

**SKELTON  
TAINTOR  
& ABBOTT**  
ATTORNEYS AT LAW

DARCIE P. L. BEAUDIN | JILL A. CHECKOWAY | BRYAN M. DENCH | AMY DIETERICH  
JORDAN PAYNE HAY | RONALD P. LEBEL | SARAH C. MITCHELL | MICHAEL R. POULIN | NORMAN J. RATTEY  
THEODORE SMALL | BENJAMIN J. SMITH | STEPHEN B. WADE | REBECCA S. WEBBER

May 1, 2017

**BY HAND DELIVERY**

Michele Lumbert, Clerk  
Kennebec Superior Court  
Capital Judicial Center  
1 Court Street, Suite 101  
Augusta, ME 04330

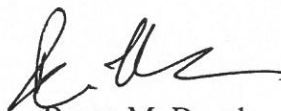
RE: ***Governor Paul R. LePage v. Attorney General Janet T. Mills***  
**Docket No. \_\_\_\_\_**

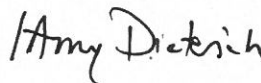
Dear Michele:

Please file the enclosed Complaint for Declaratory Judgment and a completed Civil Summary Sheet. Also enclosed please find this firm's check in the amount of \$150.00 to cover the filing fee. We will file the Summons once service has been made upon the Defendant.

Thank you for your assistance in this matter.

Very truly yours,

  
Bryan M. Dench



BMD/ml  
Enclosures

cc: Hon. Paul R. LePage, Governor, State of Maine (w/enc.)  
Attorney General Janet T. Mills (w/enc. and Summons)



necessary because of Defendant's refusal to represent the Governor of the State of Maine.

4. These actions by the Defendant exceed the scope of her authority and constitute a breach of her duties of office under the Constitution of the State of Maine and the controlling statute, 5 M.R.S. § 191.
5. Because there is a genuine controversy between the parties with respect to these matters, and without a declaration by the Court of the respective authority and duty of the parties, together with the entry of the appropriate order for relief, the Plaintiff would be without any remedy, the Court has jurisdiction under 14 M.R.S. § 5951, *et seq.*
6. Under the Constitution of Maine, there are three branches of government, each with its separate authority, as follows:

Article III.

**Distribution of Powers.**

Section 1. Powers distributed. The powers of this government shall be divided into 3 distinct departments, the legislative, executive and judicial.

Section 2. To be kept separate. No person or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted.

7. Plaintiff, as Governor, has a constitutional duty to "take care that the laws be faithfully executed," Me. Const. art. V, pt. 1, § 12, and all executive power of the State is vested in Plaintiff as the holder of that office. *Id.* at § 1.
8. The power of the executive has always been understood to include the power to protect public safety.

9. The Constitution of Maine creates the officer known as the Attorney General but does not state what the Attorney General's duties or authority are.
10. In pertinent part, the controlling (and only) statute defining the duties and authority of the Attorney General under the Maine Constitution reads, as follows:

**5 M.R.S. § 191(3) Representation by Attorney General, deputies, assistants and staff attorneys.** The Attorney General or a deputy, assistant or staff attorney shall appear for the State...in all the courts of the State and in those actions and proceedings before any other tribunal when requested by the Governor .... All such actions and proceedings must be prosecuted or defended by the Attorney General or under the Attorney General's direction....

B. All legal services required by those officers, boards and commissions in matters relating to their official duties must be rendered by the Attorney General or under the Attorney General's direction. The officers or agencies of the State may not act at the expense of the State as counsel, nor employ private counsel except upon prior written approval of the Attorney General. In all instances where the Legislature has authorized an office or an agency of the State to employ private counsel, the Attorney General's written approval is required as a condition precedent to the employment.

11. The President of the United States has issued two Executive orders with respect to immigration into the United States of America. Plaintiff has formed the executive judgment that the President's efforts to control immigration by the issuance of one or more Executive orders is a measured and appropriate action to protect the people of Maine and to enforce the laws, and therefore Plaintiff supports the President's action.
12. Defendant publicly opposed the first of the two Executive orders, number 13769, and joined in an *amicus curiae* brief in opposition to it in the case of *Washington v. Trump*.
13. Plaintiff sought to file a countervailing brief in *Washington v. Trump* and requested approval of the Defendant. However, by delay and obstruction, Defendant prevented

Plaintiff from timely engaging counsel to represent the people of Maine and Plaintiff with respect to the *Washington v. Trump* litigation.

14. Thereafter, March 6, 2017, the President issued a second Executive order with respect to control of immigration into the United States, temporarily suspending entry into the United States of certain classes of aliens. It is titled Executive Order 13780 (hereinafter, the "Order").

