

UNITED STATES DISTRICT  
DISTRICT OF MAINE

ASSOCIATION TO PRESERVE AND	)	
PROTECT LOCAL LIVELIHOODS, et	)	
al.,	)	
	)	
Plaintiffs,	)	
	)	Civil Action
PENOBSCOT BAY AND RIVER PILOTS	)	No. 1:22-cv-416-LEW
ASSOCIATION	)	
	)	
Plaintiff-Intervenor,	)	
	)	
v.	)	
	)	
TOWN OF BAR HARBOR, a municipal	)	
corporation of the State of	)	
Maine,	)	
	)	
Defendant,	)	
	)	
CHARLES SIDMAN,	)	
	)	
Defendant-Intervenor	)	

ZOOM DEPOSITION OF: Todd Gabe, Ph.D.

BEFORE: Lisa Fitzgerald, Notary Public, via Zoom on  
May 23, 2023 beginning at 9:07 a.m.

Maine Court Reporting Services  
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Brewer, Maine 04412  
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1           (This deposition was taken before Lisa Fitzgerald,  
2           Notary Public, on May 23, 2023 beginning at 9:07 a.m.)

3                           \* \* \* \* \*

4           (The deponent was administered the oath by the  
5           Notary Public.)

6                           \* \* \* \* \*

7           Todd Gabe, Ph.D., called, after having been duly sworn on his  
8           oath deposes and says as follows:

9                           EXAMINATION

10          BY MR. PAPAZIAN:

11          Q.    Hi, Dr. Gabe. I'm Bobby Papazian. I'm with Curtis  
12                Thaxter. I represent the defendant-intervenor, Charles  
13                Sidman, in this case. This is -- this deposition is my  
14                chance to ask you the questions.

15                Could you state your name for the record?

16          A.    Todd Michael Gabe.

17          Q.    Okay. So I'm going to ask you some questions. If you  
18                don't understand the questions, I would prefer that you  
19                don't answer. Let me know that you don't understand and  
20                give me an opportunity to repeat or rephrase the  
21                questions.

22                I'll do my best to make it understandable to you.

23          A.    Fine.

24          Q.    If you do answer the question, I'll assume that you  
25                understood the question that I posed.

1           undergraduate degrees from Furman University.

2   Q.    What are those degrees in?

3   A.    At Furman, I was a double major in economics and Asian  
4        studies.  At the University of Minnesota, my master's  
5        was in applied economics.  At Ohio State University I  
6        got a master's in economics, and at Ohio State  
7        University I got a Ph.D.  -- and this is a mouthful --  
8        agricultural environmental and development economics,  
9        they called it AED economics just to keep it short.

10  Q.    Okay.  Can you describe your work history?

11  A.    I've worked at the University of Maine since 1999.  It  
12        was my academic job.  Before that I was a research  
13        assistant at Ohio State.  That's just part of being a  
14        graduate student.

15  Q.    When did you graduate with your Ph.D.?

16  A.    1999.

17  Q.    Okay.  And then you went straight into teaching at the  
18        University of Maine?

19  A.    Yeah, I started here in 1999, at the University of  
20        Maine.

21  Q.    Have you ever taken breaks in between?

22  A.    You get a sabbatical.  I don't know if that constitutes  
23        a break.

24  Q.    What did you do during your sabbatical?

25  A.    Research.

1 Harbor Place, how did you factor in the decrease of  
2 concentration of people as you walked further away from  
3 Harbor Place?

4 A. Oh, that's done in the regression analysis. So it  
5 didn't matter where I was at in town when we were  
6 counting the number of pedestrians, it was the same  
7 method.

8 So whether you were walking close to Harbor Place  
9 or whether you were walking closer to Havana or whether  
10 you were walking closer to Hannaford, it was the same  
11 type of data collection.

12 Q. But your conclusion was that the further you get away  
13 from Harbor Place, the less concentration of people;  
14 correct?

15 A. Yes, and that's through the regression analysis. So I  
16 took the 2,000 -- let me make sure I get the right  
17 number here. I took the 2,031 observations of the  
18 number of people you encounter on the sidewalk, and I  
19 used that in a regression model, and one of the  
20 variables that was in the regression model was distance  
21 away from Harbor Place. So that's how you estimate the  
22 effect of distance from Harbor Place on the number of  
23 people you encounter.

24 Q. But in a given observation, if you're starting at  
25 Harbor Place and you were walking toward Havana for

1 collecting the data and doing the regression analysis.

2 So regression analysis is part of what you do in a  
3 econometrics.

4 Q. Okay.

5 A. Econometrics is a field of economics that applies the  
6 tools of statistics to the study of economics.

7 My sister got a Ph.D. in psychology, and she took a  
8 class called -- I think it was called psychometrics, so  
9 econometrics is just a broad field in economics, and  
10 doing regression analysis is the most common tool that  
11 you would cover in econometrics.

12 Q. Okay. And just, again, a 30,000-foot overview, what is  
13 a regression analysis?

14 A. It's a way to statistically isolate the effect that one  
15 variable has on another available.

16 Q. Thank you. I appreciate that. I'm going to jump around  
17 a lot because I'm going to be covering topics that  
18 Attorney Papazian may have touched on and I'll have some  
19 follow-up questions, so bear with me.

