

STATE OF MAINE

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

Andrew Robbins et al.

v.

State of Maine et al.

**ORDER STAYING TRIAL COURT
ACTION ON COUNT 3 HABEAS
CORPUS HEARINGS**

The State of Maine has filed an emergency motion to stay all action in the Superior Court related to Count 3 habeas corpus hearings while the State's appeal is pending. The plaintiffs filed an opposing memorandum, and all arguments presented were considered by the whole court. We conclude that the trial court may not undertake further habeas corpus proceedings in this action during the pendency of this appeal.

Rule 3 of the Maine Rules of Appellate Procedure directs the trial court to take no further action while an appeal is pending, with some exceptions. *See* M.R. App. P. 3(b)-(d). At issue here are the exceptions for a court's actions "as provided in M.R. Civ. P. . . . 62(d)," which pertains to interlocutory injunctions, *see* M.R. App. P. 3(c)(2); and a court's actions "pending resolution of any appeal of . . . an order granting or denying a motion for summary judgment or a motion to dismiss that does not resolve all pending claims," M.R. App. P. 3(c)(4).

With respect to Rule 3(c)(2), the referenced Rule 62(d) provides, "When an appeal is taken from an interlocutory or final judgment granting, dissolving,

or denying an injunction, the court in its discretion may suspend, modify, restore, or grant an injunction during the pendency of the appeal upon such terms as to bond or otherwise as it considers proper for the security of the rights of the adverse party.” An injunction “is a coercive remedy requiring a party to do or refrain from doing a particular action.” Horton, *Maine Civil Remedies* § 5-1 at 98 (4th ed. 1996); see *Bar Harbor Banking & Tr. Co. v. Alexander*, 411 A.2d 74, 79 (Me. 1980) (describing the requisites for equitable injunctive relief when no legal remedy will afford relief); *Nat’l Org. for Marriage v. Comm’n on Governmental Ethics & Elections Pracs.*, 2015 ME 103, ¶ 14, 121 A.3d 792 (providing the test for issuing a permanent injunction). As to Count 3, the court’s order specified the proceedings the court would undertake to determine whether any class members are entitled to habeas relief. Although the order authorizes further action and sets forth a detailed process for it, it is not an injunction compelling a party to do, or refrain from doing, anything, and this exception to Rule 3(b) does not apply.

Nor can we construe the trial court’s order after trial as a partial summary judgment. See M.R. App. P. 3(c)(4). The court, in addition to its ruling on the Sixth Amendment issue on summary judgment, considered evidence for the purpose of establishing a specific process and standards for evaluating habeas claims of incarcerated members of the subclass.

We also note that this is not an appeal from habeas relief; no writ has issued.

Because no exception to Rule 3(b) applies, the Superior Court is precluded from taking further action on Count 3 while the appeal is pending, regardless of the State's motion.

In addition, in order to expedite the consideration of this appeal, the court enters a scheduling order as set forth below.

Therefore, it is Ordered as follows:

1. The State's motion is granted, and further action on Count 3 is **stayed** pending this Court's consideration of this appeal.
2. The Superior Court shall file the record with the Law Court on or before June 27, 2025.
3. Appellants must file their briefs on or before July 25, 2025.
4. Appellees must file their briefs on or before August 22, 2025.
5. Appellants must file their reply briefs on or before September 5, 2025.
6. Whether the appeal is interlocutory and should be heard should be addressed by the parties as part of the briefing referenced above.

7. The case will be in order for oral argument the week of October 7 – 9, 2025. Any changes in the briefing schedule may also affect the scheduling of oral argument.
8. Any interested person or organization may file a brief as an amicus curiae pursuant to M.R. App. P. 7A(e) without consent of the parties or separate leave of the Court.

Dated: June 20, 2025

For the Court,



Valerie Stanfill
Chief Justice