

MAINE SUPREME JUDICIAL COURT
205 Newbury Street
Portland ME 04101-4125
www.maine.gov/courts

Sitting as the Law Court
Docket No. WAL-10-561

Ronald Huber

v.

Maine Department of Transportation

BRIEFING SCHEDULE

To: Parties: **Appellant:** Ronald Huber, 148 Broadway #105, Rockland ME 04841
Appellee: JASON PAUL DONOVAN ESQ, THREE CANAL PLAZA PO BOX 4630, PORTLAND ME 04112-463

This Notice Contains Important Information About Your Appeal. Read It Carefully.

The record in this appeal became complete on October 22, 2010, following (1) the filing of the original record and (2) the filing of transcript of the trial court proceedings if a transcript was ordered and timely paid for, the cancellation of the transcript order, the filing of a statement in lieu of a transcript, or the expiration of the time to file a proposed statement in lieu of a transcript. See M.R. App. 7.

The briefs and appendix are due as follows. M.R. App. P. 7(b) (as amended effective August 1, 2009).

- The **appellant's brief** must be filed on or before **December 17, 2010**.
- The **appendix** must be filed on or before **December 31, 2010**.
- The **appellee's brief** must be filed on or before **February 4, 2011**.
- The appellant may file a **reply brief**, strictly confined to new matter raised by the appellee's brief, on or before **February 18, 2011**.

Because of the extended time for filing briefs and the appendix, **no extensions of time will be granted** unless a significant and unanticipated emergency prevents timely filing.

Enclosed with this notice is a paper highlighting appeal document preparation and filing requirements. Failure to follow those requirements and the requirements of the Maine Rules of Appellate Procedure may result in dismissal of the appeal, return of documents for revision, or another sanction that may adversely affect a party's position on appeal.

The appeal will be in order for consideration by the Court after **February 18, 2011**. You will receive a notice informing you (1) that the appeal will be considered on the briefs without oral argument, or (2) of the date, time and place of oral argument.

Dated: October 22, 2010



Matthew Pollack
Clerk of the Law Court

MAINE SUPREME JUDICIAL COURT SITTING AS THE LAW COURT APPEAL DOCUMENT PREPARATION AND FILING REQUIREMENTS

The Maine Rules of Appellate Procedure (M.R. App. P.) provide complete and specific requirements for preparation and filing of documents in support of appeals. Those requirements should be reviewed and followed when you file your briefs and the appendix. You can view and print the rules from the Court's website at <http://www.maine.gov/courts>. Click on "Rules and Fees." Next click on "Court Rules." Scroll down to "Court Rules." There you will find the Maine Rules of Appellate Procedure.

This document highlights important aspects of the rules that are the subject of frequent questions and concerns in appeal processing. It is a summary of the most important requirements of the appellate rules regarding document preparation and filing. This document is meant to help you, but you must still read and comply with the rules of appellate procedure themselves. The following are important points from the rules:

- 1. Copies to Every Other Party.** One copy of every letter, document, motion, or other item sent to the Law Court must also be sent to every party participating in the appeal. Two copies of each brief filed must be sent to every party participating in the appeal. M.R. App. P. 7(c).
- 2. The Brief.** A brief is the party's written argument in support of that party's position on the appeal. It must be organized and is subject to page limits as described in Rule 9 of the Maine Rules of Appellate Procedure. The text of the brief must be presented double-spaced on one side of plain white 8½-by-11-inch paper. Printing must be in at least 12-point font. The **appellant's brief** must have a blue cover, organized as required by M.R. App. P. 9(f). The **appellee's brief** must have a red cover, organized as required by M.R. App. P. 9(f). If the appellant files a **reply brief** to respond to the appellee's brief, that reply brief must have a gray cover.

Ten copies of each brief must be filed with the Clerk of the Law Court, and two copies must be sent to every party participating in the appeal. M.R. App. P. 7(c).

Nothing that you have filed so far, including your "notice of appeal," any letters, or any motions, will be considered to be your brief. You must file a brief as required by the rules.

- 3. The Appendix.** The appendix includes the most important documents from the trial court record of the case subject to the appeal. The appendix requirements are addressed in Rule 8 of the Maine Rules of Appellate Procedure. Eight copies of the appendix must be filed with the Clerk of the Law Court, and one copy must be sent to each party. The appellant, after consulting with the appellee, has responsibility for

preparing and filing the appendix no later than two weeks following the filing of the appellant's brief.

Inclusion of certain documents in the appendix and the order in which those documents must appear is mandatory. The appendix should be printed on both sides of plain white 8½-by-11-inch paper. The pages in the appendix must be consecutively numbered. The appendix must include the following documents in the following order, and these documents must be before all other documents in the appendix:

- (1) a table of contents, listing each document in the appendix and the page on which that document begins;
- (2) a copy of the trial court docket entries;
- (3) a copy of the trial court's final judgment or order, and any other trial court order that is subject to the appeal. (When the trial court judgment or order subject to the appeal was stated on the record in court, and not repeated in a written order, the transcript of the trial court's statement must be included); and
- (4) a copy of the complaint, charging document, or other document filed with the trial court that initiated the case subject to the appeal.

Rule 8(h) of the Maine Rules of Appellate Procedure requires including certain other documents in the appendix for certain types of actions. Rule 8(h) of the Maine Rules of Appellate Procedure should be consulted to determine what mandatory requirements may affect your appeal. Some examples of cases requiring particular documents to be in the appendix include appeals involving (i) a divorce or child custody; (ii) application or interpretation of a local ordinance or state regulation; (iii) a ruling on a motion for summary judgment; (iv) interpretation of a contract; or (v) review of jury instructions or a jury verdict form.

No document shall appear in the appendix more than once. The appendix must not include documents that were not part of the trial court record.

4. Consequences of Noncompliance with Rules. A failure to comply with the requirements of the Maine Rules of Appellate Procedure regarding document preparation and filing may result in dismissal of the appeal, return of initially filed documents for preparation in proper form, waiver of one or more issues on appeal, or imposition of costs or another sanction for a material noncompliance with the rules. All parties participating in an appeal should be familiar with the requirements of the Maine Rules of Appellate Procedure. That familiarity may be aided by review of a document entitled "A Guide for Appeals to the Maine Supreme Judicial Court." That document appears on the Court's website.

5. Available free or low-cost legal assistance. If any party to your appeal is not represented by an attorney, your mailing from the Clerk will contain a list of organizations that you may be able to go to for free or low-cost help.