

MAINE JUDICIAL BRANCH

Angelina Dube Peterson et al.

v.

Peter A. Johnson et al.

"X" the court for filing:

Superior Court  District Court

Unified Criminal Docket

County: Supreme Judicial Court

Location (Town): \_\_\_\_\_

Docket No.: SJC-23-2

NOTICE OF APPEAL

CIVIL  CRIMINAL

I, (name of party appealing), Angelina Dube Peterson et al. appeal from the judgment, order or ruling entered in this proceeding on (date of order appealed from - mm/dd/yyyy) 01/12/2024. Any party who wishes to be heard on this appeal must file an appearance.

This is a civil appeal.

This case arises from the Maine Tort Claims Act requiring the clerk to send a copy of this Notice of Appeal to the Office of the Attorney General.

If this is a criminal appeal, check one of the following:

The defendant is presently confined at \_\_\_\_\_

The defendant is not in custody. The defendant's address is: \_\_\_\_\_

"X" THE APPLICABLE BOX:

The Transcript Order form is attached.

No transcript will be ordered.

No electronic or other recording of the proceedings can be prepared for this civil case. Therefore, a statement in lieu of transcript will be prepared pursuant to M.R. App. P. 5(d).

Date (mm/dd/yyyy): 01/30/2024

► /s/ Rory McNamara, Esq. o/b/o petitioners  
Signature of Appellant or Appellant's Attorney

Address of Appellant or Attorney:  
Drake Law LLC

P.O. Box 143, York, ME 03909

Rory McNamara, Esq. #5609

Printed name of Appellant or Appellant's Attorney

If attorney, bar number: \_\_\_\_\_

**PLEASE NOTE: This Notice of Appeal must be filed in the court that issued the order appealed from. It will not be accepted or docketed unless (1) in a Civil case, it is accompanied by the required filing fee or a motion to waive the filing fee, and (2) if the appellant is represented, it contains the bar number of Appellant's attorney.**

**If this is an appeal from a civil case or a criminal case involving an adult defendant, this notice must be filed within 21 days of the entry of the judgment in the docket. If this is an appeal from a case involving the extradition of a fugitive to another state, this notice must be filed within 7 days of the entry of the judgment in the docket.**

**WARNING: Small Claims, Forcible Entry & Detainer and Juvenile matters have differing time limits for filing a Notice of Appeal. If this is an appeal from a Small Claims, Forcible Entry and Detainer or Juvenile matter, another form must be used which is available from the clerk.**

**ADA Notice:** The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, [accessibility@courts.maine.gov](mailto:accessibility@courts.maine.gov), or a court clerk.

**Language Services:** For language assistance and interpreters, contact a court clerk or [interpreters@courts.maine.gov](mailto:interpreters@courts.maine.gov).

MAINE JUDICIAL BRANCH

Angelina Dube Peterson et al. Plaintiff

"X" the court for filing:

Superior Court District Court

County: Supreme Judicial Court

Location (Town):

Docket No.: SJC-23-2

v. Peter A. Johnson et al. Defendant

APPLICATION OF [X] PLAINTIFF [ ] DEFENDANT TO PROCEED WITHOUT PAYMENT OF FEES

M.R. Civ. P. 91

I am without funds to pay the ("X" all that apply) [X] filing fee, [ ] service costs, [ ] mediation fee, [ ] jury fee, [X] appeal fee, or [ ] other: all fees based on the information in my attached affidavit. I am bringing this action in good faith. I agree to pay any fees or costs that may be waived if at any time during this action I am able to do so, if I receive a monetary settlement, or am deemed to be the prevailing party and receive costs.

[ ] I request that service costs be paid without first attempting service by mail because:

Date (mm/dd/yyyy): 01/30/2024

/s/ Rory McNamara, Esq. o/b/o petitioners

(Signature of Applicant)

Address: P.O. Box 143, York, ME 03909

Telephone: 207-475-7810

Email: rory@drakelawllc.com

PLEASE NOTE: You must file this application WITH a completed Financial Affidavit (CV-191).

ORDER OF COURT

[ ] 1. The court has reviewed the proposed pleadings. It appears that the applicant is proceeding in good faith and is without sufficient funds to pay certain fees or costs. It is ORDERED that:

[ ] the filing fee is waived.

[ ] the applicant's obligation to pay any part of the mediation fee is waived. The mediation fee shall be fully paid by the opposing party unless the opposing party also obtains a waiver from the court. If the opposing party does not pay the mediation fee or obtain a waiver within 14 days from the date of this Order, mediation may be scheduled at the request of the applicant and a decision on the opposing party's obligation to pay the mediation fee shall be made by further order of the court.

