

**EXHIBIT E**

**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.* )

**PLAINTIFF’S FIRST SET OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS TO DEFENDANT-INTERVENOR CHARLES SIDMAN**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs Association to Preserve and Protect Local Livelihoods, *et al.* (“Plaintiffs”), by and through their undersigned attorneys, submit the following document requests to Defendant-Intervenor Charles Sidman (“Mr. Sidman” or “Defendant”). These document requests are to be responded to by, or on behalf of, Mr. Sidman, within thirty (30) days after service hereof, and Mr. Sidman is to produce documents within its possession, custody or control at the law offices of Eaton Peabody, 80 Exchange Street, P.O. Box 1210, Bangor, ME 04402-1210, or at such other time and place as counsel for the parties may agree upon, in accordance with the following definitions and instructions.

**DEFINITIONS AND INSTRUCTIONS**

- A. These document requests are continuing in nature, and require Defendant to produce additional responsive documents if more documents are obtained or created before trial.
- B. The term “the Town” refers to Defendant Town of Bar Harbor and its employees, agents, attorneys, accountants, consultants, advisors, officials, and legal or other representatives.
- C. Unless otherwise described in any separately numbered paragraph of these document requests, the period covered by these document requests shall commence on January 1, 1995 and shall extend continuously through the date of the Town’s answers or responses to these document requests and supplementation of the Town’s answers or responses.
- D. As used herein, the terms “person” or “persons” include natural persons, firms, corporations, professional corporations, partnerships, limited liability companies, joint ventures, proprietorships, or associations; governmental or other public entities; any other legal entity, other form of organization, or group(s) of persons; each division, department, committee or other unit thereof; and all directors, officers, members, partners, principals, employees, attorneys, accountants, advisors, legal or other representatives, agents, predecessors or successors in interest, subsidiaries, and related or affiliated organizations.
- E. The term “Citizens Petition” shall mean the Citizens Petition for the Land Use Ordinance Amendment – Daily Limits on Cruise Ship Disembarkations Ordinance that was presented to the Bar Harbor Town Council on March 16, 2022, and signed by Charles Sidman.

- F. The term “the Ordinance” shall mean the land use ordinance entitled “An amendment to the Town of Bar Harbor Code to Impose Daily Limits on Cruise Ship Disembarkations” that was passed by the Bar Harbor voters on November 8, 2022, listed as Article 3 on the Warrant for the November 8, 2022 Special Town Meeting.
- G. The term “Motion to Intervene” shall mean the Proposed Defendant-Intervenor Charles Sidman’s Verified Motion to Intervene and Alternative Verified Motion to Participate as Amicus Curiae and Memorandum in Support of Motions dated January 19, 2023 and filed in United States District Court, District of Maine case 1:22-cv-00416-LEW.
- H. The term “Motion to Dismiss” shall mean Defendant-Intervenor Charles Sidman’s Motion to Dismiss dated March 14, 2023 and filed in United States District Court, District of Maine case 1:22-cv-00416-LEW.
- I. As used herein, the terms “document” and “documents” mean and include, without limitation, the original, any draft and any duplicate or copy (whether or not different from the original because of notes made on or attached to such copy or otherwise), of any written, printed, recorded or graphic matter, photographic matter, video tapes, sound reproductions however produced or reproduced, notes, telephone messages, letters, telegrams, cable messages, telex messages, electronic mail, records, lists, memoranda, bulletins, specifications, instructions, advertisements, pamphlets, literature, work assignments, calendars, diaries, agendas, minutes, transcripts, reports, studies, surveys, valuations, appraisals, memoranda of conversations or interviews, notebooks, drafts, data sheets, charts, work sheets, working papers, contracts, memoranda of agreements, assignments, licenses, orders, ledgers, journals, calculations, plans, specifications,

invoices, statements, bills, checks, catalogs, books, other data compilations from which information can be obtained or translated, if necessary, by the respondent through detection devices into reasonably usable form, and all other written/documentary material (including microfilm, tapes, and data processing records, data processing cards, computer files, and computer disks or other storage device, mechanism or format) of whatever kind known to the Town, whether or not in The Town's possession, custody or control, as well as copies of all the aforesaid items upon which notations in writing have been made which do not appear on the original.

- J. As used herein, the term "communication" means and includes, without limitation, any transaction or exchange of information between two or more persons, whether orally or in writing, by means of conversation, discussion, meeting, letter, note, memorandum, cable, electronic mail, any other document, telephone, telegraph, telegram, telex, telecopier, facsimile machine, or any other electronic, written, audio or visual medium.
- K. As used herein, a communication or document "concerning," "regarding," "pertaining," "relating," "related," or "which relates" to any given subject or person means any communication or document that constitutes, contains, embodies, concerns, regards, involves, relates to, reflects, identifies, states, refers to, deals with, is authored, transmitted, communicated or originated by, is transmitted or communicated to or received by, or is in any way pertinent to that subject or person, including, without limitation, documents concerning the preparation of other documents.
- L. "And" and "or" shall be construed conjunctively and disjunctively, as necessary, to make the document requests inclusive rather than exclusive.

