RESPONSIVE PLEADING - RESPONSE FILED ON 01/23/2025 at 11:27 a.m.

Defendant's Attorney: MICHAEL LICHTENSTEIN

RESPONSE OF THE SHERIFFS FILED BY ATTY LICHTENSTEIN. AND PETER
MARCHESI TO THE MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF AND HABEAS REMEDIES

01/23/2025 Party(s): WILLIAM KING

RESPONSIVE PLEADING - RESPONSE FILED ON 01/23/2025

Defendant's Attorney: TYLER SMITH

RESPONSE TO PLTS MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF AND HABEAS REMEDIES

01/24/2025 OTHER FILING - OTHER DOCUMENT FILED ON 01/24/2025

M MICHAELA MURPHY , JUSTICE

MEDIA REQUEST FILED BY WMTW-TV VIDEO AND AUDIO APPROVED BY JUSTICE
EMAILED TO SDHANDY@HEARST.COM.

MURPHY. COPY

01/24/2025 ORDER - COURT ORDER ENTERED ON 01/24/2025

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. 1. BY
1/31/2025, PLTS WILL FILE THEIR MOTION IN OPPOSITION TO THE DEFS MOTION TO ALTER OR AMEND,
WHICH THE DEFS FILED ON 1/17/25. THE DEFS MAY FILE AREPLY BY 2/7/25 2. BY 2/7/25, PLTS
WILL FILE THEIR POST-TRIAL BRIEF, ADDRESSING THE REMEDIES THEY SEEK UNDER COUNTS I, III
AND V. DEFS RESPONSE WILL BE FILED BY 2/21/25. PLTS REPLY WILL BE FILED BY 2/28/25.
COPIES EMAILED TO PARTIES AND USPS THIS DATE.

02/03/2025 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE

RESPONSIVE PLEADING - RESPONSE FILED ON 01/31/2025

Plaintiff's Attorney: ZACHARY L HEIDEN

PLTS OPPOSITION TO DEFS. MOTION TO ALTER OR AMEND COMBINED ORDER ON PARTIALLY DISPOSITIVE
MOTIONS

02/04/2025 NOTE - OTHER CASE NOTE ENTERED ON 02/03/2025

TAPE TRANSCRIPT FORM FILED REQUESTED FROM JUSTICE MURPHY

02/07/2025 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH

OTHER FILING - TRIAL BRIEF FILED ON 02/07/2025

Plaintiff's Attorney: ZACHARY L HEIDEN

REC/FIL PLAINTIFF'S POST TRIAL BRIEF ON DECLARATORY AND INJUNCTIVE RELEASE AND HABEAS
REMEDIES S/ZACH HEIDEN ESQ CAROL GARVAN, ANAHITA
SOTOHI, MATT WARNER, ALEX HARRIMAN AND KEVIN MARTIN AND JORDAN BROCK ALONG WITH
TRANSCRIPTS OF ALL THREE DAYS.

02/10/2025 ORDER - COURT ORDER ENTERED ON 02/10/2025

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL ORDER ON SEALING
TRANSCRIPTS AND AUDIO FILE OF THE INCHAMBERS CONDUCTED ON JANUARY 24, 2025 AFTER THE
CONCLUSION OF IN-COURT TRIAL.

02/10/2025 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM
BILLINGS,JOSHUA TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER
KATZ,MATTHEW MORGAN-SUBSTITUED,RONALD SCHEIDER-SUBSTITUED,AARON FREY, AAG,ERIC
SAMPSON,ERIC SAMPSON,PETER JOHNSON,KEVIN JOYCE,SCOTT NICHOLS,SCOTT KANE,KENNETH
MASON,PATRICK POLKY,TODD BRACKET,CHRISTOPHER WAINWRIGHT,TROY MORTON,ROBERT
YOUNG,JOEL MERRY,DALE LANCASTER,JASON TRUNDY,BARRY CURTIS,WILLIAM KING,OFFICE OF THE
ATTORNEY GENERAL,MAINE COMMISSION ON PUBLIC DEFENSE SERVICES,JIM BILLINGS,ROBERT
CUMMINS-SUBSTITUED,RANDALL BATES,KIMBERLY MONAGHAN,DAVID SOUCY,MICHAEL CANTARA

OTHER FILING - REPLY MEMORANDUM FILED ON 02/07/2025

DEFT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFT'S MOTION TO ALTER OR AMEND COMBINES ORDER
ON PARTIALLY DISPOSITIVE MOTIONS S/SEAN MAGENIS ESQ

02/12/2025 OTHER FILING - TRANSCRIPT FILED ON 02/12/2025

VOLUME 1 THRU 3 OF THE BENCH TRIAL HELD 1/22, 1/23, 1/24

02/18/2025 OTHER FILING - OTHER DOCUMENT FILED ON 01/24/2025

02/18/2025 OTHER FILING - TRANSCRIPT FILED ON 01/24/2025
M MICHAELA MURPHY , JUSTICE
TRANSCRIPT ORDER FORM FILED BY JUSTIE MURPHY

02/20/2025 OTHER FILING - TRANSCRIPT FILED ON 02/07/2025
Plaintiff's Attorney: ZACHARY L HEIDEN
TRANSCRIPTS FILED OF ALL THREE DAYS. CONFERENCE IN CHAMBERS ON 3RD DAY PAGE 117 TO THE
END OF THE TRANSCRIPT SEALED BY JUSTICE MURPHY SEE ORDER 2/10/25

02/21/2025 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
OTHER FILING - OTHER DOCUMENT FILED ON 02/21/2025
Defendant's Attorney: SEAN D MAGENIS
DEFS POST HEARING BRIEF FILED BY COUNSEL FOR DEF.

02/21/2025 Party(s): OFFICE OF THE ATTORNEY GENERAL
OTHER FILING - OTHER DOCUMENT FILED ON 02/21/2025
Defendant's Attorney: PAUL SUITTER
DEF AND PARTY IN INTEREST STATE OF MAINE'S POST-HEARING BRIEF WITH EXHIBIT A PLTS
RESPONSES TO DEF STATE OF MAINE'S FIRST SET OF INTERROGATORIES

02/24/2025 ORDER - COURT ORDER ENTERED ON 02/21/2025
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL 2/24/25. CONCLUSION: FOR THE REASONS OUTLINE ABOVE, THE ENTRY WILL BE:
MCPDS DEFS MOTION FOR PARTIAL SUMMARY JUDGMENT ON RELIEF DEMANED IN COUNTS I AND II IS
DENDIED. MCPDS DEFS MOTION TO ALTER OR AMEND COMBINES ORDER ON PARTIALLY DISPOSITIVE
MOTIONS (1/3/25) IS GRANTED IN PART AND DENIED IN PART. (CONT)

02/24/2025 ORDER - COURT ORDER ENTERED ON 01/21/2025
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL 1/21/25 COMBINED ORDER RESOLVING
PENDING MOTIONS OF THE MCPDS DEFS(CONT ORDER) AS TO THE JUDGMENT OF THE 1/3/25
ORDER"ON COUNT I THE ENTRY WILL BE: THAT PORTION OF THE ENTRY APPEARING ON PAGE 41 OF THE
ORDER, CURRENTLY STATING ONCOUNT I, THE PLTS MOTION FOR PARTIAL SUUMARY JUDGMNET IS
GRANTED ON THE ISSUE OF LIABILITY ONLY," SHALL BE AMENDED(CONT)

02/24/2025 ORDER - COURT ORDER ENTERED ON 02/21/2025
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL 2/24/25 ELECTRONICALLY AND USPS COMBINED ORDER RESOLVING
PENDING MOTIONS OF THE MCPDS DEFS(CONT)TO STATE "ON COUNT I THE PLTS MOTION FOR PARTIAL
SUMMARY JUDGMENT ASSERTING ACTUAL DENIAL OF COUNSEL PURSUANT TO THE SIXTH AMENDEDMENT OF
THE UNITED STATES CONSITUITION, IS GRANTED ON THE ISSUE OF LIABLITLY ONLY."

02/24/2025 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - MOTION PARTIAL SUMMARY JUDG DENIED ON 02/21/2025
M MICHAELA MURPHY , JUSTICE
COPIES TO PARTIES/COUNSEL 2/24/25. DEFS MOTION FOR PARTIAL SUMMARY JUDGMENT ON RELIEF
DEMANDED IN COUNTS I AND II IS DENIED.

02/24/2025 Party(s): MAINE COMMISSION ON PUBLIC DEFENSE SERVICES
 MOTION - OTHER MOTION GRANTED ON 02/21/2025
 M MICHAELA MURPHY , JUSTICE
 MOTION TO ALTER OR AMEND COMBINED ORDER ON PARTIALLY DISPOSITIVE MOTIONS AND PROPOSED
 ORDER PORTION OF THE ENTRY
 APPEARING ON PAGE 41 OF THE ORDER REGARDING LIABILITY ONLY SHALL BE AMENDED TO STATE, "ON
 COUNT I, THE PLTS MOTION ASSERTING ACUTAL DENIAL OF COUNSEL PURSUANT TO US CONSTITUTION
 IS GRANTED ON THE ISSUE OF LIABILITY ONLY"

03/03/2025 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
 OTHER FILING - CLOSING ARGUMENT/BRIEF FILED ON 02/28/2025
 Plaintiff's Attorney: ZACHARY L HEIDEN
 PLTS POST TRIAL RELPY BRIEF ON DECLARATORY AND INJUNCTIVE RELIEF & HABEAS REMEDIES
 FILED

03/07/2025 ORDER - COURT ORDER ENTERED ON 03/07/2025
 M MICHAELA MURPHY , JUSTICE
 ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
 PARTIES/COUNSEL COPIES TO PARTIES THIS
 DATE MAILED AND SCANNED 3/7/25

03/10/2025 HEARING - OTHER MOTION SCHEDULED FOR 04/07/2025 at 10:00 a.m. in Room No. 4
 AUGSC

03/18/2025 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,OFFICE OF THE ATTORNEY GENERAL,MAINE
 COMMISSION ON PUBLIC DEFENSE SERVICES
 MOTION - OTHER MOTION FILED ON 03/17/2025
 Defendant's Attorney: SEAN D MAGENIS
 MOTION FOR MRCIV.P.54(B)(1) CERTIFICATION OF PHASE 1 ADJUDICATION FILED
 ELECTRONICALLY ORIGINAL FILED SAME
 DAY

03/18/2025 Party(s): STATE OF MAINE AS TO COUNT III
 RESPONSIVE PLEADING - RESPONSE FILED ON 03/17/2025
 Defendant's Attorney: PAUL SUITTER
 RESPONSE TO THE COURT'S INQUIRY REGARDING COUNT V FILED

03/24/2025 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
 OTHER FILING - TRANSCRIPT ORDER FORM FILED ON 03/21/2025
 3/24/25: COPY EMAILED TO OTO THIS DATE
 AUDIO EMAILED TO CUSTOMER
 3/24/25 BY CTA CATHERINE SMITH

03/25/2025 OTHER FILING - TRANSCRIPT FILED ON 03/24/2025
 CD FOR COURT FILE. 3/24/25: SENT TO CUSTOMER AND OTO

03/27/2025 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES,JUSTIN ANDRUS-SUBSTITUED JIM
 BILLINGS,JOSHUA TARDY,DONALD ALEXANDER,MEEGAN BURBANK,MICHAEL CAREY,ROGER
 KATZ,MATTHEW MORGAN-SUBSTITUTED,RONALD SCHEIDER-SUBSTITUED,AARON FREY, AAG,ERIC
 SAMPSON,ERIC SAMPSON,PETER JOHNSON,KEVIN JOYCE,SCOTT NICHOLS,SCOTT KANE,KENNETH
 MASON,PATRICK POLKY,TODD BRACKET,CHRISTOPHER WAINWRIGHT,TROY MORTON,ROBERT
 YOUNG,JOEL MERRY,DALE LANCASTER,JASON TRUNDY,BARRY CURTIS,WILLIAM KING,OFFICE OF THE
 ATTORNEY GENERAL,MAINE COMMISSION ON PUBLIC DEFENSE SERVICES,JIM BILLINGS,ROBERT

CUMMINS-SUBSTITUTED, RANDALL BATES, KIMBERLY MONAGHAN, DAVID SOUCY, MICHAEL CANTARA
APPEAL - NOTICE OF APPEAL FILED ON 03/27/2025
REC/FIL DEFENDANT'S NOTICE OF APPEAL S/SEAN MAGENIS AAG

03/27/2025 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES, JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS, JOSHUA TARDY, DONALD ALEXANDER, MEEGAN BURBANK, MICHAEL CAREY, ROGER KATZ, MATTHEW MORGAN-SUBSTITUTED, RONALD SCHEIDER-SUBSTITUED, AARON FREY, AAG, ERIC SAMPSON, ERIC SAMPSON, PETER JOHNSON, KEVIN JOYCE, SCOTT NICHOLS, SCOTT KANE, KENNETH MASON, PATRICK POLKY, TODD BRACKET, CHRISTOPHER WAINWRIGHT, TROY MORTON, ROBERT YOUNG, JOEL MERRY, DALE LANCASTER, JASON TRUNDY, BARRY CURTIS, WILLIAM KING, OFFICE OF THE ATTORNEY GENERAL, MAINE COMMISSION ON PUBLIC DEFENSE SERVICES, JIM BILLINGS, ROBERT CUMMINS-SUBSTITUTED, RANDALL BATES, KIMBERLY MONAGHAN, DAVID SOUCY, MICHAEL CANTARA
OTHER FILING - TRANSCRIPT ORDER FORM FILED ON 03/27/2025
BY SEAN MAGENIS AAG FOR THE DEFENDANTS

03/27/2025 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES, JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS, JOSHUA TARDY, DONALD ALEXANDER, MEEGAN BURBANK, MICHAEL CAREY, ROGER KATZ, MATTHEW MORGAN-SUBSTITUTED, RONALD SCHEIDER-SUBSTITUED, AARON FREY, AAG, ERIC SAMPSON, ERIC SAMPSON, PETER JOHNSON, KEVIN JOYCE, SCOTT NICHOLS, SCOTT KANE, KENNETH MASON, PATRICK POLKY, TODD BRACKET, CHRISTOPHER WAINWRIGHT, TROY MORTON, ROBERT YOUNG, JOEL MERRY, DALE LANCASTER, JASON TRUNDY, BARRY CURTIS, WILLIAM KING, OFFICE OF THE ATTORNEY GENERAL, MAINE COMMISSION ON PUBLIC DEFENSE SERVICES, JIM BILLINGS, ROBERT CUMMINS-SUBSTITUTED, RANDALL BATES, KIMBERLY MONAGHAN, DAVID SOUCY, MICHAEL CANTARA
OTHER FILING - TRANSCRIPT ORDER FORM SENT TO REPORTER/ER ON 03/27/2025

03/27/2025 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES, JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS, JOSHUA TARDY, DONALD ALEXANDER, MEEGAN BURBANK, MICHAEL CAREY, ROGER KATZ, MATTHEW MORGAN-SUBSTITUTED, RONALD SCHEIDER-SUBSTITUED, AARON FREY, AAG, ERIC SAMPSON, ERIC SAMPSON, PETER JOHNSON, KEVIN JOYCE, SCOTT NICHOLS, SCOTT KANE, KENNETH MASON, PATRICK POLKY, TODD BRACKET, CHRISTOPHER WAINWRIGHT, TROY MORTON, ROBERT YOUNG, JOEL MERRY, DALE LANCASTER, JASON TRUNDY, BARRY CURTIS, WILLIAM KING, OFFICE OF THE ATTORNEY GENERAL, MAINE COMMISSION ON PUBLIC DEFENSE SERVICES, JIM BILLINGS, ROBERT CUMMINS-SUBSTITUTED, RANDALL BATES, KIMBERLY MONAGHAN, DAVID SOUCY, MICHAEL CANTARA
APPEAL - NOTICE OF APPEAL SENT TO REPORTER/ER ON 03/27/2025

03/27/2025 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES, JUSTIN ANDRUS-SUBSTITUED JIM BILLINGS, JOSHUA TARDY, DONALD ALEXANDER, MEEGAN BURBANK, MICHAEL CAREY, ROGER KATZ, MATTHEW MORGAN-SUBSTITUTED, RONALD SCHEIDER-SUBSTITUED, AARON FREY, AAG, ERIC SAMPSON, ERIC SAMPSON, PETER JOHNSON, KEVIN JOYCE, SCOTT NICHOLS, SCOTT KANE, KENNETH MASON, PATRICK POLKY, TODD BRACKET, CHRISTOPHER WAINWRIGHT, TROY MORTON, ROBERT YOUNG, JOEL MERRY, DALE LANCASTER, JASON TRUNDY, BARRY CURTIS, WILLIAM KING, OFFICE OF THE ATTORNEY GENERAL, MAINE COMMISSION ON PUBLIC DEFENSE SERVICES, JIM BILLINGS, ROBERT CUMMINS-SUBSTITUTED, RANDALL BATES, KIMBERLY MONAGHAN, DAVID SOUCY, MICHAEL CANTARA
APPEAL - NOTICE OF APPEAL SENT TO LAW COURT ON 03/27/2025

03/27/2025 Party(s): STATE OF MAINE AS TO COUNT III
APPEAL - NOTICE OF APPEAL FILED ON 03/27/2025
REC'D AND FILED - NOTICE OF APPEAL BY PARTY IN INTEREST STATE OF MAINE S/PAUL SUITTER AAG

03/27/2025 Party(s): STATE OF MAINE AS TO COUNT III
OTHER FILING - TRANSCRIPT ORDER FORM FILED ON 03/27/2025
FILED BY PAUL E SUITTER AAG

MAYBE 2 SEPERATE NOTICES OF APPEAL FILED THAT ORDER THE SAME SET OF TRIAL TRANSCRIPTS FOR

NOTE: THERE

THE LAW COURT. THERE IS NO NEED FOR TWO OF THE SAME SET. PLEASE SPLIT THE COST BETWEEN THE TWO SETS OF APPELLANTS IF POSSIBLE PER ATTORNEY SUITTER

03/27/2025 Party(s): STATE OF MAINE AS TO COUNT III
OTHER FILING - TRANSCRIPT ORDER FORM SENT TO REPORTER/ER ON 03/27/2025
FORM COMPLETED AND FORWARDED TO TRANSCRIPT OFFICE 4/3/25 BY CTA CATHERINE SMITH

03/27/2025 Party(s): STATE OF MAINE AS TO COUNT III
APPEAL - NOTICE OF APPEAL SENT TO REPORTER/ER ON 03/27/2025

03/27/2025 Party(s): STATE OF MAINE AS TO COUNT III
APPEAL - NOTICE OF APPEAL SENT TO LAW COURT ON 03/27/2025

04/04/2025 Party(s): OFFICE OF THE ATTORNEY GENERAL
MOTION - OTHER MOTION FILED ON 04/02/2025
PARTY IN INTEREST STATE OF MAINE'S MOTION FOR CLARIFICATION OF PROCEDURAL SCHEDULE OR IN
THE ALTERNATIVE TO STAY ALL MATTERS RELATED TO COUNT III PENDING APPEAL

04/04/2025 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
RESPONSIVE PLEADING - RESPONSE FILED ON 04/03/2025
Defendant's Attorney: SEAN D MAGENIS
DEFS RESPONSE TO INJUNCTIVE ORDER AFTER PHASE ONE TRIAL COUNT I

04/04/2025 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
RESPONSIVE PLEADING - RESPONSE FILED ON 04/04/2025
Plaintiff's Attorney: ZACHARY L HEIDEN
PLTS OPPOSITION TO STATE'S MOTION FOR CLARIFICATION & PLTS OPPOSITION TO MCPDS DEFS MOTION
FOR MRCIVP 54B(1) CERTIFICATION OF PHASE I ADJUDICATION FILED

04/11/2025 Party(s): MAINE COMMISSION OF INDIGENT LEGAL SERVICES
RESPONSIVE PLEADING - RESPONSE FILED ON 04/11/2025
Defendant's Attorney: SEAN D MAGENIS
DEFS REPLY TO PLTS OPPOSITION TO DEFS MOTION FOR MRCIVP 54(B){1} CERTIFICATION OF PHASE 1
ADJUDICATION FILED

04/11/2025 Party(s): ANDREW ROBBINS,BRANDY GROVER,RAY MACK,MALCOLM PEIRCE,LANH DANH HUYNH
MOTION - MOTION TO CONTINUE FILED ON 04/10/2025
Plaintiff's Attorney: ZACHARY L HEIDEN
PLTS MOTION TO CONTINUE ACTION ON COUNT III FILED BY PLT.

