

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

FRONTIER COMMUNICATIONS)	
CORPORATION,)	
)	
Plaintiff,)	
)	Docket no. 1:07-cv-113-GZS
v.)	
)	
BARRETT PAVING MATERIALS, INC.,)	
et al.,)	
)	
Defendants.)	

**ORDER ON SECOND MOTION TO INTERVENE AND SECOND
JOINT MOTION FOR ENTRY OF THE CONSENT DECREE**

Before the Court are the Second Motion to Intervene by the State of Maine and the Maine Department of Environmental Protection (Docket # 133) and the Second Joint Motion for Entry of Consent Decree as Partial Final Judgment (Docket # 134). Absent any objections, both Motions are hereby GRANTED.

With respect to the request for intervention, the Court finds that the State of Maine and the Maine Department of Environmental Protection (together, “the State”) meet the requirements for permissive intervention pursuant to Federal Rule of Civil Procedure 24(b)(2). The Court also concludes that the intervention will not cause undue delay or prejudice the adjudication of the original parties’ rights. See Fed. R. Civ. P. 24(b)(3).

Turning to the Second Joint Motion for Consent Decree, the parties propose to enter the Decree in order to resolve all claims that either Frontier or the State have against Defendant Dead River Company and Third Party Defendants Robinson Speirs, Jr., Julie Ann Macmannis, Nancy S. Dawson, Elizabeth H. Speirs, Mary S. Price and Robinson Speirs. Having reviewed

the Decree (Docket # 134-2) and the related Settlement Agreement (Docket # 134-3) in light of the Court's familiarity with the entire history of this litigation, the Court concludes that the Consent Decree is fair (both procedurally and substantively), reasonable and consistent with the purposes of CERCLA, 42 U.S.C. § 9607, and Maine's Uncontrolled Hazardous Substances Sites Law, 38 M.R.S.A. §§ 1361 *et seq.* See City of Bangor v. Citizens Communications Corp., 532 F.3d 70, 93-99 (1st Cir. 2008); United States v. Cannons Engineering Corp., 899 F.2d 79, 84 (1st Cir. 1990). The Court reaches this conclusion for the reasons laid out in the Joint Motion. (See Joint Mot. for Entry of Consent Decree (Docket # 134) at 3-7.)

In accordance with the above rulings, the Clerk is directed to enter the Complaint in Intervention (Docket # 133-2) on the docket. The Court will separately file the Consent Decree as approved.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 22nd day of July, 2009.

Plaintiff

**FRONTIER
COMMUNICATIONS
CORPORATION**
formerly known as
**CITIZENS COMMUNICATIONS
COMPANY**

represented by **JOHN S. HAHN**
MAYER, BROWN LLP
1909 K STREET, N.W.
WASHINGTON, DC 20006-1101
(202) 263-3000
Email: jhahn@mayerbrown.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MARTHA C. GAYTHWAITE
FRIEDMAN, GAYTHWAITE,
WOLF & LEAVITT
SIX CITY CENTER
PO 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
PO BOX 4726
PORTLAND , ME 04112-4726
207-761-0900
Email: bleland@fgwl-law.com
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

V.

Defendant

**BARRETT PAVING
MATERIALS INC**
TERMINATED: 02/05/2009

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
TERMINATED: 02/05/2009

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
84 MARGINAL WAY
SUITE 600
PORTLAND , ME 04101-2480
207-772-1941
Fax: 207-772-3627
Email: dshermanecf@dwmlaw.com
ATTORNEY TO BE NOTICED

Defendant

DEAD RIVER COMPANY
TERMINATED: 07/22/2009

represented by **LESLIE LYON ANDERSON**
DEAD RIVER COMPANY
TWO MONUMENT SQUARE #900
PORTLAND , ME 04112-8577
207-773-5841
Email:
leslie.anderson@deadriver.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROBERT S. FRANK
HARVEY & FRANK
TWO CITY CENTER
P.O. BOX 126
PORTLAND , ME 04112
207-775-1300
Email: robertfrank@maine.rr.com
TERMINATED: 07/02/2009
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@rwlb.com
ATTORNEY TO BE NOTICED

