

EXHIBIT B

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

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

Plaintiffs,)

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

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.)

**PLAINTIFF ASSOCIATION TO PRESERVE AND PROTECT LOCAL LIVELIHOOD’S
(APPLL’S) ANSWERS TO
DEFENDANT-INTERVENOR’S FIRST SET OF INTERROGATORIES**

Plaintiff, Association to Preserve and Protect Local Livelihoods (“APPLL”), by and through undersigned counsel, and pursuant to Rules 26 and 33 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

To the extent that any of the discovery requests propounded by Defendant-Intervenor may be deemed to include a request for attorney-client privileged communications and/or documents protected by the work-product doctrine or Fed. R. Civ. P. 26(b)(3)(A), Golden Anchor objects to same. This objection relates to attorney-client communications and/or mental impressions, conclusions, opinions and/or legal theories of Golden Anchor’s counsel and, as such, is protected as attorney work-product.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: Identify each member of Plaintiff APPLL.

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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE:

Without waiving the foregoing objection,

President: Kristi Bond
Secretary: Dan Pittman
Treasurer: Eben Salvatore

INTERROGATORY NO. 2: Identify each affiliated Walsh Family entity or Walsh family member that holds an interest in Plaintiff APPLL.

OBJECTION: This interrogatory is improper and beyond the scope of discovery on the grounds that APPLL is a named party-plaintiff and is a legal entity, an association, in its own right and its capacity to participate in and maintain this litigation is in no way dependent on what economic interest any individual person or group of persons may have in APPLL; and, objecting further, the “Walsh Family entity” and “Walsh family member” or “third party” are not named plaintiffs; 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, none of the following parties—B.H. Piers, LLC, Golden Anchor, LC, BHWW, LLC, Delray Explorer Hull 495, LLC, Delray Explorer 493, LLC, and Acadia Explorer 492, LLC—holds an economic or other interest in APPLL.

INTERROGATORY NO. 3: Identify each privately-owned key waterfront parcel referenced in Paragraph 23 of your Complaint and include the identity of the owner of each parcel and describe each owner’s relationship to Plaintiff APPLL or any other Plaintiff, if any.

RESPONSE: APPLL does not own the waterfront parcels referred to in Paragraph 23 of the Complaint. Further, see Response to Interrogatory No. 3 above.

INTERROGATORY NO. 4: Identify any agreement, contract or license between Plaintiff Golden Anchor and any member of Association to Preserve and Protect Local Livelihoods (“APPLL), individually or collectively as APPLL, B.H. Piers, L.L.C., B.H.W.W., L.L.C., Delray Explorer Hull 493, LLC, Delray Explorer Hull 495, LLC, Acadia Explorer 492, LLC, or any other affiliated Walsh Family entity, 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,” for the past twenty (20) years.

OBJECTION: This interrogatory is improper and beyond the scope of discovery on the grounds that APPLL is a named party-plaintiff and is a legal entity in its own right and, as such, has the legal capacity to participate in this litigation; 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 members are 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE:

Without waiving the foregoing objection, APPLL is not a party to any such agreement, contract or license.

INTERROGATORY NO. 5: Identify any agreement, contract, or license between Plaintiff Golden Anchor and any member of APPLL, individually or collectively as APPLL, B.H. Piers, L.L.C., Golden Anchor, L.C., B.H.W.W., L.L.C., Delray Explorer Hull 493, LLC, Delray Explorer Hull 495, LLC, Acadia Explorer 492, LLC, or any other affiliated Walsh Family entity, member, or third party, relating in any way to cruise ship tourism, cruise ship passengers, seafarers, marine and waterfront tourism operations.

OBJECTION: This interrogatory is improper and beyond the scope of discovery on the grounds that APPLL is a named party-plaintiff and is a legal entity in its own right and, as such, has the legal capacity to participate in this litigation; 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 members are 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL is not a party to any such agreement, contract or license.