04/14/2025 OTHER FILING - OTHER DOCUMENT FILED ON 04/11/2025
NOTICE OF DOCKETING IN THE LAW CLERK FILED BY THE LAW COURT; RECORD NEEDS TO BE FILED BY
5/1/2025 WITH THE LAW COURT.

04/15/2025 Party(s): STATE OF MAINE AS TO COUNT III
RESPONSIVE PLEADING - RESPONSE FILED ON 04/15/2025
PARTY IN INTEREST STATE OF MAINE'S OPPOSITION TO PLTS. MOTION TO CONTINUE ACTION ON COUNT
III WITH ATTACHED EXHIBIT A

05/12/2025 ORDER - COURT ORDER ENTERED ON 05/07/2025
M MICHAELA MURPHY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL COMBINED ORDER ON ALL

PENDING MOTIONS; COPIES TO PARTIES 5/12/25 ELECTRONICALLY AND USPS. CONCLUSION ENTRY WILL BE: THE MCDPS DEFS MOTION FOR CERT. OF THE PHASE ONE LITIGATION IS DENIED. THE COURT MAY CONTINUE TRIAL COURT PROCEEDINGS PENDING THE APPEAL CONSISTENT WITH RULE 62(D) OF THE MRCIVP.

05/12/2025 ORDER - COURT ORDER ENTERED ON 05/07/2025

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO PARTIES/COUNSEL 5/12/25 ELECTRONICALLY AND USPS. THE STATE OF MAINE AS PARTY IN INTEREST'S MOTION FOR CLARIFICATION OF PROCEDURAL SCHEDULE OR IN THE ALTERNATIVE TO STAY ALL MATTERS RELATED TO COUNT III APPEAL IS DENIED. PLTS MOTION TO CONTINUE ACTION ON COUNT III IS GRANTED. STATES MSJ ON COUNT V IS DENIED IN PART WITH RESPECT FOR DECLARATORY RELIEF BUT BRANED IN PART WITH RESPECT TO INJUNCTIVE RELIEF..

05/12/2025 ORDER - COURT ORDER ENTERED ON 05/07/2025

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO PARTIES/COUNSEL ORDER CONT. INJUNCTIVE RELIEF AGAINST STATE OF MAINE

05/15/2025 ORDER - COURT ORDER ENTERED ON 05/15/2025

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO PARTIES/COUNSEL ORDER SCHEDULING INDIVIDUAL HABEAS CORPUS HEARINGS. AS OF THE LAST REAL TIME SPREADSHEET ON 5/15/25 THERE ARE APPROXIMATELY 50 OR MORE UNREPRESENTED INDIGENT CRIMINAL DEFS WHO ARE INCARCERATED IN MAINE JAILS ON CHARGES FORWHICH THEY ARE PRESUMED INNOCENT. THE FOLLOWING SCHEDULING ORDER FOR HABEAS HEARINGS; JUNE 24 IN BANGOR AND JULY 1ST IN AUBURN

05/15/2025 ORDER - COURT ORDER ENTERED ON 05/15/2025

M MICHAELA MURPHY , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO PARTIES/COUNSEL BY JUNE 9TH COUNSEL FOR THE PLT SHALL AFTER CONSULTATION WITH OPPOSING COUNSEL FILE WITH THE COURT A LIST OF INCARCERATED INDIVIDUALS THEY CLAIM ARE ELIGIBLE FOR HABEAS CORPUS HEARINGS AND RELIEF BEING HELD IN THE CUSTODY OF PENOBSCOT OR ANDROSCOGGIN SHERIFF. ONCE THE LIST IS RECEIVED BY THE COURT IT WILL ISSUE INDIVIDUAL WRITS OF HABEAS CORPUS ALONG WITH TRANSPORT WRITS....

05/20/2025 Party(s): ANDREW ROBBINS, BRANDY GROVER, RAY MACK, MALCOLM PEIRCE, LANH DANH HUYNH

MOTION - OTHER MOTION FILED ON 05/19/2025

Plaintiff's Attorney: ZACHARY L HEIDEN

AND CAROL GARVAN PLTS MOTION TO ALTER OR AMEND MAY 7, 2025 COMBINED ORDER.

03/02/2022	Misc Fee Payments	\$600.00	paid.
03/02/2022	Misc Fee Payments	\$600.00	paid.
03/02/2022	Misc Fee Payments	\$100.00	paid.
03/02/2022	Misc Fee Payments	\$25.00	paid.
03/02/2022	Misc Fee Payments	\$150.00	paid.
03/02/2022	Misc Fee Payments	\$100.00	paid.
09/29/2023	Misc Fee Payments	\$25.00	paid.

10/01/2024	Misc Fee Payments	\$300.00	paid.
11/22/2024	Misc Fee Payments	\$225.00	paid.
01/17/2025	Misc Fee Payments	\$700.00	paid.
03/21/2025	Misc Fee Payments	\$50.00	paid.

A TRUE COPY

ATTEST: _____
Clerk

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
DOCKET NO. KENSC-CV-22-54

ANDREW ROBBINS, ET AL.,

Plaintiffs,

v.

STATE OF MAINE, ET AL.,

Defendants.

**PARTY-IN-INTEREST STATE OF MAINE’S MOTION FOR
CLARIFICATION OF PROCEDURAL SCHEDULE OR IN THE ALTERNATIVE
TO STAY ALL MATTERS RELATED TO COUNT III PENDING APPEAL**

Party-in-Interest State of Maine seeks clarification from the Court, confirming that the State of Maine’s Notice of Appeal filed on Thursday, March 24, 2025 has stayed any further action in this matter—or at the least all further action as it relates to Count III. If the Court does not agree that the State of Maine’s notice of appeal effectively divested this Court of jurisdiction to proceed with Count III, then the State of Maine moves that the Court stay all matters related to Count III, including the hearing—at least as related to Count III—set for Monday, April 7, 2025.

PROCEDURAL BACKGROUND

From January 22, 2022-January 24, 2022, this Court held a Phase One bench trial regarding Counts I, III, and V of the First Amended Class Action Complaint for Injunctive and Declaratory Relief and Class Action Petition for Habeas Relief. Post-trial briefing was Completed on February 28, 2025. This Court issued an Order After Phase One Trial (Counts I, III, and V) (“Trial Order”) on March 7, 2025.

In the portion of the Trial Order dedicated to Count I, under a heading styled “INJUNCTION ON COUNT I,” the Court issued a declaration requiring “that the MCPDS

Defendants are required to provide continuous representation for all Subclass Members as previously defined by the Court” and further declared that the party had “failed to do so in violation of the Sixth Amendment to the United States Constitution. Trial Order at 23-24. It further ordered MCPDS “to create and file with the Court a written plan on how they intend to remedy the ongoing violation of the Sixth Amendment for all Subclass members, whether they are in-custody or in the community subject to bail conditions, and to do so by April 3, 2025.” *Id.* at 24. Finally, the Court ordered MCPDS to “prioritize and make good faith efforts to actually provide counsel for the unrepresented, incarcerated defendants who, as of this same date, are listed on the so-called “without counsel spreadsheet, and to do so by April, 3 2025,” upon which the agency is to “advise the Court as to how successful they have been in these efforts.” *Id.* at 24. It then “order[ed] a “permanent injunction requiring MCPDS Defendants to provide continuous representation for Plaintiffs,” alongside an order requiring “MCPDS to provide a plan to the Court explaining how they will comply with the injunction.” *Id.* at 45.

In the portion of the Trial Order dedicated to Count III, under a heading styled “HABEAS RELIEF ON COUNT III,” the Court set forth an initial framework for the habeas relief that it intends to issue on Count III, but noted that relief would be “delayed briefly” in order to, among other things, provide MCPDS “the time and opportunity to comply with the initial requirement of the Court’s injunction.” *Id.* at 34. In outlining its initial framework for relief, the Court set an April 7, 2025 hearing at the Capital Judicial Center “to set the course of future habeas proceedings.” *Id.* at 40, ¶ 1. It also instructed parties to come to the hearing with a prepared “list of all Plaintiffs who are incarcerated awaiting appointment of counsel in any Maine jail or correctional facility,” with instructions for other details regarding the list and with whom it needed to be shared. *Id.* ¶ 2. Additionally, it outlined what post-April 7 hearings would look like in

structure, as well who is required or permitted to attend the hearings. *Id.* at 41, ¶¶ 3-9. Finally, the Court stated which determinations it intends to make at the future hearing and what it intends to order at any given hearing if it determines that no counsel is available for an individual subject to one of the hearings. *Id.* at 41-42, ¶ 10. Finally, the Court indicated that it “will provide Habeas Corpus relief for Plaintiffs as set forth” prior in the Trial Order. *Id.* at 45.

Regarding Count V, the Court set a 10-day deadline for Defendant State of Maine to respond to an inquiry issued by the Court. *Id.* at 44. It otherwise deferred ruling on the pending motion for summary judgment.

The Court instructed the Clerk to note its Trial Order on the docket by reference pursuant to Maine Rule of Civil Procedure 79(a). No judgment was entered.

On March 17, 2025, the State of Maine submitted a response to the Court’s inquiry regarding Count V. That same day, Count I Defendants MCPDS filed a Rule 54(b)(1) Motion for Certification of “Phase 1” Adjudication. Ten days later (and twenty days after the Court’s entry of the Trial Order), both Defendant MCPDS and Party-in-Interest State of Maine filed timely Notices of Appeal of the Court’s March 7, 2025 Trial Order. All filings made by parties after March 7, 2025, remain pending before the Court.

I. Party-in-Interest State of Maine seeks clarification that its Notice of Appeal has stayed all action in this matter related to the Court’s Trial Order on Count III.

Maine Rule of Appellate Procedure 3(b) dictates that “When an appeal is taken from a trial court action, the trial court's authority over the matter is suspended and the trial court shall take no further action pending disposition of the appeal by the Law Court.” *Nat’l Org. for Marriage v. Comm’n on Govt’l Ethics and Elections Practices*, 205 ME 103, ¶ 7, n.6, 121 A.3d 792 (cleaned up) (quoting *Flaherty v. Muther*, 2011 ME 34, ¶ 7, 17 A.3d 663). The Law Court has held that this Rule prohibits a trial court from taking almost any action, unless it is explicitly permitted by

an exception carved out in Appellate Rule 3. *See, e.g., Flaherty v. Muther*, 2011 ME 32 ¶ 90, 17 A.3d 640 (holding that it was inappropriate to award costs pending appeal); *Lund v. Lund*, 2007 ME 98, ¶ 20, 927 A.2d 1185 (no authority to change a judgment pending appeal); *Doggett v. Town of Gouldsboro*, 2002 ME 175, ¶ 6, 812 A.2d 256 (no authority to issue remand pending appeal); *Erickson v. State*, 444 A.2d 345, 348-49 (Me. 1982) (holding that a trial court had no authority to decide the plaintiff's Rule 60(b) motion while appeal was pending).

The only exceptions to Rule 3(b) for civil cases are actions taken pursuant to Maine Rules of Civil Procedure 27(b), 54(b)(3), 60(a), 62(a), 62(c), or 62(d), or actions taken “with leave of the Law Court” as provided in Maine Rule of Appellate Procedure 3(d). The Court’s scheduled hearing and future habeas plans do not fit into any of these exceptions. Civil Rule 27(b) relates to depositions pending appeal. Civil Rule 54(b)(3) relates to the issuance of attorney fees when “final judgment has been entered on all claims.” Civil Rules 60(a) and 60(c) relate to actions courts may take after the entry of judgment, which has not occurred in this case. And Civil Rule 60(d) permits for the enforcement or alterations of an injunction, which is not a form of relief issued pursuant to Count III—nor could it be given that Count III constituted a class-wide petition for a “writ” of habeas corpus.

For the reasons set forth above, the State of Maine, as Party-in-Interest to Count II,I asks that the Court clarify either that (1) all actions in this matter are stayed pending appeal; or at least that (2) all actions related to Count III are stayed pending appeal.

If the Court does not conclude that Appellate Rule 3(b) stays all further actions regarding Count III pending appeal, the State of Maine moves, in the alternative, that the Court issue a Stay of Count III pending appeal. First, a stay pending appeal is appropriate for the reasons set forth above in this Motion. Second, there are numerous weighty and important issues that the Law

Court will need to address in the State of Maine's appeal of the Court's Trial Order related to Count III. The Law Court's resolution of these issues could radically alter the procedure or substance of any potential relief that this Court issues pursuant to Count III. In order to avoid confusion for all parties, in in furtherance of judicial economy, and to conserve resources for all involved, a stay is appropriate for the relief framework set forth in Count III.

Dated: April 2, 2025

Respectfully submitted,

/s/ Paul E. Sutter
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STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
DOCKET NO. KENSC-CV-22-54

ANDREW ROBBINS, ET AL.,

Plaintiffs,

v.

STATE OF MAINE, ET AL.,

Defendants.

ORDER CLARIFYING SCHEDULE

On Thursday, March 27, Count I Defendants associated with Maine Commission on Public Defense Services and Count III Party-in-Interest State of Maine filed a timely notice of appeal of this Court's March 7, 2025 Order After Phase One Trial (Counts I, III, and V).

Maine Rule of Appellate Procedure 3(b) states that when an appeal has been filed, "[t]he trial court shall take no further action pending disposition of the appeal by the Law Court except as provided in Rules 3(c) and (d) of these Rules." *See also Nat'l Org. for Marriage v. Comm'n on Gov't Ethics and Elections Practices*, 205 ME 103, ¶ 7, n.6, 121 A.3d 792.

Having examined the exceptions set forth this Appellate Rule and finding that none are applicable here, the Court accordingly deems this matter STAYED PENDING APPEAL or until further notice issued by this Court or the Maine Supreme Judicial Court.

The Clerk shall note this Order on the docket by reference pursuant to M.R. Civ. P. 79(a).

SO ORDERED.

Dated: _____

Justice, Superior Court

STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
Docket No. KENSC-CV-22-54

ANDREW ROBBINS, et al.,

Plaintiffs/Petitioners,

v.

STATE OF MAINE, et al.,

Defendants/Respondents.

PLAINTIFFS' OPPOSITION TO STATE'S MOTION FOR CLARIFICATION

Plaintiffs submit this opposition to the State of Maine's eleventh-hour, misleadingly titled "motion for clarification" seeking to halt all Count III remedies for hundreds of unrepresented Subclass members, based simply on the State's filing of an interlocutory notice of appeal.

The State of Maine's motion is, frankly, nothing more than an exercise in gamesmanship. The State of Maine and the MCPDS Defendants filed notices of appeal of this Court's March 7, 2025 Order, and the State filed its "motion for clarification," *even though*:

(1) the Court has not yet ruled on the MCPDS Defendants' Rule 54(b) motion to certify its March 7 Order on Count I as an appealable final judgment,¹

(2) the Court has not yet issued any judgment whatsoever on Count V, expressly leaving that issue open in its March 7 order,

(3) the State has not filed a Rule 54(b) motion regarding either of the Counts to which it is a party (Counts III and V), and

(4) the Court has not yet ruled on any of the Plaintiffs' Phase 2 claims.

¹ Plaintiffs will be filing a separate response to the MCPDS Defendants' Rule 54(b) motion.

In short, Defendants could have had no good faith basis for thinking, on the dates they noticed their appeals, that the case was actually primed for an appeal. Plaintiffs can only assume the notices were filed for the sole purposes of delaying the April 7 hearing.

Indeed, Defendants filed their interlocutory notices of appeal *even though* the Law Court repeatedly has indicated its desire *not* to address appeals in this case on a piecemeal basis, and instead to “permit[] this matter to continue efficiently in the trial court.” Order Permitting Trial Court Action (Oct. 24, 2024); *see also* Order on Motion for Clarification of Order (Nov. 4, 2024); Order Dismissing [MCPDS’s] Appeal (May 1, 2024). The State and MCPDS Defendants’ filing of these interlocutory notices of appeals does not deprive this Court of jurisdiction and does not merit any stay of the relief ordered: this Court can and should move forward with implementing remedies on Counts I, III, and V to address the urgent constitutional crisis of non-representation.

