

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>CITIZEN COMMUNICATIONS</b>	)	
<b>COMPANY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 07-cv-113-B-S</b>
	)	
<b>BARRETT PAVING MATERIALS, INC.</b>	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER GRANTING STAY OF ACTION**

Before the Court are the following motions: (1) Defendant Guilford Transportation Industries, Inc. and Maine Central Railroad Company’s Motion to Dismiss, and, in the Alternative, Motion for a More Definite Statement (Docket # 42), (2) Defendant United States’ Motion to Dismiss, or, in the Alternative, for Stay Pending Adjudication by the First Circuit (Docket #s 54 & 55) and (3) Defendant Barrett Paving Materials, Inc. and Beazer East Inc.’s Motion to Dismiss or, in the Alternative, for Stay (Docket #s 61 & 63). Having reviewed all of the papers filed in connection with these motions, the Court has determined that the proper course is to GRANT A STAY as alternatively requested by multiple defendants. (See Docket #s 55, 63 & 64.)

This case is the product of the Court’s recent prior rulings in the related matter of Bangor v. Citizens (Docket No. 1:02-cv-183-GZS); that case is now on appeal to the First Circuit. As Citizens itself admits, the final judgment in Bangor v. Citizens serves as the foundation for the claims asserted here.<sup>1</sup> Thus, the appeal of that final judgment will

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<sup>1</sup> See Pl.’s Opp’n to Mot. to Dismiss (Docket # 65) at 4 (describing the Consent Decree in Bangor v. Citizens as “foundational” to Counts II and III of the Complaint in this case); Citizens Opp’n to Mot. to Extend Briefing Deadlines (Ex. 3 to Docket # 69) at 7 (“If the Consent Decree is affirmed, Citizens’ claims

undoubtedly impact this case and undoubtedly has the potential to moot this case entirely. Under these circumstances, allowing this case to proceed before the appeal is resolved risks conflict and confusion as well as an unnecessary expenditure of resources by the litigants and this Court. Considering the entire procedural history of these claims, the Court sees no prejudice in staying this case, which represents the next phase of this complex matter, until the final judgment in Bangor v. Citizens is, in fact, final.

In conjunction with the decision to stay this action, the Court hereby DENIES WITHOUT PREJUDICE Defendant Guilford Transportation Industries, Inc. and Maine Central Railroad Company's Motion to Dismiss, and, in the Alternative, Motion for a More Definite Statement (Docket # 42), Defendant United States' Motion to Dismiss (Docket # 54) and Defendant Barrett Paving Materials, Inc. and Beazer East Inc.'s Motion to Dismiss (Docket # 61). These rulings are made without prejudice to the parties refiling these motions when the stay is lifted.

The Defendants' requests for a stay (Docket #s 55 & 63) are hereby GRANTED. This case shall be STAYED until the Court's receipt of the First Circuit's Mandate in Docket No. 1:02-cv-00183-GZS. Upon receipt of a mandate, the Court will issue further appropriate orders. Nothing in this order shall prevent the parties from pursuing mediation or alternative dispute resolution to the extent they might desire to do so while a stay is in effect.

**SO ORDERED.**

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

Dated the 4th day of December 2007.

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against [Defendants] may proceed one way; if not, they may proceed differently.”)

**Plaintiff**

**CITIZENS  
COMMUNICATIONS  
COMPANY**

represented by **MARTHA C. GAYTHWAITE**  
FRIEDMAN, GAYTHWAITE,  
WOLF & LEAVITT  
SIX CITY CENTER  
P. O. BOX 4726  
PORTLAND, ME 04112-4726  
761-0900  
Email: mgaythwaite@fgwl-  
law.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**BRETT R. LELAND, ESQ.**  
FRIEDMAN, GAYTHWAITE,  
WOLF & LEAVITT  
SIX CITY CENTER  
P. O. BOX 4726  
PORTLAND, ME 04112-4726  
207-761-0900  
Email: bleland@fgwl-law.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**BARRETT PAVING  
MATERIALS INC**

represented by **DAVID B. VAN SLYKE**  
PRETI, FLAHERTY,  
BELIVEAU, PACHIOS &  
HALEY, LLP  
PO BOX 9546  
PORTLAND, ME 04112-9546  
791-3000  
Email: dvanslyke@preti.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JOHN P. MCVEIGH**  
PRETI, FLAHERTY,  
BELIVEAU, PACHIOS &  
HALEY, LLP  
PO BOX 9546  
PORTLAND, ME 04112-9546  
791-3000

