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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', written over a horizontal line.

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.

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

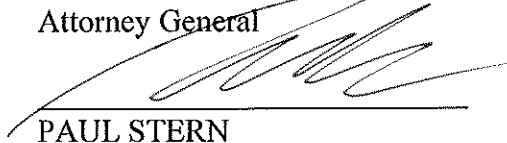
**STATE OF MAINE'S MOTION  
FOR ENTRY OF FINAL  
JUDGMENT PURSUANT TO  
RULE 54(b)**

Now comes the State of Maine, pursuant to M.R.Civ.P. 54(b), and respectfully moves that should the Court enter final judgment as requested by the Defendant Town of Kennebunkport, that the Court additionally enter final judgment on the public trust claims and issues as set forth at pages 17-21 of the Partial Judgment dated October 16, 2012, for the reasons set forth in the accompanying Memorandum.

DATED: November 9, 2012

Respectfully submitted,

WILLIAM J. SCHNEIDER  
Attorney General



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Attorney for State of Maine

**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  
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Plaintiffs

v.

TOWN OF KENNEBUNKPORT and  
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Defendants

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

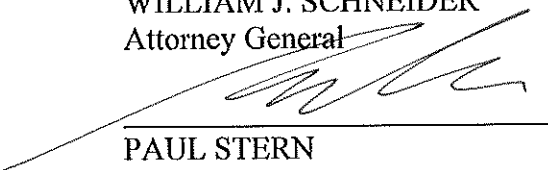
The State of Maine files this Rule 54(b) motion entirely dependent upon this Court's resolution of the Rule 54(b) motion filed by the Town. The Town's motion seeks an order from this Court entering final judgment on the prescription and custom claims resolved in its October 16, 2012, Partial Judgment. 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  
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ROBERT F. ALMEDER and VIRGINIA )  
S. ALMEDER, et al., )  
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 Plaintiffs )  
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 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