Even putting all that aside, the State’s motion is meritless. An order granting injunctive relief is not automatically stayed pending appeal, meaning there is no automatic stay of the Court’s March 7 Order providing equitable remedies to the Subclass on Counts I and III. Instead, “[u]nless otherwise ordered by the court, an interlocutory or final judgment in an action for an injunction . . . shall not be stayed during the period after its entry and until an appeal is taken or during the pendency of an appeal.” Me. R. Civ. P. 62(a) (emphasis added); *see also* Me. R. Civ. P. 62(d) (granting trial court authority to act on injunction during pendency of appeal).

Consistent with Rule 62, Maine Rule of Appellate Procedure 3(c)(2) likewise permits the Court to implement both its January 3 Order on summary judgment on Counts I, III and V and its March 7 Order for equitable remedies on those same counts, even without Law Court approval. *See* M.R. App. P. 3(c)(2) (authorizing the trial court to act pursuant to Rules 62(a) and 62(d)).

In addition, Maine Rule of Appellate Procedure 3(c)(4) separately permits the trial court to act without Law Court approval on cases pending interlocutory appeal of orders on summary

judgment. This provision applies here, as the March 7 Order is the remedies order issued in connection with the Court’s summary judgment ruling on Counts I, III, and V. Thus, Rule 3(c)(4) provides an independent basis for the Court to move forward with the ordered equitable remedies.

Although it is not entirely clear, the State appears to suggest that Count III must be automatically stayed because Appellate Rule 3(c)(2) does not expressly permit continued trial court action on a “writ of habeas corpus” but instead more generally permits continued trial court action on injunctions. But this elevates form over substance. Both Maine Rule of Civil Procedure 62 and Maine Rule of Appellate Procedure 3(c) plainly permit the Court to continue to act on injunctions pending appeal, and this Court’s Count III habeas remedy commanding the release of unrepresented Subclass members falls within any reasonable understanding of an injunction. *See* Black’s Law Dictionary (12th ed. 2024) (defining injunction as “[a] court order commanding or preventing an action”); *see also Betschart v. Garrett*, 700 F.Supp.3d 965 (D. Or. Nov. 14, 2023) (issuing injunction ordering release of unrepresented class members from detention as a classwide habeas remedy). Moreover, contrary to the State’s suggestion, Appellate Rule 3(c)(2) is not the only basis for the trial court’s continued action without Law Court approval: Rule 3(c)(4) provides an independent basis for the Court’s continued action when, as here, a party has filed an interlocutory appeal of a summary judgment ruling that does not resolve all claims.

Finally, under Rule 62(g), the trial court has broad authority to “make any order appropriate to preserve the status quo or the effectiveness of the judgment” pending appeal. *See, e.g., Maine Equal Justice Partners v. Hamilton*, 2018 WL 10400173, at *2 (Me. B.C.D. 2018) (discussing trial court’s “inherent authority” under Rule 62(g)). But it is *Defendants’* burden to demonstrate that the equities require a stay pending appeal. *Nat’l Org. for Marriage v. Comm’n on Governmental Ethics & Elections Practices*, 2015 ME 103, ¶ 14, 121 A.3d 792, 797 (cleaned up) (denying stay). If the court does not exercise its discretion to stay any portion of the equitable relief ordered, then

the relief takes effect and remains in effect throughout the appeal period. *Laqualia v. Laqualia*, 30 A.3d 838, 847 (Me. 2011).

Defendants cannot come close to meeting their burden to show that a stay of equitable remedies to the Subclass is warranted. The party seeking the stay “has the burden of demonstrating that (1) it will suffer irreparable injury if the [stay] is not granted; (2) such injury outweighs any harm which granting the [stay] would inflict on the other party; (3) it has a likelihood of success on the merits (at most, a probability; at least, a substantial possibility); and (4) the public interest will not be adversely affected by granting the [stay].” *Nat’l Org. for Marriage*, 2015 ME ¶14 (cleaned up).² After a three-day remedies trial, this Court concluded that each of these factors weighs strongly in favor of the Plaintiffs, not the Defendants. Any suggestion to the contrary is frivolous.

No stay is warranted here, and the Court can and should continue with implementing urgently needed remedies for the Subclass on Counts I, III and V.

² This four-factor analysis is consistent with the stay analysis applied by federal courts addressing appeals considering whether to release a successful habeas petitioner pending appeal. In *Hilton v. Braunskill*, the Supreme Court concluded that “the general standards governing stays of civil judgements should also guide courts when they must decide whether to release a habeas petitioner pending the State’s appeal.” 481 U.S. 770, 776 (1987). The factors governing the issuance of a stay are “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Id.* at 776.

April 4, 2025

Respectfully submitted,

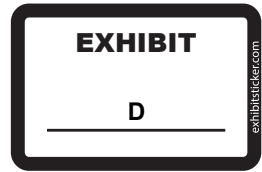


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April 10, 2025

By Hand-Delivery and Email
Tamara Rueda, Clerk
Kennebec County Superior Court
1 Court Street, Suite 101
Augusta, ME 04330

Re: *Andrew Robbins, et al v. State of Maine, et al.* No. KENSC-CV-22-54

To Whom It May Concern:

Enclosed for filing in the above-captioned case, please find Plaintiffs' Motion to Continue Action on Count III.

If you have any questions about this filing, I can be reached at (207) 619-6224 or heiden@aclumaine.org.

Very truly yours,

/s/ Zachary Heiden

Zachary Heiden,

Counsel for Plaintiffs

cc: Sean Magenis, AAG,
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Tim O'Brien

Libby, O'Brien, Kingsley & Champion

STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
Docket No. KENSC-CV-22-54

ANDREW ROBBINS, et al.,

Plaintiffs/Petitioners,

v.

STATE OF MAINE, et al.,

Defendants/Respondents.

PLAINTIFFS' MOTION TO CONTINUE ACTION ON COUNT III

Plaintiffs submit this motion to request that the Court proceed with the Count III remedies phase, as set forth in the Court's March 7, 2025 Order ("March 7 Order"), for unrepresented Subclass members. As Plaintiffs described in their April 4, 2025 opposition to the State's "motion for clarification" ("Opp."), the interlocutory notices of appeal filed by the State of Maine and the MCPDS Defendants are improper on at least *four* separate grounds:

(1) the Court has not yet ruled on the MCPDS Defendants' Rule 54(b) motion to certify its March 7 Order on Count I as an appealable final judgment,¹

(2) the Court has not yet issued any judgment whatsoever on Count V, expressly leaving that issue open in its March 7 order,

(3) the State has not filed a Rule 54(b) motion regarding either of the Counts to which it is a party (Counts III and V), and

(4) the Court has not yet ruled on any of the Plaintiffs' Phase 2 claims.

¹ Plaintiffs filed a separate response to Defendants' Rule 54(b) motion.

Opp. 1. Defendants could have had no reasonable basis for thinking, on the dates they noticed their appeals, that the case was actually primed for an appeal, particularly because the Law Court repeatedly has indicated its desire *not* to address appeals in this case on a piecemeal basis, and instead to “permit[] this matter to continue efficiently in the trial court.” Order Permitting Trial Court Action (Oct. 24, 2024); *see also* Order on Motion for Clarification of Order (Nov. 4, 2024); Order Dismissing [MCPDS’s] Appeal (May 1, 2024).

This Court can and should move forward with implementing the Count III remedies to address the urgent constitutional crisis of non-representation.

I. An appeal of the grant of habeas relief is governed by the longstanding common-law rule that habeas relief is not stayed pending appeal.

The State’s appeal of Count III does not suspend the operation of habeas relief. The Maine Rules of Civil Procedure expressly provide that they have “[l]imited [a]pplicability” to “[p]roceedings ... under the writ of habeas corpus.” Me. R. Civ. P. 81(b)(1)(A). As the Reporter’s Notes to Rule 81 explain:

Proceedings under the extraordinary writs are excluded from general coverage because they differ so greatly from the ordinary civil actions for which the rules are primarily designed. Some of them, notably *habeas corpus*, symbolize traditional rights of citizens. While the substance of these rights would of course be preserved in any event, there is value in preserving the symbol as well.

Reporter’s Notes to Rule 81 (1959). In line with this principle, Rule 81(b) recognizes that, “[i]n respects not specifically covered by statute or other court rules, the practice in these proceedings shall follow the course of the common law, but shall otherwise conform to these rules.” In other words, common law principles govern proceedings on habeas writs unless there is a specific

contrary statute or rule. Here, there is no Maine rule or statute specifically governing appeals in habeas proceedings, and the common law therefore governs.

At Maine common law, a respondent could not appeal a successful habeas petition. The Law Court has long acknowledged that “[e]xceptions do not lie *to the discharge* of a prisoner on *habeas corpus*.” *Knowlton v. Baker*, 72 Me. 202, 202 (1881) (first emphasis added). This is because “[t]he object of the writ is to secure the right of personal liberty; and this can only be accomplished by prompt action [t]o allow exceptions [to orders] discharging a prisoner, would necessarily result in considerable delay, and thus defeat one of the principal purposes of the writ, namely, a speedy release.” *Id.*; *see also French v. Cummings*, 125 Me. 522, 522 (1926) (“It is a well-settled principle that exceptions do not lie *to the discharge* of a prisoner upon habeas corpus.” (emphasis added)).

The Law Court affirmed this principle in *Stewart v. Smith*, 101 Me. 397, 397 (1906), declining to address a respondent’s habeas appeal due to “the well-settled principle . . . that exceptions do not lie *to the discharge* of a prisoner upon habeas corpus” (emphasis added). The Law Court further emphasized that “[t]o allow exceptions to the order for a discharge . . . would be to seriously impair the efficiency of a process . . . and would be inconsistent with the history and theory of the writ.” *Id.* Thus, the Court reasoned that “[i]t is better that occasional errors . . . should go uncorrected than that the speedy release of a person illegally deprived of his liberty should be prevented, or delayed by the length of time that must necessarily elapse in many cases before exceptions to an order for [discharge] could be presented, argued, and determined.” *Id.* The Law Court further noted that that the importance of efficiently resolving habeas petitions is codified in Maine’s habeas statute based on the plain language of 14 M.R.S. §5521 (requiring court to act “without delay”) and §5523 (allowing court to evaluate petition in a “summary

way”), which emphasize the importance of avoiding delay in habeas proceedings. *Id.*; *see also Ex parte Holbrook*, 133 Me. 276, 277 (1935) (reaffirming that appeals do not lie to discharge of prisoner on writ of habeas corpus). *Id.*

Applying these principles here, there is no basis to stay the Count III proceedings pending appeal—let alone to allow the filing of an interlocutory notice of appeal to bring those proceedings to an automatic halt. As described above, Maine common law makes clear that an appeal cannot interfere with the release of a successful habeas petitioner. Thus, even if habeas relief is not properly understood as a form of injunctive relief, Maine Rule of Civil Procedure 62 and Maine Rule of Appellate Procedure 3 do not apply of their own force to habeas proceedings. The result: The Count III proceedings are not subject to an automatic stay upon the filing of a notice of appeal.

Other jurisdictions are in accord. The longstanding common-law rule under both state and federal law is that the government’s appeal from a successful habeas petition does *not* automatically stay the awarded relief pending appeal. Much like the Law Court in the decisions recounted above, courts in other jurisdictions have long reasoned that to permit an automatic stay of a habeas petitioner’s discharge based simply on a notice of appeal would prolong the petitioner’s unlawful imprisonment and undermine the basic purpose of the “Great Writ of Liberty.” *See People ex rel. McCanliss v. McCanliss*, 255 N.Y. 456, 459, 175 N.E. 129, 129 (1931) (“By immemorial tradition the aim of habeas corpus is a justice that is swift and summary.”)

Starting first with state law, state courts have routinely held that habeas relief is not automatically stayed pending appeal, even when the general civil rules provide for an automatic

stay pending appeal. As explained by Chief Justice Cardozo, writing for New York’s highest court,

It would be intolerable that a custodian adjudged to be at fault, placed by the judgment of the court in the position of a wrongdoer, should automatically, by a mere notice of appeal, prolong the term of imprisonment, and frustrate the operation of the historic writ of liberty. ‘The great purpose of the writ of habeas corpus is the immediate delivery of the party deprived of personal liberty.’

People ex rel. Sabatino v. Jennings, 246 N.Y. 258, 259–61, 158 N.E. 613, 614–15 (1927)

(cleaned up). Thus, a statute “suspending the effect of the discharge by the mere force of an appeal would be at war with the mandate of the Constitution whereby the writ of habeas corpus is preserved in all its ancient plenitude.” *Id.* (citing Const. art. 1, § 4 (Suspension Clause)).

“Little would be left of ‘this, the greatest of all writs,’ if a jailer were permitted to retain the body of his prisoner during all the weary processes of an appeal begun without leave and languidly continued.” *Id.* (citation omitted).

Notably, the court in *Jennings* refused to stay habeas relief pending appeal even though New York’s civil rules (similar to Maine Rule of Appellate Procedure 3) contained a general provision requiring an automatic stay of lower court orders whenever the government filed a notice of appeal of a civil order. *Id.* at 259 (citing New York’s Civil Practice Act). The Court explained that this general civil rule “has no application” to an appeal from an order granting habeas relief to a prisoner. *Id.* at 260. As further support for its ruling, the Court noted that its state habeas statute prohibited (in terms similar to Maine’s) a prisoner who had been discharged upon a habeas corpus writ from being “again imprisoned, restrained, or kept in custody, for the same cause.” *Id.* at 260; *see* 14 M.R.S. §5536 (“No person discharged by post-conviction review ... shall be again imprisoned or restrained for the same cause ...”). Justice Cardozo’s reasoning applies with full force to Maine’s habeas writ.

Justice Cardozo’s decision is unique for its eloquence but not for its holding. Rather, it is part of a long common-law tradition recognizing that habeas relief is not automatically stayed upon the filing of a notice of appeal, because a stay in that circumstance would undermine the writ’s fundamental purpose. *See, e.g., James v. Amrine*, 157 Kan. 397, 140 P.2d 362, 366 (1943) (noting the “great weight of authority” holding that habeas relief is not automatically stayed pending appeal, and citing cases from across the country); *Dickson v. Mullings*, 66 Utah 282, 241 P. 840, 842 (1925) (holding that habeas relief is not automatically stayed pending appeal because “to do so, would, to a large extent, deprive the writ of habeas corpus of its efficacy,” and collecting state cases in accord).

Federal common law likewise recognizes that habeas relief is not automatically stayed pending appeal. The Federal Rules of Appellate Procedure codify this rule, explaining that when a lower court orders the release of a prisoner pursuant to a habeas writ, “the prisoner must—unless the court or judge rendering the decision, or the court of appeals, or the Supreme Court, or a judge or justice of either court orders otherwise—be released on personal recognizance.” Federal Rule of Appellate Procedure 23(c).² Thus, like the state common law rule, the default federal rule is that habeas relief is *not* stayed pending appeal unless the court orders otherwise.

Finally, while the presumption in favor of release of successful habeas petitioners pending appeal may be overcome based on the familiar four-factor test applicable to injunctive relief, *see Hilton v. Braunskill*, 481 U.S. 770, 776 (1987), the State has not even attempted to satisfy this test here. Nor could it. Applying the four-factor test, courts consider “(1) whether the

² The current iteration of Federal Rule of Appellate Procedure 23(c) derives from the Supreme Court’s earlier rule, first promulgated in 1886, which “*required* enlargement of successful habeas corpus petitioners.” *Hilton v. Braunskill*, 481 U.S. 770, 774 n. 4 (1987); *see also Waiters v. Lee*, 168 F. Supp. 3d 447, 451, at n. 5 (E.D.N.Y. 2016) (cataloguing history of the federal rule).

stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Id.* at 776; *see also Nat’l Org. for Marriage v. Comm’n on Governmental Ethics & Elections Practices*, 2015 ME 103, ¶ 14, 121 A.3d 792, 797 (applying the four-factor test and denying stay).³ After a three-day remedies trial, this Court concluded that each of these factors weighs strongly in favor of Plaintiffs, not Defendants. Defendants cannot come close to meeting their burden to show that a stay of habeas relief to the Subclass is warranted.

* * *

In sum, an automatic stay of the grant of habeas relief pending appeal would violate the longstanding common law rule, prolong Subclass members’ unlawful detention, and undermine the fundamental purpose of the “Great Writ of Liberty.” *In re Opinion of the Justices*, 157 Me. 187, 211, 170 A.2d 660, 672-73 (1961). There is no Maine rule or statute permitting automatic stays of habeas relief pending appeal. And for good reason: “suspending the effect of the discharge by the mere force of an appeal would be at war with the mandate of the Constitution whereby the writ of habeas corpus is preserved in all its ancient plenitude.” *Sabatino*, 246 N.Y. at 259–61; *see In re Opinion of the Justices*, 170 A.2d at 672-73 (striking down a statute that would have limited the scope of the common-law habeas writ as a violation of the habeas Suspension Clause of the Maine Constitution); Me. Const., art. I, § 10 (“the writ of habeas

³ In deciding whether the presumption in favor of release has been overcome, a court can also consider the possibility of a petitioner's flight, any danger the petitioner may pose to the public, and the state's interest in continued custody and rehabilitation of the petitioner pending a final ruling by the appellate court. *Hilton*, 481 U.S. at 777.

corpus shall not be suspended...”). The Court can and should continue with implementing urgently needed habeas remedies for the Subclass on Count III.

II. This Court can act without Law Court approval following an interlocutory appeal of an order of equitable injunctive relief or a summary judgment order.

This Court can separately proceed with Count III, even without leave from the Law Court, under a straightforward application of Maine Rule of Appellate Procedure 3. Under Rule 3, the State’s filing of an interlocutory notice of appeal does not deprive this Court of jurisdiction and does not merit any stay of the relief ordered for two separate reasons: (1) Maine Rule of Appellate Procedure 3(c)(4) permits the trial court to act without Law Court approval in cases pending interlocutory appeal of orders on summary judgment, and (2) a grant of habeas relief is properly understood as an injunction under Maine Rule of Civil Procedure 62.

