

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

ASSOCIATION TO PRESERVE AND)
PROTECT LOCAL LIVELIHOODS, *et al.*)

Plaintiffs,)

PENOBSCOT BAY AND RIVER PILOTS)
ASSOCIATION,)

Plaintiff-Intervenor,)

v.)

TOWN OF BAR HARBOR, a municipal)
corporation of the State of Maine,)

Defendant.)

CHARLES SIDMAN,)

Defendant-Intervenor.)

Civil Action No. 1:22-cv-416-LEW

**PLAINTIFFS’ RESPONSES TO DEFENDANT-INTERVENOR’S
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

Plaintiffs, Association to Preserve and Protect Local Livelihoods (“APPLL”), by and through undersigned counsel, and pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the applicable Local Rules of the United States District Court for the District of Maine, hereby answers Defendant-Intervenor’s interrogatories as follows.

GENERAL OBJECTIONS

The following general objections and statements apply to each of the particular Requests for Production of Documents propounded by Defendant-Intervenor are incorporated within each response set forth below. No specific objection is intended to constitute, and should not be construed as constituting, a waiver of any general objection.

Plaintiffs object to the Requests for Production of Documents to the extent that any Request

seeks information and/or documents containing or constituting proprietary, confidential, trade secret, and/or private information, including information and/or documents subject to third party privacy rights.

Plaintiffs object to the Requests to the extent they seek to impose obligations different from, or in excess of, those created by the Federal Rules of Civil Procedure. Plaintiffs' responses are made pursuant to, and as limited by, the Federal Rules of Civil Procedure.

Plaintiffs object to the Requests to the extent they seek information and/or documents protected by the attorney-client privilege, the work product doctrine, and/or any other privileges, protections or doctrines of similar effect.

Plaintiffs object to these Requests to the extent they purport to impose on Plaintiffs the burden of producing information that is not in Plaintiffs' possession, custody or control, and/or that cannot be found in the course of a reasonable search.

Plaintiffs object to the production of documents until such time as a Confidentiality Order has been approved by the Court.

As to General Objections:



Timothy C. Woodcock, Esq.

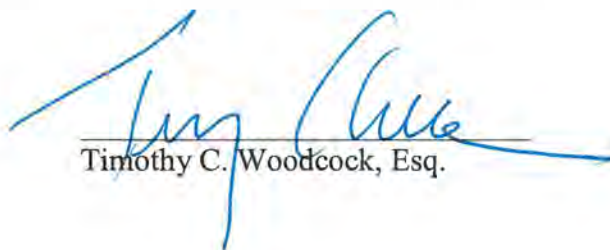
RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST NO. 1: All documents and things identifying each member of Plaintiff Association to Preserve and Protect Local Livelihoods, including without limitation, certificates of existence, articles of incorporation, statements of doing business under an assumed/fictitious name, statements of merger, business licenses, annual reports (domestic and foreign), operating agreements, minutes of meetings, resolutions, and written consents.

OBJECTION: APPLL is a nonprofit incorporated as a business league the purposes of which include but are not limited to empowering and supporting local business owners and employees and protecting their way of life by sharing information regarding local business conditions and challenges, advocating for businesses in and around the Mount Desert region, and resisting measures which would impinge on business conditions or the local economy. APPLL is not required to divulge all persons and entities would paid dues; and, objecting further APPLL is seeking a declaratory judgment as to the Ordinance's constitutionality and injunctive relief and is not seeking damages; and, objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance's validity, as challenged in this action, has been adjudicated and, therefore, APPLL is not at risk of incurring damages before such adjudication; and, objecting further, this interrogatory is not reasonably calculated to lead the discovery of

admissible evidence; and, objecting further, this interrogatory is overbroad, burdensome, and, oppressive.

As to Objection:



Timothy C. Woodcock, Esq.

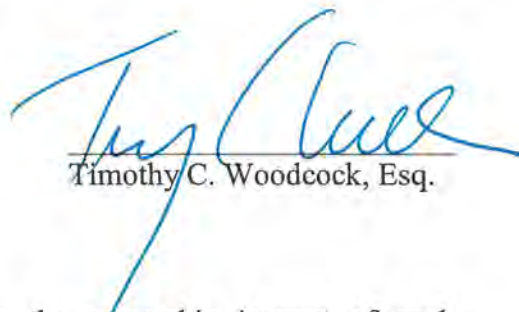
RESPONSE:

REQUEST NO. 2: All documents and things identifying the economic contributions of each member of Plaintiff Association to Preserve and Protect Local Livelihoods.

OBJECTION:

Request No. 2 is improper and beyond the scope of discovery because APPLL is only seeking a declaratory judgment and, as may be appropriate, equitable relief pursuant thereto. Contributions of respective members of APPLL are irrelevant to APPLL's claims. Request No. 2 is not reasonably calculated to lead to the discovery of admissible evidence; and, objecting further Request No. 2 is overbroad, oppressive, burdensome, and, calculated to harass and intimidate APPLL members.

As to Objection:



Timothy C. Woodcock, Esq.

