

STATE OF MAINE

SUPREME JUDICIAL COURT  
Sitting as the Law Court  
Docket No. BCD-23-122

Robert E. Dupuis et al.

v.

Roman Catholic Bishop of Portland

**PROCEDURAL ORDER  
REGARDING RECORD ON  
APPEAL AND REDACTION OF  
FILINGS**

On May 1, 2023, the Court held a conference with counsel to address the content and form of the record on appeal and the redaction of documents filed with this Court.

The parties orally stipulated that the thirteen matters on report are substantially similar and therefore, to simplify the record, the record from a single matter will be adequate as the record on appeal for all thirteen matters. The appellees represented that although certain individual appellees wish to have their names and identifying information redacted in this Court, appellee Robert Dupuis consents to the use of his name. The parties stipulated that the record in the trial court matter in which Dupuis is the plaintiff (Business and Consumer Docket docket number CIV-2022-44) may serve as the record on appeal.<sup>1</sup>

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<sup>1</sup> The Roman Catholic Bishop of Portland expressed some concern that this record on appeal may limit the issues that may be argued. That is not the intent of the Court. The Court clarifies that, notwithstanding the limited record on appeal, any otherwise justiciable issue regarding any of the thirteen matters on appeal may be argued. If a party believes that it is necessary to add documents from another matter to the record on appeal, it may move this Court to supplement the record.

The parties also stipulated that a list of birth years of the plaintiffs in each of the trial court matters should be included in the record on appeal. That list is attached to this order as Attachment A.

The parties appear to agree on what identifying information will be redacted from filings. After discussion with the parties, the Court accepts and adopts the stipulations and adopts the procedure outlined below for the filing and handling of public and redacted documents.

Although on April 18, 2023, this Court ordered the parties to “confer to determine whether they can agree on a single statement of the case pursuant to M.R. App. P. 5(f),” given the stipulation to the record at the conference, that is no longer necessary.

It is therefore ORDERED as follows:

1. Paragraphs 4 and 5 of this Court’s order of April 18, 2023, are VACATED.
2. The record on appeal will consist of (1) the trial court record for the matter in which Robert Dupuis is the plaintiff (Business and Consumer Docket docket number CV-2022-44) and (2) the list of birth years accompanying this order as Attachment A.
3. If a party’s filing contains information that the parties agree should be redacted, the party must file a sealed version of that document and a public redacted version. Each version must be clearly labeled

as either “SEALED” or “PUBLIC.” If a redacted version of a document is filed, the Clerk will post only the redacted document on the website.

4. If the appendix contains any information that Dupuis wishes to have redacted, the Roman Catholic Bishop of Portland must file seven copies of the appendix that are not redacted and are clearly marked “SEALED” and one copy of a redacted appendix, marked “PUBLIC,” for the public. If a redacted appendix is filed, only the redacted appendix will be posted on the Judicial Branch’s website and available to the public at the Clerk’s Office. The Court requests, but does not require, that the appellant file pdf scans of both the appendix and the redacted appendix, if any.
5. To bring the existing “high profile case” webpage into compliance with this order, the Clerk of the Law Court is directed to post (1) the Orders of the Business and Consumer Docket granting the Roman Catholic Bishop of Portland’s motions to report to the Law Court, as redacted by the plaintiffs,<sup>2</sup> (2) this Court’s procedural order of April 18, 2023, (3) this order, (4) any future filings, orders, and notices in this matter, redacted consistent with the

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<sup>2</sup> The redacted versions have already been provided to the Clerk by the plaintiffs.

requirements of this Order as necessary, and (5) any other documents that the parties agree may be posted. The plaintiffs must provide to the Clerk any necessary redacted versions of documents to be posted.

6. The Business and Consumer Docket may act at any time during the pendency of this appeal, either sua sponte or on any motion of any party, with regard to the redaction of documents or availability of information to the public in the matters on report here.

7. The clerk of the Business and Consumer Docket is directed to transmit to the Clerk of the Law Court the record in *Robert Dupuis v. Roman Catholic Bishop of Portland*, docket number BCD-CIV-2022-44, as soon as practicable, and to retain the record in all other matters on report.<sup>3</sup>

Dated: 3 May, 2023

For the Court,



Associate Justice

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Clerk's Office  
Maine Supreme Judicial Court

<sup>3</sup> In practice, this will mean that the clerk of the Business and Consumer Docket will transmit (1) a statement regarding logs and exhibits and (2) any exhibits that are not in Odyssey, the court's electronic case management system. The Clerk of the Law Court will obtain the remainder of the record directly from Odyssey.

## ATTACHMENT A

Stipulated list of the birth years of the plaintiffs in the trial court matters on appeal under Law Court docket number BCD-23-122.

<b><u>BCD Docket No.:</u></b>	<b><u>DOB:</u></b>
BCD-CIV-2022-00044	1949
BCD-CIV-2022-00048	1966
BCD-CIV-2022-00049	1968
BCD-CIV-2022-00060	1935
BCD-CIV-2022-00061	1949
BCD-CIV-2022-00062	1951
BCD-CIV-2022-00063	1950
BCD-CIV-2022-00064	1958
BCD-CIV-2022-00065	1965
BCD-CIV-2022-00066	1967
BCD-CIV-2022-00067	1958
BCD-CIV-2022-00068	1950
BCD-CIV-2022-00069	1957