First, this Court can continue to implement remedies on Count III because the State’s appeal is an interlocutory appeal of a summary judgment order. Maine Rule of Appellate Procedure 3(c)(4) states: “The trial court is permitted to act on a case pending resolution of any appeal of ... an order granting or denying a motion for summary judgment ... that does not resolve all pending claims.” The Court’s March 7 Order is simply the remedies order issued pursuant to this Court’s summary judgment ruling on Count III (among other counts). As the Court explained in its March 7 Order, the January remedies trial “was conducted pursuant to the Court’s January 3, 2025 Combined Order on Partially Dispositive Motions,” in which “the Court granted partial summary judgment on the issue of liability under the Sixth Amendment in favor of Plaintiff Subclass members on Count III.” March 7 Order at 1.

Counsel for the State suggested at the April 7, 2025 hearing that Rule 3(c)(4) permits the Court to act only on those *claims* that had not been resolved by summary judgment. The rule, however, makes clear that the Court can “act on a *case*” pending resolution of an appeal—not on

a subset of claims. *Cf. Home Depot U.S.A., Inc. v. Jackson*, 587 U.S. 435, 441-42 (2019) (distinguishing a “civil action” from a “claim”). Nothing in the text of the Rule supports limiting this Court’s authority to a subset of claims. Rule 3(c)(4) therefore provides an independent basis for the Court to move forward with the ordered equitable remedies.

Second, Maine Rule of Appellate Procedure 3 separately permits the trial court to act, even without Law Court approval, on injunctive relief under Rule 62(a) and 62(d). The State appears to suggest that Count III must be automatically stayed because appellate Rule 3(c)(2) does not expressly permit continued trial court action on a “writ of habeas corpus” but instead more generally permits continued trial court action on injunctions. But this elevates formalities over substance. Both Maine Rule of Civil Procedure 62 and Maine Rule of Appellate Procedure 3(c) plainly permit the Court to continue to act on injunctions pending appeal, and this Court’s Count III habeas remedy commanding the release of unrepresented Subclass members falls within any reasonable understanding of an injunction. *See Black’s Law Dictionary* (12th ed. 2024) (defining injunction as “[a] court order commanding or preventing an action”); *see also Betschart v. Garrett*, 700 F.Supp.3d 965 (D. Or. Nov. 14, 2023) (issuing injunction ordering release of unrepresented class members from detention as a class-wide habeas remedy).

III. The Court should clarify the meaning of the term “party in interest.”

In its order on Defendants’ second motion to dismiss (p. 17), the Court designated the State of Maine as a “party-in-interest.” The Court followed the example of Justice Douglas, who made a similar designation in *Peterson v. Johnson*, No. SJC-23-2 (November 6, 2023). Now that the State is attempting to appeal—and to stay the case while its appeal is pending—the scope of that status should be clarified.

The term “party in interest” is widely used in real estate law and probate law, though other than *Peterson* it has rarely (and possibly never) been used in the law governing writs of habeas

corpus. The State acts as if it has all the authority of a traditional party but none of the responsibility. When the Court determined the State was a party in interest, it appeared to limit the State's authority as well. Rather than letting the State proceed without restriction, the Court declared that the State could "participate in the proceedings and [] be heard on the propriety of any relief that may affect it." August 13, 2024 Order on Motions to Dismiss at 17. This explanation, and the State's request for a special designation, suggest that the State is not a full party to the proceedings. When convenient, the State takes full advantage of this designation, hiding behind the "party in interest" title to claim that it does not have the responsibilities of a full party. For example, in its March 17, 2025 Response to the Court's Inquiry Re: Count V, p. 3, the State of Maine averred that "state officers must have an opportunity to participate in the actual litigation before they can be bound to abide by representations or assurances made on their behalf." Likewise, at the January trial on relief, the State's attorney argued that "[t]he State isn't a party on the habeas side." (Trans. of Hearing, January 24, 2025, 110:14-15).

At other times, however, the State claims that its "party in interest" status gives it full authority to direct the course of this litigation. In its most recent "Motion for Clarification," the State claims the authority not only to file an interlocutory appeal on Count III, but also to automatically halt all habeas remedies on Count III pending resolution of its appeal. And in its "Party-In-Interest State of Maine's Response to Plaintiffs' Motion for Habeas Remedies," (p. 2) the State of Maine argues that "the State of Maine, as Party-In-Interest" to Count III, preserves its appellate rights as it relates to the Court's Combined Order and "in no way waives or forfeits its ability to dispute, object, or take exception to the Court's findings therein." Likewise, at the April 7, 2025, hearing on habeas relief, the State of Maine objected—for the first time in the course of this multi-year litigation—to the availability of habeas relief for individuals charged

with felonies, even though individuals charged with Class A, B, and C offenses have consistently made up a large percentage of the Subclass.

Parties are entities that have a concrete and direct stake in the outcome of litigation. Count III of this litigation is a habeas corpus action, and this “Great Writ” was “designed to accomplish summary release from illegal restraint whether governmental or otherwise.” *Roussel v. State*, 274 A.2d 909, 913 (Me. 1971). The State of Maine is unlawfully restraining Subclass members who are not in custody, and, therefore, the State of Maine is a party to Count III. With that status comes responsibilities (to aid in the identification of subclass members and make them available for hearings) as well as authority (to object to relief, pursue appeals, and seek stays of litigation). There is no status that conveys authority but not responsibility. The State of Maine’s objections to relief, and its repeated attempts to have this Court’s proceedings stayed to pursue interlocutory appeals, will impose a direct and immediate injury on Subclass members who are still awaiting their habeas hearing—a hearing to which the State of Maine concedes the Subclass members are entitled see Defendant/Party-in-Interest State of Maine’s Post-Hearing Brief at 11, conceding that “the question of habeas liability is not in dispute.”). In light of the State’s conduct in this case, Petitioners request that the Court provide clarification of the contours of the State of Maine’s status in Count III.

CONCLUSION

No stay is warranted here, and the Court can and should continue to implement urgently needed remedies for the Subclass members under Count III.

April 10, 2025

Respectfully submitted,



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SUPERIOR COURT
Docket No. KENSC-CV-22-54

ANDREW ROBBINS, et al.,

Plaintiffs/Petitioners,

v.

STATE OF MAINE, et al.,

Defendants/Respondents.

[PROPOSED] ORDER

Upon consideration, Plaintiffs' Motion to Continue Action on Count III is hereby
GRANTED.

It is so ordered.

Date:

Justice, Maine Superior Court

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April 15, 2025

BY HAND-DELIVERY

Tamara Rueda, Clerk
Kennebec County Superior Court
1 Court Street, Suite 101
Augusta, ME 04330

Re: *Andrew Robbins, et al. v. State of Maine, et al.*
Docket No. KENSC-CV-2022-54

Dear Ms. Rueda:

Please find enclosed for filing in the above-referenced matter, Party-In-Interest State of Maine's Opposition to Plaintiff's Motion to Continue Action on Count III, with attached Exhibit A.

Thank you for your attention to this matter.

Sincerely,

/s/ Paul E. Sutter
Paul E. Sutter
Assistant Attorney General

Enclosure

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STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
DOCKET NO. KENSC-CV-22-54

ANDREW ROBBINS, ET AL.,

Plaintiffs,

v.

STATE OF MAINE, ET AL.,

Defendants.

**PARTY-IN-INTEREST STATE OF MAINE’S OPPOSITION TO
PETITIONER-PLAINTIFFS’ MOTION TO CONTINUE ACTION ON COUNT III**

In their Motion to Continue Action on Count III (“Motion”), Petitioner-Plaintiffs (“Plaintiffs”) argue that the Court should disregard the provisions of Maine Rule of Appellate Procedure 3(b) and instead press onward. But Appellate Rule 3(b)’s instructions are clear: the trial court is to “take no further action” pending disposition of the appeal by the Law Court. No exception to Appellate Rule 3(b) applies to this case. For these reasons and those set forth below, the Court should deny the Motion.

PROCEDURAL BACKGROUND

In late January 2025, this Court held a “Phase One” bench trial regarding Counts I, III, and V of the First Amended Class Action Complaint for Injunctive and Declaratory Relief and Class Action Petition for Habeas Relief (“Amended Complaint”). Parties completed post-trial briefing on February 28, and the Court issued an Order After Phase One Trial (Counts I, III, and V) (“Post-Trial Order”) on March 7.

In the portion of the Post-Trial Order dedicated to Count I, under a heading styled “INJUNCTION ON COUNT I,” the Court issued a declaration requiring “that the MCPDS Defendants are required to provide continuous representation for all Subclass Members as previously defined by the Court” and further declared that it had previously “failed to do so in violation of the Sixth Amendment to the United States Constitution.” Post-Trial Order at 23-24. It further ordered MCPDS “to create and file with the Court a written plan on how they intend to remedy the ongoing violation of the Sixth Amendment for all Subclass members, whether they are in-custody or in the community subject to bail conditions, and to do so by April 3, 2025.” *Id.* at 24. Finally, the Court ordered MCPDS to “prioritize and make good faith efforts to actually provide counsel for the unrepresented, incarcerated defendants who, as of this same date, are listed on the so-called “without counsel spreadsheet, and to do so by April, 3 2025,” upon which the agency is to “advise the Court as to how successful they have been in these efforts.” *Id.* at 24. It then “order[ed] a “permanent injunction requiring MCPDS Defendants to provide continuous representation for Plaintiffs,” alongside an order requiring “MCPDS to provide a plan to the Court explaining how they will comply with the injunction.” *Id.* at 45.

In the portion of the Post-Trial Order dedicated to Count III, under a heading styled “HABEAS RELIEF ON COUNT III,” the Court set forth an initial framework for the habeas relief that it intends to formulate on Count III, but noted that relief would be “delayed briefly” in order to, among other things, provide MCPDS “the time and opportunity to comply with the initial requirement of the Court’s injunction.” *Id.* at 34. In outlining its initial framework for relief, the Court set an April 7, 2025 hearing at the Capital Judicial Center “to set the course of future habeas proceedings.” *Id.* at 40, ¶ 1. It also instructed parties to come to the hearing with a prepared “list of all Plaintiffs who are incarcerated awaiting appointment of counsel in any Maine jail or

correctional facility,” with instructions for other details regarding the list and with whom it needed to be shared. *Id.* ¶ 2. Additionally, it outlined what post-April 7 hearings would generally look like in structure, as well as who is required or permitted to attend the hearings. *Id.* at 41, ¶¶ 3-9. The Court also described how it intends to determine whether individuals are class members eligible for relief. *Id.* at 41-42, ¶ 10. Finally, the Court indicated that it “will provide Habeas Corpus relief for Plaintiffs as set forth” prior in the Trial Order. *Id.* at 45.

Regarding Count V, the Court set a 10-day deadline for Defendant State of Maine to respond to an inquiry issued by the Court. *Id.* at 44. It otherwise deferred ruling on the pending motion for summary judgment.

The Court instructed the Clerk to note its Trial Order on the docket by reference pursuant to Maine Rule of Civil Procedure 79(a). No judgment was entered.

On March 17, the State of Maine submitted a response to the Court’s inquiry regarding Count V. That same day, Count I Defendant MCPDS filed a Rule 54(b)(1) Motion for Certification of “Phase 1” Adjudication.

On March 27, both Defendant MCPDS and Party-in-Interest State of Maine filed timely Notices of Appeal of the Court’s Post-Trial Order. The Law Court docketed the appeal four days later, *see* Ex. A, though parties did not receive email notice of its docketing until April 9.

No motions have been filed regarding the appeal in the Law Court, and all Superior Court filings made by parties after March 7, 2025 remain pending.

ARGUMENT

I. The Court should abide by Maine Rule of Appellate Procedure 3(b)’s instruction to take no further action on Count III while the appeal is before the Law Court.

When a party appeals from a Maine trial court, Maine Rule of Appellate Procedure 3(b) provides that the “trial court shall take no further action pending disposition of the appeal by the

Law Court except as provided in Rules 3(c) and (d) of these Rules.” There is no question that Appellate Rule 3(b) applies to this case and that no exception provided in Rules 3(c) or (d) applies. Accordingly, the Court should take no further action on Count III unless and until the Law Court provides otherwise.

A. Appellate Rule 3(b) unambiguously directs this Court to pause all action on Count III.

The Notice of Docketing in the Law Court for the State of Maine’s appeal of Count III states clearly that the Maine Rules of Appellate Procedure apply to the appeal. *See* Ex. A at 1 (“You must follow the Maine Rules of Appellate Procedure.”)

Maine Rule of Appellate Procedure 3(b) dictates that “When an appeal is taken from a trial court action, the trial court's authority over the matter is suspended and the trial court shall take no further action pending disposition of the appeal by the Law Court.” *Nat’l Org. for Marriage v. Comm’n on Govt’l Ethics and Elections Practices*, 205 ME 103, ¶ 7, n.6, 121 A.3d 792 (cleaned up) (quoting *Flaherty v. Muther*, 2011 ME 34, ¶ 7, 17 A.3d 663). The Law Court has held that this Rule prohibits a trial court from taking virtually any action, unless it is explicitly permitted by an exception carved out in Appellate Rule 3(c) or (d). *See, e.g., Flaherty v. Muther*, 2011 ME 32 ¶ 90, 17 A.3d 640 (inappropriate to award costs pending appeal); *Lund v. Lund*, 2007 ME 98, ¶ 20, 927 A.2d 1185 (no authority to change a judgment pending appeal); *Doggett v. Town of Gouldsboro*, 2002 ME 175, ¶ 6, 812 A.2d 256 (no authority to issue remand pending appeal); *Erickson v. State*, 444 A.2d 345, 348-49 (Me. 1982) no authority to decide Rule 60(b) motion pending appeal).

In civil cases such as this, the only exceptions described by Appellate Rule 3 are actions taken pursuant to Maine Rules of Civil Procure 27(b), 54(b)(3), 60(a), 62(a), 62(c), or 62(d), or actions taken “with leave of the Law Court” as provided by Appellate Rule 3(d). The Court’s

forthcoming hearings related to habeas relief do not fit into any of these exceptions. Civil Rule 27(b) relates to depositions pending appeal. Civil Rule 54(b)(3) relates to the issuance of attorney fees when “final judgment has been entered on all claims.” Civil Rules 60(a), 62(a), and 62(c) relate to actions courts may take after the entry of judgment, which has not occurred in this case. And Civil Rule 62(d) permits the enforcement or alterations of an injunction, which is not a form of relief issued pursuant to Count III—nor could it be given that Count III constituted a class-wide petition for a “writ of habeas corpus.”

Plaintiffs seem to argue that the Court can nevertheless move forward because the Court’s Post-Trial Order setting out a habeas relief framework is more like an injunction than a judgment for monetary damages. *See* Mot. at 9. But court remedies do not fall into the dichotomy of “injunction/non-injunction” or “damages/non-damages,” even if those are the two most common remedies courts issue. There are a host of remedies courts issue, and a writ of habeas corpus is neither a judgment for damages, nor an injunction.

To support their argument, Plaintiffs cite to a portion of Black’s Law Dictionary definition for “Injunction,” which notes that injunctions involve a “court order commanding or preventing an action.” *Id.* But the fact that injunctions involve some action (or inaction) by the subject party does not mean other remedies cannot require action of a party. If a habeas writ were truly a form of injunction, Black’s Law Dictionary would almost certainly provide more evidence than the few stray words quoted by Plaintiffs. But the word “habeas” appears nowhere in the current, thousand-word definition of “Injunction” in Black’s.¹ *Injunction*, Black’s Law Dictionary (12th ed. 2024),

¹ The definition does state that injunctions are sometimes called a “writ of injunction.” But this only serves to underscore that a “writ of injunction” is different from a “writ of habeas corpus.” *Injunction*, Black’s Law Dictionary (12th ed. 2024).

available at Westlaw. Likewise, Black’s comprehensive definition for “habeas corpus” never uses or mentions the word “injunction.” *Habeas corpus*, Black’s Law Dictionary (12th ed. 2024).

Nor is Plaintiffs’ citation *Betschart* relevant. The appropriate authority on Maine law is the Law Court, which has consistently held that Maine’s habeas jurisdiction and the relief it provides are entirely distinct from Maine courts’ equitable jurisdiction and the injunctive relief available therein. For example, in *Roussel v. State*, the Law Court extensively analyzed the distinction between habeas corpus jurisdiction and equitable (chancery) jurisdiction in the laws of England. *See* 274 A.2d 909, 913-18 (Me. 1971). It then went on to describe how those two areas of law developed in Maine “in light of these separate and independent jurisdictions.” *Id.* at 918. (emphasis added); *see also id.* at 923 (In light of the foregoing exhaustive review of [Maine’s] law governing the respective separate and independent habeas corpus and equity jurisdictions relating to the control of infants, we now focus attention upon decision of the case at bar.”).

Likewise, Maine statutory law has long viewed injunctions as distinct from habeas writs. In *Simpson v. Simpson*, 109 A.254, 255 (Me. 1920), the Law Court pointed to Revised Statutes chapter 82, § 46, which at that time set forth the types of cases that could trigger its jurisdiction. These included “motions for new trials . . . ; questions of law arising on reports of cases; bills of exceptions; agreed statements of facts; cases civil or criminal, presenting a question of law; all questions arising in equity cases; motions to dissolve injunctions . . . ; [and] questions arising on writs of habeas corpus, mandamus and certiorari”). This confirms that not only has the Law Court long-considered injunctions to be distinct from habeas writs, but so has the Maine Legislature. Plaintiffs’ conflation of the two for purposes of avoiding appeal is thus erroneous.

B. Appeals docketed in the Law Court are governed by the Maine Rules of Appellate Procedure, not ancient or foreign common law.

In their Motion, Plaintiffs cite a 1959 Reporter’s Note to Maine Rule of Civil Procedure 81 in support of their argument that the Court should ignore the Appellate Rules. *See* Mot. at 2. This misses the mark for three key reasons.

First, Rule 81’s “limited applicability” regarding habeas corpus actions—and the Reporter’s Note’s reference to it—are related to “Proceedings for post-conviction relief in criminal actions or under the writ of habeas corpus.” *See* Me. R. Civ. P. 81(b)(1)(A). This is not a post-conviction habeas action, but rather a pre-conviction habeas action.

Second, even if Rule 81(b) applied to this action—which it does not—its “limited applicability” merely instructs that the Rules of Civil Procedure do not override practices established by statute or the Rules of Criminal Procedure. It does not state, as Plaintiffs suggest, that courts should ignore all prescribed rules and instead look to common law.

