



STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

Paul R. LePage
GOVERNOR

February 24, 2015

VIA EMAIL AND FIRST CLASS MAIL

Matthew Pollack, Clerk
Maine Supreme Judicial Court
205 Newbury Street, Room 139
Portland, Maine
04101-4125

Dear Mr. Pollack:

In preparation for oral argument on Thursday, please include the following documents in the factual record for the justices. Thank you.

Very truly yours,

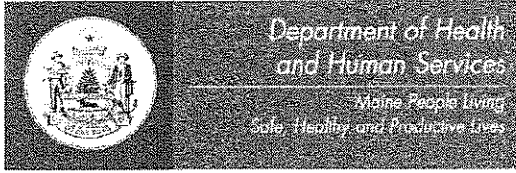


Holly E. Lusk, Esq.
Office of the Governor

cc: Janet Mills, Esq.
Peter Brann, Esq.
Phillip Merletti
Lise McLain
Dorothy Lafortune
Jack William McCarthy



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Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services
Commissioner's Office
221 State Street
11 State House Station
Augusta, Maine 04333-0011
Tel.: (207) 287-3707; Fax (207) 287-3005
TTY Users: Dial 711 (Maine Relay)

August 28, 2014

VIA E-MAIL

Janet T. Mills, Attorney General
Office of the Attorney General
6 State House Station
Augusta ME 04333-0006
Janet.T.Mills@maine.gov

Re: Maine Municipal Association, City of Portland, City of Westbrook v. Maine Department of Health and Human Services and Mary Mayhew, Commissioner

Dear Attorney General Mills:

By letter dated July 18, 2014, you approved the Department's employment of the firm of Roach Hewitt Ruprecht Sanchez & Bischoff, P.C. as outside counsel in the above-referenced matter subject to a limit of \$20,000 in fees and an expiration of October 31, 2014. For the reasons set forth below, the Department requests that you amend your approval to increase the amount of fees to \$50,000 and the expiration date to January 20, 2015 (six months from the date of your original approval letter).

Outside counsel has done substantial research regarding this matter, worked with the Department on the strategy for responding to the claims, answered the pending complaint and removed the case to federal court, prepared a counterclaim to help ensure this lawsuit results in definitive closure, advised the Department regarding dealing with municipalities (in the context of the litigation) on General Assistance issues relating to aliens, prepared an opposition to the pending motions to remand the case to state court, and is otherwise managing and preparing the Department's substantive defense on the merits. With multiple parties now involved in this litigation, and with them questioning the Court's jurisdiction, this matter will not be resolved by October 31 and will not be resolved for \$20,000 in legal fees. For your information, attached is a redacted copy of the most recent invoice from outside counsel.

Insofar as time is of the essence, I trust that you will promptly approve this request. If you require any additional information regarding this matter then please contact me immediately.

Sincerely,

Kevin Wells, General Counsel

Enc:

Lusk, Holly E

Subject: FW: Outside Counsel Authorization in MMA, et al, v. DHHS

Importance: High

From: Wells, Kevin
Sent: Monday, September 08, 2014 4:50 PM
To: Pistner, Linda
Cc: Mayhew, Mary (Mary.Mayhew@maine.gov); McLean, Carlisle
Subject: RE: Outside Counsel Authorization in MMA, et al, v. DHHS
Importance: High

Dear Ms. Pistner:

As you will note from the attached most recent invoice from outside counsel, legal fees for this matter have now exceeded \$20,000. Accordingly, with all due respect, I ask that you now promptly proceed to approve the Department's request to increase the amount of authorized fees to \$50,000 and extend the expiration date of the authorization to January 20, 2015. Please note that the fees being requested are consistent with the Department's original request regarding this matter (which was reduced by the Attorney General because of what has now proven to be an inaccurate estimate of the complexity of this matter). Moreover, given that the Attorney General has declined to represent the Department in this matter, please further note that failure to promptly approve this request would be tantamount to denying the Department the legal means to pursue a matter which is, as are you aware, of significant policy interest to the Department.

Respectfully,

Kevin C. Wells
General Counsel
Department of Health and Human Services
221 State Street, SHS 11
Augusta ME 04333

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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

Linda M. Pistner
Chief Deputy Attorney General
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