- M. The singular includes the plural and vice versa; the masculine includes the feminine and vice versa; and verb tenses include the past, present, and future.
- N. “Each” and “any” include “each and every,” as well as “any one.”
- O. If a claim is made that any document otherwise producible in response to these requests is not subject to discovery by reason of privilege or otherwise, the defendants shall, with respect to each such document, state (1) the nature and basis of the privilege or other reason being asserted as grounds for not producing the document, (2) the type of document, (3) the date of the document, (4) the general subject matter of the document, and (5) such other information as is necessary to sufficiently identify the document.
- P. If the original of any document responsive to these requests has been destroyed or lost, set forth the content of such document, the date on which it was lost or destroyed, the procedures and authority under which it was destroyed, and the identity of the last known custodian of such document prior to its destruction.
- Q. If any document responsive to these requests was, but no longer is, in the Town’s possession, custody or control, identify each such document, state the manner and circumstances under which it left the Town’s possession, custody or control, and state the document’s present location, if known.
- R. Documents shall be produced as they are kept in the normal course of business or organized and labeled to correspond to each request and/or any categories therein.

**REQUESTS FOR PRODUCTION**

1. Any and all documents and tangible things relating to the Petitioning Committee for the Citizens Petition.
2. Any and all documents and tangible things utilized in the research or preparation for drafting the Citizens Petition.
3. Any and all documents and tangible things relating to the creation, design, and drafting of and seeking signatures for the Citizens Petition.
4. Any and all documents and tangible things relating to the decision for the Citizens Petition to limit cruise ship passengers in Bar Harbor to no more than 1,000 passengers in a single calendar day, including but not limited to the effect that 1,000 passengers in a single calendar day would have on the Town's provision of public services, the Town's infrastructure, and, the Town's businesses as opposed to the effect of greater or lesser number of such passengers in a single calendar day.
5. Any and all documents and tangible things sufficient to identify all advertising, marketing, public relations, and promotional agencies who have been engaged to advertise and promote the Citizens Petition.
6. Any and all documents and tangible things identifying the persons involved in the design, drafting, advertising, marketing, promotions, strategy, and planning for the Citizens Initiative.
7. Any and all documents and tangible things relating to any surveys, polls, investigations, evaluations, research, or other studies conducted by or on behalf of Mr. Sidman

and/or the Petitioning Committee for the Citizens Petition concerning any issue relevant to this litigation, including, without limitation, those concerning the impact of the cruise industry on Bar Harbor.

8. Any and all documents and tangible things supporting the claim in the “Purpose” statement of the Citizen Petition that “The large numbers of passengers have overwhelmed the downtown area, resulting in excessive congestion and traffic on public streets and sidewalks, frequent overcrowding of parks and other public spaces, and inundating local amenities and attractions, all of which result in a diminished quality of life for Town residents.”

9. Any and all documents and tangible things supporting the claim in the “Purpose” statement of the Citizen Petition that “The unchecked and continued influx of disembarking cruise ship passengers in the downtown area jeopardizes the Town’s ability to deliver municipal services to Town residents and visitors (for example, cruise ship passengers), including the provision of public safety services (police and fire), emergency medical services (EMS), in-patient and out-patient services at local hospitals, pandemic control measures, and public sanitation services, and also impacts the ability of local shops, restaurants, and other businesses to attract and serve customers.”

10. Any and all documents and tangible things supporting the claim in Defendant-Intervenor’s Motion to Dismiss that persons disembarking from cruise ships cause “excessive congestion and traffic on the public streets and sidewalks, frequent overcrowding of parks and other public spaces, inundating local amenities and attractions.”

11. Any and all documents and tangible things supporting the claim in Defendant-Intervenor's Motion to Dismiss that the Ordinance will "improve the health, safety, and welfare of the Town's residents and local businesses."

12. Any and all document and tangible things that show that the Ordinance will not have the effect of causing cruise ships to terminate visits to Bar Harbor.

13. Any and all documents and tangible things supporting the claim in the "Purpose" statement of the Citizen Petition that "In order to protect, preserve and promote the general health, safety, welfare and peace of the community, it is determined to be in the best interest of the Town to amend the daily disembarkation limits by lowering the cap to 1,000 and requiring that all property owners receive a permit from the Code Enforcement Officer that formally imposes such a limit."

14. Any and all documents and tangible things supporting the claim in the Motion to Intervene that "Mr. Sidman has been adversely affected by the influx of cruise ship passengers overwhelming the Town, causing excessive congestion, overcrowding, and inundating local services, amenities, and attractions."

15. Any and all documents and tangible things supporting the claim in the Motion to Intervene that "Mr. Sidman faces the potential for decreased property values if the Ordinance is not enforced because of the unending flow of cruise ship passengers into Bar Harbor."

16. Any and all documents and tangible things relating to the value and/or worth of Mr. Sidman's real property located in Bar Harbor.



17. Any and all documents and tangible things supporting the claim in the Motion to Intervene that “As a local business owner for the past twenty-eight years, [Mr. Sidman] also would suffer concrete harm from the non-enforcement of the Ordinance because his clientele—collectors of fine art—refuse to come to his business on cruise ship days. This harm is common among a large portion of businesses in Town that support the Ordinance.”

18. Any and all documents and tangible things that establish the annual revenue of Mr. Sidman’s fine art business in Bar Harbor for each of the past twenty-eight years, including, but not limited to, earnings statements, tax records, or any other evidence that Mr. Sidman’s business has been financially affected by the cruise ship industry in Bar Harbor.

Dated: March 31, 2023

Respectfully submitted,

*/s/ Timothy Woodcock*

---

Timothy C. Woodcock, Bar #1663

P. Andrew Hamilton, Bar #2933

Patrick W. Lyons, Bar #5600

Eaton Peabody

80 Exchange Street

P.O. Box 1210

Bangor, ME 04402-1210

(207) 947-0111

twoodcock@eatonpeabody.com

ahamilton@eatonpeabody.com

plyons@eatonpeabody.com

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was served upon all counsel of record via e-mail this  
31st day of March, 2023.

*/s/ Timothy Woodcock* \_\_\_\_\_