Fax: 791-3111  
Email: jmcveigh@preti.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Defendant**

**BEAZER EAST INC**

represented by **JEFFREY A. THALER**  
BERNSTEIN, SHUR  
100 MIDDLE STREET  
P.O. BOX 9729  
PORTLAND, ME 04104-5029  
207-774-1200  
Email: jthaler@bernsteinshur.com  
*ATTORNEY TO BE NOTICED*

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

**Defendant**

**CENTERPOINT ENERGY  
RESOURCES CORP**

represented by **CHARLES T. WEHLAND**  
JONES, DAY  
77 WEST WACKER DRIVE  
SUITE 3500  
CHICAGO, IL 60601-1692  
312-782-3939  
Email: ctwehland@jonesday.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JOHN H. GRADY**  
JONES DAY  
1420 PEACHTREE ST, N.E.

ATLANTA, GA 30309  
404-521-3939  
Email: jhgrady@jonesday.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**LAURA M. EARL**  
JONES, DAY  
77 WEST WACKER DRIVE  
SUITE 3500  
CHICAGO, IL 60601-1692  
312-782-3939  
Email: learl@jonesday.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**DAVID S. SHERMAN, JR**  
DRUMMOND, WOODSUM &  
MACMAHON  
245 COMMERCIAL ST.  
P.O. BOX 9781  
PORTLAND, ME 04104  
207-772-1941  
Fax: 207-772-3627  
Email:  
dshermanecf@dwmlaw.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**DEAD RIVER COMPANY**

represented by **ROBERT S. FRANK**  
HARVEY & FRANK  
TWO CITY CENTER  
P.O. BOX 126  
PORTLAND, ME 04112  
207-775-1300  
Email: frank@harveyfrank.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**GUILFORD  
TRANSPORTATION  
INDUSTRIES INC**

represented by **ERIC L. HIRSCHHORN**  
WINSTON & STRAWN, LLP  
1700 K STREET, N.W.  
WASHINGTON, DC 20006-3817

(202) 282-5706  
Email: ehirschhorn@winston.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JOHN FEHRENBACH**  
WINSTON & STRAWN, LLP  
1700 K STREET, N.W.  
WASHINGTON, DC 20006-3817  
(202) 282-5925  
Email: jfehrenbach@winston.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**FREDERICK F. COSTLOW**  
RICHARDSON, WHITMAN,  
LARGE & BADGER  
P.O. BOX 2429  
ONE MERCHANTS PLAZA,  
SUITE 603  
BANGOR, ME 04402-2429  
(207) 945-5900  
Email: fcostlow@rwl.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**HONEYWELL  
INTERNATIONAL INC**

represented by **GREGORY A. BIBLER**  
GOODWIN PROCTOR LLP  
EXCHANGE PLACE  
53 STATE STREET  
BOSTON, MA 02109  
(617) 570-1000  
Email:  
gbibler@goodwinprocter.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**PAUL E. NEMSER**  
GOODWIN PROCTOR LLP  
EXCHANGE PLACE  
53 STATE STREET  
BOSTON, MA 02109  
(617)570-1000  
Email:  
pnemser@goodwinprocter.com

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**ROBERT H. FITZGERALD**  
GOODWIN PROCTOR LLP  
EXCHANGE PLACE  
53 STATE STREET  
BOSTON, MA 02109  
(617)570-1000  
Email:  
rfitzgerald@goodwinprocter.com  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**FRANCIS G. KELLEHER**  
GOODWIN PROCTOR  
EXCHANGE PLACE  
53 STATE STREET  
BOSTON, MA 2109-2881  
617-570-1000  
Email:  
fkelleher@goodwinprocter.com  
*ATTORNEY TO BE NOTICED*