INTERROGATORY NO. 6: Identify any agreement, contract, or license between Plaintiff Golden Anchor and any member of APPLL, individually or collectively as APPLL, B.H. Piers, L.L.C., B.H.W.W., L.L.C., Delray Explorer Hull 493, LLC, Delray Explorer Hull 495, LLC, Acadia Explorer 492, LLC, or any other affiliated Walsh Family entity, member or third

party, relating in any way to this litigation.

OBJECTION: This interrogatory is improper and beyond the scope of discovery on the grounds that APPLL is a named party-plaintiff and is a legal entity in its own right and, as such, has the legal capacity to participate in this litigation; 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 members are 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL is not a party to any such agreement, contract or license.

INTERROGATORY NO. 7: Identify any agreement, contract, or license between Plaintiff APPLL and the Town of Bar Harbor relating in any way to cruise ship tourism, cruise ship passengers, seafarers, marine and waterfront tourism operations, including without limitation, any agreement, contract or license 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,” for the past twenty (20) years.

OBJECTION: This interrogatory is improper and beyond the scope of discovery on the grounds that APPLL is a named party-plaintiff and is a legal entity in its own right and, as such, has the legal capacity to participate in this litigation; 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 members are 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL is not a party to any such agreement, contract or license.

INTERROGATORY NO. 8: Identify any agreement, contract, or license between Plaintiff APPLL and any business in the cruise line industry relating in any way 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” for the past twenty (20) years.

OBJECTION: This interrogatory is improper and beyond the scope of discovery on the grounds that APPLL is a named party-plaintiff and is a legal entity in its own right and, as such, has the legal capacity to participate in this litigation; 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 members are 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL is not a party to any such agreement, contract or license.

INTERROGATORY NO. 9: Identify the economic impact of cruise ship passengers on Plaintiff APPLL for the past twenty (20) years.

OBJECTION: This interrogatory is improper and beyond the scope of discovery on the grounds that 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, APPLLL members are 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL is a business league within the meaning of Section 501(c)(6); and, objecting further the Town agreed not to enforce the Ordinance until the pending challenges to its constitutionality and validity have been adjudicated. Therefore, APPLL members have not incurred any damages from the Town's enforcement of the Ordinance. Neither APPLL nor any Party-Plaintiff or Party-Plaintiff-Intervenor is seeking damages. Therefore, the specific impacts, including damages that would arise from the Ordinance's enforcement cannot be determined with any particularity. APPLL understands, however, that if the Ordinance were to remain in effect and if the Town were to enforce the Ordinance, cruise ships would very likely terminate altogether their visits to Bar Harbor. That enforcement of the Ordinance would have this effect is found in the affidavits and exhibits supporting Plaintiffs Motion for Preliminary Injunction, letters from the Cruise Lines International Association to the Bar Harbor Town Council and the Cruise Ship Committee, and, the Town's pre-election information sheet predicting that the Ordinance would reduce cruise ship visits by 95 percent.

APPLL is aware that local business owners have advised the Town Council both at Town Council meetings and by written correspondence that the elimination of cruise ship visits or even a sharp reduction in cruise ship visits would cause significant damage to their businesses. These statements were made in Town Council meetings which are a matter of public record and which, upon information and believe, Defendant-Intervenor Sidman attended as well as in written submissions which the Town has produced in discovery and which Defendant-Intervenor Sidman possesses.

And, answering further, the termination of cruise ship visits to Bar Harbor would eliminate the revenues that Harborside Docks and Harbor Place (as well as its owner entity B.H. Piers, LLC derive from serving as the private piers for tender vessels traveling to and from the cruise ships. APPLL is aware of studies of the economic benefits of cruise ship visits to Bar Harbor, including those prepared by Todd Gabe and attached to Plaintiffs' Motion for Preliminary Injunction. APPLL also refers to the "Town of Bar Harbor Cruise Tourism Management Plan of May 21, 2007 which discusses economic benefits arising from cruise ship visits.

