

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.)

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

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

Defendant,)

CHARLES SIDMAN,)

Defendant-Intervenor.)

MOTION FOR LATE FILING OF POST-TRIAL BRIEF

NOW COME, Plaintiffs, Association to Preserve and Protect Local Livelihoods (“APPLL”), B.H. Piers, L.L.C. (“BH Piers”) and Golden Anchor, L.C., doing business as Harborside Hotel (“Harborside”) (together, “Pier Owners”), B.H.W.W., L.L.C. (“BHWW”), Delray Explorer Hull 495 LLC (“495”), Delray Explorer Hull 493 LLC (“493”), and Acadia Explorer 492, LLC (“492” and (together, “Tender Owners”) (herein, APPLL, the Pier Owners, and the Tender Owners are referred to collectively as “Plaintiffs”), move for late filing of their Post-Trial Brief on the grounds that, following trial, following agreement by the Parties, the Court issued a post-trial briefing order whereby Plaintiffs and Plaintiff-Intervenor Penobscot Bay and River Pilots Association were to file their post-trial briefs on September 1, 2023. (ECF 187).

On the late evening of September 1, Plaintiffs' attorneys were in the process of completing and filing Plaintiffs' Post-Trial Brief and the filing attorney, Janna Gau, Esq., received a message that the computer system would be shutting down imminently. Shortly thereafter, the computer system did shut down. By the time the computer system had restarted and was capable of processing an ECF filing, the September 1 deadline had passed.

By early morning on September 2, Plaintiffs' brief could be filed and attorney Gau did so. A review by Eaton Peabody's I.T. Director on September 2 revealed that the computer system had been shut down by an outside vendor to perform and complete a "patch". The vendor provided no notice to Eaton Peabody that this procedure was planned. The computer software "patch" had the effect of rebooting attorney Gau's computer and shutting her out of the Eaton Peabody computer system, as well as the Worldox document management program where the document to be filed was located. The interruption caused by the vendor prevented Plaintiffs' post-trial brief from being timely filed.

Counsel for Plaintiff-Intervenor, Penobscot Bay and River Pilots Association, do not object to this motion. Counsel for the Town of Bar Harbor and Defendant-Intervenor Charles Sidman have been advised of this motion and will respond when they have the opportunity to do so.

WHEREFORE, Plaintiffs move to allow late filing of their Post-Trial Brief as of September 2, 2023.

Dated at Bangor, Maine this 3rd day of September, 2023.

Respectfully submitted,

/s/ Timothy Woodcock

Timothy C. Woodcock, Bar #1663
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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of September, 2023, I caused the foregoing document to be served upon all counsel of record via email.

/s/ Timothy Woodcock