

**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 REMAINING MOTIONS

Before the Court is Third Party Plaintiff Citizens Communications Company’s Motion to Dismiss Its Third Party Complaints without Prejudice (Docket # 777) (“Citizens’ Motion to Dismiss without Prejudice”) as well as a set of motions that this Court has previously described as the “Non-MGP Parties’ Motions for Judgment,” which include: (1) Motion for Judgment by Third Party Defendants Barrett Paving Materials, Inc. and Honeywell, Inc. and Fourth-Party Defendant Colas, S.A. (Docket # 682), (2) Third-Party Defendants Maine Central Railroad Company and Guilford Transportation Industries, Inc.’s Motion to Dismiss and/or Judgment on the Pleadings (Docket # 703), (3) Third Party Defendant Dead River Company’s Motion for Judgment on the Pleadings (Docket # 704)¹ and (4) Motion for Judgment on the Pleadings by Third Party Defendant

¹ See Third Party Defs. Maine Central Railroad Co. & Guilford Transportation Indust., Inc. Reply (Docket # 710) at 2 (clarifying the title of the original motion).

Beazer East, Inc. (Docket # 705).

When the Court initially directed Citizens to file its pending Motion to Dismiss without Prejudice, it contemplated that the Motion would serve as a mere procedural vehicle for implementing the Court's previous Orders (see Docket #s 753, 771 & 772). Nonetheless, various affected parties requested the opportunity to oppose the Motion in order to preserve all rights of appeal and the Court therefore accepted opposition papers (see Docket #s 780, 781 & 784). During this same time period, various Third and Fourth Party Defendants filed notices of appeal (see Docket #s 773 & 782).

The notices of appeal prompted this Court to pause in order to consider whether it retained jurisdiction to decide the motions that remained pending on the docket. After all, it is “generally understood that a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (citations omitted). Nonetheless, the Court concludes that this principle is not applicable to the current exceptional situation in which a consent decree has been entered pursuant to Rule 54(b) and ruling on the remaining pending motions would actually serve to avoid piecemeal appeals and expedite the appeals already filed.² Therefore, the Court is satisfied that it retains jurisdiction to issue rulings on the current pending motions and that any further delay of such rulings will only serve to confuse the issues now on appeal.

² The Court's review of the docket in the pending appeal suggests that the parties have actually requested that the First Circuit delay adjudication of the pending appeals until this Court issues rulings on the remaining pending motions. (See November 14, 2007 Motion to Extend Briefing Deadlines in Bangor v. Citizens Communications Company (First Circuit Docket No. 07-2193).)

Moreover, the Court is concerned that withholding rulings on the remaining motions may ultimately delay resolution of the appeal and thereby further delay any remediation of Dunnett's Cove.

Therefore, the Court hereby GRANTS Citizens' Motion to Dismiss without Prejudice (Docket # 777). While the Court has considered the various objections filed in connection with this Motion, none of these objections appear to override the logistical benefits of having Citizens pursue all of its remaining claims in a new action. The Court relies on its previous orders (Docket #s 753, 771 & 772) to further explain its basis for this ruling.

In light of the Court's decision to dismiss all of Citizens' third party claims without prejudice, the Non-MGP Parties' Motions for Judgment (Docket #s 682, 703, 704 & 705) are MOOT and the Court hereby DENIES all of these motions without prejudice to any party renewing the arguments contained in these motions to the extent Citizens pursues similar claims in another case.

SO ORDERED.

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

Dated the 28th day of November 2007.

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ATTORNEY TO BE NOTICED

Cross Defendant

**CENTERPOINT ENERGY
RESOURCES CORP**

represented by **ALBERT D. STURTEVANT**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

CHARLES T. WEHLAND
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

DAVID S. SHERMAN, JR
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LAURA M. EARL
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

DEAD RIVER COMPANY

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

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

Cross Defendant

**GUILFORD
TRANSPORTATION
INDUSTRIES INC**

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)

TERMINATED: 08/31/2006

Cross Defendant

**NORTH AMERICAN UTILITY
CONSTRUCTION CORP**

Cross Defendant

**NORTHWESTERN GROWTH
CORPORATION**

TERMINATED: 10/01/2003

represented by **GRAYDON STEVENS**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