INTERROGATORY NO. 10: Identify any member, officer, director, or employee of Plaintiff APPLL who participated in any working group concerning and relating to cruise ship passengers, the cruise ship industry, or cruise ship related tourism.

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; 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objections, APPLL is aware that in February of 2022, the Town Council of the Town of Bar Harbor authorized the Town Manager, then Kevin Sutherland, to form a special cruise ship “working group.” APPLL did not participate in that working group.

INTERROGATORY NO. 11: Describe all facts that tend to support or refute 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.”

OBJECTION: This interrogatory is improper and beyond the scope of discovery on the grounds that 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, APPLLL members are 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL is a business league within the meaning of Section 501(c)(6); and, objecting further the Town agreed not to enforce the Ordinance until the pending challenges to its constitutionality and validity have been adjudicated. Therefore, APPLL members have not incurred any damages from the Town's enforcement of the Ordinance. Neither APPLL nor any Party-Plaintiff or Party-Plaintiff-Intervenor is seeking damages. Therefore, the specific impacts, including damages, that would arise from the Ordinance's enforcement cannot be determined with any particularity. APPLL understands, however, that if the Ordinance were to remain in effect and if the Town were to enforce the Ordinance, cruise ships would very likely terminate altogether their visits to Bar Harbor. That enforcement of the Ordinance would have this effect is found in the affidavits and exhibits supporting Plaintiffs Motion for Preliminary Injunction, letters from the Cruise Lines International Association to the Bar Harbor Town Council and the Cruise Ship Committee, and, the Town's pre-election information sheet predicting that the Ordinance would reduce cruise ship visits by 95 percent.

APPLL is aware that local business owners have advised the Town Council both at Town Council meetings and by written correspondence that the elimination of cruise ship visits or even a sharp reduction in cruise ship visits would cause significant damage to their businesses. These statements were made in Town Council meetings which are a matter of public record and which, upon information and believe, Defendant-Intervenor Sidman attended as well as in written submissions which the Town has produced in discovery and which Defendant-Intervenor Sidman possesses.

And, answering further, the termination of cruise ship visits to Bar Harbor would eliminate the revenues that Harborside Docks and Harbor Place derive from serving as the pier for tender vessels traveling to and from the cruise ships. APPLL is aware of studies of the economic benefits of cruise ship visits to Bar Harbor, including those prepared by Todd Gabe and attached to Plaintiffs' Motion for Preliminary Injunction. APPLL also refers to the "Town of Bar Harbor Cruise Tourism Management Plan of May 21, 2007 which discusses economic benefits arising from cruise ship visits.

RESPONSE: Without waiving the foregoing objection, APPLL is a business league within the meaning of Section 501(c)(6); and, objecting further the Town agreed not to enforce the Ordinance until the pending challenges to its constitutionality and validity have been adjudicated. Therefore, APPLL members have not incurred any damages from the Town's enforcement of the Ordinance. Neither APPLL nor any Party-Plaintiff or Party-Plaintiff-Intervenor is seeking damages. Therefore, the specific impacts, including damages, that would arise from the Ordinance's enforcement cannot be determined with any particularity. APPLL understands, however, that if the Ordinance were to remain in effect and if the Town were to enforce the Ordinance, cruise ships would very likely terminate altogether their visits to Bar

Harbor. That enforcement of the Ordinance would have this effect is found in the affidavits and exhibits supporting Plaintiffs Motion for Preliminary Injunction, letters from the Cruise Lines International Association to the Bar Harbor Town Council and the Cruise Ship Committee, and, the Town's pre-election information sheet predicting that the Ordinance would reduce cruise ship visits by 95 percent.