Third, Plaintiffs’ citation to the Rules of Civil Procedure’s “limited applicability” is a red herring when the question at hand relates to the applicability of the Maine Rules of Appellate Procedure. Appellate Rule 1 is explicit that the Appellate Rules “govern the procedure for review of any judgment, order, or ruling” from the Superior Court. (emphasis added); *see also* Ex. A at 1 (“You must follow the Maine Rules of Appellate Procedure.”).

Plaintiffs’ citations to Law Court decisions regarding the availability of appeal—all issued decades before the adoption of the Appellate Rules—do not advance their argument. *See* Mot. at 3-4. It is telling that these decisions are all from the Law Court—where an appeal was taken—and not the Superior Court. To the extent that any of these common law cases, dating from 1881 through 1935, ever had any bearing on the State of Maine’s ability to appeal a post-trial, pre-release order in a class habeas action, they were supplanted by the 2001 adoption of the Maine

Rules of Appellate Procedure.² If Plaintiffs wish to argue that the State of Maine may not appeal the Superior Court’s Post-Trial Order, then the correct forum to do so is in the Law Court.³

C. Appellate Rule 3(c)(4) does not permit the Court to proceed on Count III because its Post-Trial Order was not an order “granting or denying a motion for summary judgment.”

Plaintiffs assert that Appellate Rule 3(c)(4) permits the Court to move forward with Count III, arguing that the Court’s Post-Trial Order constitutes an “order granting or denying a motion for summary judgment . . . that does not resolve all pending claims.” *See* Mot. at 8. They theorize that because the Court held a bench trial subsequent to issuing a “Combined Order on Partially Dispositive Motions,” (“Combined Order”) they can bootstrap the Court’s Post-Trial Order to the Combined Order and characterize it as an order “granting or denying a motion for summary judgment.” *Id.* This crabbed interpretation is simply wrong on the law.

In the litigation timeline, motions for summary judgment occur before—not after—bench trials. Plaintiffs’ summary judgment motion was addressed by the Court’s Combined Order, which also set a bench trial for late January. *See* Comb. Order at 41. That is the type of order that would fall under Appellate Rule 3(c)(4). But the Post-Trial Order is a different animal. The difference between the two is highlighted by the familiar summary judgment standard: At the summary judgment phase, courts are required to view evidence “in the light most favorable to the nonmoving party.” *Bean v. City of Bangor*, 2022 ME 30, ¶ 2, 275 A.3d 324. Not so post-trial. The precise purpose of a trial is to resolve factual disputes. *See* Post-Trial Order at 2 (“The Court begins by making findings of fact . . .”).

² Citations to foreign common law in an attempt to override the Maine Appellate Rules, *see* Mot. at 5-7, are plainly irrelevant.

³ The fact that the Law Court has at times disapproved of post-release habeas appeals only underscores why it is appropriate for the State of Maine to appeal matters of law now, rather than attempting to do so after an individual criminal defendant is ordered to be released.

The Court understood that it was not issuing a second summary judgment order, illustrated by its captioning of the decision as an “Order After Phase One Trial.” Plaintiffs saw it this way too, at least when drafting their post-trial brief. There, they never asked for “summary judgment,” in stark contrast with their partial summary judgment motion. Their post-trial reply brief is even more revealing. On at least two occasions, they acknowledge that the “trial” was a “stage” of the litigation distinct from summary judgment. *See* Post-Trial Reply Br. at 19 (“Defendants reassert arguments already disposed of at the summary judgment stage”); *id.* at 14 (“Defendants failed to raise this defense either at summary judgment or during the evidentiary hearing”).

Because the Court’s Post-Trial Order is not “an order granting or denying a motion for summary judgment,” Appellate Rule 3(c)(4) does not provide Plaintiffs a basis to proceed with Count III in the Superior Court when the State of Maine’s appeal is docketed in the Law Court.⁴

II. The Court should not weigh in on the State of Maine’s Party-in-Interest status.

Apparently upset that the State of Maine filed an appeal of the Post-Trial Order before the deadline ran, Plaintiffs now ask the Court to reexamine the State of Maine’s “Party-in-Interest” status. *See* Mot. at 9 (“Now that the State is attempting to appeal—and to stay the case while its appeal is pending—the scope of that status should be clarified.”) For the reasons set forth above in Part I, it would not be appropriate for the Court to take further action on Count III at this time—even in the realm of “clarifying” the State of Maine’s Party-in-Interest status.

⁴ Plaintiffs assert that “Counsel for the State suggested at the April 7, 2025 hearing that Rule 3(c)(4) permits the Court to act only on those claims that had not been resolved by summary judgment.” The statement referenced was in response to Plaintiff counsel’s assertion that Rule 3(c)(4) permits the Court to proceed. At no point during the Zoom conference did the State of Maine’s counsel understand Plaintiffs were asserting that the Court’s Post-Trial Order constituted a summary judgment order for purposes of Appellate Rule 3(c)(4). Regardless of whether courts may continue hearing matters related to claims on appeal—which the State of Maine does not concede—the question is irrelevant here because the appeal was not taken from a summary judgment order.

What is more, Plaintiffs do not appear to actually want the Court to “clarify” the State of Maine’s status. Instead, they seem to request that the Court “alter” or “amend” the State of Maine’s status. *See, e.g.*, Mot. at 10 (“[T]he State claims that its ‘party in interest’ status gives it full authority to direct the course of this litigation.”); *id.* at 11 (“The State of Maine is unlawfully restraining Subclass members who are not in custody, and, therefore, the State of Maine is a party to Count III.”). Even if altering a party’s status post-trial were permissible, such a request is entirely inappropriate when the matter is currently docketed before the Law Court.⁵ *See* Ex. A. If Plaintiffs do not believe the State of Maine has the right to appeal the Post-Trial Order, they are free to press their case to the Law Court. But they cannot obtain through a “request for clarification” what is otherwise barred by Appellate Rule 3(b).

III. The State of Maine has not waived or forfeited the Court’s obligation to abide by 14 M.R.S. § 5512 in future release proceedings.

Plaintiffs’ Motion seems to imply that the State of Maine has waived or forfeited its ability to argue that 14 M.R.S. § 5512 bars members of the Plaintiff subclass from obtaining habeas relief if they are charged with Class A, B, or C offenses.⁶ *See* Mot. at 10-11. Because Plaintiffs’ Proposed Order asks the Court to simply “grant” its Motion, the State of Maine feels obligated to address the question of waiver or forfeiture.

⁵ There is nothing unusual about the State of Maine participating in a case where it is not a formal defendant or respondent when weighty constitutional issues arise. In *Peterson*, Justice Douglas pointed to both 14 M.R.S. § 5522 and 5 M.R.S. § 191(3) as grounds for the Attorney General’s party-in-interest participation. *Peterson v. Johnson*, No. SJC-23-2, ¶ 11 (Nov. 6, 2023). Additionally, Civil Rule 24(d) permits intervention when a constitutional issue arises. And exercising its appellate rights is entirely routine. Plaintiffs’ theory would permit someone to collude with a non-state defendant to attack a Maine statute, and the Office of the Attorney General—participating as an interested party—would be powerless to seek Law Court review if the collusive defendant opted not to appeal.

⁶ Plaintiffs’ counsel stated this argument explicitly at the April 7, 2025 conference.

Simply put, it would not be possible for the State of Maine to waive or forfeit this matter. Section 5512 does not set forth an affirmative defense that must be raised in an answer or at summary judgment. Because it is not a defense to liability at all. Rather, it is a jurisdictional command setting forth who is eligible to obtain a Maine habeas writ.

Plaintiffs’ assertion that the State of Maine “objected—for the first time in the course of this multi-year litigation—to the availability of habeas relief for individuals charged with felonies” is a non-sequitur.⁷ It is also inaccurate. At no point has this issue arisen in the litigation prior to April 7, 2025. First, Plaintiffs’ habeas petition did not seek to challenge 14 M.R.S. § 5512.⁸ Even still, the State of Maine has consistently asserted that an individualized review of subclass members in advance of issuing any habeas relief is necessary to determine whether there may be some other valid reason for denying release. *See, e.g.* Post-Trial Br. at 17 (“it may be the case that some separate, lawful basis exists for incarcerating certain individual members of Plaintiff subclass”); *id.* at 18; (some subclass members may be “already serving criminal convictions”); *id.* (“others might be lawfully restrained due to bail or probation violations”).

Plaintiffs have encouraged the Court to focus on the “plain language” of Maine’s habeas statutes found in Title 14. *See* Mot. at 3. Here, the text could not be plainer:

Writ not available.

⁷ In this section of their Motion, Plaintiffs once again mischaracterize the State of Maine as “conceding” liability on habeas under Count III. It did not. As a non-respondent Party-In-Interest to Count III, liability is not the State of Maine’s issue to “concede.” And more importantly, the State of Maine’s statement that it was not contesting liability at trial was made with the caveat that the Court’s January 3, 2025 Combined Order is law of the case. The State of Maine has consistently preserved its ability to “dispute, object to, or take exception to the Court’s findings or legal analysis regarding Count I liability on appeal.” *See* State of Maine Post-Trial Br. at 11 n.5.

⁸ This contrasts with the *Peterson* petitioners’ explicit challenge to 14 M.R.S. § 5512 in their action before the Maine Supreme Judicial Court. *See Peterson*, No. SJC-23-2, Pet. for Writ of Habeas Corpus, ¶ 16 (Sept. 20, 2023).

The following persons shall not of right have such writ:

1. Persons committed to jail for certain offenses. Persons committed to or confined in prison or jail on suspicion of treason, felony or accessories before the fact to a felony, when the same is plainly and specifically expressed in the warrant of commitment.

14 M.R.S. § 5512. Nor is it new. Maine's first Legislature adopted the provision in 1821, *see* Revised Statutes, 1821, 64, § 1, recodifying a Massachusetts statute enacted during the Founding Era, *see* 1784 Acts and Resolves passed by the General Court, ch. 72, § 1.⁹

The State of Maine raised this issue right away, as soon as it saw the charges associated with some members of the subclass identified by the Plaintiffs and sheriffs in response to the Court's Post-Trial Order. It did so to avoid blindsiding the Court or Plaintiffs at any future hearing where the Court will be obligated to apply Title 14—the basis of Plaintiffs' Count III. Flagging the issue early and in advance of release hearings—in the event that the Court desired briefing—could hardly constitute waiver or forfeiture, even if those doctrines could be applied here (which they cannot).

If any waiver or forfeiture has transpired, it occurred through Plaintiffs' decision to litigate this case for years without ever placing anyone on notice that they wished to challenge the validity of 14 M.R.S. § 5512, despite it being among the statutes that they cited for the basis of their habeas petition in their Amended Complaint. *See, e.g.* 14 M.R.S. § 5963; Me. R. Civ. P. 24(d).

IV. Even if the Law Court permits release hearings to go forward, a brief additional pause could make the difference in providing Subclass members with counsel.

As the Court heard on April 7, just one month after issuing its Post-Trial Order, only six Subclass members who were in custody on March 7 remained without counsel. This represents a

⁹ Available at: <https://archives.lib.state.ma.us/server/api/core/bitstreams/6c39fd0e-d543-4304-bcbd-8e7dde96d94c/content>; *see also* Mass. Gen. Laws, 1836, ch. 111, § 2 (acknowledging 1784 adoption).

substantial drop from what the evidence implied at trial. Even Plaintiffs' counsel expressed how pleased they were at the progress MCPDS achieved by implementing Count I relief. Even with no additional developments, it seems plausible that MCPDS could be on track to making release hearings unnecessary. But a development has occurred—and it is major.

Five days ago, the Maine Legislature voted to enact L.D. 1101, “*An Act to Address the Limited Availability of Counsel in Courts to Represent Indigent Parties in Matters Affecting Their Fundamental Rights*.” The bill was introduced as emergency legislation, and passed the House of Representatives with approximately 78% support. In the Senate, the vote was unanimous. It is now with the Governor and, if finally enacted, it will go into effect immediately.

L.D. 1101 takes two significant steps toward providing counsel to those who are in need. First, section 3 of the bill amends 4 M.R.S. § 1807 by allowing judges to directly appoint qualified, non-rostered counsel for criminal defendants where MCPDS has not been able to find them an attorney. The judicially-appointed counsel are then able to be paid by MCPDS without joining a full-time roster. Second, section 4 of the bill appropriates funds for MCPDS to hire five additional assistant district defenders, alongside two paralegals and an office manager.

In crafting its relief for Count III, the Court looked to *Lavallee v. Justices in Hampden Superior Court*, 812 N.E. 2d 895 (Mass 2004). There, the Massachusetts Supreme Judicial Court acknowledged that “an appropriate remedy cannot and should not be implemented overnight,” and instead “allow[ed] time for the legislative and the executive branches to devise a response to the right of indigent criminal defendants to counsel that fully protects the public safety.” *Id.* at 245. There is no question that the Maine Legislature has taken note of this Court’s Post-Trial Order. The enacted text of L.D. 1101 refers to this case by name twice.

This Court has expressed repeatedly that its top priority is not to dismiss charges or automatically release individuals from custody, but rather to provide counsel to all those who need it. If the Law Court issues an order permitting the Court to move forward with Count III, the State of Maine asks the Court to pause long enough to allow L.D. 1101 to take meaningful effect.

CONCLUSION

Because the State of Maine's appeal is docketed in the Law Court, Appellate Rule 3(b) prevents this Court from taking any further action on Count III unless and until the Law Court issues an order instructing it to do so. Plaintiffs' Motion to Continue Action on Count III should therefore be denied.

In the event that the Law Court does issue an Order permitting the Court to proceed with Count III, the State of Maine asks that this Court allow enough time for the Legislative and Executive branches to implement a solution that effectuates the Court's priority of providing counsel to indigent defendants.

Dated: April 15, 2025

Respectfully submitted,

/s/ Paul E. Suitter

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Andrew Robbins et al.

v.

Maine Commission on Public Defense Services et al.

Notice of Docketing in the Law Court
(Civil Proceedings)

Appeal from Kennebec County Superior Court, docket number CV-2022-54

**This notice contains important information about your appeal.
Read it carefully.**

Docket number

This appeal was docketed in the Law Court on March 31, 2025. We have assigned docket number **Ken-25-137** to this appeal. **You must use this docket number on everything that you file with us.**

Rules

You must follow the Maine Rules of Appellate Procedure. You can view and print the rules from the Court's website at <https://www.courts.maine.gov/rules>. Scroll down to "Procedural Rules." There you will find the Maine Rules of Appellate Procedure. You may also view "A Guide for Appeals to the Maine Supreme Judicial Court" on the bottom of that page.

There were substantial changes to the rules effective November 1, 2024. Please ensure that you review and follow the new rules.

Next court action

- The trial court clerk will retain the record until April 24, 2025, and then will send the record to us by **May 1, 2025**.
- By **May 22, 2025**, the court reporter or Office of Transcript Operations will file the transcript with us (if a transcript has been ordered and paid for--see "Transcripts" below).
- When we get the file and any transcripts that were ordered, we will then set up a briefing schedule. The schedule will give you the deadlines for filing the briefs and the appendix.

Filing and service of documents

If you are an attorney or have opted in to electronic service in the Supreme Judicial Court, you must file any motion, response to a motion, or other document by emailing a single text-based pdf file to

If you file a document by emailing to that address, you *may not* mail or deliver a paper copy unless the rules specifically require that you file multiple paper copies of your document. See M.R. App. P. 1D and 1E (effective November 1, 2024) for the complete rules on filing documents and serving documents on other parties.

If you are not represented by an attorney and have not opted in to electronic service, you may file documents with the court by mailing the documents to, or delivering them in person to

**Maine Supreme Judicial Court
205 Newbury St. Rm. 139
Portland ME 04101**

If you wish to opt in to electronic service, complete and file (with a copy to all other parties/attorneys) the opt-in form that is sent with this notice.

Your Responsibilities

Transcripts. If you want this Court to review any testimony or other court proceedings, and have not yet ordered a transcript of the proceedings, you must order the transcript from the trial court on or before **April 16, 2025**. The person or office that will prepare the transcript will email you or mail you a letter with the amount and due date for your payment for the transcript. If you do not pay by that date, no transcript will be prepared. The appeal will go ahead without the transcript. The Court will not pay for a transcript for you in this case.

We must have your correct mailing address or your attorney's mailing address at all times. If you move, send us your new address, in writing. Otherwise, we will continue to send mail to the address that we have on file for you. **Anything that you send to us you must also send to (serve on) all other parties.** See the service list accompanying this notice for a list of the names and addresses of persons on whom you must serve anything you file..

Dismissal of appeal. If you are the appellant (the one who appealed the trial court's order), the Court may dismiss your appeal if

**you do not notify us of your changes of address; or
you do not follow the court's rules.**

If we dismiss your appeal, the order of the trial court will then be final.

Dated: April 9, 2025

/s/ Matthew Pollack
Clerk of the Law Court

cc: Office of Transcript operations (if transcript ordered)
Trial court clerk(s)

Andrew Robbins et al.

v.

Maine Commission on Public Defense Services et al.

**Service List
as of
April 9, 2025**

Below is the list of attorneys and unrepresented parties entitled to receive documents filed in this appeal and their mailing and email addresses. *If you believe that this list contains any errors, please notify the Clerk in writing immediately.*

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Dated: 4/9/2025

/s/ Matthew Pollack
Clerk of the Law Court

STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-22-054

ANDREW ROBBINS, et al.,

Plaintiffs,

v.

JAMES BILLINGS, in his official capacity as
Executive Director of the Maine Commission
on Public Defense Services; JOSHUA
TARDY, in his official capacity as Chair of
the Maine Commission on Public Defense
Services; DONALD ALEXANDER,
RANDALL BATES, MICHAEL CAREY,
ROGER KATZ, KIMBERLY MONAGHAN,
and DAVID SOUCY, in their official
capacities as Commissioners of the Maine
Commission on Public Defense Services; and
the STATE OF MAINE,

Defendants.

**COMBINED ORDER ON
ALL PENDING MOTIONS**

Background

Pending before the Court are four motions, three of which were filed by the parties after the Court issued its last order on March 7, 2025. The MCPDS Defendants and the State of Maine appealed that Order on March 27, 2025.

