

**UNITED STATES DISTRICT COURT  
District of Maine**

**FRONTIER COMMUNICATIONS )  
CORPORATION f/k/a CITIZENS )  
COMMUNICATIONS COMPANY, )**

**Plaintiff**

v.

**BARRETT PAVING MATERIALS, )  
INC., et al., )**

**Defendants**

**Civil No. 07-113-B-S**

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on October 8, 2009, her Recommended Decision (Docket No. 168). Defendants Maine Central Railroad Company and Pan Am Railways, Inc., f/k/a Guilford Transportation Industries, Inc., filed their Objection to the Recommended Decision (Docket No. 170) on October 19, 2009. Plaintiff Frontier Communications Corporation filed its Response to Defendants' Objection to the Recommended Decision (Docket No. 171) on November 5, 2009.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Plaintiff's Motion to Dismiss [the Railroad] Defendants' Counterclaim (Document No. 154) is **GRANTED IN PART**, and the Railroad's first counterclaim in its entirety and the second counterclaim to the extent of its request for declaratory relief under CERCLA § 113(g) is **DISMISSED**, thus retaining that portion of the second counterclaim that is premised on the Declaratory Judgment Act.

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

Dated this 12th day of November, 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](mailto: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](mailto: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  
*TERMINATED: 08/28/2009*  
*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](mailto:jthaler@bernsteinshur.com)  
*ATTORNEY TO BE NOTICED*

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

**Defendant**

**CENTERPOINT ENERGY  
RESOURCES CORP**  
*TERMINATED: 09/22/2009*

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

**DAVID S. SHERMAN , JR**  
DRUMMOND WOODSUM  
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@deadriv.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**ROBERT S. FRANK**  
MAINE HEALTH  
465 CONGRESS STREET  
SUITE 600  
PORTLAND , ME 04101-3537  
207-775-7001  
Email: Frankr1@mainehealth.org  
*TERMINATED: 07/02/2009*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**PAN AM RAILWAYS 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*

**CHRISTOPHER D. HAWKINS**  
NELSON, KINDER, MOSSEAU &  
SATURLEY, P.C.  
99 MIDDLE STREET  
MANCHESTER , NH 03101  
(603)647-1800  
Email: chawkins@nkms.com  
*ATTORNEY TO BE NOTICED*

**JEFFREY A. MEYERS**  
(See above for address)  
*TERMINATED: 08/28/2009*  
*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  
ENVIROMENTAL  
PROTECTION**

represented by **MARY M. SAUER**

(See above for address)

*LEAD ATTORNEY*

TERMINATED: 02/05/2009

ATTORNEY TO BE NOTICED

**Intervenor**

**STATE OF MAINE**

TERMINATED: 07/22/2009

represented by **MARY M. SAUER**  
(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**

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

**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*

**CHRISTOPHER D. HAWKINS**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**JEFFREY A. MEYERS**  
(See above for address)  
*TERMINATED: 08/28/2009*  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

**FRONTIER  
COMMUNICATIONS**

represented by **BRETT R. LELAND , ESQ.**  
(See above for address)

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

*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**

represented by **LESLIE LYON ANDERSON**

*TERMINATED: 07/22/2009*

(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  
*TERMINATED: 07/22/2009*  
*ATTORNEY TO BE NOTICED*

**ThirdParty Defendant**

**ELIZABETH H SPEIRS**  
*TERMINATED: 07/22/2009*

represented by **SAMUEL W. LANHAM , JR.**  
(See above for address)  
*TERMINATED: 07/22/2009*  
*ATTORNEY TO BE NOTICED*

**ThirdParty Defendant**

**ROBINSON SPEIRS, JR**  
*TERMINATED: 07/22/2009*

represented by **SAMUEL W. LANHAM , JR.**  
(See above for address)  
*TERMINATED: 07/22/2009*  
*ATTORNEY TO BE NOTICED*

**ThirdParty Defendant**

**MARY S PRICE**  
*TERMINATED: 07/22/2009*

represented by **SAMUEL W. LANHAM , JR.**  
(See above for address)  
*TERMINATED: 07/22/2009*  
*ATTORNEY TO BE NOTICED*

**ThirdParty Defendant**

**NANCY S DAWSON**  
*TERMINATED: 07/22/2009*

represented by **SAMUEL W. LANHAM , JR.**  
(See above for address)  
*TERMINATED: 07/22/2009*

*ATTORNEY TO BE NOTICED*

**ThirdParty Defendant**

**JULIE ANN MACMANNIS**  
*TERMINATED: 07/22/2009*

represented by **SAMUEL W. LANHAM , JR.**  
(See above for address)  
*TERMINATED: 07/22/2009*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**PAN AM RAILWAYS INC**

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*

**Counter Claimant**

**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**  
(See above for address)  
*TERMINATED: 12/04/2008*

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

V.

**Counter Defendant**

**FRONTIER  
COMMUNICATIONS  
CORPORATION**

represented by **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*

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

**JEFFREY A. MEYERS**  
(See above for address)  
*TERMINATED: 08/28/2009*  
*ATTORNEY TO BE NOTICED*

**ThirdParty Plaintiff**

**PAN AM RAILWAYS INC**

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*

**ThirdParty Plaintiff**

**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**  
(See above for address)  
*TERMINATED: 12/04/2008*

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

V.

**ThirdParty Defendant**  
**CITY OF BANGOR**

**ThirdParty Defendant**  
**NORMAN HEITMANN**

**ThirdParty Defendant**  
**EDWARD BARRETT**