

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ASSOCIATION TO PRESERVE)
AND PROTECT LOCAL)
LIVELIHOODS, *et al.*,)
)
Plaintiffs,)
)
v.)
)
TOWN OF BAR HARBOR,)
)
Defendant,)
)
CHARLES SIDMAN,)
)
Defendant-Intervenor.)

No. 1:22-cv-00416-LEW

ORDER ON MOTION TO DISMISS

The matter is before the Court on the motion to dismiss filed by Defendant-Intervenor Charles Sidman and joined by the Defendant Town of Bar Harbor. Motion to Dismiss (ECF No. 74); Joinder (ECF No. 84). In this action, Plaintiffs seek to enshrine in federal and state constitutional law a rather astounding new maxim: “Build it and they *must* come.” Mr. Sidman argues the proposed maxim is not actionable on the facts and theories alleged. The Plaintiffs argue it is and that their claims will only be enhanced by a factual record.

Although there may be claims in this matter deserving of the *brevis tridentis*, others appear to anticipate a factual record and are worthy of a hearing. Given the already

accelerated schedule, I am not inclined to address the claims in a piecemeal fashion.

Accordingly, the Motion to Dismiss is DENIED.

SO ORDERED.

Dated this 12th day of April, 2023.

/s/ Lance E. Walker
UNITED STATES DISTRICT JUDGE