APPLL is aware that local business owners have advised the Town Council both at Town Council meetings and by written correspondence that the elimination of cruise ship visits or even a sharp reduction in cruise ship visits would cause significant damage to their businesses. These statements were made in Town Council meetings which are a matter of public record and which, upon information and believe, Defendant-Intervenor Sidman attended as well as in written submissions which the Town has produced in discovery and which Defendant-Intervenor Sidman possesses.

And, answering further, the termination of cruise ship visits to Bar Harbor would eliminate the revenues that Harborside Docks and Harbor Place derive from serving as the private piers for tender vessels traveling to and from the cruise ships. APPLL is aware of studies of the economic benefits of cruise ship visits to Bar Harbor, including those prepared by Todd Gabe and attached to Plaintiffs' Motion for Preliminary Injunction. APPLL also refers to the "Town of Bar Harbor Cruise Tourism Management Plan of May 21, 2007" which discusses economic benefits arising from cruise ship visits.

INTERROGATORY NO. 12: Identify any damage suffered by Plaintiff APPLL by the Ordinance, and identify:

- (a) The character or nature of each such damage;
- (b) Whether said damage is monetary in nature and the sums or amounts of financial losses you claim to have suffered;
- (c) The manner in which you computed and calculated your damages;
- (d) The efforts you made to mitigate your damages; and
- (e) Identify every document which tends to support or refute your computation and calculation of your claimed damage and harm.

OBJECTION: This interrogatory is improper and beyond the scope of discovery on the grounds that 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, Golden Anchor 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, oppressive, and calculated to harass Golden Anchor.

As to Objection:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL members have not yet incurred damages due to the Ordinance.

INTERROGATORY NO. 13: Describe all facts that support your allegation in Paragraph 64 in your Complaint alleging that Plaintiffs' business[es] "will be severely damaged by the Initiated Ordinance and its implementation will harm the ability of their employees to earn a living."

OBJECTION: This interrogatory is improper and beyond the scope of discovery on the grounds that 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 members are 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL is a business league within the meaning of Section 501(c)(6); and, objecting further the Town agreed not to enforce the Ordinance until the pending challenges to its constitutionality and validity have been adjudicated. Therefore, APPLL members have not incurred any damages from the Town's enforcement of the Ordinance. Neither APPLL nor any Party-Plaintiff or Party-Plaintiff-Intervenor is seeking damages. Therefore, the specific impacts, including damages, that would arise from the Ordinance's enforcement cannot be determined with any particularity. APPLL understands, however, that if the Ordinance were to remain in effect and if the Town were to enforce the Ordinance, cruise ships would very likely terminate altogether their visits to Bar Harbor. That enforcement of the Ordinance would have this effect is found in the affidavits and exhibits supporting Plaintiffs Motion for Preliminary Injunction, letters from the Cruise Lines International Association to the Bar Harbor Town Council and the Cruise Ship Committee, and, the Town's pre-election information sheet predicting that the Ordinance would reduce cruise ship visits by 95 percent.

APPLL is aware that local business owners have advised the Town Council both at Town Council meetings and by written correspondence that the elimination of cruise ship visits or even a sharp reduction in cruise ship visits would cause significant damage to their businesses. These statements were made in Town Council meetings which are a matter of public record and which, upon information and believe, Defendant-Intervenor Sidman attended as well as in written submissions which the Town has produced in discovery and which Defendant-Intervenor Sidman possesses.

And, answering further, the termination of cruise ship visits to Bar Harbor would eliminate the revenues that Harborside Docks and Harbor Place derive from serving as the private piers for tender vessels traveling to and from the cruise ships. APPLL is aware of studies of the economic benefits of cruise ship visits to Bar Harbor, including those prepared by Todd Gabe and attached to Plaintiffs' Motion for Preliminary Injunction. APPLL also refers to the "Town of Bar Harbor Cruise Tourism Management Plan of May 21, 2007 which discusses economic benefits arising from cruise ship visits.

