

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. PORSC-AP-25-04

FIRST TRACKS INVESTMENTS, LLC,)
)
 Petitioner,)
)
 v.)
)
 MILTON CHAMPION, in his official)
 Capacity as Director of the)
 Maine Gambling Control Unit, et al.,)
)
 Respondents)

CONSENT
MOTION TO STAY PROCEEDINGS

STATE OF MAINE
Cumberland, ss, Clerk's Office

FEB 19 2025

RECEIVED

NOW COME Respondents, through counsel, who hereby move this honorable court to stay these proceedings.

PROCEDURAL POSTURE

State Court Proceedings

In the instant matter, Petitioner First Tracks Investments, LLC (FTI) has filed an 80C petition seeking a stay of a decision made by Respondent Milton Champion denying FTI's application for a facility sports wagering license. FTI filed a motion for a temporary restraining order concurrently with the 80C petition.

On February 7, 2025, this Court granted FTI's request for a temporary restraining order (the "TRO"), which stays Mr. Champion's decision pending final agency action on FTI's facility sports wagering application.

Administrative Agency Proceedings

In addition to the 80C petition, FTI filed an inter-agency appeal of Mr. Champion's decision, thereby requesting an adjudicatory hearing before the Commissioner of the Department of Public Safety.

An adjudicatory hearing before the Commissioner has been scheduled. The hearing will allow the Commissioner to modify, overrule, or uphold Mr. Champion's decision. The

Commissioner's decision on the appeal will constitute final agency action that may be appealed through the filing of a subsequent 80C petition.

BASIS FOR STAY

Pursuant to the TRO, FTI is conducting sports wagering, and the agency is processing FTI's inter-agency appeal in due course. Once the Commissioner issues a decision in the inter-agency appeal, FTI's pending 80C petition may be rendered moot.

"The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Darling v. Am. Graphics Inst., Inc.*, No. CIV.A. CV-02-602, 2003 WL 22019549, at *2 (Me. Super. Aug. 6, 2003). Therefore, in the interest of efficiency for the court and all parties. Respondents request a stay of these proceedings, suspending the deadline for filing the administrative record and the issuance of a briefing schedule.

FTI does not object to this motion to stay the proceedings.

DATED: February 18, 2025

Respectfully Submitted,

/s/ Philip H. Mantis

Philip Mantis

Assistant Attorney General

Office of the Maine Attorney General

6 State House Station

Augusta, ME 04333

philip.mantis@maine.gov

207 626 8865

2/28/25 MOTION GRANTED ✓
2 HO

REC'D CUMB CLERKS OFC
FEB 28 '25 PM2:48

Entered on the Docket: 3/03/2025

CERTIFICATE OF SERVICE

I, Philip H. Mantis, hereby certify that on February 18, 2025 I caused the above Notice of Entry of Appearance to be served via certified mail, return receipt requested, upon:

Andre Duchette, Esq.
Attorney for First Tracks Investments, LLC
267 Commercial Street
Portland, ME 04101

/s/ Philip H. Mantis
Philip Mantis
Assistant Attorney General
Office of the Maine Attorney General
6 State House Station
Augusta, ME 04333
philip.mantis@maine.gov
207 626 8865