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June 11, 2013

VIA HAND DELIVERY

Matthew Pollack, Clerk
Maine Supreme Court
205 Newbury Street, Room 139
Portland, ME 04101

RE: Robert F. Almeder, et al. v. Town of Kennebunkport, et al.
Law Court Docket No. YOR-12-599

Dear Mr. Pollack:

Enclosed for filing in the above referenced docketed appeal, please find Appellants' Motion for Leave to File Brief of Appellants in Excess of 75-Page Limit of June 6, 2013 Order together with a proposed Order.

Copies of the enclosed were served via U.S. Mail upon counsel for the full parties to the appeal noted below.

Thank you for your assistance.

Sincerely,



Sidney St. F. Thaxter

SST/jvw

Enclosures

Copy to (w/encl.):

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STATE OF MAINE
CUMBERLAND, SS.

SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT
Docket No. YOR-12-599

ROBERT F. ALMEDER et al.,)
)
)
Plaintiffs-Appellants,)
v.)
)
TOWN OF KENNEBUNKPORT and)
ALL PERSONS WHO ARE)
UNASCERTAINED,)
Defendants-Appellees.)

APPELLANTS' MOTION FOR LEAVE
TO FILE BRIEF OF APPELLANTS
IN EXCESS OF 75-PAGE LIMIT
OF JUNE 6, 2013 ORDER

Pursuant to Rule 10 of the Maine Rules of Appellate Procedure and paragraph 6 of this Court's June 6 Order, appellants Robert F. Almeder et al. ("Appellants") move this Court for leave to file their brief in excess of 75 pages. As requested, Appellants attach hereto a proposed Table of Contents of their brief, which includes page numbers that indicate the proposed length of each section of the brief. In addition to the table of contents and in support of its motion, Appellants state as follows:

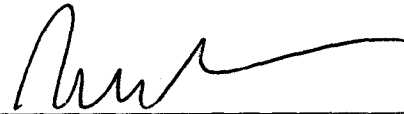
Appellants' brief must address adverse judgment related to four separate claims brought by three separate parties, which include claims by the Town for a public prescriptive easement as well as an easement by custom; claims by the State of Maine involving the intertidal zone; and a "class" prescriptive claim brought by backlot owners. Under the Rules, backlot owners, for example, have 50 pages to fully brief their one issue. Appellants' brief currently requires only 14 pages to address the backlot owners' claims. Furthermore, this Court asked Appellants to fully brief the issues involving Rule 54(b), which is included in their brief in addition to the substantive arguments raised in response to the Appellees' claims on appeal.

Finally, this case involves many novel questions of law including but not limited to:

- How does this court determine whether a group of individuals can pursue claims as a “class” of individuals?
- What is the evidentiary burden placed on prescriptive claimants attempting to establish a prescriptive easement over only roughly 33% of properties scattered across a larger parcel of land?
- What is the doctrine of Custom and can it be adopted in the State of Maine?

WHEREFORE, Appellants respectfully request this Court grant its motion for leave to file a brief in excess of 75 pages and permit Appellants to file a brief up to and including 100 pages.

Dated: June 11, 2013



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CERTIFICATE OF SERVICE	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that I have this 11th day of June, 2013, caused a copy of the foregoing Appellants' Motion for Leave to File Brief of Appellants in Excess of Page Limit to be served on counsel for the full parties listed below, by depositing the same in the United States mail, first-class postage prepaid, addressed as follows:

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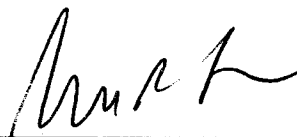
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Dated: June 11, 2013



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)
) **Defendants-Appellees.**)

ORDER

UPON CONSIDERATION of Appellants' Motion for Leave to File Brief of Appellants in Excess of 75-Page Limit OF June 6, 2013 Order, the motion is GRANTED.

IT IS HEREBY ORDERED that Appellants are granted leave to file their brief of appellants up to and including 100-pages.

Dated: _____

Chief Justice/Justice

