

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CITY OF BANGOR,)	
)	
Plaintiff)	
)	
v.)	Civil No. 02-183-B-S
)	
CITIZEN COMMUNICATIONS COMPANY,)	
)	
)	
Defendant & Third Party Plaintiff)	
)	
v.)	
)	
BARRETT PAVING MATERIALS, INC. et al,)	
)	
Third Party Defendants.)	

**ORDER ON PLAINTIFF’S MOTION TO DISMISS COUNTS V-VIII, X, XI, XIV & XV
OF THE SECOND AMENDED COMPLAINT**

Before the Court is the City of Bangor’s Motion to Dismiss Counts V through VIII, X, XI, XIV and XV of the Second Amended Complaint (Docket # 473). This Motion was filed in accordance with the Court’s March 11, 2005 Order (Docket # 472). The Court has reviewed both the Motion and the Response of Citizens Communications Company (Docket # 476). In addition, on March 25, 2005, the Court held a telephone conference with both sides to discuss how the dismissal of the City’s state law claims would affect both the remaining claims in this action as well as the City’s ability to bring state law claims in any future action. Having considered the arguments of both sides, the Court hereby GRANTS Plaintiff’s Motion to Dismiss and ORDERS that Counts V through VIII, X, XI, XIV & XV (“the Remaining State Law Claims”) be DISMISSED. This dismissal is subject to the following conditions:

- (1) The dismissal of the Remaining State Law claims shall in no way prejudice

the City's ability to pursue the federal law claims that remain for trial in this action.

- (2) The City may not re-file any of the Remaining State Law Claims against Citizens Communications Company at a later date in another proceeding.

SO ORDERED.

/s/ George Z. Singal
U.S. Chief District Judge

Dated the 25th day of March 2005

Plaintiff

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represented by **BRUCE W. HEPLER**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

JAY C. JOHNSON
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

JOHN S. HAHN
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MARTHA C. GAYTHWAITE
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

BANGOR, CITY OF

ThirdParty Plaintiff

**HONEYWELL
INTERNATIONAL INC**

represented by **FRANCIS G. KELLEHER**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

GREGORY A. BIBLER
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SEAN MAHONEY

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROBERT L. BRENNAN
(See above for address)
ATTORNEY TO BE NOTICED

V.

ThirdParty Defendant

**SOCIETE ROUTIERE COLAS
SA**

represented by **MICHAEL KAPLAN**
PRETI, FLAHERTY, BELIVEAU,
PACHIOS & HALEY, LLC
PO BOX 9546
PORTLAND, ME 04112-9546
791-3000
Email: mkaplan@preti.com
ATTORNEY TO BE NOTICED

Cross Claimant

DEAD RIVER COMPANY

represented by **CHARLES A. HARVEY, JR.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROBERT S. FRANK
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

BANGOR, CITY OF

represented by **P. ANDREW HAMILTON**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

W. SCOTT LASETER

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM B. DEVOE
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

**BARRETT PAVING
MATERIALS INC**

Cross Defendant

BEAZER EAST INC

Cross Defendant

**CENTERPOINT ENERGY
RESOURCES CORP**

Cross Defendant

**CITIZENS
COMMUNICATIONS
COMPANY**

represented by **BRUCE W. HEPLER**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

JAY C. JOHNSON
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JOHN S. HAHN
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MARTHA C. GAYTHWAITE
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

**GUILFORD
TRANSPORTATION
INDUSTRIES, INC**

Cross Defendant

**HONEYWELL
INTERNATIONAL INC**

represented by **FRANCIS G. KELLEHER**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

GREGORY A. BIBLER
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ROBERT L. BRENNAN
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ATTORNEY TO BE NOTICED

SEAN MAHONEY
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

**MAINE CENTRAL RAILROAD
COMPANY**

represented by **FREDERICK J. BADGER, JR.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

FREDERICK F. COSTLOW
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MARY F. KELLOGG
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Cross Defendant

**NORTH AMERICAN UTILITY
CONSTRUCTION CORP**

Cross Defendant

**S E MACMILLAN COMPANY
INC**

Cross Defendant

UGI UTILITIES INC