

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DINNER TABLE ACTION et al.,

Plaintiffs,

v.

WILLIAM J. SCHNEIDER et al.,

Defendants,

EQUALCITIZENS et al.,

Intervenor-Defendants.

Docket No. 1:24-cv-00430-KFW

STATUS REPORT

As directed by the Court, the parties submit this status report summarizing the parties' discussions following the Court's Order, dated February 25, 2025 (ECF No. 51), granting intervenor status to EqualCitizens, Cara McCormick, Peter McCormick, and Richard A. Bennett.

Intervenor-Defendants filed their Answer (ECF No. 52) and their Opposition to the Motion for Permanent Injunction (ECF No. 53) on February 26, 2025. On March 4, 2025, the parties met and conferred concerning a revised schedule to complete submission of this matter to the Court. Defendants and Intervenor-Defendants agreed to accommodate Plaintiffs' request to take depositions of the declarants presented by the Intervenor-Defendants, which are expected to be completed the week of March 31, 2025. Plaintiffs indicated that, while they are still selecting appropriate witnesses, they anticipate submitting two declarations with their reply brief. Depending on the content of those declarations, Defendants and Intervenor-Defendants may wish to depose Plaintiffs' declarants and file a surreply limited to issues raised in those depositions. Consistent with the Court's February 25 Order, Intervenor-Defendants will in no event seek

additional discovery beyond that sought by Defendants. The parties also agreed that they should confer following submission of Plaintiffs' reply to determine whether any hearing on this matter should involve live testimony or oral argument only, based on stipulations and submissions which may include deposition transcripts.

Based on the above discussion, the parties propose the following schedule:

- April 22, 2025: Plaintiff's reply brief (which may contain counter-declarations);
- May 14, 2025: Any surreply by Defendants and Intervenor-Defendants (if necessary to address testimony by Plaintiffs' declarants);
- Week of May 19th: Oral argument/hearing.

The parties will promptly notify the Court if they determine these proposed dates should be adjusted, for example to accommodate depositions of Plaintiffs' additional declarants.

The parties also agree that Plaintiffs should be allowed up to 20 pages total to reply to the two opposition memoranda. The parties presently contemplate that the surreplies, if any, would be limited to 7 pages each, but may revisit that issue upon the filing of the reply.

Finally, in recognition of the need for additional time to resolve this matter, State Defendants represent that they are willing to extend their voluntary abstention from enforcement of the Act through July 15, 2025.

Dated: March 5, 2025

/s/ Joshua D. Dunlap

Joshua D. Dunlap
Pierce Atwood LLP
254 Commercial Street
Merrill's Wharf
Portland, ME 04101
207-791-1350
jdunlap@pierceatwood.com

Charles Miller
INSTITUTE FOR FREE SPEECH
1150 Connecticut Ave., NW
Suite 801
Washington, DC 20036
202-301-9800
cmiller@ifs.org

Counsel for Plaintiffs

AARON M. FREY
Attorney General

/s/ Jonathan R. Bolton

Jonathan R. Bolton
Assistant Attorney General
Office of the Attorney General
6 State House Station
Augusta, ME 04333-0006
Tel. (207) 626-8800
jonathan.bolton@maine.gov

Counsel for State Defendants

/s/ David M. Kallin

David M. Kallin, Bar No. 4558
Adam R. Cote, Bar No. 9213
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480
(207)772-1941
dkallin@dwmlaw.com
acote@dowmlaw.com

Neal Kumar Katyal
Ezra P. Louvis
MILBANK LLP
1850 K St., N.W.
Washington, D.C. 20006
Tel: (202) 835-7500
nkatyal@milbank.com
elouvis@milbank.com

*Counsel for Intervenor-Defendants
Richard Bennett, Cara McCormick,
Peter McCormick, and
EqualCitizens*