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Via e-mail and regular mail

February 25, 2015

Matthew Pollack
Clerk of the Law Court
Supreme Judicial Court
205 Newbury Street, Room 139
Portland ME 04101-4125

Re: *Opinion of the Justices, OJ-15-1*

Dear Mr. Pollack:

The Office of the Attorney General is in receipt of the documents filed yesterday by the Office of the Governor. The filing is untimely. In a letter to the Court dated February 3, 2015, the Office of the Governor notified the Court that it might provide some additional background material with its brief due on February 6, 2015. No additional materials were filed by the Office of the Governor either with the initial brief or the reply brief filed on February 13, 2015. In addition to being untimely, the materials are incomplete and leave an inaccurate impression. In the event the Justices do consider the additional materials, the Office of the Attorney General respectfully offers the attached information, in order to give the Justices a complete and accurate factual context.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Phyllis Gardiner".

Phyllis Gardiner
Assistant Attorney General

PG
Enclosure

cc: Holly E. Lusk, Esq.
Peter Brann, Esq.
Lise McLain
Phillip Merletti
Dorothy Lafortune
Jack William McCarthy

ATTACHMENT 8

Pistner, Linda

From: Pistner, Linda
Sent: Friday, December 19, 2014 4:08 PM
To: Wells, Kevin
Subject: RE: Outside Counsel Authorization in MMA, et al, v. DHHS

Dear Mr. Wells:

I have seen media reports on the remand of this case to state court, the amendment of the complaint by certain of the plaintiffs, and a hearing this week. At this point, we can address your need for modification of the initial outside counsel authorization if you would provide me with an estimate of the number of hours you believe are required and a proposed new expiration date for the authorization. Please let me know if you have any questions.

Best wishes for the holidays,
Linda

*Linda M. Pistner
Chief Deputy Attorney General
State House Station #04333
Augusta, ME
Linda.pistner@maine.gov
(207) 626-8800*

From: Pistner, Linda
Sent: Friday, September 05, 2014 11:45 AM
To: Wells, Kevin
Subject: Outside Counsel Authorization in MMA, et al, v. DHHS

Dear Mr. Wells:

We have received your request for modification of your outside counsel authorization in this case to increase the cap and extend the expiration date.

On September 2, 2014, the Federal District Court issued an order directing that reply briefs in support of the Motions to Remand to State Court be filed by September 9, 2014, and setting a deadline for your responsive pleadings to the Intervenor-Plaintiffs' Complaint of ten days after the Court's ruling on those motions.

Once the Court's ruling on the motions to remand has been made, we will be in a better position to determine an appropriate modification to the cap on legal fees and the expiration date of the approval. We will revisit your request at that time, and take into consideration any additional information you may wish to provide in light of the posture of the case.

Thank you,
Linda

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