TIMOTHY H. NORTON
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

**S E MACMILLAN COMPANY
INC**

TERMINATED: 11/07/2003

represented by **NATHANIEL M.
ROSENBLATT**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROGER L. HUBER
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

UGI UTILITIES INC

represented by **BRADLEY D. HOLT**
(See above for address)
TERMINATED: 05/04/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

DOUGLAS A. GRAUEL
(See above for address)
TERMINATED: 08/06/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

E. TUPPER KINDER
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

JEFFREY A. MEYERS
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

**UNITED STATES ARMY
CORPS OF ENGINEERS**
TERMINATED: 05/07/2004

represented by **JOHN H. DE YAMPERT, JR.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MICHELLE T. DELEMARRE
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

STEPHEN E. CROWLEY
(See above for address)
LEAD ATTORNEY

Cross Claimant

BEAZER EAST INC

represented by **JEFFREY A. THALER**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

**BARRETT PAVING
MATERIALS INC**

represented by **DAVID B. VAN SLYKE**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

JOHN P. MCVEIGH
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

**CENTERPOINT ENERGY
RESOURCES CORP**

Cross Defendant

DEAD RIVER COMPANY

Cross Defendant

**GUILFORD
TRANSPORTATION
INDUSTRIES INC**

represented by **MARY F. KELLOGG**
(See above for address)
TERMINATED: 08/31/2006

Cross Defendant

**HONEYWELL
INTERNATIONAL INC**

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)
TERMINATED: 08/31/2006

Cross Defendant

**NORTH AMERICAN UTILITY
CONSTRUCTION CORP**

Cross Defendant

**NORTHWESTERN GROWTH
CORPORATION**
TERMINATED: 10/01/2003

Cross Defendant

**S E MACMILLAN COMPANY
INC**
TERMINATED: 11/07/2003

Cross Defendant

UGI UTILITIES INC

represented by **JEFFREY A. MEYERS**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

**UNITED STATES ARMY
CORPS OF ENGINEERS**
TERMINATED: 05/07/2004

Cross Claimant

UGI UTILITIES INC

represented by **BRADLEY D. HOLT**
(See above for address)
TERMINATED: 05/04/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

DOUGLAS A. GRAUEL
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E. TUPPER KINDER
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

JAY VARON

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

JEFFREY A. MEYERS

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Cross Defendant

**BARRETT PAVING
MATERIALS INC**

Cross Defendant

BEAZER EAST INC

represented by **JEFFREY A. THALER**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Cross Defendant

**CENTERPOINT ENERGY
RESOURCES CORP**

Cross Defendant

DEAD RIVER COMPANY

Cross Defendant

**GUILFORD
TRANSPORTATION
INDUSTRIES INC**

represented by **MARY F. KELLOGG**

(See above for address)

TERMINATED: 08/31/2006

Cross Defendant

**HONEYWELL
INTERNATIONAL INC**

Cross Defendant

**MAINE CENTRAL
RAILROAD COMPANY**

represented by **MARY F. KELLOGG**
(See above for address)
TERMINATED: 08/31/2006

Cross Defendant

**NORTH AMERICAN UTILITY
CONSTRUCTION CORP**

Cross Defendant

**NORTHWESTERN GROWTH
CORPORATION**
TERMINATED: 10/01/2003

Cross Defendant

**S E MACMILLAN COMPANY
INC**
TERMINATED: 11/07/2003

Cross Defendant

**UNITED STATES ARMY
CORPS OF ENGINEERS**
TERMINATED: 05/07/2004

Cross Claimant

DEAD RIVER COMPANY

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

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

V.