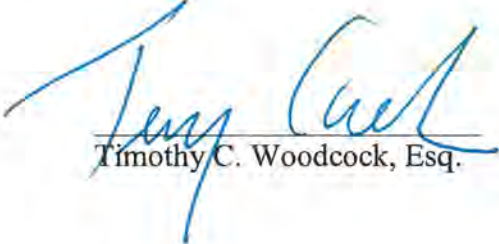
REQUEST NO. 3: All documents and things identifying the ownership interest of each affiliated Walsh Family entity or Walsh family member in any named Plaintiff, including without limitation, operating agreements, ledgers, shareholder or member certificates, Schedule K-1, W-2s, or other documents evidencing each Walsh Family entity or Walsh family member's interest.

OBJECTION:

Request No. 3 is improper and beyond the scope of discovery because APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray

Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. are the Plaintiffs in this action. No other person or entity is a party-plaintiff. No other person or entity is, therefore, subject to discovery requests, including Request No. 3; and, objecting further, Plaintiffs are only seeking a declaratory judgment and, as may be appropriate, equitable relief pursuant thereto, therefore Request No. 3's request for "operating agreements, ledgers, shareholder or member certificates, Schedule K-1, W-2s, or other documents" even as directed at named party-plaintiffs is overbroad, oppressive, burdensome, and not reasonably calculated to the lead to the discovery of admissible evidence; and, objecting further, Request No. 3 is calculated to harass and intimidate the named party-plaintiffs as well as non-parties.

As to Objection:



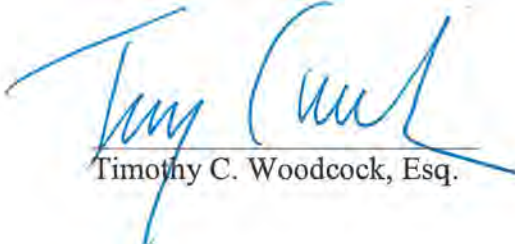
Timothy C. Woodcock, Esq.

REQUEST NO. 4: All documents and things identifying the economic value of each affiliated Walsh Family entity or Walsh family member in any named Plaintiff.

OBJECTION:

Request No. 4 is improper and beyond the scope of discovery because APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. are the Plaintiffs in this action. Each of these named party-plaintiffs is a legal entity in its own right and its capacity to participate in and maintain this litigation is in no way dependent of what individual person or group of persons may have an economic interest in any of them. No other person or entity is a party-plaintiff. No other person or entity is, therefore, subject to discovery requests, including Request No. 3; and, objecting further, Plaintiffs are only seeking a declaratory judgment and, as may be appropriate, equitable relief pursuant thereto, therefore Request No. 4's request for "operating agreements, ledgers, shareholder or member certificates, Schedule K-1, W-2s, or other documents" even as directed at named party-plaintiffs is overbroad, oppressive, burdensome, and not reasonably calculated to the lead to the discovery of admissible evidence; and, objecting further, Request No. 4 is calculated to harass and intimidate the named party-plaintiffs as well as non-parties.

As to Objection:



Timothy C. Woodcock, Esq.

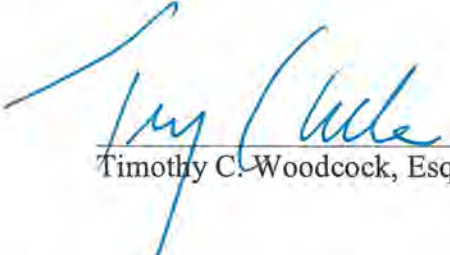
RESPONSE: Without waiving the foregoing objection, APPLL has no documents responsive to this request.

REQUEST NO. 5: All documents and things and things identifying the economic interest of each Walsh Family entity or Walsh family member in any business(es) impacted in any way by the “cruise ship tourists...on cruise ships that call on the port of Bar Harbor.”

OBJECTION:

Request No. 5 is improper and beyond the scope of discovery because APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. are the Plaintiffs in this action. Each of these named party-plaintiffs is a legal entity in its own right and its capacity to participate in and maintain this litigation is in no way dependent of what individual person or group of persons may have an economic interest in any of them. No other person or entity is a party-plaintiff. No other person or entity is, therefore, subject to discovery requests, including Request No. 5; and, objecting further, Plaintiffs are only seeking a declaratory judgment and, as may be appropriate, equitable relief pursuant thereto, therefore Request No. 5’s request for “operating agreements, ledgers, shareholder or member certificates, Schedule K-1, W-2s, or other documents” even as directed at named party-plaintiffs is overbroad, oppressive, burdensome, and not reasonably calculated to the lead to the discovery of admissible evidence; and, objecting further, Request No. 5 is calculated to harass and intimidate the named party-plaintiffs as well as non-parties.

As to Objection:



Timothy C. Woodcock, Esq.

RESPONSE:

Without waiving the foregoing Objection, APPLL has no documents responsive to this request.

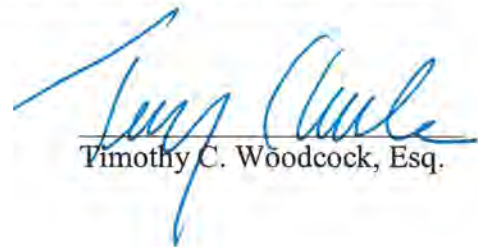
REQUEST NO. 6: All documents and things forming or evidencing any assumptions, approaches, methods, factual bases used by you or any consultant or appraiser retained to perform such advice in support of your allegation in Paragraph 62 of your Complaint that the “Initiated Ordinance will... dramatically reduce the revenue previously generated along the Bar Harbor waterfront through the operation of whale watch boats, lighthouse tours and nature cruises as well as revenue previously generated by the operators of the shops and restaurants that rely on the business provided by cruise ship passengers, some of whom may be forced out of business,” including but not limited to all raw data, any assumptions, facts, approaches, methods,

factual bases related to similar businesses and all information that relates to the rationale or basis for such assumptions, approaches, methods and facts. The term “methods” includes the cost, income, and sale comparison approaches.