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MAINE JUDICIAL BRANCH

the **service costs** shall be paid as an expense of administration. The applicant must contact the appropriate agency directly to arrange for service of the motion or complaint.

the applicant is to attempt service by mail with acknowledgement. If such service is unsuccessful, service by deputy or by registered mail may be authorized on motion of the applicant, accompanied by an affidavit describing the attempted service by mail with acknowledgement, and after such hearing as may be necessary.

Service by Alternate Means will not be approved except on specific motion.

the **jury fee** is waived.

Other: \_\_\_\_\_

2. The court finds the applicant has the ability to pay all or part of the fees. It is ORDERED that the applicant pay \$\_\_\_\_\_ toward the  **Filing Fee**,  **Mediation Fee**,  **Service costs**, and/or  **Jury fee**, as follows: \$\_\_\_\_\_ each  week  month beginning (mm/dd/yyyy) \_\_\_\_\_.

3. The decision on whether to waive or require reimbursement of the  **Filing Fee**,  **Service costs**,  **Mediation Fee**, and/or  **Jury fee** is reserved and shall be made by further order of the court.

4. The application is **DENIED**. If the application seeks a waiver of a filing fee and the applicant fails to pay the filing fee within 7 days of this Order, the action shall be dismissed without prejudice.

5. If the applicant obtains a monetary settlement or is deemed to be the prevailing party fees or costs waived pursuant to this Order may be taxed as costs against the opposing party in favor of the State.

This Order is incorporated into the docket by reference at the specific direction of the Court.

Date (mm/dd/yyyy): \_\_\_\_\_

▶ \_\_\_\_\_  
 Judge  Justice  Magistrate

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**MAINE JUDICIAL BRANCH**

Angelina Dube Peterson et al. Plaintiff

*"X" the court for filing:*

Superior Court  District Court

Unified Criminal Docket

County: Supreme Judicial Court

Location (Town): \_\_\_\_\_

Docket No.: SJC-23-2

V.

Peter A. Johnson et al. Defendant

**TRANSCRIPT AND AUDIO ORDER FORM**

Plaintiff/State Attorney: Robert Ruffner & Rory McNamara Defendant Attorney Sean Magennis & Michael Lichtenstein

**Purpose of Transcript or Audio Request: ("X" one box)**

1. Appeal – Appeals require paper transcripts unless otherwise ordered by the court. M.R. App. P. 5.

Law Court  Superior Court  UCD  Sentence Review Panel  Post-Conviction Review

2. Reference –  Use in another pending case  Personal Reference

If for use in another pending case, is there a court imposed due date?  Yes  No

If yes, due date (mm/dd/yyyy): \_\_\_\_\_

**Type of Request: ("X" one box):**

1.  Paper Transcript

2.  Audio Recording (MP3 Recording on CD)

**Payment: ("X" one box)**

1.  Private Pay

2.  State Agency

3.  MCILS (Motion for Transcript at State Expense (CV-CR-166) required)

4.  Judicial Branch (Motion for Transcript at State Expense (CV-CR-166) required)

\* Please see motion for transcript at state expense and application to proceed without fees

**Please note: A clerk must verify that all of the necessary information is listed below.** Under hearing type, please be specific if you want the entire hearing or just a specific portion of it.

Hearing Date(s) (mm/dd/yyyy)	Hearing Type	Courtroom	CD Start/End Times, Tape & Index Number or OCR Name
1. 11/14/2023	evidentiary	Law Court	
2.			
3.			
4.			
5.			

Court Clerk Signature: \_\_\_\_\_ Date (mm/dd/yyyy): \_\_\_\_\_

**INCOMPLETE FORMS MAY BE RETURNED**

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**MAINE JUDICIAL BRANCH**

Please write your contact information clearly in the section below. This information is used only to ensure delivery of transcript/audio recordings.

Name of person ordering transcript/recording: Rory McNamara, Esq. #5609  
Firm or Agency (if applicable): Drake Law LLC  
Mailing Address: P.O. Box 143, York, ME 03909  
Phone Number: 207/475-7810  
Email Address: rory@drakelawllc.com

**PLEASE NOTE: Transcripts are generally sent via email. Audio recordings are generally sent via US Mail.** Email delivery of audio can be arranged in some circumstances. If you do not have an email address, the Office of Transcript Operation will need your phone number and mailing address to assist you with receiving your materials.

