

WILLIAM J. SCHNEIDER
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

TEL: (207) 626-8800
TTY: 1-800-577-6690

REGIONAL OFFICES:
84 HARLOW ST., 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

November 9, 2012

Dianne Hill, Clerk
York County Courthouse
45 Kennebunk Road
P.O. Box 160
Alfred, ME 04002-0160

Re: *Almeder v. Town of Kennebunkport*
Docket No. RE-09-111

Dear Ms. Hill:

Enclosed please find the State of Maine's Motion for Entry of Final Judgment Pursuant to Rule 54(b), Memorandum in Support of State of Maine's Motion for Entry of Final Judgment Pursuant to Rule 54(b), and draft Order. A conference on this case is scheduled for November 16, 2012, and this Motion may be heard at that time.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Stern".

PAUL STERN
Deputy Attorney General

Enclosure

cc: Amy K. Tchao, Esq./Brian Willing, Esq.
Gregg R. Frame, Esq./Andre G. Duchette, Esq.
Christopher E. Pazar, Esq.
Peter Thaxter, Esq./ Benjamin M. Leoni, Esq.
Alexander M. Lachiatto, Esq.
Richard L. Driver, Esq.

NOTICE

Any matter in opposition to this motion must be filed not later than 21 days after this filing of the motion unless another time is provided by these Rules or set by the court. Failure to file timely opposition will be deemed a waiver of all objections to the motion, which may be granted without further notice or hearing. M.R.Civ.P. 7(b)(1)(A).

STATE OF MAINE
YORK, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. RE-09-111

ROBERT F. ALMEDER and VIRGINIA
S. ALMEDER, et al.,

Plaintiffs

v.

TOWN OF KENNEBUNKPORT and
ALL PERSONS WHO ARE
UNASCERTAINED,

Defendants

**STATE OF MAINE'S
MEMORANDUM IN SUPPORT OF
MOTION FOR ENTRY OF FINAL
JUDGMENT PURSUANT TO
RULE 54(b)**

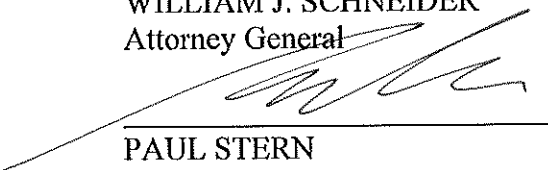
The State of Maine files this Rule 54(b) motion entirely dependent upon this Court's resolution of the Rule 54(b) motion filed by the Town. The Town's motion seeks an order from this Court entering final judgment on the prescription and custom claims resolved in its October 16, 2012, Partial Judgment. Thereby, the matter ostensibly would be in a position to be presented to the Law Court. Obviously, should the Law Court consider the merits of the prescription and custom claims, the State wants the public trust issues to be before that Court as well.

Therefore, the State respectfully asks this Court to grant the State's motion for entry of final judgment if the Town's Rule 54(b) motion is granted.

DATED: November 9, 2012

Respectfully submitted,

WILLIAM J. SCHNEIDER
Attorney General



PAUL STERN
Deputy Attorney General
Attorney for State of Maine

STATE OF MAINE
YORK, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. RE-09-111

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

ORDER

For the reasons set forth in the Rule 54(b) Order regarding the Town's prescription and custom claims, it is ORDERED that final judgment be entered on the public trust claims as set forth in the October 16, 2012, Partial Judgment at pages 17-21.

DATED:

G. ARTHUR BRENNAN,
Justice, Superior Court