20 I know there was discussion that you had  
21 communications and attended cruise ship committee  
22 meetings.

23 Have you ever attended any Bar Harbor council  
24 meetings?

25 A. Yes, I was invited to one.

1           Now, is that a -- is that a peer-reviewed -- is  
2           Growth and Change a peer-reviewed publication?

3           A.    Oh, yeah, of course.  Yes.

4           Q.    Explain to me what that means to you?

5           A.    It means that you submit the journal article, now it's  
6           done online, it used to be done by mail, and it goes to  
7           an editor who sends the paper out for peer review, so  
8           you don't know the identify of the person that's  
9           reading -- that's reviewing the paper.  And then a few  
10          months later, you get your referee comments that come  
11          back.

12          Q.    And is the idea of that in part to filter out articles  
13          that may be unreliable or unsupported and the like?

14          A.    Yeah, I mean -- yeah.

15          Q.    So part of the peer-review process would be a review of  
16          the methodology that was employed?

17          A.    They review the whole paper, yes.

18          Q.    Soup to nuts including the methodology?

19          A.    Yes.

20          Q.    Would it be your friends that reviewed it or who would  
21          review it?

22          A.    Whoever would be selected by the editor.  Most editors  
23          would send it to just whoever they thought would be a  
24          good expert to review it.

25          Q.    And it's true, isn't it, sir, that the Growth and Change

1 way.

2 Q. So that's something you would use -- econometrics is  
3 something you would use every step of the way in  
4 pursuing your field of specialized study, which is  
5 economics; isn't that right?

6 A. Yes.

7 Q. But that's not something that you would expect anybody  
8 to be familiar with; isn't that so?

9 A. Correct, yes.

10 Q. There was a suggestion earlier in this deposition that  
11 you might not be an expert with respect to the subject  
12 matter of Exhibit 7; do you recall that, sir?

13 A. Umm.

14 Q. I'm not asking if you take umbrage. I'm just asking if  
15 you recall the suggestion?

16 A. Yes.

17 Q. Do you agree with that suggestion?

18 A. No.

19 Q. In fact, you've got years and years and years of  
20 experience in this field; is that right, sir?

21 A. I don't know if this is appropriate, but there was a  
22 study that came out in 2016 that did a ranking of  
23 scholars in regional science, and this is a worldwide  
24 list, if you will, and I was -- I was -- I figured on  
25 this list as one of the top scholars in the world in

1 regional science.

2 Q. Where did you figure on that, Professor Gabe?

3 A. You had to ask. There are several different rankings --  
4 if I can find it here -- 58th worldwide, and this is  
5 for -- this is rankings for the top 100 authors by  
6 number of publications in what they call the ten core  
7 regional science journals.

8 And those journals are Annals of Regional Science,  
9 Growth and Change, so published in something like Growth  
10 and Change is considered a core regional science  
11 journal.

12 Of course, that publication was not counted in  
13 these rankings, because these rankings came out  
14 before -- before that article.

15 Q. So you were ranked 58th in the world before the ranking,  
16 before the publication --

17 A. Before that publication. International Regional Science  
18 Review, Journal of Economic Geography, Journal of  
19 Regional Science, Papers in Regional Science, Regional  
20 Science and Urban Economics Regional Studies, and the  
21 Review of Regional Studies.

22 So if you look at my vitae, you'll see papers in  
23 multiple, you know, across these different journals,  
24 and, again, these are considered the -- what do they  
25 call them -- the ten core regional science journals, and



1 Q. Conclusions?

2 A. Yeah, analysis and results.

3 Q. Are you prepared to explain your analysis and the  
4 results of your analysis to the court at trial?

5 A. Yes.

6 MR. KINGSTON: I pass the witness.

7 MR. WOODCOCK: Dr. Gabe, I just have a couple of  
8 questions for you.

9 THE WITNESS: Sure.

10 EXAMINATION

11 BY MR. WOODCOCK:

12 Q. You've discussed your ranking under the heading of  
13 regional science?

14 A. Yes.

15 Q. What is regional science?

16 A. Regional science is a multi-disciplinary field that  
17 includes geographers, economists. I do, like, State and  
18 locate economic studies. So we go to regional science  
19 meetings.

20 This particular list focused on a handful of  
21 journals that would be considered sort of the core of  
22 the field of regional science.

23 Q. So the work -- first let me ask you. With respect to  
24 the studies and reports that you've reviewed today that  
25 you've prepared and you've testified about today, do all

1 of those fall under the broad heading of regional  
2 science?

3 A. The one article -- let me go through all -- so the  
4 Growth and Change article on sidewalk congestion, that  
5 is considered one of the core journals.

6 So, again, if they were to -- if somebody were to  
7 do this study today, this article would be counted  
8 towards my ranking.

9 Also, the paper in the Review of Regional Studies,  
10 the Review of Regional Studies is also one of the core  
11 journals that's included in here.

12 So the journal -- the Journal of Regional  
13 Analysis & Policy is not one of the ones listed in here,  
14 and Applied Economics Letters is more of a general  
15 interest economics journal.

16 Q. Let me ask the question a little differently. It  
17 sounded like the way you were describing regional  
18 science that it's a broad category of disciplines, and  
19 the work you have done which you've identified here is a  
20 subcategory, perhaps, of the broader term regional  
21 science; is that correct?

22 A. Yeah, like I said, in regional science, there are  
23 geographers that consider themselves to be regional  
24 scientists. There are even people that call themselves  
25 economic geographers that have a lot of -- an economic