In this combined order, the Court will rule on: The MCPDS Defendants' Motion for M.R. Civ. P. 54(b)(1) Certification of the Phase One Litigation; the State of Maine as Party-in-Interest's Motion for Clarification of Procedural Schedule or in the Alternative to Stay all Matters Related to Count III Pending Appeal; the Plaintiffs' Motion to Continue Action on Count III; and the State of Maine's Motion for Summary Judgment on Count V.

In November of 2024, the parties requested that Counts I, II, III, and V be resolved via motions for summary judgment.¹ The Plaintiffs filed a Motion for Partial Summary Judgment as to liability only on Counts I, II, III, and V. The MCPDS Defendants filed a Motion for Summary Judgment on Counts I and II. And the State of Maine filed a Motion for Summary Judgment on Count V. On January 3, 2025, the Court issued a combined order (the “January 3rd Order”) addressing these motions, a Jury Demand by the MCPDS Defendants as to Count I, and the State of Maine’s Motion to Continue on Count V.

On Count I, the Court ruled that a jury trial was not available to the MCPDS Defendants, and granted Plaintiffs’ motion for partial summary judgment on the issue of liability only. On Count II, the Court granted full summary judgment in favor of the MCPDS Defendants. On the habeas corpus action brought in Count III, the Court granted the Plaintiffs’ motion for partial summary judgment on the issue of liability only, as the Plaintiffs had prevailed in Count I under the Sixth Amendment, but left the legal issue of the right to counsel under Article I, Section 6 of the Maine Constitution unresolved so that the parties could make arguments in a later proceeding. On Count V, the Court deferred ruling on the State of Maine’s motion for summary judgment until the State could conduct a limited period of discovery, thus granting in part the State’s motion to continue.

On January 22–24, 2025, the Court conducted a bench trial (the “January 2025 trial”) on the remaining issues of remedies after granting partial summary judgment in favor of Plaintiffs on Counts I and III. With respect to Count I, the Court heard testimony from witnesses pertinent to the claim for permanent injunctive relief sought by Plaintiffs. As to Count III, the Court received a legal stipulation of the Plaintiffs and the State of Maine as Party-in-Interest that the right to

¹ The Court had previously dismissed Count IV on August 13, 2024.

counsel rooted in the Maine Constitution was at least co-extensive with the right to counsel guaranteed under the Sixth Amendment. With respect to the habeas relief sought by Plaintiffs in Count III, the State of Maine as Party-in-Interest repeatedly objected to the Court's consideration of any facts on the issue.

After this bench trial on remedies, the Court heard argument and permitted further briefing. On March 7, 2025, the Court issued an Order After Phase One Trial on Counts I, III, and V (the "March 7th Order"). The Order established standards for how habeas relief would be made available under Count III at individual habeas hearings that the Court planned to conduct in April and May of 2025, and also resolved the legal issue left unaddressed in the Plaintiffs' Motion for Partial Summary Judgment on Count III, the role of Article I, Section 6. Mar. 7th Order 24.

With respect to Count V, the Court again deferred ruling on the State's Motion for Summary Judgment. The State had earlier requested a continuance to enable it to obtain discovery, which the Court agreed to so long as it was completed on an expedited basis. In the March 7th Order, the Court made an inquiry of the State with respect to Count V and asked that the State respond within 10 days. The State timely responded, but the response was not presented to the Court for review until just a few days before the April 7, 2025 conference of counsel (the "April 7th conference") that was also ordered in the March 7th Order.

The April 7th conference was held to establish the course of future proceedings in light of the plan that the Court ordered the MCPDS Defendants to file with the Court by April 3, 2025 on how they proposed to comply with the permanent injunction issued in Count I. Their plan was timely filed. In addition, the Court held the conference to schedule and discuss how to conduct the individual habeas hearings that would be required in light of the relief ordered by the Court in Count III in the March 7th Order.

The first motion filed by the MCPDS Defendants was a Motion for Certification of the Phase One Litigation pursuant to M.R. Civ. P. 54(b)(1), dated March 17, 2025. On the last page of that motion, the MCPDS Defendants provided notice to Plaintiffs that they had no more than 21 days to file an opposition. Ten days later, before the 21 days had come and gone, the MCPDS Defendants filed a Notice of Appeal of the Court's March 7th Order on Count I.

On March 27, 2025, the same day the MCPDS Defendants filed their Notice of Appeal, the State of Maine as Party-in-Interest also filed a Notice of Appeal of the Court's March 7th Order. After filing that appeal, on April 2, 2025, the State of Maine as Party-in-Interest filed the second pending motion, a Motion for Clarification of Procedural Schedule; or in the Alternative to Stay all Matters Related to Count III Pending Appeal.

Counsel for the parties appeared and were heard at the April 7th conference. All pending motions were discussed, and the Plaintiffs informed the Court that they would be filing a Motion to Continue Action on Count III pending appeal, which they did on April 10, 2025. That is the third motion awaiting resolution by the Court.

The following is the Court's analysis and conclusions on the above-described pending motions.

Count I: Motion for Rule 54(b)(1) Certification of "Phase 1" Adjudication

As noted, this motion by the MCPDS Defendants was brought 10 days before they filed their March 27, 2025 appeal. The Defendants fault the Plaintiffs for not responding to their motion before the appeal was filed, but it is not clear to the Court that Plaintiffs knew when the MCPDS appeal would be filed. The only information the Court has as to the required timing of Plaintiffs' response was the so-called "21-day language" the Defendants provided on the last page of their March 17, 2025 motion.

In any event, after reviewing the pertinent exceptions in Appellate Rule 3 that might permit this Court to take action on the Motion for Certification, the Court agrees that it lacks authority to act on this motion given the pending appeal on Count I, as a Motion for Certification does not fall within the enumerated exceptions.

At the April 7th conference, counsel for the MCPDS Defendants nevertheless acknowledged that Rule 62(d) of the Maine Rules of Civil Procedure permits this Court in its discretion to “suspend, modify, restore, or grant an injunction” notwithstanding their appeal. The Court will continue trial court action on Count I pending appeal, consistent with Rule 62.

As a remedy for violations of the Sixth Amendment, the Court issued an injunction that required the MCPDS Defendants to provide continuous representation for the Plaintiffs, and to create a plan to do so. They were also ordered to prioritize Plaintiffs who remained in custody awaiting representation. In Exhibit A to that plan, they reported that as of March 7, 2025, there were 85 individuals who remained in custody without representation. After compliance efforts began, only six of those 85 individuals who were in custody on March 7, 2025 remained incarcerated without representation by April 3, 2025, but the Court understands that there were likely around 30 additional unrepresented individuals in custody as of that date, as unrepresented individuals were “added” to the spreadsheet after March 7, 2025. As of the date of this Order, those numbers have gone up again.

As noted in Exhibit B of Defendants’ plan, MCPDS developed with the Judicial Branch a “real time shared document” to replace the “without counsel spreadsheet” previously relied upon by MCPDS, the courts, and Class Counsel. To date, this Court has received a number of such “real time” documents. On April 16, 2025, the Court received the first one, which showed 36 defendants

were in custody without counsel. On April 18, there were 35. On April 23, there were 44. On April 25, there were 49. The Court has not received an updated list since April 25th.

This new document contains two references to this case: “Robbins Date: 14 days after initial appearance” and “Robbins Date: 60 days after initial appearance.” Because this case is mentioned in this document, the Court sent what it received to counsel of record, as it is not clear to the Court whether Class Counsel or any other counsel of record received these documents or will receive such documents in the future. If Class Counsel are not going to be routinely included as recipients of this information, the Court trusts the parties can agree on a way to make that happen without court order. If that is not possible, a motion or motions seeking or objecting to the provision of this information to all counsel of record may be filed with the Court.

In addition, because Rule 62(d) permits trial court action pending appeal, any party may file any pleading with the Court commensurate with the Rule.

Count III: Jurisdictional Challenge & Cross-Motions

Before addressing the pending cross-motions on Count III, the Court will address a related but previously unasserted theory related to Count III. For the first time in this litigation on Count III, at the April 7th conference, counsel for the State of Maine as Party-in-Interest raised with the Court the argument that, under 14 M.R.S. § 5512(1), criminal defendants who have been charged with a “felony” are not eligible for habeas relief. The State of Maine’s argument is that a “jurisdictional command” embedded in Maine’s habeas statutes prohibits the Court from providing relief to any Plaintiff charged with a “felony.” Because the argument raises the issue of the Court’s jurisdiction, it will be addressed here.

The statute in question reads as follows:

The following persons shall not of right have such writ: Persons committed to jail for certain offenses. Persons committed to or confined in prison or jail on suspicion

of treason, felony or accessories before the fact to a felony, when the same is plainly and specifically expressed in the warrant of commitment.

14 M.R.S. § 5512(1).

Section 5512 dates back to the beginning of Maine's statehood, in 1821. P.L. 1821, ch. 64 § 1. Its language has remained nearly identical for 204 years, and it has rarely been analyzed, let alone cited to. But the language of § 5512 does not do away with the court's discretionary authority in the habeas context.²

In *Welch v. Sheriff of Franklin County*, habeas petitioners had been charged with cheating by false pretenses, a felony in 1901. 95 Me. 451, 50 A. 88, 88 (1901). The Law Court ultimately dismissed their petition for a writ of habeas corpus, but not because the petitioners had been charged with felonies. The Law Court acknowledged that while "they are in confinement, charged with the commission of a felony, and are not entitled to the writ of habeas corpus *as a matter of right*," it was still within "the discretion of the court" whether or not to grant their petition. *Id.* at 88–89 (emphasis added). Section 5512 does not categorically bar individuals charged with a "felony" from obtaining habeas relief. The issues remain whether a petitioner's restraint is illegal, and according to the statute, whether issuance of the writ is "necessary for the furtherance of justice." 4 M.R.S. § 7.

Chapter 609 of Title 4, the habeas corpus chapter, supports this conclusion. Section 5518 lays out the proper procedure for a court to follow "[w]hen such writ is issued on an application in [sic] behalf of any person described in section 5512." 14 M.R.S. § 5518. The only people "described" in § 5512 are those committed to jail on charges of "felony" or treason; and those committed through a civil process. *Id.* This indicates that the Legislature recognizes there are

² See 4 M.R.S. § 7 (explaining that the Supreme Judicial Court "may issue all writs and processes . . . necessary for the furtherance of justice") and 4 M.R.S. § 105(2)(B) (stating that the Superior Court and the Supreme Judicial Court are vested with "concurrent jurisdiction" over the extraordinary writs).

circumstances in which a petitioner charged with a “felony” would indeed be entitled to habeas relief, as the Legislature laid out a procedure for specifically that purpose.

In its Opposition to the Plaintiffs’ Motion to Continue Action on Count III, the State argues that “14 M.R.S. § 5512 bars members of the Plaintiff subclass from obtaining habeas relief if they are charged with Class A, B, or C offenses.” PII State of Maine’s Opp. to Pls.’ Mot. to Continue Action on Count III 10. But this assertion does not explain how today’s classification of offenses compares, if at all, to offenses considered “felonies” in 1821, when § 5512 was first adopted. Moreover, “felony” is not a term used in Maine’s Criminal Code³ or Rules of Criminal Procedure. In 1976, the State of Maine adopted Title 17-A (the Maine Criminal Code), replacing Title 17 (the former home of Maine’s criminal laws). In doing so, the Legislature undertook a comprehensive reclassification and codification of most criminal offenses, including the explicit “abolition of the felony-misdemeanor distinction.” M.R.U. Crim. P. 1 committee advisory note 1976.

The State’s argument also fails to address or account for the second category of offense listed in § 5512(1): “Persons committed to or confined in prison or jail on suspicion of *treason*, felony or accessories before the fact to a felony” 14 M.R.S. § 5512(1) (emphasis added). The Legislature paired “felony” together with “treason.” Treason is no longer a crime under Maine state law. Under Maine’s former Title 17, treason was indeed a crime, 17 M.R.S.A. §§ 3801–03 (1975), repealed by P.L. 1975, ch. 499 (effective March 1, 1976), but those sections were repealed by the Legislature when Title 17-A was adopted in 1976 and were not included in the Maine Criminal Code.

³ The one exception being the crime of felony murder, found in 17-A M.R.S. § 202.

The Court will therefore exercise its discretion to consider habeas corpus relief for any unrepresented Plaintiff, regardless of whether or not they are being restrained on “felony” charges, so long as they meet other criteria established in prior orders.

The Pending Cross-Motions on Count III

The State as Party-in-Interest’s Motion for Clarification of Procedural Schedule or in the Alternative to Stay All Matters Related to Count III Pending Appeal, dated April 2, 2025, along with Plaintiffs’ April 10, 2025 Motion to Continue Action on Count III raise essentially the same issues. The Court will address them together.

Plaintiffs ask the Court to proceed with the habeas hearings ordered as a remedy in the Court’s March 7th Order. They make a number of arguments in support of their position that the Court may continue trial court proceedings on Count III. First, they argue that the appeal is interlocutory and is one taken from an order granting partial summary judgment, and that Appellate Rule 3(c)(4) allows the Court to proceed while the appeal is pending. Pls.’ Mot. to Continue Action on Count III 8–9. Second, they argue that under longstanding common law in Maine, habeas corpus relief is not stayed pending appeal. *Id.* at 2–8. Plaintiffs also ask the Court to clarify the meaning of the term “party-in-interest” as applied to the State in Count III given the State’s ongoing assertion of sovereign immunity in Count V, which it claims bars this Court from including the State as a party in that count and/or taking any action of any kind against the State in this litigation. *Id.* at 9–11.

In opposition to the Plaintiffs’ motion, the State argues that Maine Rule of Appellate Procedure 3(b) “unambiguously” precludes the Court from taking any further action on Count III while the State’s appeal is before the Law Court. PII State of Maine’s Opp. to Pls.’ Mot. to Continue Action on Count III 4–6; M.R. App. P. 3(b) (“The trial court shall take no further action

pending disposition of the appeal by the Law Court.”). It asserts that any conflicting rules and any common law to the contrary are secondary to Appellate Rule 3. *Id.* at 6–8. The State also objects to the Plaintiffs’ characterization of the Court’s March 7th Order as a summary judgment order or as an injunction. *Id.* at 5–6, 8–9. Neither characterization is accurate, the State argues, and thus the Court may not proceed on Count III without leave of the Law Court.

The Court has considered the arguments of the parties and has reviewed the pertinent rules and case law. The Court concludes that it may proceed with individual habeas hearings under Count III without first seeking leave of the Law Court for several reasons.

Habeas Relief While Appeal is Pending

a. The State’s appeal is an interlocutory appeal of a summary judgment order, permitting the Court to proceed while that appeal is pending.

With respect to their first argument, Plaintiffs point to Appellate Rule 3(c)(4), which permits a trial court to act pending appeal if the appeal taken is of “an order granting or denying a motion for summary judgment.”⁴ They argue that the March 7th Order constitutes such an order. The State of Maine as Party-in-Interest disagrees, arguing that the March 7th Order is not properly understood as a summary judgment order because it came *after* the January 2025 trial and was distinct from the Court’s January 3rd Order—the only order that could have fallen under Rule 3(c)(4).

As stated above, in the Court’s January 3rd Order, the Court granted Plaintiffs’ motion for partial summary judgment as to Count III on the issue of liability only, which meant that further

⁴ In the alternative, Plaintiffs argue that Appellate Rule 3(c)(2) would also permit the Court to proceed without Law Court approval as the pending appeal is of injunctive relief granted by the trial court, pursuant to Maine Rule of Civil Procedure 62(a) and (d). The Plaintiffs argue that habeas relief “falls within any reasonable understanding of an injunction.” Pls.’ Mot. to Continue Action on Count III 9. The Court does not find this argument persuasive. The Court does not believe that habeas relief is properly understood as a form of injunctive relief. Maine caselaw and Maine statutes make clear that habeas corpus is a unique remedy, aimed at rectifying a specific type of harm and carried out with unique procedures, *see* 14 M.R.S. §§ 5501–47.

proceedings would be necessary. And at the January 2025 trial, the Court and the parties addressed issues related to remedies under Counts I and III. On Count I, the parties addressed factual issues pertinent to the injunctive relief sought by the Plaintiffs on Count I. On Count III, the Court permitted the Plaintiffs, the State of Maine as Party-in-Interest, and the Respondent-Sheriffs to present evidence, if they wished, on the issue of habeas remedies. The Sheriffs declined to do so. And finally, the State as Party-in-Interest and Plaintiffs addressed the role of the Maine Constitution in Count III, which was the legal issue remaining on liability in Count III.

The March 7th Order followed the January 2025 trial. Further briefing by the parties was requested and permitted. The Court made factual findings primarily on the issue of injunctive relief, but also related to Count III, including the numbers of unrepresented criminal defendants and how long some had been in custody. The Court relied upon some of these findings in establishing the standards that it would apply at the habeas hearings that were not part of the January 2025 trial proceedings, and which have yet to be conducted. Those standards described habeas relief that could be available to two separate groups of Plaintiffs, depending on whether they were held in custody, and for how long, or whether they were living in the community under Orders of Commitment subject to Conditions of Release, and for how long.

The January 3rd Order, the January 2025 trial, and the March 7th Order were all part and parcel of the decision of the parties to litigate and resolve Count III (and the other Counts) by way of Rule 56 of the Maine Rules of Civil Procedure, which anticipates and provides for such sequential proceedings. *See* M.R. Civ. P. 56(c) (“A summary judgment, interlocutory in character, may be rendered on the issue of liability alone.”) *and* M.R. Civ. P. 56(d) (entitled “Case Not Fully Adjudicated on Motion,” discussing the proper procedure when “judgment is not rendered upon the whole case” upon motions for summary judgment, and explaining that, where issues remain,

the court must then have a trial and make an order which, among other things, “direct[s] such further proceedings in the action as are just.”).

While Rule 3(c)(4) does not distinguish between cases where full summary judgment is granted or denied, or when partial summary judgment on liability (or on a particular theory of liability) is granted or denied, it clearly contemplates that trial court action can continue toward resolution of the remaining issues in a particular count or cause of action while the appeal of an order for summary judgment remains pending in the Law Court. M.R. App. P. 3(c)(4) (“The trial court is permitted to *act on a case* pending resolution of any appeal of . . . an order granting or denying a motion for summary judgment” (emphasis added)). The Rule could also be seen as designed to protect the appellate rights of the party aggrieved by an order issued under Rule 56 by permitting the appeal to be filed consistent within the deadline, but still permitting the court to complete any additional, subsequent proceedings necessitated by an order issued pursuant to the Rule. Any other interpretation of Civil Procedure Rule 56, read together with Appellate Rule 3(c)(4), could result in piecemeal litigation, significant uncertainty for parties and litigants, added expense, delays, and potentially multiple appeals to the Law Court on the same claim, cause of action, or “case.”

b. The State’s status as “Party-in-Interest” and its role in habeas hearings as permitted by 14 M.R.S. § 5512.