OBJECTION:

Request No. 6 is improper and beyond the scope of discovery because named Plaintiff-parties are not seeking damages; and, objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance’s validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such.

As to Objection:



Timothy C. Woodcock, Esq.

RESPONSE:

Without waiving the foregoing Objection. discovery is ongoing. And, answering further, see Plaintiffs’ Complaint, Plaintiffs’ Motion for Preliminary Injunction and attachments and exhibits thereto. And, answering further submissions and testimony to Town Council from business owners asserting Initiative would impair their businesses.

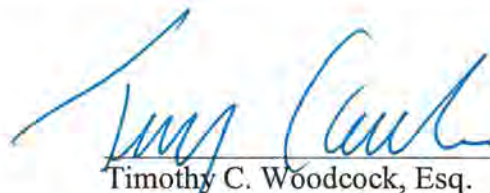
REQUEST NO. 7: All documents and things forming or evidencing any assumptions, approaches, methods, factual bases used by you or any consultant or appraiser retained to perform such advice in support of your allegation in Paragraph 64 in your Complaint alleging that Plaintiffs’ businesses “will be severely damaged by the Initiated Ordinance and its implementation will harm the ability of their employees to earn a living,” including but not limited to all raw data, any assumptions, facts, approaches, methods, factual bases related to similar businesses and all information that relates to the rationale or basis for such assumptions, approaches, methods and facts. The term “methods” includes the cost, income, and sale comparison approaches.

RESPONSE: Discovery is ongoing. And, answering further, see Plaintiffs’ Complaint, Plaintiffs’ Motion for Preliminary Injunction and attachments and exhibits thereto. And, answering further submissions and testimony to Town Council from business owners asserting Initiative would impair their businesses.

REQUEST NO. 8: All documents and things forming or evidencing any assumptions, approaches, methods, factual bases used by you or any consultant or appraiser retained by you to perform such advice in support of your breakdown of the actual amounts of “funds” “expended” in Paragraph 24 of the Complaint in reliance on the Town and the State of Maine’s commitment to cruise ship tourism in Bar Harbor.

OBJECTION: This interrogatory is overbroad. Plaintiffs are seeking only declaratory and injunctive relief and the Town is not enforcing the Ordinance so that Plaintiffs are not incurring damages.

As to Objection:



Timothy C. Woodcock, Esq.

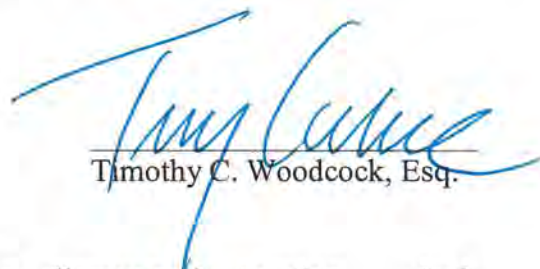
RESPONSE: Without waiving the foregoing Objection, APPLL has no documents responsive to this request.

REQUEST NO. 9: All documents, things, and communications that support or refute your computation and calculation of your claimed damages and harm.

OBJECTION:

Request No. 9 is improper and beyond the scope of discovery because seeks work product, the mental impressions of Plaintiffs’ attorney and attorney-client communications; and, objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance’s validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such.

As to Objection:



Timothy C. Woodcock, Esq.

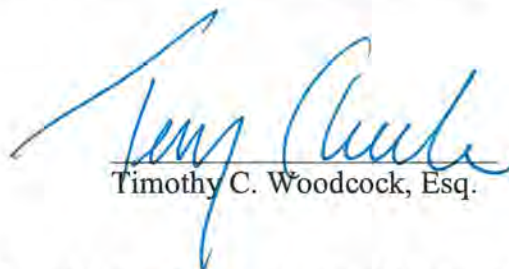
RESPONSE: Without waiving the foregoing Objection, discovery is ongoing. And, answering further, see Plaintiffs’ Complaint, Plaintiffs’ Motion for Preliminary Injunction and attachments and exhibits thereto. And, answering further submissions and testimony to Town Council from business owners asserting Initiative would impair their businesses.

REQUEST NO. 10: All documents, things, and communications that you consulted and relied upon in forming the allegations in your Complaint, including without limitation, research, studies, opinions, designs, analyses, investigations, and other things.

OBJECTION:

Request No. 10 seeks work product, the mental impressions of Plaintiffs' counsel, and, attorney-client communications.

As to Objection:



Timothy C. Woodcock, Esq.

RESPONSE:

Without waiving the foregoing Objection, see Plaintiffs' Complaint and supporting exhibits and see Plaintiffs' Motion for Preliminary Injunction and supporting Affidavits, Exhibits, and Attachments.

REQUEST NO. 11: All documents, things, and communications between you and the Town regarding travel services and tourism packages to promote or create experiences for "cruise ship tourists . . . on cruise ships that call on the port of Bar Harbor," including without limitation, negotiations, general correspondence, notes written by you of any in-person or remote discussions and/or meetings, business plans, sketches, strategic plans, and draft documents.