Cross Defendant

**BARRETT PAVING
MATERIALS INC**

Cross Defendant

BEAZER EAST INC

Cross Defendant

**CENTERPOINT ENERGY
RESOURCES CORP**

Cross Defendant

**GUILFORD
TRANSPORTATION
INDUSTRIES INC**

represented by **MARY F. KELLOGG**
(See above for address)
TERMINATED: 08/31/2006

Cross Defendant

**MAINE CENTRAL
RAILROAD COMPANY**

represented by **MARY F. KELLOGG**
(See above for address)
TERMINATED: 08/31/2006

Cross Defendant

**NORTH AMERICAN UTILITY
CONSTRUCTION CORP**

Cross Defendant

**NORTHWESTERN GROWTH
CORPORATION**
TERMINATED: 10/01/2003

Cross Defendant

**S E MACMILLAN COMPANY
INC**
TERMINATED: 11/07/2003

Cross Defendant

UGI UTILITIES INC

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

Cross Defendant

UNITED STATES ARMY
CORPS OF ENGINEERS
TERMINATED: 05/07/2004

Cross Claimant

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

ROBERT L. BRENNAN
(See above for address)
TERMINATED: 05/26/2006

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

SEAN MAHONEY
(See above for address)
*TERMINATED: 04/17/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Cross Defendant

**BARRETT PAVING
MATERIALS INC**

Cross Defendant

BEAZER EAST INC

Cross Defendant

**CENTERPOINT ENERGY
RESOURCES CORP**

Cross Defendant

DEAD RIVER COMPANY

represented by **CHARLES HARVEY**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Cross Defendant

**GUILFORD
TRANSPORTATION
INDUSTRIES INC**

represented by **MARY F. KELLOGG**
(See above for address)
TERMINATED: 08/31/2006

Cross Defendant

**NORTH AMERICAN UTILITY
CONSTRUCTION CORP**

Cross Defendant

**NORTHWESTERN GROWTH
CORPORATION**

TERMINATED: 10/01/2003

Cross Defendant

**S E MACMILLAN COMPANY
INC**

TERMINATED: 11/07/2003

Cross Defendant

UGI UTILITIES INC

represented by **JEFFREY A. MEYERS**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

**UNITED STATES ARMY
CORPS OF ENGINEERS**

TERMINATED: 05/07/2004

Counter Claimant

**HONEYWELL
INTERNATIONAL INC**

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

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(See above for address)
TERMINATED: 05/26/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SEAN MAHONEY
(See above for address)
TERMINATED: 04/17/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**BARRETT PAVING
MATERIALS INC**

represented by **DAVID B. VAN SLYKE**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

JOHN P. MCVEIGH
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

**HONEYWELL
INTERNATIONAL INC**

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

GREGORY A. BIBLER
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ATTORNEY TO BE NOTICED

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

SEAN MAHONEY
(See above for address)
TERMINATED: 04/17/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

**BARRETT PAVING
MATERIALS INC**

represented by **DAVID B. VAN SLYKE**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

JOHN P. MCVEIGH
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

BEAZER EAST INC

Cross Defendant

**CENTERPOINT ENERGY
RESOURCES CORP**

Cross Defendant

DEAD RIVER COMPANY

Cross Defendant

**GUILFORD
TRANSPORTATION
INDUSTRIES INC**

represented by **MARY F. KELLOGG**
(See above for address)
TERMINATED: 08/31/2006

Cross Defendant

**NORTH AMERICAN UTILITY
CONSTRUCTION CORP**

Cross Defendant

**NORTHWESTERN GROWTH
CORPORATION**
TERMINATED: 10/01/2003

Cross Defendant

**S E MACMILLAN COMPANY
INC**
TERMINATED: 11/07/2003

Cross Defendant

UGI UTILITIES INC

represented by **JEFFREY A. MEYERS**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

**UNITED STATES ARMY
CORPS OF ENGINEERS**
TERMINATED: 05/07/2004

ThirdParty Plaintiff

**CITIZENS
COMMUNICATIONS
COMPANY**

represented by **BRUCE W. HEPLER**
(See above for address)
TERMINATED: 08/08/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

JULIE ANNA POTTS
(See above for address)
TERMINATED: 11/10/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

JOHN S. HAHN
(See above for address)

V.

ThirdParty 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)
TERMINATED: 08/31/2006

ThirdParty Plaintiff

DEAD RIVER COMPANY

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

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

V.