INTERROGATORY NO. 14: Identify every person who, to your knowledge or the knowledge of your representative, attorneys, members, or agents, has knowledge of any of the facts relating in any way to your claims alleged in the Complaint, and describe the nature, source, and bases of each such person's knowledge.

OBJECTION: Cruise ships have been coming to Bar Harbor for more than 25 years. APPLL is aware of potentially hundreds of persons in and around the Town of Bar Harbor as well in the cruise ship sector, itself, with varying degrees of knowledge that could be responsive to this interrogatory, but listing those all of those persons and relating the substance of the knowledge possessed by each would be burdensome and oppressive and beyond the scope of discovery.

As to Objection:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection,

Town Council members from 1996-present – general knowledge of Town actions regarding cruise ships in Bar Harbor.

Town Employees (present and former for each position)

Town Managers

Kevin Sutherland – has knowledge of the February 2022 working group, the development of MOAs, the Town Council's adoption of MOAs, and the execution of MOA's

by the Town and certain cruise lines; has knowledge of the probable effects of the Ordinance on cruise ship visitation and Bar Harbor businesses; has knowledge of the probable impact of the Ordinance on Bar Harbor businesses.

Cornell Knight – has knowledge of Bar Harbor’s experience attracting and managing cruise ship visits; has knowledge of cruise ship matters based on his service as Town Manager.

Harbormasters + deputies

Lt. Christopher Wharff – has knowledge as set forth in his May 9 and 16, 2023 depositions; has knowledge of cruise ship matters derived from his service as Harbormaster and as lieutenant in the Bar Harbor Police Department.

Charles Phippen – he has a historical knowledge of cruise ship operations as well as firsthand knowledge of harbor operations for twenty years. He may also know knowledge of the efforts by the Town and/or State to grow cruise ship traffic.

Chris Johansen – Deputy Harbor master has knowledge of cruise ship operations and harbor operations.

Valerie Peacock – has knowledge as set forth in her deposition of May 9, 2023; she also has knowledge of cruise ship matters derived from her service on the Town Council.

Chief of police - James Willis – has knowledge as set forth in his deposition of May 9; he also has knowledge based on his service as Chief of Police of Bar Harbor and Mount Desert.

Code Enforcement -Angela Chamberlain – has knowledge as set forth in her deposition of May 9; she also has knowledge based on her service as Code Enforcement Officer.

Fire Chief - Matthew Bartlett – has knowledge of cruise ship tourism and the extent of any demands cruise ship tourism has placed on Fire and Emergency Management Services, including on allied health service providers as set forth in his deposition of May 16, 2023.

MDI Hospital representative. Christina Maguire has knowledge of the extent of any demands cruise ship tourism has placed on MDI hospital’s provision of healthcare services.

BH Piers, Golden Anchor, Tender Operators, and all other Plaintiffs’ affiliates

Eben Salvatore – see his affidavit attached to the Complaint; has knowledge (included but not limited to) of the history of the encouragement by the Town and the State to attract, maintain, and grow cruise ship visits; has knowledge from his service on the Cruise Ship Committee; has knowledge from his involvement in managing businesses involved in and

affected by cruise ship visits.

Mark Walsh –has knowledge (including but not limited to) the development of cruise ship tourism in Bar Harbor; has knowledge about investments by BH Piers and Golden Anchor and the use of those piers by cruise ships; has knowledge of the relationship between the piers and the Town; has knowledge of the probable impact of the Ordinance on the piers; has knowledge of each of the foregoing categories of information on BHHW, LLC, Delray Explorer Hull 495, LLC, Delray Explorer Hull 493, LLC, and, Acadia Explorer 492, LLC.

William Walsh – has knowledge (including but not limited to) of the development of cruise ship tourism in Bar Harbor; has knowledge about investments in BH Piers and Golden Anchor and the use of those piers by cruise ships; has knowledge of the relationship between the piers and the Town; has knowledge of the probable impact of the Ordinance on the piers; has knowledge of each of the foregoing categories of information on BHHW, LLC, Delray Explorer Hull 495, LLC, Delray Explorer Hull 493, LLC, and, Acadia Explorer 492, LLC.