RESPONSE: APPL has no documents responsive to this request.

REQUEST NO. 12: All documents, things, and communications between you and the Town regarding the impact of the Initiated Ordinance upon cruise ship tourism, cruise ship passengers, seafarers, marine and waterfront tourism operations, including without limitation, correspondence, notes written by you of any in-person or remote discussions and/or meetings.

RESPONSE: Without waiving the foregoing Objection, discovery is ongoing. And, answering further, see Plaintiffs' Complaint, Plaintiffs' Motion for Preliminary Injunction and attachments and exhibits thereto. And, answering further submissions and testimony to Town Council from business owners asserting Initiative would impair their businesses.

REQUEST NO. 13: All documents and things evidencing any license, permit, lease or other agreement between you and each owner of “privately-owned key waterfront parcels” referenced in Paragraph 23 of your Complaint.

RESPONSE: APPLL has no documents responsive to this request.

REQUEST NO. 14: All documents and things evidencing any agreement, contract or license by and between the named Plaintiffs relating to travel services and tourism packages to promote and create experiences for “cruise ship tourists . . . on cruise ships that call on the port of Bar Harbor.”


RESPONSE: APPLL has no documents responsive to this request.

REQUEST NO. 15: All documents and things evidencing any agreement, contract or license by and between any named Plaintiff and any other affiliated Walsh Family entity, Walsh Family member, or third party relating to travel services and tourism packages to promote and create experiences for “cruise ship tourists . . . on cruise ships that call on the port of Bar Harbor.”

OBJECTION:

Request No. 15 is improper and beyond the scope of discovery because APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. are the Plaintiffs in this action. Each of these named party-plaintiffs is a legal entity in its own right and its capacity to participate in and maintain this litigation is in no way dependent of what individual person or group of persons may have an economic interest in any of them. No other person or entity is a party-plaintiff. No other person or entity is, therefore, subject to discovery requests, including Request No. 15; and, objecting further, Plaintiffs are only seeking a declaratory judgment and, as may be appropriate, equitable relief pursuant thereto, therefore Request No. 15’s request for “operating agreements, ledgers, shareholder or member certificates, Schedule K-1, W-2s, or other documents” even as directed at named party-plaintiffs is overbroad, oppressive, burdensome, and not reasonably calculated to the lead to the discovery of admissible evidence; and, objecting further, Request No. 15 is calculated to harass and intimidate the named party-plaintiffs as well as non-parties.

As to Objection:



Timothy C. Woodcock, Esq.

RESPONSE:


Without waiving the foregoing Objection, APPLL has no documents responsive to this request.

REQUEST NO. 16: All documents and things evidencing any agreement, contract or license by and between any named Plaintiff and any other affiliated Walsh Family entity, Walsh Family member, or third party relating to “cruise ship tourism, cruise ship passengers, seafarers, marine and waterfront tourism operations.”

OBJECTION:

Request No. 16 is improper and beyond the scope of discovery because APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. are the Plaintiffs in this action. Each of these named party-plaintiffs is a legal entity in its own right and its capacity to participate in and maintain this litigation is in no way dependent of what individual person or group of persons may have an economic interest in any of them. No other person or entity is a party-plaintiff. No other person or entity is, therefore, subject to discovery requests, including Request No. 15; and, objecting further, Plaintiffs are only seeking a declaratory judgment and, as may be appropriate, equitable relief pursuant thereto, therefore Request No. 16’s request for “operating agreements, ledgers, shareholder or member certificates, Schedule K-1, W-2s, or other documents” even as directed at named party-plaintiffs is overbroad, oppressive, burdensome, and not reasonably calculated to the lead to the discovery of admissible evidence; and, objecting further, Request No. 16 is calculated to harass and intimidate the named party-plaintiffs as well as non-parties.

As to Objection:



Timothy C. Woodcock, Esq.

RESPONSE:

Without waiving the foregoing Objection, APPL has no documents responsive to this request.

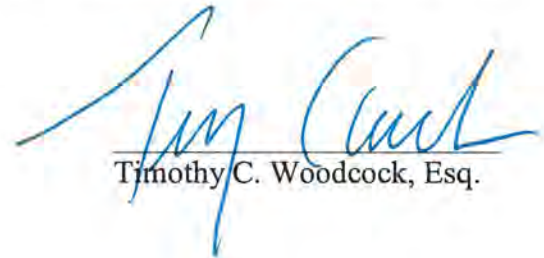
REQUEST NO. 17: All documents, things, and communications evidencing any agreement, contract or license by and between any named Plaintiff and any other affiliated Walsh Family

entity, Walsh Family member, or third party relating to this litigation.

OBJECTION:

Request No. 17 is improper and beyond the scope of discovery because APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. are the Plaintiffs in this action. Each of these named party-plaintiffs is a legal entity in its own right and its capacity to participate in and maintain this litigation is in no way dependent of what individual person or group of persons may have an economic interest in any of them. No other person or entity is a party-plaintiff. No other person or entity is, therefore, subject to discovery requests, including Request No. 15; and, objecting further, Plaintiffs are only seeking a declaratory judgment and, as may be appropriate, equitable relief pursuant thereto, therefore Request No. 17's request for "operating agreements, ledgers, shareholder or member certificates, Schedule K-1, W-2s, or other documents" even as directed at named party-plaintiffs is overbroad, oppressive, burdensome, and not reasonably calculated to the lead to the discovery of admissible evidence; and, objecting further, Request No. 17 is calculated to harass and intimidate the named party-plaintiffs as well as non-parties.

