

STATE OF MAINE

SUPREME JUDICIAL COURT  
Sitting as the Law Court  
Docket No. Cum-24-82

PETER MASUCCI et al.

Appellants

v.

JUDY'S MOODY, LLC et al.

Appellees

**\*SECOND\* MOTION TO MODIFY  
BRIEFING RULES**  
M.R. App. P. 7A, 10

NOW COME Appellants Peter Masucci et al., by and through undersigned counsel, and move this Court to (1) enlarge the default and adjusted volume and page limit of the appendix, and (2) extend the time for filing of the appendix. In support of the motion, Appellants state as follows:

1. This matter concerns title to and public use of Maine's intertidal lands; this Court has designated the appeal "High Profile" case status.
2. According to the docketing notice and briefing schedule, there is one group of appellants (Masucci et al.), one group of appellees (Parents), and five (5) groups of cross-appellants.

3. This Court has previously granted Appellants' Motion to Modify Briefing Rules, ordering as follows:

- a. Each party's principal brief may exceed the page limits provided in M.R. App. P. 7A(f)(1) but may not exceed 75 pages or 18,750 words.
- b. Each appellee whose appellee's brief addresses the appellee's cross-appeal may file a reply brief in response to appellants' reply briefs. The appellee's reply brief must not exceed 15 pages or 4,500 words and must be strictly confined to responding to arguments raised by the appellants in opposition to the appellee's cross-appeal.
- c. Any interested person or organization may file a brief as an amicus curiae without consent of the parties or leave of the Court.
- d. The appendix may exceed one volume of 150 sheets of paper (printed on both sides) but may not exceed two volumes of 150 sheets of paper.

4. Because of the number of parties, attorneys, and an extensive summary judgment record, after collaborating with all parties regarding the mandatory and discretionary M.R. App. P. 8 documents in the appendix, those combined documents will exceed Appellants' original estimates and will, in fact,

require between 1500 and 1600 pages (750 to 800 sheets of paper), currently composed of 1276 pages of mandatory documents and 260 pages of discretionary documents.

5. Accordingly, pursuant to M.R. App. P. 8(k)(5), Appellants request that the Court order that the Appellants be permitted to file an appendix of up to six (6) volumes of 150 sheets of paper printed on both sides. No party objects to such enlargement.

6. The parties remain engaged in discussions regarding the mandatory and discretionary documents to be included in the appendix and are nearing final agreement as of the time filing of this Second Motion to Modify Briefing Rules, but given the time constraints of preparing, printing,<sup>1</sup> and delivering these final combined documents, Appellants request, pursuant to M.R. App. P. 8(b)(1), that the Court order that the Appellants be permitted to file the appendix with the Court no later than June 28, 2024. No party objects to such extension of the time for filing of the appendix.

WHEREFORE, Appellants respectfully request that the Court enter an order (1) further enlarging the appendix page limit up to six volumes of 150

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<sup>1</sup> Given the significant printing capabilities required to prepare fifteen (15) copies of the appendix, Appellants will be outsourcing the brief preparation to a third party who estimates requiring 2-3 days to print and bind the appendices.

sheets of paper printed on both sides, and (2) extending the time for filing of the appendix to June 28, 2024.

Respectfully submitted,

Dated: June 12, 2024

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## Certificate of Service

I hereby certify that the above motion was served on counsel below by email at the address and on the date indicated below:

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