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

**Defendant**

**MAINE CENTRAL  
RAILROAD COMPANY**

represented by **ERIC L. HIRSCHHORN**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**JOHN FEHRENBACH**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

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

**Defendant**

**NORTH AMERICAN UTILITY  
CONSTRUCTION COMPANY**

**Defendant**

**UGI UTILITIES INC**

represented by **E. TUPPER KINDER**  
NELSON, KINDER, MOSSEAU  
& SATURLEY, P.C.  
99 MIDDLE STREET  
MANCHESTER, NH 03101  
(603) 647-1800  
Fax: 603-647-1900  
Email: ekinder@nkms.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JEFFREY A. MEYERS**  
NELSON, KINDER, MOSSEAU  
& SATURLEY, P.C.  
99 MIDDLE STREET  
MANCHESTER, NH 03101  
603-647-1800  
Email: jmeyers@nkms.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**US ARMY CORPS OF  
ENGINEERS**

represented by **MICHELLE T. DELEMARRE**  
U.S. DEPARTMENT OF  
JUSTICE  
ADMIRALTY TRIAL DIVISION  
P.O. BOX 14271  
WASHINGTON, DC 20044-4271  
(202) 616-4037  
Email:  
michelle.delemarre@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**STEPHEN E. CROWLEY**  
U.S. DEPARTMENT OF  
JUSTICE  
ENVIRONMENTAL DEFENSE  
SECTION  
P.O. BOX 23986  
WASHINGTON, DC 20026-3986

202-514-0165  
Email:  
stephen.crowley@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**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*

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

V.

**Counter Defendant**

**CITIZENS  
COMMUNICATIONS  
COMPANY**

represented by **BRETT R. LELAND, ESQ.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Counter Claimant**

**HONEYWELL  
INTERNATIONAL INC**

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

**PAUL E. NEMSER**

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

**ROBERT H. FITZGERALD**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

V.

**Counter Defendant**

**CITIZENS  
COMMUNICATIONS  
COMPANY**

represented by **BRETT R. LELAND, ESQ.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Counter Claimant**

**BEAZER EAST INC**

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

V.

**Counter Defendant**

**CITIZENS  
COMMUNICATIONS  
COMPANY**

represented by **BRETT R. LELAND, ESQ.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**MARTHA C. GAYTHWAITE**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**UGI UTILITIES INC**

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

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

V.

**Counter Defendant**

**CITIZENS  
COMMUNICATIONS  
COMPANY**

represented by **BRETT R. LELAND, ESQ.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Counter Claimant**

**DEAD RIVER COMPANY**

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

V.

**Counter Defendant**

**CITIZENS  
COMMUNICATIONS  
COMPANY**

represented by **BRETT R. LELAND, ESQ.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**MARTHA C. GAYTHWAITE**  
(See above for address)

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**ThirdParty Plaintiff**

**DEAD RIVER COMPANY**

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

V.

**ThirdParty Defendant**

**ROBINSON SPEIRS**

represented by **SAMUEL W. LANHAM, JR.**  
LANHAM & BLACKWELL,  
P.A.  
470 EVERGREEN WOODS  
BANGOR, ME 04401  
(207) 942-2898  
Email:  
slanham@lanhamblackwell.com  
*ATTORNEY TO BE NOTICED*

**ThirdParty Defendant**

**ELIZABETH H SPEIRS**

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

**ThirdParty Defendant**

**ROBINSON SPEIRS, JR**

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

**ThirdParty Defendant**

**MARY S PRICE**

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

**ThirdParty Defendant**

**NANCY S DAWSON**

represented by **SAMUEL W. LANHAM, JR.**

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

**ThirdParty Defendant**

**JULIE ANN MACMANNIS**

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