As to Objection:



Timothy C. Woodcock, Esq.

REQUEST NO. 18: A copy of **your** state income tax returns, including all supporting documents and schedules, **from 2003 to 2022.**

OBJECTION:

Request No. 18 is improper because Plaintiffs are not seeking damages; objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance's validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such. Request No. 18 is not reasonably calculated to lead to the discovery of admissible evidence and is oppressive and calculated to harass the named plaintiff-parties.

As to Objection:



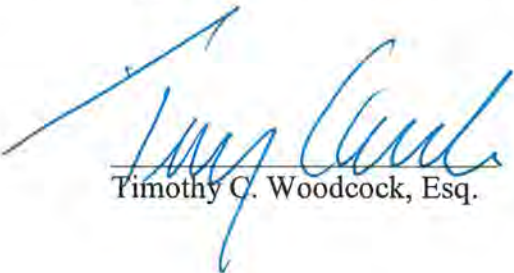
Timothy C. Woodcock, Esq.

REQUEST NO. 19: A copy of **your** federal income tax returns, including all supporting documents and schedules, **from 2003 to 2022.**

OBJECTION:

The Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance's validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such. Request No. 19 is not reasonably calculated to lead to the discovery of admissible evidence and is oppressive and calculated to harass the named plaintiff-parties.

As to Objection:



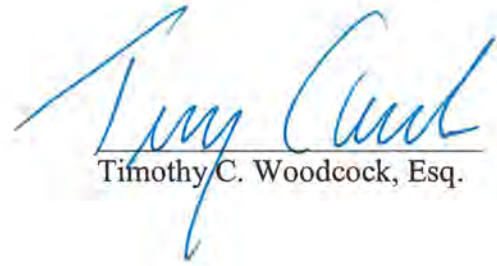
Timothy C. Woodcock, Esq.

REQUEST NO. 20: All documents, things, and communications evidencing the economic impact of cruise ship passengers on any named Plaintiff **since 2003**, including without limitation, all profit and loss statements.

OBJECTION:

Request No. 20 is improper because Plaintiffs are not seeking damages; objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance's validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such. Request No. 20 is not reasonably calculated to lead to the discovery of admissible evidence and is overbroad, oppressive and calculated to harass the named plaintiff-parties.

As to Objection:



Timothy C. Woodcock, Esq.

REQUEST NO. 21: All documents and things prepared by, distributed among, or approved by any working group in which any Plaintiff participated in, in any way (through any member, officer, director or employee, even if that person was not purporting to act on behalf of any Plaintiff at that time), concerning and relating to cruise ship passengers, the cruise ship industry, or cruise ship related tourism.

OBJECTION:

The term “working group” lacks definition and is vague and ambiguous. Without clarification of this term, Plaintiffs cannot respond to Request No. 21; [does it include Cruise Ship Committee; equal access]

As to Objection:



Timothy C. Woodcock, Esq.

RESPONSE:

Without waiving the foregoing objection, APPLL has no documents responsive to this request.

REQUEST NO. 22: All documents, things, and communications evidencing any proposed, contemplated, draft, or actual publications, surveys and studies commissioned by you concerning and relating to “cruise ship tourists . . . on cruise ships that call on the port of Bar Harbor.”

RESPONSE: APPLL has no documents responsive to this request.

REQUEST NO. 23: All documents, things, and communications evidencing any proposed, contemplated, draft, or actual requests for proposal of any publications, surveys and studies commissioned by you concerning and relating to “cruise ship tourists . . . on cruise ships that call on the port of Bar Harbor.”

RESPONSE: APPLL has no documents responsive to this request.

REQUEST NO. 24: All fliers, newspaper advertisements, press releases, emails, correspondences, or other documents issued by you concerning or relating to “cruise ship tourists . . . on cruise ships that call on the port of Bar Harbor.”

RESPONSE: APPLL will produce these documents by May 19, 2023.

REQUEST NO. 25: All documents, things, and communications evidencing income and profits realized from cruise ship passengers of each named Plaintiff on a weekly, monthly, quarterly, and annual bases, including documents showing number of cruise ship passengers, average sales to cruise ship passengers, gross revenue generated by cruise ship passengers, gross profit margin and net profit margin.

OBJECTION:

Request No. 25 is improper and beyond the scope of discovery because Plaintiffs are not seeking damages; objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance’s validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such. Request No. 25 is not reasonably calculated to lead to the discovery of admissible evidence and is oppressive and calculated to harass the named plaintiff-parties.

As to Objection:


Timothy C. Woodcock, Esq.

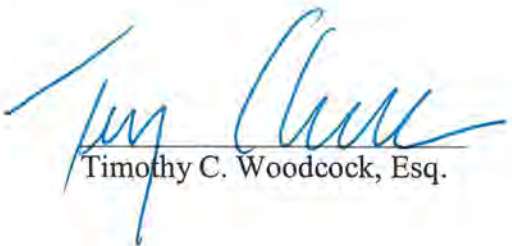
RESPONSE: APPLL has no documents responsive to this request.

REQUEST NO. 26: All financial summaries, profit and loss statements, profit and loss projections, revenue projections, revenue summaries, budgets, cost summaries, cost reports, and cost projections of each named Plaintiff since 2003.