ThirdParty Defendant

ROBINSON SPEIRS, JR

represented by **KEVIN M. CUDDY**
LANHAM & BLACKWELL,
P.A.
470 EVERGREEN WOODS
BANGOR, ME 04401
(207) 942-2898
Email: kmc@cuddylanham.com
TERMINATED: 04/06/2007
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ATTORNEY TO BE NOTICED

SAMUEL W. LANHAM, JR.
LANHAM & BLACKWELL,

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BANGOR, ME 04401
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Email:
slanham@lanhamblackwell.com
ATTORNEY TO BE NOTICED

ThirdParty Defendant

JULIE ANN MACMANNIS

represented by **KEVIN M. CUDDY**
(See above for address)
TERMINATED: 05/01/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ThirdParty Defendant

NANCY S DAWSON

represented by **KEVIN M. CUDDY**
(See above for address)
TERMINATED: 05/01/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ThirdParty Defendant

ELIZABETH H SPEIRS

represented by **KEVIN M. CUDDY**
(See above for address)
TERMINATED: 04/06/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SAMUEL W. LANHAM, JR.
(See above for address)
ATTORNEY TO BE NOTICED

ThirdParty Defendant

MARY S PRICE

represented by **KEVIN M. CUDDY**
(See above for address)
TERMINATED: 05/01/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ThirdParty Defendant

ROBINSON SPEIRS

represented by **KEVIN M. CUDDY**
(See above for address)
TERMINATED: 04/06/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SAMUEL W. LANHAM, JR.
(See above for address)
ATTORNEY TO BE NOTICED

ThirdParty Plaintiff

DEAD RIVER COMPANY

V.

ThirdParty Defendant

NANCY S DAWSON

ThirdParty Defendant

JULIE ANN MACMANNIS

ThirdParty Defendant

MARY S PRICE

ThirdParty Defendant

ELIZABETH H SPEIRS

represented by **KEVIN M. CUDDY**
(See above for address)
TERMINATED: 04/06/2007
ATTORNEY TO BE NOTICED

SAMUEL W. LANHAM, JR.
(See above for address)
ATTORNEY TO BE NOTICED

ThirdParty Defendant

ROBINSON SPEIRS, JR

represented by **KEVIN M. CUDDY**
(See above for address)
TERMINATED: 04/06/2007
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

SAMUEL W. LANHAM, JR.
(See above for address)
ATTORNEY TO BE NOTICED

ThirdParty Defendant
ROBINSON SPEIRS

represented by **KEVIN M. CUDDY**
(See above for address)
TERMINATED: 04/06/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SAMUEL W. LANHAM, JR.
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**CITIZENS
COMMUNICATIONS
COMPANY**

represented by **BRUCE W. HEPLER**
(See above for address)
TERMINATED: 08/08/2007
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

JULIE ANNA POTTS
(See above for address)
TERMINATED: 11/10/2004
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)
TERMINATED: 04/17/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROBERT L. BRENNAN
(See above for address)
TERMINATED: 05/26/2006
ATTORNEY TO BE NOTICED

V.

ThirdParty Defendant

**SOCIETE ROUTIERE COLAS
SA**

represented by **MICHAEL KAPLAN**
(See above for address)
ATTORNEY TO BE NOTICED

Cross Claimant

DEAD RIVER COMPANY

represented by **CHARLES HARVEY**
(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**
(See above for address)
TERMINATED: 08/08/2007
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

JULIE ANNA POTTS
(See above for address)
TERMINATED: 11/10/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

Cross Defendant

**GUILFORD
TRANSPORTATION
INDUSTRIES INC**

Cross Defendant

**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

ROBERT L. BRENNAN
(See above for address)
TERMINATED: 05/26/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SEAN MAHONEY
(See above for address)
TERMINATED: 04/17/2007
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)
TERMINATED: 08/31/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

**NORTH AMERICAN UTILITY
CONSTRUCTION CORP**

Cross Defendant

**NORTHWESTERN GROWTH
CORPORATION**
TERMINATED: 02/04/2004

Cross Defendant

**S E MACMILLAN COMPANY
INC**

Cross Defendant

UGI UTILITIES INC

represented by **JEFFREY A. MEYERS**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Cross Defendant

**UNITED STATES ARMY
CORPS OF ENGINEERS**

TERMINATED: 05/07/2004