Date (mm/dd/yyyy): 01/30/2024

▶ Rory McNamara, Esq. #5609  
Signature of Person Ordering Transcript/Recording

Office of Transcript Operations  
Penobscot Judicial Center  
78 Exchange Street, Suite 200, Bangor, ME 04401  
207-991-6322  
[OTO@courts.maine.gov](mailto:OTO@courts.maine.gov)

**INSTRUCTIONS FOR ORDERING TRANSCRIPTS**

- A. You must include all of the information requested on the **transcript order form** or the form may be returned and your request will not be acted upon.
- B. The party who will be responsible for the bill must **sign** the order.
- C. If you are requesting that the transcript be provided at no cost or paid for by MCILS, you must complete and attach this form: **Motion for Transcript at State Expense (CV-CR-166)**.
- D. **File** the complete transcript and audio request form with the clerk of court.
- E. The **costs** for transcripts of any court proceedings are specified in Administrative Order JB-05-26.
- F. All transcripts for the Maine Judicial Branch are produced by AVTranz or by Official Court Reporters.
- G. If AVTranz is preparing your transcript, AVTranz will automatically send you an email that includes a cost estimate (based on the 14-day turnaround rate), deposit information, and payment options after they receive your request from the Office of Transcript Operations. If your transcript is being paid for **privately**, you can also opt for 1, 3, 7, 21 and 30-day turnaround. If your transcript is provided at **no cost** to you or is paid by **MCILS**, the standard turnaround is 30 days.
- H. Turnaround times begin once AVTranz receives a digital copy of the audio. When the transcript has been completed, you will receive it by email from AVTranz and, depending on your circumstances, you will either be charged the balance due or issued a refund.

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**MAINE JUDICIAL BRANCH**

- I. If an Official Court Reporter is preparing your transcript, s/he will contact you by phone directly to discuss arrangements of payment and a timeframe for completion.
- J. Neither an Official Court Reporter nor the Office of Transcript Operations is responsible for delay in transcript production or for requesting additional time to obtain a transcript if you fail to comply with these procedures.

**APPEAL ORDERS:** If you are ordering a transcript as part of an appeal, you must file the order with the clerk of the trial court when you file the Notice of Appeal. Once it is completed, the transcript will be filed with the appropriate court and a copy of the transcript will be delivered to you.

**REFERENCE ORDERS:** If you are ordering a transcript for reference purposes, you must file the order with the clerk of the trial court. The clerk will then forward it to the Official Court Reporter and/or the Office of Transcript Operations.

**INCOMPLETE FORMS MAY BE RETURNED**

**ADA Notice:** The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, [accessibility@courts.maine.gov](mailto:accessibility@courts.maine.gov), or a court clerk.

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MAINE JUDICIAL BRANCH

Angelina Dube Peterson et al. Plaintiff

"X" the court for filing:

Superior Court  District Court

Unified Criminal Docket

County: Supreme Judicial Court

Location (Town):

Docket No.: SJC-23-2

V.

Peter A. Johnson et al. Defendant

MOTION FOR TRANSCRIPT AT STATE EXPENSE

I request preparation of a transcript at State expense for the following reason(s):
This case involves only indigent criminal defendants. Counsel are appearing pro bono.

Multiple horizontal lines for providing reasons for the motion.

Date (mm/dd/yyyy): 01/30/2024

/s/ Rory McNamara
Signature of Attorney/Party Requesting Transcript

Rory McNamara, Esq. #5609
Printed Name and Bar Number (if applicable)

Please note: File this motion AND the Transcript Audio Order Form (CV-CR-JV-165). This motion must be filed with Transcript and Audio Order Form (CV-CR-JV-165).

ORDER OF COURT

The above motion is:

Granted.

This is a criminal proceeding, juvenile proceeding, child protection proceeding, involuntary commitment proceeding, proceeding for the appointment of a guardian or termination of a guardianship for a minor, adoption, or proceeding to terminate parental rights as part of an adoption proceeding, therefore, a paper transcript as requested in the transcript order form shall be produced at State expense. M.R. Civ. P. 91(f)(2)(A), M.R.U. Crim. P. 27(b).

This is a civil case that is not a child protection or involuntary commitment proceeding, therefore, a copy of the audio recording shall be produced at State expense. M.R. Civ. P. 91(f)(2)(B)(i).

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MAINE JUDICIAL BRANCH

Denied.

The hearing or trial was recorded by a court reporter, in lieu of a transcript the parties shall prepare and submit a statement of the evidence. M.R. Civ. P. 91(f)(2)(B)(ii), M.R. App. P. 5(d).

The hearing or trial was not recorded, or a transcript of the hearing or trial cannot be prepared. The parties shall prepare and submit a statement of the evidence in lieu of a transcript. M.R. App. 5(d).

Applicant is not indigent. M.R. Civ. P. 91(f)(1), M.R. App. P. (5)(b)(1).

The appeal is frivolous and not brought in good faith. M.R. Civ. P. 91(f)(1).

Other:

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Date (mm/dd/yyyy): \_\_\_\_\_



\_\_\_\_\_  
 Judge  Justice

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