OBJECTION:

Request No. 26 is improper because Plaintiffs are not seeking damages; objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance's validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such. Request No. 26 is not reasonably calculated to lead to the discovery of admissible evidence and is overbroad, oppressive and calculated to harass the named plaintiff-parties.

As to Objection:



Timothy C. Woodcock, Esq.

REQUEST NO. 27: All documents and things sufficient to show each named Plaintiff's corporate organization(s) and structure(s), including an identification of the management and officers of and their responsibilities, including organizational charts of each Plaintiff during the period from January 1, 2018, to the present.

OBJECTION:

Request No. 27 is improper because all named plaintiff-parties are legally constituted entities and entitled to maintain this action in their names. Plaintiffs are not seeking damages; objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance's validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such. Request No. 27 is not reasonably calculated to lead to the discovery of admissible evidence and is overbroad, oppressive and calculated to harass the named plaintiff-parties.

As to Objection:



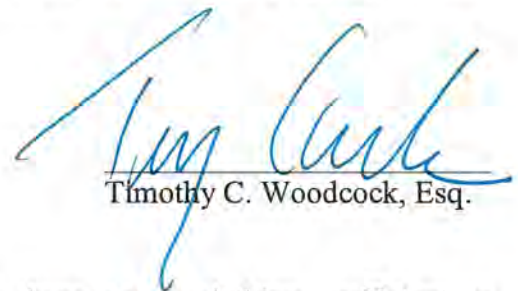
Timothy C. Woodcock, Esq.

REQUEST NO. 28: All documents and things sufficient to identify each Plaintiff's affiliates, including parent companies, subsidiaries, partnerships, joint ventures, and divisions.

OBJECTION:

Request No. 28 is improper because all named plaintiff-parties are legally constituted entities and entitled to maintain this action in their names. Plaintiffs are not seeking damages; objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance's validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such. Request No. 28 is not reasonably calculated to lead to the discovery of admissible evidence and is overbroad, oppressive and calculated to harass the named plaintiff-parties.

As to Objection:




Timothy C. Woodcock, Esq.

REQUEST NO. 29: All organizational charts and other documents and things sufficient to disclose the units, departments, divisions, or other entities of each Plaintiff that participated in or otherwise provided information or documents in connection with this litigation.

OBJECTION:

Request No. 29 is improper because all named plaintiff-parties are legally constituted entities and entitled to maintain this action in their names. Plaintiffs are not seeking damages; objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance's validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such. Request No. 29 is not reasonably calculated to lead to the discovery of admissible evidence and is overbroad, oppressive and calculated to harass the named plaintiff-parties.

As to Objection:




Timothy C. Woodcock, Esq.

REQUEST NO. 30: All documents and things evidencing meetings of each of Plaintiff's Board of Directors, officers, members, employees or agents (including counsel) regarding the Plaintiffs' claims asserted in this litigation, including meeting minutes, meeting agendas, and documents used in preparation for or at said meetings.

OBJECTION:

Request No. 30 is improper because all named plaintiff-parties are legally constituted entities and entitled to maintain this action in their names. Plaintiffs are not seeking damages; objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance's validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such. Request No. 30 is not reasonably calculated to lead to the discovery of admissible evidence and is overbroad, oppressive and calculated to harass the named plaintiff-parties.

As to Objection:




Timothy C. Woodcock, Esq.

REQUEST NO. 31: All documents and things identified, referenced, or relied upon by each Plaintiff in responding to interrogatories from Sidman.

OBJECTION:

Request No. 31 seeks work product, the mental impressions of Plaintiffs' attorney and attorney-client communications; and, objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance's validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such.

As to Objection:



Timothy C. Woodcock, Esq.

RESPONSE:

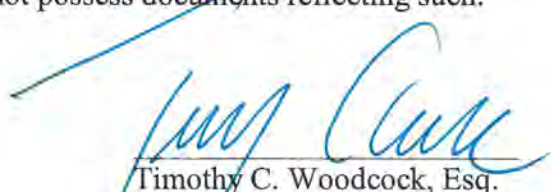
Without waiving the foregoing Objection, see, Plaintiffs' Complaint and Exhibits and Attachments thereto; see also, Plaintiffs' Motion for Preliminary Injunction and Exhibits, Affidavits, and Attachments thereto.

REQUEST NO. 32: All documents and things that support, refute, or concern any of Plaintiffs' allegations or claims in the above-captioned litigation.

OBJECTION:

Request No. 32 seeks work product, the mental impressions of Plaintiffs' attorney and attorney-client communications; and, objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance's validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such.

As to Objection:



Timothy C. Woodcock, Esq.

RESPONSE:

Without waiving the foregoing Objection, see, Plaintiffs' Complaint and Exhibits and Attachments thereto; see also, Plaintiffs' Motion for Preliminary Injunction and Exhibits, Affidavits, and Attachments thereto.

REQUEST NO. 33: All visual aids, demonstratives, transcripts, and other materials Plaintiffs intend to use in any hearing or appearance before the court in this action.

RESPONSE:

Plaintiffs will produce trial exhibits in accordance with pre-trial orders and other court or rule-

imposed requirements.

REQUEST NO. 34: All documents, things, and communications that Plaintiffs intend to rely upon in any pleading or at trial, any deposition and/or any hearing in this action.

