

EXHIBIT B

STATE OF MAINE
WALDO, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. BELSC-RE-2021-007

JEFFREY R. MABEE, JUDITH GRACE, THE FRIENDS OF THE HARRIET L. HARTLEY CONSERVATION AREA, and UPSTREAM WATCH,
Plaintiffs/Petitioners,
v.
CITY OF BELFAST, MAINE,
Defendant/Respondent,
and
NORDIC AQUAFARMS, INC.,
Intervenor
Defendant/Respondent.

**Order Regarding Rule 80B Proceedings,
Trial of the Facts,
and
Modified Scheduling Order**

(Title to Real Estate Involved)

(With No Trial of Facts)

A. Order Relating to Trial of Facts and Specifying Future Course of Rule 80B Proceedings:

UPON CONSIDERATION of Plaintiffs’ Motion for Trial of the Facts and to Specify Future Course of Proceedings, dated August 16, 2021 (“Motion”), the Court GRANTS the Motion as follows

1. The Court finds that Plaintiffs’ Rule 80B appeal from the City’s August 12, 2021, condemnation vote on Plaintiffs’ property and property rights is not as a matter of law limited to the August 12, 2021 record the City of Belfast created.
2. Given that the issues of pretext, bad faith, and lack of public purpose and public exigency cannot be adequately assessed by the Court solely on a record created by the City for the August 12, 2021 hearing, the Plaintiffs are entitled to discovery relating to the facts on

their pretext and constitutional claims (including the issue of public purpose and public exigency). Accordingly, the Plaintiffs and Defendants shall be entitled to conduct discovery regarding the claims that the eminent taking by the City of Belfast (“City”) violated the United States and Maine Constitution and should be prohibited based on the City’s bad faith act and/or abuse of power of using a pretext to justify an unconstitutional taking of private citizens’ property to benefit Nordic.

3. The Rule 80B discovery period shall end 120 days from the date of this Order.
4. The City shall produce the Rule 80B record and copy such record to the other parties on or prior to May 5, 2023. The Rule 80B record shall include the documents for all meetings of City officials relating to the eminent domain taking which is the subject of this lawsuit. The Plaintiffs and Defendant City shall be entitled to supplement the Rule 80B record within 120 days of the date of this Order. The parties shall serve on each other their supplements to the record within 120-days of the date of this Order. Within 140 days of the date of this Order, the parties shall agree on the record for the Rule 80B claims in this case to be decided on the record. If the parties cannot agree on the record within such period, the disputes shall be submitted to the Court within 150 days of the date of this Order.
5. The parties may designate an expert on issues relating to the Belfast/Northport boundary as provided in Section B(1) below governing expert witness designations. The expert’s opinion may be included in the Rule 80B record.
6. The parties may designate an expert on the issues relating to valuation of the property and property rights taken by eminent domain as provided in Section B(1) below

governing expert witnesses. The expert's opinion may be included in the Rule 80B record.

7. The briefing schedule for the Rule 80B case shall be: Plaintiffs' brief is due within 180 days from the date of this order; Defendants' brief is due within 210 days from the date of this order; and Plaintiffs' reply brief is due within 224 days of the date of this order.

B. Scheduling Order for the Independent Claims:

The independent claims shall be governed by the following scheduling order:

Pursuant to M. R. Civ P. 16(a)(2), the Court Orders as follows:

1. **Expert Witness Designations.** Unless the court orders otherwise for good cause shown, each party may designate no more than one expert per issue on the independent claims (Count X (Injunctive Relief), Count XI (Insufficient Damages, 23 MRS Section 3029), Count XIV (Violations of 1 MRS Sections 405 and 601), and Count V (Violations of 5 MRS Section 4682(1-A) and 4684) (collectively, the "Independent Claims") and on the issue of the Belfast/Northport boundary that arises in the Rule 80B proceeding. For purposes of expert witness designation, parties with common interests may designate no more than one expert per issue. Unless the court orders otherwise for good cause shown, the expert designation shall include a complete statement of information and reports required by M.R. Civ P. 26(b)(4)(A)(i). The designation by the Plaintiffs shall be served on all other parties within 90 days of the date of this order. The designation by the defendants shall be served on all other parties not later than 120 days from the date of this order. No extensions of the designation deadlines will be granted except on motion demonstrating good cause.
2. **Discovery.** Unless the court orders otherwise for good cause shown, discovery shall be complete no later than 150 days from the date of this order. Discovery shall be initiated so as to enable the opposing party to serve a response within the period allowed by the rules but in advance of this deadline. No extensions of the discovery period will be granted except on good cause and that discovery was timely and diligently conducted in good faith.
3. **Alternative Dispute Resolution.** Pursuant to M. R. Civ. P 16B(2) and (9), the court exempts this case from Alternative Dispute Resolution for good cause shown in the scheduling motion filed by the Plaintiffs.
4. **Amendments and Joining Parties.** The deadline for amendments to pleadings and/or joining parties shall be 90 days of the date of this order.
5. **Jury Trial Demand.** Any party requesting a trial by jury shall file with the clerk a request in writing accompanied by the required fee within 90 days of the date of this order. If a

party fails to make a request and tender the payment in accordance with this provision, the right to jury trial is waived. If a party seeks a jury trial on less than all issues, they shall state so in their request.

6. **Exchange of Witnesses and Exhibit List.** Not later than 15 days after the discovery deadline, each party shall serve on all other parties a list of the name and place of residence or business address of each witness expected to testify at trial and list of the exhibits, including demonstrative aides to be offered or used at trial.
7. **Deadline for Filing All Motions.** All motions, except motions *in limine* shall be filed 150 days from the date of this order.
8. **Sanctions.** Failure to comply with the deadlines as ordered may result in the impositions of sanctions pursuant to M.R. Civ. P. 16(d).
9. **Modification of Scheduling Order.** This order shall not be modified, amended or supplemented, except as allowed by M.R. Civ. P 16(a)(1).

The entry will be: “Order Regarding Future Course of Proceedings and Modified Scheduling Order filed with respect to all counts).

Dated: _____, 2023

The Hon. Robert E. Murray
Justice, Maine Superior Court