Richard Ade – has knowledge (included but not limited to)of investments in BH Piers, LLC and Golden Anchor, LLC in developing the capacity to serve visiting cruise and revenues generated from that service; has knowledge of investments in BHHW, LLC, Delray Explorer Hull 495, LLC, Delray Explorer Hull 493, LLC, and, Acadia Explorer 492, LLC and revenues generated from that service.

Cruise Lines International Association (“CLIA”)

Christopher Mastripollito – has knowledge as set forth affidavit attached to the Motion for Preliminary Injunction; has knowledge generally of cruise ship operations and the probable effect of enforcement of the Ordinance on cruise ship visitation to Bar Harbor.

Kelly Craighead, President and CEO of CLIA – has knowledge as set forth two letters to the bar Harbor Town Council relating to cruise ship tourism in Bar Harbor; has knowledge generally of cruise ship operations and the probable effect of enforcement of the Ordinance on cruise ship visitation to Bar Harbor.

Mike McGarry, Senior Vice president, Global Government Affairs and Secretariat for North America for CLIA –has knowledge as set forth two letters to the bar Harbor Town Council relating to cruise ship tourism in Bar Harbor; has knowledge generally of cruise ship operations and the probable effect of enforcement of the Ordinance on cruise ship visitation to Bar Harbor.

Chase Leavitt & Company

Shawn Moody – has knowledge as set forth in his affidavit attached to the Motion for Preliminary Injunction; has knowledge generally of cruise ship operations and the probable effect of enforcement of the Ordinance on cruise ship visitation to Bar Harbor.

APPLL

Kristi Bond – President of APPLL – see her verified complaint
Loren Hubbard – see affidavit

Kevin Desveaux – see affidavit

Glenn Tucker – see affidavit

Tom Testa – restaurant owner and board member

Shawn Porter – Board Member of APPLL – Married to and co-owner of retail shop with Loren Hubbard

Heather Davis – Board Member of APPLL

All the above have knowledge of the operations of the business which they own and operate and the probable impact of the enforcement of the Ordinance on the economic health of those businesses. All the above have knowledge of Bar Harbor's experience with cruise ship visits from their perspective and based on their knowledge.

State of Maine

Sarah Flink – Executive director of CruiseMaine; has knowledge of (including but not limited to) cruise ship tourism on Maine businesses and knowledge of voluntary caps and the MOA.

Amy Powers – former executive director of CruiseMaine; has knowledge of (including but not limited to) cruise ship tourism on Maine businesses and knowledge of voluntary caps since 2008 and MOA.

David Cole - Former Maine Department of Transportation commissioner; has knowledge of attraction and development of cruise ship visits to Maine.

Brian Nutter – former director of the Maine Port Authority; has knowledge of attraction and development of cruise ship visits to Maine.

Pilots

David Gelinas – member of Penobscot Bay and River Pilots Association; has knowledge regarding piloting the cruise ships into the federal anchorages.

Skip Strong – member of Penobscot Bay and River Pilots Association; has knowledge regarding piloting the cruise ships into the federal anchorages

Experts

Todd Gabe – See his report attached to Plaintiffs' Complaint

Opponents

Charles Sidman – has knowledge of his opposition and his reasons therefore; has knowledge of the creation, promotion, adoption, and, implementation of the Ordinance.

Other

Adam Goldstein – has knowledge as former CEO of Royal Caribbean and former General Counsel of Royal Caribbean of the cruise ship operations along the east coast of North America, and, in particular, with respect to the port of Bar Harbor; has knowledge of interstate and international character of such cruise ship operations; has knowledge of the probable effect of enforcement of the Ordinance on cruise ship visitation to Bar Harbor.