RESPONSE:

Plaintiffs will produce trial exhibits in accordance with pre-trial orders and other court or rule-imposed requirements.

REQUEST NO. 35: All documents, things, and communications referenced and/or identified in the initial disclosures made by Plaintiffs pursuant to Federal Rule of Civil Procedure 26(a)(1).

OBJECTION: As to qualified documents, APPLL will produce documents subject to a Confidentiality Order issued by the Court.

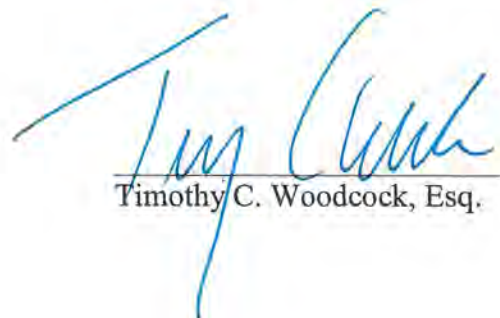
RESPONSE: As to non-confidential documents, APPLL will produce by May 19, 2023.

REQUEST NO. 36: All documents, things, and communications relating to the Cruise Ship Committee.

OBJECTION:

Request No. 36 seeks documents relating to an entity, the Cruise Ship Committee, which was created by the Town Council of the Town of Bar Harbor. Plaintiffs object to the extent that Request No. 36 seeks documents which are equally available to Intervenor-Defendant Charles Sidman as they are to Plaintiffs.

As to Objection:



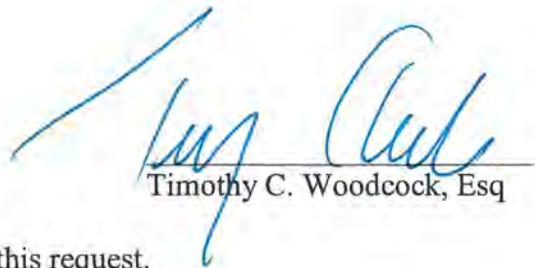
Timothy C. Woodcock, Esq.

REQUEST NO. 37: All documents, things, and communications relating to the “daily caps” of cruise ship passenger disembarkations, including but not limited to negotiations, monitoring, and enforcement of daily caps.

OBJECTION:

Request No. 36 seeks documents relating to an entity, the Cruise Ship Committee, which was created by the Town Council of the Town of Bar Harbor. Plaintiffs object to the extent that Request No. 36 seeks documents which are equally available to Intervenor-Defendant Charles Sidman as they are to Plaintiffs.

As to Objection:



Timothy C. Woodcock, Esq

RESPONSE: APPLL has no documents responsive to this request.

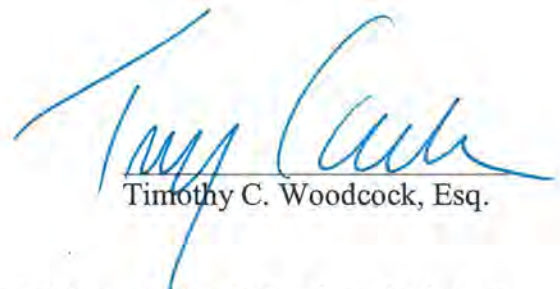
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REQUEST NO. 38: All documents, things, and communications relating to the MOA, including but not limited to negotiations, monitoring, and enforcement of the MOA.

OBJECTION:

Request No. 36 seeks documents relating to an entity, the Cruise Ship Committee, which was created by the Town Council of the Town of Bar Harbor. Plaintiffs object to the extent that Request No. 36 seeks documents which are equally available to Intervenor-Defendant Charles Sidman as they are to Plaintiffs.

As to Objection:



Timothy C. Woodcock, Esq.

REQUEST NO. 39: All documents, things, and communications relating to the disembarkation of seafarers (*i.e.* crew) from cruise ships into Bar Harbor.

RESPONSE: APPLL has no documents responsive to this request.

REQUEST NO. 40: All documents, things, and communications relating to in-state, out-of-state, and foreign (*i.e.* from outside the United States) visitors to Bar Harbor, including but not limited to passengers on cruise ships.

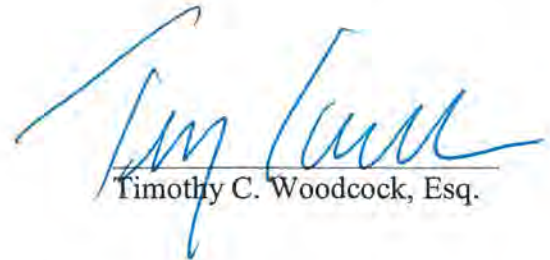
RESPONSE: APPLL has no documents responsive to this request.

REQUEST NO. 41: All documents, things, and communications relating to congestion, traffic, overcrowding, and municipal services used or affected by cruise ship passengers.

OBJECTION:

Request No. 36 seeks documents relating to an entity, the Cruise Ship Committee, which was created by the Town Council of the Town of Bar Harbor. Plaintiffs object to the extent that Request No. 36 seeks documents which are equally available to Intervenor-Defendant Charles Sidman as they are to Plaintiffs.

As to Objection:



Timothy C. Woodcock, Esq.

