

STATE OF MAINE
CUMBERLAND, ss

BUSINESS AND CONSUMER COURT
BCD-CV-19-50

NORTHEAST PATIENTS GROUP, INC.
d/b/a WELLNESS CONNECTION OF
MAINE, LLC

Plaintiff

v.

**ORDER ON MOTION FOR
TRIAL COURT TO PROCEED
DURING PENDENCY OF APPEAL**

CANWELL, LLC and CANWELL
PROCESSING (Maine), LLC,

Defendants

And

WELLNESS AND PAIN MANAGEMENT
CONNECTION, LLC

Before the Court is Plaintiff's Motion for this Court to continue with proceedings pending Defendant's Appeal in the Law Court of the February 18, 2020 Order.

The Court has reviewed the parties' filings in this matter, the last of which was received by the Court on March 16, 2020.

The Order under Appeal was captioned "Order on Stay" and what it did was lift a temporary stay imposed by the Court. The Order was in part motivated by Justice Horton's finding that Maine Courts have jurisdiction over a core issue in dispute which was not appealed, as well as the amount of time it was taking the parties' litigation to sort out in other jurisdictions.

The Order lifting the stay envisioned the parties beginning to conduct discovery in earnest and the Court was awaiting a proposal from the parties to that end when the Appeal was filed.

In this motion the parties are asking the Court to essentially decide if the February 18, 2020 Order was in essence a discovery Order or if it was something else. If the former, the Court could under the exceptions to certain Rules continue to conduct proceedings. Obviously, at the time the Order was issued, the Court was not considering what kind of a motion it was in reference to those exceptions.

The Court concludes that the February 28, 2020 Order was more than a discovery Order. It was instead a procedural order that logically followed from the Court's Order of November 1, 2019 staying proceedings until January 1, 2020. That stay was extended for 30 days, and the Order at issue lifted that stay to allow discovery to go forward, and can be most accurately described by what it says in the caption: an "Order on Stay."

The entry will be: Plaintiff/Intervenors' Motion for Trial Court to Proceed with the Action During Pendency of Appeal is DENIED. The Clerk shall note this Order on the docket by reference pursuant to Rule 79(a) of the Maine Rules of Civil Procedure.

3/30/2020

DATE

_____/S_____

M. MICHAELA MURPHY

Justice, Business and Consumer Court