

**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.* )

**CONSENT MOTION FOR POST TRIAL BRIEFING SCHEDULE  
AND PAGE LIMITATIONS**

Plaintiffs, the Association to Preserve and Protect Local Livelihoods (“APPLL”), B.H. Piers, L.L.C. (“BH Piers”), Golden Anchor, L.C., doing business as Harborside Hotel (“Harborside” and with BH Piers, the “Pier Owners”), B.H.W.W., L.L.C. (“BHWV”), Delray Explorer Hull 495 LLC (“495”), Delray Explorer Hull 493 LLC (“493”), and Acadia Explorer 492, LLC (“492” and together with 495 and 493, the “Tender Vessel Owners” or “Tender Owners”) (herein, APPLL, the Pier Owners, BHWV, and the Tender Owners may be referred to collectively as “Plaintiffs”), Plaintiff-Intervenor Penobscot Bay and River Pilots Association (“Pilots 2 Association”), Defendant Town of Bar Harbor (“Defendant” or “the Town”), and Defendant-Intervenor Charles Sidman (“Mr. Sidman”) move this Court for an Order adopting the

parties consented to post-trial briefing schedule and page limitations. In support of this Motion the parties state the following:

1. On July 11, 12 and 13, 2023, the parties presented evidence in support of their respective claims and defenses to the Court in the above captioned action.
2. The claims and defenses in this case present complicated issues under both the United State Constitution and Maine Constitution. As a result, the parties have conferred and agree to the following post-trial briefing schedule and page limitations:
  - a. Plaintiffs and Plaintiff-Intervenor shall file their respective initial post-trial brief no later than **September 1, 2023**. Such initial post-trial brief shall not be more than 55 pages in length.
  - b. Defendant and Defendant-Intervenor shall file their responsive post-trial briefs no later than **October 6, 2023**. Such responsive briefs shall be no longer than 55 pages in length.
  - c. Plaintiffs and Plaintiff-Intervenor shall file their respective replies no later than **October 27, 2023**. Such reply briefs shall be no longer than 35 pages in length.
  - d. The parties agree that Proposed Findings of Fact will be optional and that, if the parties choose to submit Proposed Findings, they should be submitted jointly for each side (i.e., Plaintiffs' Joint Proposed Findings and Defendants' Joint Proposed Findings). Proposed Findings of Fact for the Plaintiffs and Plaintiff-Intervenor must be filed on **September 1**, if they choose to file them. Proposed Findings of Fact for the Defendant and Defendant-Intervenor must be filed on **October 6**, if they choose to file them. Proposed Findings of Fact

would be separate from post-trial briefs and would not count toward the page limits set forth above.

WHEREFORE, the parties pray this Court grant this Consent Motion for Post-Trial Briefing Schedule and Page Limitations, and enter an Order consistent with the proposed Order on Consent Briefing Schedule and page Limitations attached hereto as Exhibit A, and any other relief this Court deems just and proper.

Dated this 31st day of July, 2023.

Respectfully submitted,  
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CHARLES SIDMAN, )

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**PROPOSED ORDER ON CONSENT POST-TRIAL BRIEFING SCHEDULE  
AND PAGE LIMITATIONS**

On July 28, 2023, the parties in the above captioned action filed a Consent Motion on Post-trial Briefing and Page Limitations. After review of said Motion and being fully advised in the premises, the Court orders the following:

- a. Plaintiffs and Plaintiff-Intervenor shall file their respective initial post-trial brief no later than **September 1, 2023**. Such initial post-trial brief shall not be more than 55 pages in length.
- b. Defendant and Defendant-Intervenor shall file their responsive post-trial briefs no later than **October 6, 2023**. Such responsive briefs shall be no longer than 55 pages in length.

- c. Plaintiffs and Plaintiff-Intervenor shall file their respective replies no later than **October 27, 2023**. Such reply briefs shall be no longer than 35 pages in length.
- d. The parties have the option to file Proposed Findings of Fact. If the parties choose to submit Proposed Findings, they must be submitted jointly for each side (i.e., Plaintiffs' Joint Proposed Findings and Defendants' Joint Proposed Findings). If submitted, proposed Findings of Fact must be filed contemporaneously with the party's post-trial brief on September 1 and October 6, respectively. Proposed Findings of Fact are separate from post-trial briefs and do not count toward the page limits set forth above.

IT IS SO ORDERED.

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UNITED STATES DISTRICT JUDGE