Defendant

**HONEYWELL
INTERNATIONAL INC**
TERMINATED: 02/05/2009

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*

CAROL I. EISENBERG
RICHARDSON, WHITMAN,
LARGE & BADGER
465 CONGRESS STREET
P.O. BOX 9545
PORTLAND , ME 04112-9545
(207) 774-7474

Email: ceisenberg@rwlb.com
TERMINATED: 12/04/2008

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

Defendant

**NORTH AMERICAN UTILITY
CONSTRUCTION COMPANY**
TERMINATED: 06/18/2009

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

JAY VARON
FOLEY & LARDNER
3000 K STREET NORTHWEST
WASHINGTON , DC 20007
(202) 672-5300
Email: jvaron@foleylaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

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

Defendant

**US ARMY CORPS OF
ENGINEERS**
TERMINATED: 04/20/2009

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

PERRY M. ROSEN
US DEPARTMENT OF JUSTICE
ENVIRONMENTAL DEFENSE
SECTION
PO BOX 23986
WASHINGTON , DC 20026-3986
202-353-7792
Email: perry.rosen@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
TERMINATED: 09/22/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor

STATE OF MAINE
TERMINATED: 02/05/2009

represented by **MARY M. SAUER**
MAINE ATTORNEY GENERAL'S
OFFICE
SIX STATE HOUSE STATION
AUGUSTA , ME 04333-0006
(207)626-8579
Email: mary.sauer@maine.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor

**MAINE DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**
TERMINATED: 02/05/2009

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

Intervenor

STATE OF MAINE

represented by **MARY M. SAUER**

TERMINATED: 07/22/2009

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

Intervenor

**MAINE DEPARTMENT OF
ENVIROMENTAL
PROTECTION**
TERMINATED: 07/22/2009

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

Counter Claimant

**BARRETT PAVING
MATERIALS INC**
TERMINATED: 02/05/2009

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

**FRONTIER
COMMUNICATIONS
CORPORATION**
TERMINATED: 02/05/2009
formerly known as
CITIZENS COMMUNICATIONS
COMPANY

represented by **BRETT R. LELAND , ESQ.**
(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

Counter Claimant

**HONEYWELL
INTERNATIONAL INC**
TERMINATED: 02/05/2009

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

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COMMUNICATIONS
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formerly known as
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represented by **BRETT R. LELAND , ESQ.**
(See above for address)
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MARTHA C. GAYTHWAITE
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

BEAZER EAST INC
TERMINATED: 02/05/2009

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

V.

Counter Defendant

**FRONTIER
COMMUNICATIONS
CORPORATION**
TERMINATED: 02/05/2009
formerly known as
CITIZENS COMMUNICATIONS
COMPANY

represented by **BRETT R. LELAND , ESQ.**
(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

Counter Claimant

UGI UTILITIES INC

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

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

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

V.

Counter Defendant

**FRONTIER
COMMUNICATIONS
CORPORATION**
formerly known as
CITIZENS COMMUNICATIONS
COMPANY

represented by **BRETT R. LELAND , ESQ.**
(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

Counter Claimant

DEAD RIVER COMPANY
TERMINATED: 07/22/2009

represented by **LESLIE LYON ANDERSON**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROBERT S. FRANK
(See above for address)
TERMINATED: 07/02/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**FRONTIER
COMMUNICATIONS
CORPORATION**
formerly known as
**CITIZENS COMMUNICATIONS
COMPANY**

represented by **BRETT R. LELAND , ESQ.**
(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

ThirdParty Plaintiff

DEAD RIVER COMPANY
TERMINATED: 07/22/2009

represented by **LESLIE LYON ANDERSON**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROBERT S. FRANK
(See above for address)
TERMINATED: 07/02/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

ThirdParty Defendant

ROBINSON SPEIRS
TERMINATED: 07/22/2009

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
TERMINATED: 07/22/2009

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

ThirdParty Defendant

ROBINSON SPEIRS, JR
TERMINATED: 07/22/2009

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

ThirdParty Defendant

MARY S PRICE
TERMINATED: 07/22/2009

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

ThirdParty Defendant

NANCY S DAWSON
TERMINATED: 07/22/2009

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