INTERROGATORY NO. 15: Identify and describe all documents, research, studies, opinions, designs, analyses, investigations, and other things you consulted and relied upon in forming the allegations in your Complaint.

OBJECTION: This interrogatory seeks work product, the mental impressions of Plaintiffs' counsel, and, attorney-client communications; and, objecting further, this interrogatory is overbroad, burdensome, and oppressive.

As to Objection:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing Objection, see response to Interrogatory No. 9; see also, Plaintiffs' Complaint and supporting exhibits and see Plaintiffs' Motion for Preliminary Injunction and supporting Affidavits, Exhibits, and Attachments.

INTERROGATORY NO. 16: Identify each person who provided information that was considered or relied upon in responding to these interrogatories, identify each interrogatory or interrogatories for which the person provided information.

OBJECTION: This interrogatory seeks work product, the mental impressions of Plaintiffs' counsel, and, attorney-client communications, both in general and with reference to this interrogatory's attempt to elicit information as to what person or persons were consulted with respect to which interrogatories; and, objecting further, this interrogatory is overbroad, burdensome, and oppressive.

As to Objection:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing Objection, the Board members of APPLL were consulted in preparing each and all of the Responses.

INTERROGATORY NO. 17: Identify all communications of Plaintiff APPLL and any member of APPLL, individually or collectively as APPLL, B.H. Piers, L.L.C., B.H.W.W., L.L.C., Delray Explorer Hull 493, LLC, Delray Explorer Hull 495, LLC, Acadia Explorer 492, LLC, or any other affiliated Walsh Family entity, member or third party relating in any way to the impact of the Initiative or the Ordinance upon cruise ship tourism, cruise ship passengers, seafarers, marine and waterfront tourism operations.

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; and objecting further, APPLL is separate and distinct from B.H. Piers, L.L.C., B.H.W.W., L.L.C., Delray Explorer Hull 493, LLC, Delray Explorer Hull 495, LLC, Acadia Explorer 492, LLC; 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Eben Salvatore who serves as Treasurer of APPLL has communications with some of the other Plaintiff organizations as part of the performance of his regular job duties with affiliates of some of the Plaintiff entities.

INTERROGATORY NO. 18: Identify all communications of Plaintiff APPLL and the Town relating in any way to the impact of the Initiative or the Ordinance upon cruise ship tourism, cruise ship passengers, seafarers, marine and waterfront tourism operations.

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; and objecting further, APPLL is separate and distinct from B.H. Piers, L.L.C., B.H.W.W., L.L.C., Delray Explorer Hull 493, LLC, Delray Explorer Hull 495, LLC, Acadia Explorer 492, LLC; 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL has made several public statements on the effect of the Ordinance on APPLL members and the Bar Harbor business climate generally. Those statements have emphasized the benefits of cruise ship visits to APPLL members, the Bar Harbor community at large, and the Town of Bar Harbor. These statements have also described the damage that, if enforced, the Ordinance would inflict on APPLL members, the Bar Harbor community and the Town of Bar Harbor.

INTERROGATORY NO. 19: Describe all facts that support the allegations in your Complaint in each Count: (I) violation of the Supremacy Clause of the Constitution; (II) violation of the Commerce Clause; and (III) violation of substantive due process.

OBJECTION: This interrogatory seeks work product, the mental impressions of Plaintiffs’ counsel, and, attorney-client communications; and, objecting further, this interrogatory is overbroad, burdensome, and, oppressive.

As to Objection:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, see response to Interrogatory No. 9; see also, Plaintiffs’ Complaint and supporting exhibits and see Plaintiffs’ Motion for Preliminary Injunction and supporting Affidavits, Exhibits, and Attachments and individuals contributing thereto.

INTERROGATORY NO. 20: Breakdown the actual amounts of “funds” “expended” as described 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, and include in your breakdown the date(s) and payee(s).