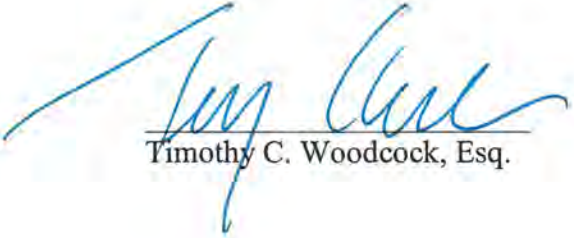
RESPONSE: Studies responsive to this request are attached to Plaintiffs' Motion for Preliminary Injunction, studies of Todd Gabe; see also, 2019 study by Cruise Ship International Association for Town of Bar Harbor.

REQUEST NO. 42: All documents, things, and communications relating to activities that cruise ship passengers engage in within Bar Harbor after they disembark cruise ships.

OBJECTION:

Request No. 36 seeks documents relating to an entity, the Cruise Ship Committee, which was created by the Town Council of the Town of Bar Harbor. Plaintiffs object to the extent that Request No. 36 seeks documents which are equally available to Intervenor-Defendant Charles Sidman as they are to Plaintiffs.

As to Objection:



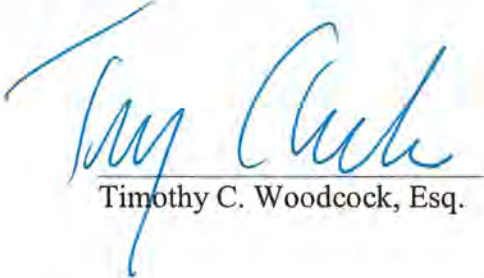
Timothy C. Woodcock, Esq.

REQUEST NO. 43: All documents, things, and communications relating to the Bar Harbor Waterfront Master Plan and “the Town and the State of Maine’s commitment to cruise ship tourism in Bar Harbor.”

OBJECTION:

Request No. 36 seeks documents relating to an entity, the Cruise Ship Committee, which was created by the Town Council of the Town of Bar Harbor. Plaintiffs object to the extent that Request No. 36 seeks documents which are equally available to Intervenor-Defendant Charles Sidman as they are to Plaintiffs.

As to Objection:



Timothy C. Woodcock, Esq.

REQUEST NO. 44: All documents, things, and communications that tend to support or refute your claim in Paragraph 24 of the Complaint that “the anticipated volume of this cruise ship tourism involved disembarkation of anticipated 2,000 to 4,500 cruise ship tourists (average daily) on cruise ships that call on the port of Bar Harbor.”

RESPONSE: See, exhibits and attachments to Plaintiffs’ Motion for Preliminary Injunction.

REQUEST NO. 45: All documents, things, and communications relating to BH Piers and Harborside’s status as “the only cruise ship tender landing facilities in Town.”

RESPONSE: APPLL has no documents responsive to this request.

REQUEST NO. 46: All documents, things, and communications relating to obtaining or maintaining Coast Guard approvals.

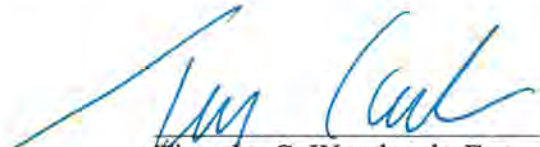
RESPONSE: APPLL has no documents responsive to this request.

REQUEST NO. 47: All documents, things, and communications from, to, or involving the Town regarding the Initiative or the Ordinance.

OBJECTION:

Request No. 47 seeks work product, the mental impressions of Plaintiffs' attorney and attorney-client communications; and, objecting further, the Town of Bar Harbor has agreed not to enforce the Ordinance until such time as the Ordinance's validity, as challenged in this action, has been adjudicated. Therefore, APPLL, B.H. Piers, L.L.C, Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 495, L.L.C., Delray Explorer Hull 493, L.L.C., and, Acadia Explorer, L.L.C. have not incurred actual economic losses and do not possess documents reflecting such; and objecting further Request No. 47 lacks any limiting language and is overbroad, burdensome, and, oppressive.

As to Objection:



Timothy C. Woodcock, Esq.

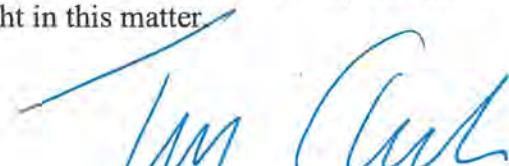
RESPONSE: See, exhibits and attachments to Plaintiffs' Motion for Preliminary Injunction.

REQUEST NO. 48: All documents, things, and communications relating to any gifts, visits, allowances, trips, or vacations offered to or received by any elected or appointed official or other governmental employee, or family members of same.

OBJECTION:

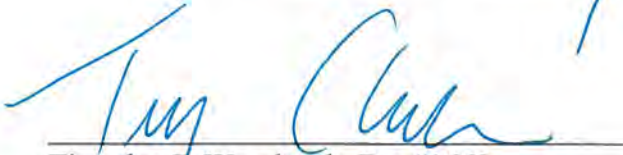
Request No. 48 is not calculated to lead to the discovery of admissible evidence; Request No. 48 is entirely unrelated to Plaintiffs' claims or any relief sought in this matter.

As to Objection:



Timothy C. Woodcock, Esq.

Dated this 12th day of May, 2023.



Timothy C. Woodcock, Bar #1663
P. Andrew Hamilton, Bar #2933
Patrick W. Lyons, Bar #5600

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ahamilton@eatonpeabody.com
plyons@eatonpeabody.com

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2023, the foregoing was served to all counsel of record via email.

Dated May 12, 2023

/s/ 