

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

Cherry Hill Vineyard, LLC, et al,                    )  
  )  
  )                    Plaintiff,                    )  
  )  
  )                    v.                                )                    Civil No. 05-153-B-C  
  )  
John E. Baldacci, et al,                                )  
  )  
  )                    Defendants.                    )

**ORDER ON MOTION FOR LEAVE TO PARTICIPATE AS  
AMICUS CURIAE “PLUS” BY THE MAINE BEER AND  
WINE WHOLESALERS ASSOCIATION**

Before the Court for action is the Motion of Maine Beer and Wine Wholesalers Association (hereinafter the “Association”) for Leave to Participate as *Amicus Curiae* “Plus” (Docket Item No. 9). Finding good cause therefore and there being no objection to the said Motion, this Court **GRANTS** the Association traditional *amicus curiae* status in this matter. As such, the Association may file memoranda and briefs on motions before the Court and in accordance with Daggett v. Commission on Governmental Ethics and Election Practices, 173 F.3d 104, 112 (1st Cir. 1999), the Association may present “legislative facts” for inclusion in the record. In its role as traditional *amicus curiae*, the Association may file its own briefs without direction from or consultation with the Attorney General. The Association shall be allowed to participate separately in oral argument on dispositive motions, if any.

In addition, the Court **GRANTS** the Association *amicus curiae* “plus” status, but with restrictions. First, the Association shall receive notice and service of all documents and events just as if it were a party to the case. Second, the Association’s role as *amicus*

*curiae "plus"* in the case shall be subordinate to that of the Attorney General and shall be subject to his discretion. If there are witnesses at trial or deposition in respect to which the Attorney General's office is willing to allow the Association's counsel to conduct the examination or cross-examination of such witnesses in place of the Assistant Attorney General, this will be permitted; however, both the Assistant Attorney General and the Association shall not be permitted to examine or cross-examine the same witnesses. The Association shall have no independent right to engage in written submission of discovery. The Court expects the Attorney General's office to take full advantage of the Association's resources, evidence, or assistance where appropriate to the efficiency of its efforts in this case.

**SO ORDERED.**

/s/Gene Carter \_\_\_\_\_  
GENE CARTER  
Senior United States District Court Judge

DATED at Portland, Maine this 27th day of February, 2006.

**Plaintiff**

**CHERRY HILL VINEYARD,  
LLC**

represented by **JAMES A. TANFORD**  
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**Plaintiff**

**PHILIP BROOKS**

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**RICHARD SILVER**  
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**ROBERT D. EPSTEIN**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**ME GOVERNOR**

represented by **CHRISTOPHER C. TAUB**  
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**Defendant**

**ME ATTORNEY GENERAL**

represented by **CHRISTOPHER C. TAUB**  
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*LEAD ATTORNEY*  
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**Defendant**

**BUREAU OF ALCOHOLIC  
BEVERAGES AND LOTTERY  
OPERATIONS, ME  
DIRECTOR**

*TERMINATED: 02/01/2006*

represented by **CHRISTOPHER C. TAUB**  
(See above for address)  
*LEAD ATTORNEY*  
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**Defendant**

**BUREAU OF LIQUOR  
ENFORCMENT,  
SUPERVISOR**

represented by **CHRISTOPHER C. TAUB**  
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**Defendant**

**BUREAU OF LIQUOR  
ENFORCEMENT,  
COMMANDER OF SPECIAL  
INVESTIGATIONS UNIT**

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**Amicus**

**MAINE BEER AND WINE  
WHOLESALEERS  
ASSOCIATION**

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