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; and objecting further, APPLL is separate and distinct from B.H. Piers, L.L.C., B.H.W.W., L.L.C., Delray Explorer Hull 493, LLC, Delray Explorer Hull 495, LLC, Acadia Explorer 492, LLC; 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL expended no funds for the purposes identified in Paragraph 24 of the Complaint.

INTERROGATORY NO. 21: Describe all facts relating to the “daily caps” of cruise ship passenger disembarkations, including but not limited to negotiations, monitoring, and enforcement of daily caps.

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; and objecting

further, APPLL is separate and distinct from B.H. Piers, L.L.C., B.H.W.W., L.L.C., Delray Explorer Hull 493, LLC, Delray Explorer Hull 495, LLC, Acadia Explorer 492, LLC; 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL was not involved in negotiations, monitoring or enforcement of the “daily caps.”

INTERROGATORY NO. 22: Describe all facts relating to the MOA, including but not limited to negotiations, monitoring, and enforcement of the MOA.

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; and objecting further, APPLL is separate and distinct from B.H. Piers, L.L.C., B.H.W.W., L.L.C., Delray Explorer Hull 493, LLC, Delray Explorer Hull 495, LLC, Acadia Explorer 492, LLC; 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL was not involved in negotiations, monitoring or enforcement of the MOA.

INTERROGATORY NO. 23: Describe all facts relating to Golden Anchor and Harborside’s status as “the only cruise ship tender landing facilities in Town.”

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; and objecting further, APPLL is separate and distinct from B.H. Piers, L.L.C., B.H.W.W., L.L.C., Delray Explorer Hull 493, LLC, Delray Explorer Hull 495, LLC, Acadia Explorer 492, LLC; 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL does not possess the knowledge required to respond to this interrogatory. See responses of BH Piers and Golden Anchor.

INTERROGATORY NO. 24: Describe all facts relating to obtaining or maintaining Coast Guard approvals.

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; and objecting further, APPLL is separate and distinct from B.H. Piers, L.L.C., B.H.W.W., L.L.C., Delray Explorer Hull 493, LLC, Delray Explorer Hull 495, LLC, Acadia Explorer 492, LLC; 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:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

RESPONSE: Without waiving the foregoing objection, APPLL does not possess the knowledge required to respond to this interrogatory. See responses of BH Piers and Golden Anchor.

INTERROGATORY NO. 25: Identify and describe any and all gifts, visits, allowances, trips, or vacations offered to or received by any elected or appointed official or other governmental employee, or family member of same, by you.

OBJECTION This interrogatory is improper and beyond the scope of discovery because Plaintiffs' are seeking a declaratory judgment that the Ordinance is not constitutional and, in the event of an adjudication to that effect, are seeking injunctive relief barring its enforcement; and, objecting further, this interrogatory has no bearing on either the merits of Plaintiffs' complaint nor the relief sought. This interrogatory is, therefore, not calculated to lead to the discovery of admissible evidence; and, objecting further, this interrogatory is overbroad and vague; and, objecting further, this interrogatory is calculated to harass APPLL.

As to Objection:

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2023, the final and attested to answers to interrogatories were served to all counsel of record via email.

Dated: May 16, 2023

s/Timothy C. Woodcock
Timothy C. Woodcock, Esq.

Dated at 5/16/2023 this ___ day of May, 2023.

Association to Preserve and Protect Local Livelihoods

Kristi Bond

By: Kristi Bond
Its President, duly authorized

STATE OF MAINE
HANCOCK, ss.

May 16, 2023

Personally appeared Kristi Bond, in her capacity as President of Association to Preserve and Protect Local Livelihood, signer of the foregoing Answers to Interrogatories, and made oath that the statements made in the foregoing answers are true and accurate to the best of her knowledge and belief.

Before me,

Jennifer Cough
Notary Public

JENNIFER COUGH
NOTARY PUBLIC MAINE
My Commission Expires 04/03/2025