The Plaintiffs have asked the Court to clarify the State’s role as “Party-in-Interest” to Count III. Pls.’ Mot. to Continue Action on Count III 9. In its opposition, the State of Maine as Party-in-Interest asked the Court not to address Plaintiffs’ question, stating that it would “not be appropriate” for the Court to do so, as that in itself would constitute impermissible further trial court action on Count III. PII State of Maine’s Opp. to Pls.’ Mot. to Continue Action on Count III 9–10. The Court disagrees. In the Court’s view, the State’s status as Party-in-Interest is pertinent

to its claim that no habeas hearings should be held while its appeal of the March 7th Order is pending.

The Plaintiffs note a disconnect between the State's role in Count III and its role in Count V. As to the latter, the State of Maine insists that it is beyond the reach of this Court, or any Maine court, to treat the State of Maine as a party in Count V due to its assertion of sovereign immunity. In Count III, acting as a Party-in-Interest, the State nevertheless insists it is entitled to enjoy all the traditional benefits which accrue to a "party."

The State's argument as to Count III fails to address how the Maine Legislature defines its role in habeas proceedings. The Legislature could have permitted the State to be a "party," but it did not do so. Instead, it defined the State's role to be that of an "interested person." 14 M.R.S. § 5522. The Legislature also defined the rights that the State has in habeas proceedings, namely the right to receive notice of the hearing, the right to be represented at the hearing, and the right to "object" at the hearing, if the State sees fit. *Id.*

In its August 13, 2024 Order on Pending Motions to Dismiss, this Court designated the State of Maine as a "Party-in-Interest" to Count III. Order on Pending Mots. Dismiss 17. In doing so, the Court "follow[ed] the lead" of Justice Douglas in the habeas proceeding *Peterson v. Johnson*. In *Peterson*, Justice Douglas relied on the procedure laid out in 14 M.R.S. § 5522. *Peterson v. Johnson*, SJC-23-02, at 5–6 (Nov. 6, 2023) (Douglas, J.).

The State itself cited to Justice Douglas's *Peterson* decision in its opposition to Plaintiffs' Motion to Continue Action on Count III, acknowledging the statutory role of the State in a habeas proceeding. PII State of Maine's Opp. to Pls.' Mot. to Continue Action on Count III 10 n.5. 14 M.R.S. § 5522 states: "If imprisoned on any criminal accusation, he shall not be discharged until sufficient notice has been given to the Attorney General or other attorney for the State that he

may appear and object, if he thinks fit.” The statute contains no express authorization for the Party-in-Interest to appeal the grant of a writ of habeas corpus, and it is also silent as to whether the filing of an appeal by the Party-in-Interest would result in the stay of an order of discharge of a habeas petitioner should the Court issue such an order.

Importantly, the hearings at which the State has the statutory right to be heard and to object have not occurred—or even been scheduled to occur—due to the State of Maine as Party-in-Interest’s appeal, and the need for the Court to address these pending motions. Nevertheless, the State of Maine as Party-in-Interest submits that individual Plaintiffs, who are presumed innocent but who remain in custody without representation for an indefinite period of time, must continue to wait, again for an indefinite period of time, for the parties to litigate this Court’s legal findings on Count III before they even get an individualized hearing on their habeas claims.

The Party-in-Interest’s legislatively prescribed rights in a habeas proceeding may be exercised at the individual habeas hearings, but the Court concludes that those rights should not be construed to prevent such habeas proceedings from occurring at all.

c. Maine common law regarding habeas appeals does not support the Party-in-Interest’s claim that the Court cannot conduct individual habeas hearings pending its appeal.

In the alternative, the Plaintiffs argue that habeas relief is not stayed pending appeal under Maine’s common law, and that the common law, not the Rules of Civil or Appellate Procedure, governs habeas appeals.

Plaintiffs cite to Rule 81 of the Maine Rules of Civil Procedure and its reporter’s notes. Rule 81 lays out the applicability of the Maine Rules of Civil Procedure and includes several particular proceedings to which the Rules of Civil Procedure have “limited applicability.” M.R. Civ. P. 81(b). Habeas corpus is first on the list. Because the “extraordinary” writ of habeas corpus

“differ[s] so greatly” from what the justice system considers to be an “ordinary” civil action, it is “excluded from general coverage” by the Rules of Civil Procedure. M.R. Civ. P. 81 reporter’s notes. Habeas proceedings “symbolize traditional rights of citizens.” *Id.* In the habeas context, that symbol is “preserved” in “the practice prescribed by” Title 14, Chapter 609. *Id.*; M.R. Civ. P. 81(b)(1). But neither that chapter, the Rules of Civil Procedure, nor the Appellate Rules contain a process for appeal, either when the writ is granted or when the writ is denied.⁵ There is no procedure for a respondent-sheriff or a party-in-interest to appeal a court’s granting of a writ of habeas corpus, nor to pause a petitioner’s release by doing so. Under such circumstances, Rule 81 declares “these proceedings shall follow the course of the common law.” M.R. Civ. P. 81(b)(1).

Longstanding common law in Maine holds that the discharge of an incarcerated individual on a successful habeas petition cannot be stayed by an appeal. Plaintiffs cite to the 1881 Law Court case *Knowlton v. Baker*, which, in its entirety, reads

Exceptions do not lie to the discharge of a prisoner on *habeas corpus*. The object of the writ is to secure the right of personal liberty; and this can only be accomplished by prompt action and a speedy trial. To allow exceptions to the order of the court in term time, or to the order of a judge in vacation, discharging a prisoner, would necessarily result in considerable delay, and thus defeat one of the principal purposes of the writ, namely, a speedy release. True, errors may result from such hasty action, and parties interested in the imprisonment of the person released, may thereby suffer. But the history of the writ shows that greater evils are liable to result from the want of speedy action. We have been cited to no authority justifying the allowance of exceptions in such cases, and we are not aware of the existence of any. On the contrary, it has been decided in Massachusetts that exceptions do not lie in such cases. And their *habeas corpus* act, in force at the time of the decision, so far as this question is concerned, was in no respect different from what ours is now. In fact, ours, as is well known, is substantially a transcript of theirs. *Wyeth v. Richardson*, 10 Gray, 240.

⁵ Instead, Chapter 609 contains multiple sections which explicitly give Maine courts the authority to release a petitioner on bail or to lower a petitioner’s bail, even where the court has denied the petitioner’s writ of habeas corpus. *See, e.g.*, 14 M.R.S. § 5513 (“If the writ is denied and an appeal taken to the law court, the person restrained may be admitted to bail within the discretion of the justice rendering judgment thereon, pending such appeal.”); 14 M.R.S. § 5516 (“If it appears that he is imprisoned on mesne process for want of bail and the court or justice thinks that excessive bail is demanded, reasonable bail shall be fixed, and on giving it to the plaintiff, he shall be discharged.”); 14 M.R.S. § 5531 (“The party may be bailed to appear from day to day until judgment is rendered or remanded or committed to the sheriff or placed in custody, as the case requires.”).

72 Me. 202, 202–03 (1881). Where a writ has been granted, the purpose of habeas corpus—to swiftly secure the liberty of a person wrongfully detained—would be defeated if the delays resulting from an appeal could pause the discharge of a wrongfully detained person.

The Law Court reaffirmed this principle in *Stewart v. Smith*, holding as follows:

The purpose of this celebrated writ of habeas corpus, which has been denominated “the great writ of liberty,” is not only to secure the right of personal liberty to one who has been illegally deprived thereof, but also to insure [sic] a speedy hearing and determination of the questions involved and as to the right of the petitioner to be released from imprisonment. To allow exceptions to the order for a discharge of the prisoner, by any judge who is given by statute the power to order the issuance of the writ and to act thereon, would be to seriously impair the efficiency of a process which has been relied upon by English speaking people for many centuries as the bulwark of their liberties, and would be inconsistent with the history and theory of the writ. It is better that occasional errors by a judge having jurisdiction should go uncorrected than that the speedy release of a person illegally deprived of his liberty should be prevented, or delayed by the length of time that must necessarily elapse in many cases before exceptions to an order for the discharge of the petitioner could be presented, argued, and determined by the proper tribunal.

101 Me. 397, 64 A. 663, 664 (1906).

The supreme courts of other states have cited to *Knowlton* (and other state’s similar holdings) for the rule that “to allow a review of an order of another court made in a habeas corpus case is inconsistent with the object of the writ,” that is, that a writ cannot be appealed at all. *Ex parte Sullivan*, 189 P.2d 338, 346 (Nev. 1948); *see also Wisener v. Burrell*, 118 P. 999, 999 (Okla. 1911) (citing to *Knowlton* and holding that “an appeal from a decision in habeas corpus, discharging a person held, as in the case at bar, does not lie.”); *and In re Barker*, 56 Vt. 1, *5–6 (1884) (citing to *Knowlton* and *Wyeth v. Richardson*, 76 Mass. 240 (10 Gray 240)—the Massachusetts case cited by *Knowlton*—for the same conclusion). The Plaintiffs do not go so far, arguing only that, under Maine’s common law, the State’s appeal of Count III cannot result in the suspension of proceedings that might provide habeas relief to individual Plaintiffs.

The State of Maine as Party-in-Interest's arguments fail to account for these decisions. Instead, they assert that the cases cited by Plaintiffs do not advance their argument because they were supplanted by the adoption of Appellate Rule 3 in 2001.⁶ This argument overlooks Rule 81(b)(1) of the Rules of Civil Procedure, which requires that court proceedings follow the common law where the procedure is "not specifically covered by statute *or other court rules*." (emphasis added). Appellate Rule 3 does not mention habeas proceedings, and it has never been applied to a writ of habeas corpus, either by the Law Court or the Superior Court. This Court cannot so easily ignore Law Court precedent, Rule 81 of the Rules of Civil Procedure and its reporter's notes, nor the history and meaning of the "great writ of liberty." *See Stewart*, 101 Me. 397, 64 A. 663, 664 (1906).

Having carefully considered the arguments of the parties, along with pertinent Rules, statutes, and common law, the Court concludes it has the authority, and indeed the obligation, to proceed with the individual habeas hearings that it ordered on March 7, 2025. The Court has ruled that the Plaintiffs are being wrongfully deprived of their liberty because they are being held, or are out on bail with restrictive conditions, without the constitutionally guaranteed assistance of counsel.

As the Court stated more than once in its March 7th Order, the preferred remedy for any such violation is the provision of counsel. If counsel is not made available within 7 days after the individual habeas hearing at which the Court determines the eligibility of the Plaintiff for habeas

⁶ The State of Maine as Party-in-Interest also argues that Rule 81 does not apply because this is a *pre*-conviction habeas action, and Rule 81 is limited to *post*-conviction habeas actions. The Court disagrees. Rule 81(b)(1)(A) reads: "Proceedings for post-conviction relief in criminal actions or under the writ of habeas corpus." The "or" separates the two types of proceedings listed. Furthermore, the adoption of the post-conviction review chapter, 15 M.R.S. §§ 2121–32, explicitly replaced the remedies for so-called "post-conviction habeas corpus." If Rule 81 were referring only to post-conviction habeas corpus, including the second phrase at all would be redundant. The State's argument also fails to grapple with the reporter's note to Rule 81, which discusses the reason for the habeas exception and does not distinguish between pre- and post-conviction habeas proceedings.

relief, the Court could then provide individual relief consistent with the legal standards established in the March 7th Order. Those standards were established after careful consideration of the decisions made by courts in Oregon and Massachusetts that were forced to confront the same systemic and unconstitutional conditions within their indigent legal systems that exist in Maine today.

And yet individual Plaintiffs have not actually had their day in court. While they may have prevailed on some, but certainly not all, of their claims, not one of them has been brought into any courtroom to plead their habeas case, as the great writ has always required. *See Habeas Corpus*, BLACK'S LAW DICTIONARY (12th ed. 2024) (translating "habeas corpus" as Latin for "that you have the body" and defining the writ as being "employed to *bring a person before a court*, most frequently to ensure that the person's imprisonment or detention is not illegal." (emphasis added)). Many likely do not even know whether or not they are entitled to any relief by this Court, if for no other reason but that they remain unrepresented by counsel in their criminal cases who could, among other things, advise them of their rights to habeas relief.

In sum, to completely halt individual habeas hearings for all eligible class members in this Phase I litigation pending appeal would be contrary to the common law principles outlined in *Knowlton* and *Stewart*, and would result in the abrogation of a right that was described by the Law Court in *Stewart* as a "bulwark of [] liberties." And it is a right that both the Maine and United States Constitutions state "shall not be suspended." Me. Const. art. I, § 10; U.S. Const. art. I, § 9, cl. 2.

A common thread in all the cases reviewed by this Court is this: individuals whose liberties are restrained are entitled to *speedy* resolution of their claim that their restraint is illegal. These habeas hearings can only be conducted individually, as the rights at stake are personal to each

individual class member. *Betschart v. Garrett*, 700 F. Supp. 3d 965, 988 (D. Or. 2023), *amended*, 2023 WL 7621969, *1 (D. Or. Nov. 14, 2023).

The number of individuals that may be entitled to such relief has fluctuated over time, and that is likely to continue to be the case. Depending on the success of ongoing compliance efforts by the MCPDS Defendants, there may be a very few individuals entitled to relief, or there may be many more. That is simply unknowable until the habeas proceedings for these Class are scheduled and actually held.

In a separate Order to be issued over the next few days, the Court will notify counsel for the parties, including counsel for the State of Maine as Party-in-Interest, as to when and where the habeas hearings will occur, consistent with the process set out in the March 7th Order. It is likely that there will be two sessions scheduled in June and July in Penobscot and Androscoggin Counties. The Order will also address the obligation of counsel of record to agree to the list of individuals presumptively entitled to these individual hearings, consistent with the standards determined in the March 7 Order. The Court hopes the new “live” document being utilized by the Judicial Branch and MCPDS will be useful for this purpose, but it will also be necessary for the parties to indicate where the individuals are physically located. The Court will accommodate the concerns of the Respondent-Sheriffs as to how and when each individual will need to be transported and will do everything possible to conduct the hearings in the individual counties or regions where each individual is held.

Count V: Motion for Summary Judgment

One of the issues of first impression in this litigation centers around the State of Maine’s assertion of sovereign immunity in Count V. Because the issue has been pending or deferred for some time, a brief procedural history follows.

It was first asserted on June 14, 2024, when the State moved to dismiss Count V, arguing that it is immune from suit under the doctrine of sovereign immunity and that the Declaratory Judgments Act does not provide Plaintiffs with a cause of action in Count V. Def. State of Maine Mot. Dismiss 4–10. The Court denied the State’s motion in part, holding that the State is not immune from the declaratory relief Plaintiffs seek. Order on Pending Mots. Dismiss 9–17. The State therefore remained a Defendant in the case for the purposes of the declaratory judgment sought in Count V. *Id.* The Court deferred ruling on a question of first impression, namely whether the Court had the authority to issue injunctive relief against the State on Count V given the assertion of immunity, but allowed that the issue “may be explored and argued after trial, should Plaintiffs prevail in establishing liability.” *Id.* at 15.

The State appealed the Court’s August 13, 2024 Order to the Law Court. After that appeal was docketed, a single Law Court Justice remanded the case back to this Court, stating: “[t]he trial court may take any action on, and may proceed with, its matter in the usual course as though no appeal had been taken.” *Robbins v. Comm’n on Pub. Def. Servs.*, No. Ken-24-450 (Me. Oct. 24, 2024) (Horton, J.). The State requested clarification, and the single Justice explained that the prior order “does not direct the Superior Court to take any particular action and does not prohibit the Superior Court from taking any particular action.” *Robbins*, No. Ken-24-450 (Me. Nov. 4, 2024) (Horton, J.).

The State then filed a Motion for Summary Judgment on Count V along with a Motion to Continue Trial on Count V. In the motion to continue, the State argued that it had been fundamentally unfair of the Court to deprive the State of an opportunity to conduct discovery on Count V. Def. State of Maine Mot. Continue 11–12. In its summary judgment motion, the State made a number of arguments, including ones previously presented to the Court in its motion to

dismiss: (1) that the State of Maine is immune from suit under the doctrine of sovereign immunity and has not waived its immunity; (2) that the Declaratory Judgments Act does not form the basis of a cause of action against the State of Maine; and (3) that the Declaratory Judgments Act does not provide for the relief Plaintiffs seek from the State of Maine. Def. State of Maine Mot. Summ. J. 3–13.

The Court addressed both motions in its January 3rd Order. As to the motion to continue, the Court granted the motion in part, permitting limited discovery on an expedited schedule by way of depositions only. Jan. 3rd Order 41. The Court did not otherwise delay resolution of any count except Count V, as Count V was “the only Count in which the State of Maine is now a party.” *Id.* at 38.

After the January 2025 bench trial and post-trial briefing by the parties as to remedies, the Court issued its March 7th Order. The Court declined to reverse its August 13, 2024 conclusion that the State was not immune from Plaintiffs’ request for declaratory judgment against the State, citing to *Welch v. State*, 2004 ME 84, 852 A.2d 214, and Judge Duddy’s decision in *NECEC Transmission LLC v. Bureau of Parks & Land*, No. BCD-CIV-2021-058, 2021 WL 6125325 (Me. B.C.D. Dec. 16, 2021). March 7th Order 43. As to the issue of injunctive relief under the Declaratory Judgments Act, the Court requested that counsel for the State consider the Law Court’s decision in *Avangrid Networks, Inc. v. Sec’y of State*, 2020 ME 109, 237 A.3d 882, and advise the Court whether the State would agree to assist its agency actors, the MCPDS Defendants, to comply with the injunction ordered against them in Count I. March 7th Order 44. If so, it would become unnecessary for the Court to consider or resolve “the complex issues of first impression as to the injunctive relief requested by Plaintiffs.” *Id.* at 44.

On March 17, 2025, the State responded to the Court’s request. Counsel for the State stated that it had never committed the State to stepping up and supporting MCPDS in providing a remedy. Def. State of Maine’s Response to the Court’s Inquiry 2. The State stated it was unable to answer the Court’s inquiry at all because: (1) *Avangrid*’s “commentary has no bearing on this case,” as it involved a discrete state official; and (2) counsel for the State does not know which state officers the Court might issue injunctive relief against. *Id.* at 2–3. The State also questioned whether the Court was “asking for the State of Maine to commit to enact legislation, to appropriate additional funds to MCPDS or to the Judicial Branch, or to promulgate rules.” *Id.* at 4.

The Court has repeatedly acknowledged in this case that, under Maine’s separation of power, no court in Maine has the authority to order the Legislature to act or to appropriate funding of any kind. Counsel for the State is surely aware of this. The issue is whether in a civil case a court has the authority to declare and enforce the clear holdings of *Gideon v. Wainwright* and its progeny—that it is the *State’s* obligation to provide indigent criminal defendants with representation. Or as counsel for the MCPDS Defendants put it very early in this litigation: it is the State of Maine that is the “real party in interest in this matter.” Mot. Dismiss Tr. 16, 17 (May 26, 2022). The State nevertheless asserts that no court in Maine has the authority to order the State, as a party, to do anything in any civil case whenever the defense of sovereign immunity is asserted. According to the State of Maine’s attorney, this is so even when, as here, the Court would not be ordering the Legislature to appropriate funds, or ordering the Governor to do anything, and even when fundamental rights to liberty and due process have been violated.⁷

⁷ See *Welch v. State*, 2004 ME 84, ¶ 8, 853 A.2d 214 (“To allow the State to assert sovereign immunity as a bar to quiet title actions brought in its own courts by private citizens *would fly in the face of the constitutional protections and property rights of the people*. As the Supreme Court said, ‘sovereign immunity . . . does not confer upon the State a concomitant right to disregard the Constitution.’” (quoting *Alden v. Maine*, 527 U.S. 706, 754–55 (1999) (emphasis added)); and *NECEC Transmission LLC v. Bureau of Parks & Land*, No. BCD-CIV-2021-058, 2021 WL 6125325, *8 n.15 (Me. B.C.D. Dec. 16, 2021) (declining to formally address the sovereign immunity defense raised by defendants on a motion for preliminary injunction, but stating that the court was “inclined to agree” with the line of cases across

On April 22, 2025, L.D. 1101 was enacted as an emergency measure by the Maine Legislature. P.L. 2025, ch. 40 (emergency, effective April 23, 2025). In Section 3, it enacted 4 M.R.S.A. § 1807, which now authorizes Maine judges to appoint private attorneys for indigent defendants irrespective of their enrollment on MCPDS “rosters,” so long as certain requirements are met. It requires the court to find that no public defender, assigned counsel, contract counsel, or employed counsel is available; that the private attorney is “qualified” in the view of the court and has three years of legal experience “relevant to the pending matter”; and that the attorney has not otherwise been disqualified by MCPDS. 4 M.R.S. § 1807(1)(A)–(C).

Section 4 requires MCPDS, an Executive Branch agency, to submit a report to the Judiciary Committee by January 1, 2026, updating the Legislature on the status of this case, *Robbins v. Billings, et al.*, CV-22-54. It requires MCPDS to advise the Legislature of the number of defendants granted habeas relief by the court; the type of habeas relief granted; along with efforts made by MCPDS to provide representation before any habeas relief was granted. *Id.* Section 6 provides “ongoing funding” to create additional public defenders and other positions within MCPDS.

Section 5 is directed at the Judicial Branch. It requires the Branch to submit its own report to the Legislature by the same date required of MCPDS, providing statistics on the number of cases in which courts have appointed private counsel as now permitted.

In Sections 4 and 5, the Legislature states in reference to the reports required of both MCPDS and Judicial Branch that the “Joint Standing Committee on Judiciary may report out legislation related to the report to the Second Regular Session of the 132nd Legislature.”

other states that hold that sovereign immunity is not an available defense when the issue is constitutional—“the availability of judicial review here appears to be integral to the constitutional framework.”).

In light of this new law, and the Legislature's active and ongoing oversight of Maine's indigent defense system, the Court concludes that it is not necessary for it to address the issue of first impression as to its authority, or any Maine court's authority, to order injunctive relief against the State. Clearly, the Legislature is sufficiently concerned about the ongoing crisis of non-representation that it has ordered MCPDS to report by the end of the year on its efforts to address the crisis and provided additional resources to increase the capacity of the agency to provide counsel to unrepresented indigent criminal defendants. And the Legislature empowered individual jurists to appoint counsel under certain circumstances when no attorney approved by MCPDS is available to represent an indigent criminal defendant. In other words, it could be said that the State of Maine's three branches of government are working within their own spheres of authority to address the same problem: the crisis of unrepresented indigent criminal defendants.

In sum, given the directives made by the Legislature to the Executive and Judicial Branches, and the Legislature's ongoing oversight and monitoring, there is no need for this Court to further address the issues of first impression generated in Count V. These actions constitute the work of "The State" to remedy Plaintiffs' harms. The Court believes that the constitutional violations that have been established can be adequately redressed by the injunctive relief ordered against MCPDS Defendants, in tandem with individual habeas hearings that will now proceed as provided in this Combined Order.

CONCLUSION

The entry will be:

The MCPDS Defendants' Motion for M.R. Civ. P. 54(b)(1) Certification of the Phase One Litigation is DENIED. The Court may continue trial court proceedings pending appeal consistent with Rule 62(d) of the Maine Rules of Civil Procedure.

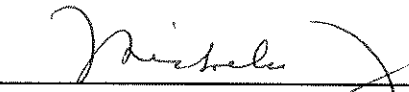
The State of Maine as Party-in-Interest's Motion for Clarification of Procedural Schedule or in the Alternative to Stay all Matters Related to Count III Pending Appeal is DENIED.

The Plaintiffs' Motion to Continue Action on Count III is GRANTED.

The State of Maine's Motion for Summary Judgment on Count V is DENIED in part with respect to Plaintiffs' request for Declaratory Relief but GRANTED in part with respect to their request for Injunctive relief against the State of Maine.

The Clerk shall note this Order on the docket by reference pursuant to Rule 79(a) of the Maine Rules of Civil Procedure.

Dated: May 7, 2025



Justice, Maine Superior Court

STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-22-054

ANDREW ROBBINS, et al.,

Plaintiffs,

v.

JAMES BILLINGS, in his official capacity as
Executive Director of the Maine Commission
on Public Defense Services; JOSHUA
TARDY, in his official capacity as Chair of
the Maine Commission on Public Defense
Services; DONALD ALEXANDER,
RANDALL BATES, MICHAEL CAREY,
ROGER KATZ, KIMBERLY MONAGHAN,
and DAVID SOUCY, in their official
capacities as Commissioners of the Maine
Commission on Public Defense Services; and
the STATE OF MAINE,

Defendants.

**ORDER SCHEDULING INDIVIDUAL
HABEAS CORPUS HEARINGS**

As of the latest “real time” spreadsheet, distributed on May 15, 2025, there are approximately 50 or more unrepresented indigent criminal defendants who are incarcerated in Maine jails on charges for which they are presumed to be innocent. The Court therefore issues the following order scheduling habeas corpus hearings. It is the Court’s intent to give the parties significant lead time to prepare for these hearings. This lead time will also provide MCPDS the ability to focus on providing representation for these individuals, which could eliminate the need for hearings, or at least reduce the number of hearings that must be scheduled.

The first day of individual hearings will take place in Penobscot County on June 24, 2025. The second day of hearings will take place in Androscoggin County on July 1, 2025. The start times and court locations for these hearings will be provided once the Court knows how many

individuals will be brought to Court on those days for hearings. That information will be disclosed in the individual writs of habeas corpus issued by the Court.

The Court further orders as follows: By June 9, 2025, counsel for the Plaintiffs shall, after consultation with opposing counsel, file with the Court a list of the incarcerated individuals they claim are eligible for individual habeas corpus hearings and relief being held in the custody of the Penobscot County Sheriff or the Androscoggin County Sheriff. The list shall include the following information for each individual: (1) where they are physically located; (2) the charges on which they are being held along with the docket number(s) of their case(s); and (3) whether Class Counsel will be representing them at the hearing. If Class Counsel cannot represent an individual, the Court would request that MCPDS provide counsel for that individual for the hearing. The Court will sign Orders appointing counsel for the individuals once it hears back from the parties about the status of representation for each of them. Whoever is assigned must be able to meet with each individual before the date set for the hearings so that they and their clients are prepared for the hearing. The Court will also work with the Clerks of Courts in the above locations so that assigned counsel has the opportunity to review the physical file for each individual.

Once this list is received by the Court, it will issue individual writs of habeas corpus along with transport writs, which will be sent to counsel of record for the Sheriffs of Penobscot and Androscoggin Counties and will confirm the dates and times for the hearings.

The Court will make itself available on short notice to counsel should any issue arise regarding representation for the individuals, or any other logistical or scheduling issues which may arise as a result of this order. The Court will do everything possible to accommodate the concerns of the Sheriffs as it understands that they regularly face scheduling and staffing issues.

The Order may be noted on the docket by reference pursuant to Rule 79(a) of the Maine Rules of Civil Procedure.

May 15, 2025
DATE

Michael J.
SUPERIOR COURT JUSTICE

Chronology of Events & Filings
Potentially Relevant to the Emergency Motion and/or Appeal

1. On May 31, 2024, Plaintiffs filed a “First Amended Class Action Complaint for Injunctive and Declaratory Relief and Class Action Petition for Habeas Relief” (“Amended Complaint”), in which it named the State of Maine as Defendant in a single declaratory judgment count (Count V) of this action and as a Respondent in a putative class-wide petition for habeas corpus pursuant to “14 M.R.S. §§ 5501-5546 and Maine Const. art. I, § 10.”
2. On June 6, 2024, the State of Maine filed a motion seeking dismissal of Count V on the grounds of sovereign immunity, among other arguments. It also requested redesignation from “Respondent” to “Party-In-Interest” in Count III. On August 13, 2024, the Superior Court denied the State of Maine’s request to dismiss Count V, but granted its request to be designated a “Party-In-Interest,” citing to this Court’s November 6, 2023 order in *Peterson v. Johnson*, No. SJC-23-2 as rationale for the redesignation.
3. On August 15, 2024, Plaintiffs filed a motion to amend the class that the Superior Court had certified on July 13, 2022. The motion was opposed by Defendant-Commissioners of the Maine Commission on Public Defense Services (“MCPDS”). The request was ultimately granted on September 26, and may be at issue in the merits of this appeal.
4. On August 16, 2024, the State of Maine filed a notice of appeal in the Superior Court regarding its sovereign immunity argument on Count V. That separate appeal was docketed in this Court as Ken-24-450.¹
5. On October 1, 2024, MCPDS filed a jury trial demand on Count 1 and all triable issues. In response, Plaintiffs ultimately moved to strike MCPDS’s jury trial demand, and the Superior Court did so as part of the its January 3, 2025 “Combined Order On Partially Dispositive Motions” (Summary Judgment Order). The Superior Court’s denial of a jury trial may be at issue in this appeal.
6. On November 22, 2024, Plaintiffs, MCPDS, and the State of Maine each filed respective motions for summary judgment. On that same date, the State of Maine also filed a motion to continue the trial on Count V, as the State of Maine had not yet answered the Complaint or participated in discovery due to its assertion of sovereign immunity. MCPDS also filed a motion in limine regarding Plaintiffs’ proposed expert witnesses. Finally, Plaintiffs filed a motion in limine seeking to limit certain evidence at trial regarding their prior convictions or bad acts. The Superior Court ruled on these motions in advance of trial, any of which could be at issue in the appeal of the Superior Court’s Post-Trial Order.

¹ Although the appeal was docketed, the Clerk of the Law Court notified counsel for all parties in April 2025 that a briefing schedule had not previously been set due to the Record remaining with the Superior Court.

7. On January 3, 2025, the Superior Court issued a comprehensive “Combined Order on Partially Dispositive Motions” (“Summary Judgment Order”), which decided a number of the issues referred to above. It included (a) granting Plaintiffs’ partial motion for summary judgment and denying MCPDS’s summary judgment motion on Count I, declaring that the Sixth Amendment requires MCPDS to supply continuous representation of Plaintiffs in criminal cases as soon as criminal defendants first appear before a court; (b) issuing a declaration that MCPDS had deprived plaintiffs of the Sixth Amendment right to such representation; (c) granting MCPDS’s motion for summary judgment on Count II; (d) informing parties that all legal findings regarding the Sixth Amendment under Count I could be applied to the habeas corpus issues in Count III; (e) granting Plaintiffs’ request to strike MCPDS’s jury demand; and (f) deferring ruling on issues related to Count V. Any of this items could be at issue in the merits of this appeal of the Superior Court’s Post-Trial Order.
8. On January 22-24, 2025, the Superior Court held the “Phase 1 Trial” as outlined by its Summary Judgment Order. Post-trial briefing concluded on February 28, 2025.
9. On March 7, 2025, the Superior Court issued a comprehensive Post-Trial Order, which included the following, all of which could be at issue in the merits of this trial appeal:
 - a. An order requiring MCPDS “to provide continuous representation for all Subclass Members as previously defined by the Court;”
 - b. A declaration that MCPDS had “failed to do so in violation of the Sixth Amendment to the United States Constitution;”
 - c. An order requiring MCPDS to “prioritize and make good faith efforts to actually provide counsel for the unrepresented, incarcerated defendants who, as of this same date, are listed on the so-called “without counsel spreadsheet, and to do so by April, 3 2025” upon which MCPDS was ordered to “advise the Court as to how successful they have been in these efforts;”
 - d. A “permanent injunction requiring MCPDS Defendants to provide continuous representation for Plaintiffs,” alongside an order requiring “MCPDS to provide a plan to the Court explaining how they will comply with the injunction”; and
 - e. Under Count III, an initial framework for habeas relief to be further developed after an April 7, 2025 hearing. The entire framework for relief is available at pages 40-42 of the Post-Trial Order at issue on appeal, but important features include a plan for the Superior Court to “conduct several court sessions at several locations in northern, central and southern Maine during the month of April 2025,” at which “any Subclass member who has been detained and remains detained for more than 14 days after their initial appearance or arraignment” would be released from such detainment and that “Subclass members who have remained without counsel for more than 60 days after their initial appearance or arraignment or more than 60 days after counsel has been granted leave to withdraw” would have their criminal charges dismissed without prejudice until counsel could be provided.

10. On March 27, 2025, MCPDS and the State of Maine separately noticed timely appeals of the Superior Court's Post-Trial Order.
11. On April 2, 2025, the State of Maine filed a "Motion for Clarification of Procedural Schedule or In the Alternative to Stay All Matters Related to Count III Pending Appeal" (Ex. B), which asked the Superior Court to confirm that proceedings related to the Superior Court's habeas framework issued under Count III had been automatically stayed due to Maine Rule of Appellate Procedure 3(b). Plaintiffs opposed the Motion two days later. (Ex. C) In response, the Superior Court asked all parties to attend a conference of counsel held via Zoom on April 7.
12. At the April 7, 2025 conference, Plaintiffs orally argued that the Superior Court had the discretion to move forward with the planned habeas framework pursuant to Maine Rule of Appellate Procedure 3(c)(4). The State of Maine disagreed and also pointed out that Rule 3(c)(4) requires a party to file a motion asking the Superior Court to proceed, which Plaintiffs had not done. The Superior Court instructed Plaintiffs to file such a motion.
13. Also at the April 7, 2025 conference, the State of Maine notified the Superior Court and Plaintiffs that if habeas proceedings were held pursuant to the Court's framework, attorneys representing the State of Maine at such hearings would oppose release of ineligible individuals under 14 M.R.S.A. § 5512 (Westlaw June 5, 2025).²
14. On April 10, 2025, Plaintiffs filed a "Motion to Continue Action on Count III" (Ex. D). In their motion, Plaintiffs also opposed the State of Maine's position that 14 M.R.S.A. § 5512 bars certain individuals from obtaining a writ of habeas corpus. Both requests were opposed by the State of Maine.
15. On May 7, 2025, the Superior Court issued a "Combined Order on All Pending Motions" (Ex. F) which addressed Plaintiffs' Motion to Continue Action on Count III, among other pending motions not relevant to this emergency motion. The Court granted Plaintiffs' motion, concluding that it was permitted to move forward with habeas proceedings because it considered the State of Maine's April 7, 2025 notice of appeal to be an appeal of a summary judgment order, *id.* at 10. It also rejected the State of Maine's position on the applicability of 14 M.R.S.A. § 5512, stating that it intends to "exercise its discretion to consider habeas corpus relief for any unrepresented plaintiff, regardless of whether or not they are being restrained on 'felony' charges, so long as they meet other criteria established in prior orders." *Id.* at 9.
16. Counsel for the State of Maine did not ever receive an official copy of this order via U.S.P.S. mail. Nor was counsel for the State of Maine included on an email distribution of the Order, which the Superior Court has utilized to keep parties informed of decisions in this litigation. Counsel learned of the Order's existence on May 13, 2025, sometime after the order was posted on the Judicial

² The statute states that "[p]ersons committed to or confined in prison or jail on suspicion of treason, felony or accessories before the fact to a felony, when the same is plainly and specifically expressed in the warrant of commitment" as people ineligible for a habeas writ under Maine law.

Branch's "High Profile Cases" website, available at the following link: <https://www.courts.maine.gov/news/robbins/index.html>.³

17. On May 15, 2025, the Superior Court issued an "Order Scheduling Individual Habeas Corpus Hearings," which provided additional instructions to parties regarding the gathering of information about the identities and circumstances surrounding class members potentially eligible for relief. (Ex. G.) Importantly, it set hearing dates for June 24, 2025, and July 1, 2025, for potential class members residing in the Penobscot and Androscoggin County Jails, respectively. *Id.* at 2. It also required parties to submit by June 9, 2025, a list of individuals they believe to be eligible for relief. The scheduling order stated that it would "issue individual writs of habeas corpus along with transport writs" in advance of the hearings.

³ Counsel for the State of Maine eventually received a digital courtesy copy of the Order from the Superior Court on May 19, 2025, after counsel for the State of Maine reached out via email to inform the Court that he had not been included in the distribution list for either the Court's May 7 or May 15 Orders.