15. On or about March 14, 2017, anticipating further litigation in the Federal courts with respect to the Order, the Plaintiff wrote the Defendant stating the following with regard to the executive position of the State of Maine:

In the exercise of my duties as Governor, I have considered the effects of this Order on the citizens of the State of Maine and find it to be beneficial to the State and its citizens. I find this, among other reasons, because until now the federal government's administration of immigration into the United States (over which the State has no control) has resulted in significant societal burdens and economic harms to our State and its citizens, including but not limited to the following impacts:

- There have been 220 refugees resettled in Maine since October 1, 2016 alone, including 131 from terrorist havens named in the President's order;
- In State Fiscal Year 2016, MaineCare spent \$40,655,974 on health care for non-citizens;
- In the same time, Maine's General Fund spent \$6,754,176 on food stamp and cash benefits for non-citizens.

Though the federal government has seen fit to impose these burdens on our State, it has done so without the financial support that would be commensurate with such burdens. For these reasons I find that the President's Order begins a process of reviewing and controlling immigration at the federal level that will benefit the people of Maine and that it is in the interest of the State of Maine to support the Order.

I am also aware that the State of Hawai'i has commenced litigation in the United States District Court for the District of Hawai'i seeking to enjoin and invalidate the Order. This litigation will no doubt result in an appeal before the United States Appeals Court for the 9th Circuit (the "litigation"). I have determined that it is in the interest of the

State of Maine for the State of Maine under my direction to appear in that litigation in support of the Order. In the exercise of my constitutional executive authority I wish to take action on this determination forthwith as the litigation likely will move through the courts quickly.

16. Based on this Executive finding, the Plaintiff in the same letter made the following requests to the Defendant:

As you know, by statute the Attorney General has a duty to appear for the State in court proceedings when requested by the Governor. Therefore I hereby request that you personally appear for me and the State of Maine in the litigation, submit a brief as *amicus curiae* for the State of Maine supporting the Order, and consult with me with respect to the litigation including permitting me to review and comment on the brief and any other pleadings filed in the litigation. If you do not appear personally I request that you inform of the attorney or attorneys in your office who will do so and that I be allowed a reasonable opportunity to approve of their representation so as to assure the State's interests are protected.

My requests in this regard are influenced by the fact that I have reviewed the *amicus* brief you joined in the *Washington v. Trump* litigation without my concurrence adopting a position challenging the validity of the President's previous Executive Order on this matter. I regard your action in that case as in excess of your lawful authority and contrary to your duties to the State of Maine. In addition, as you know, your position in that litigation contradicted my own position. You effectively prevented me from appearing in that earlier litigation to exercise my due authority as the State's chief executive. As Governor and as, in effect, your client, I am entitled to have confidence that you or your designee will provide effective representation to me in the Hawai'i litigation consistent with my findings and the discharge of my office. I consider that your duty by statute and your ethical duty under the Rules of Professional Conduct.

If you decline to represent me in the discharge of my constitutional authority in this litigation in a manner consistent with your duties and my rightful authority, then alternatively I respectfully request that you immediately issue written approval for me to engage private counsel to represent me in the litigation with the cost thereof to be borne by your office. I need this approval without delay and ask for your reply no later than the close of business today, March 14, 2017.

If you fail or refuse either to represent me as requested, or to approve my obtaining representation through private counsel as requested in the alternative, you will effectively prevent me from discharging my constitutional duties and authority with respect to the litigation.

17. Defendant did not respond to this letter but, upon information and belief, instructed a subordinate to do so. On March 15<sup>th</sup>, Deputy Attorney General Phyllis Gardiner responded to Plaintiff's counsel, her letter reading in its entirety as follows:

Attorney General Mills has delegated to me the responsibility of responding to the Governor's request, which was dated and hand delivered to our office yesterday, seeking approval to obtain counsel to represent the Governor in a lawsuit brought by the State of Hawaii in the United States District Court in Hawaii. The lawsuit challenges the legality of Executive Order 13780, issued by the President on March 6, 2017. Governor LePage has specifically requested legal representation to file a brief as *amicus curiae* in support of the Executive Order. A quick review of the docket entries reveals that briefs have already been filed in the case on the State of Hawaii's motion for a temporary restraining order, which is being heard today, but no schedule appears to have been established yet for any future proceedings in the case.

To the extent the Governor decides to participate in these proceedings, he is hereby authorized to join an *amicus curiae* brief prepared by another party (which would not involve additional cost to the State), if that option is available, or, if not, to retain outside counsel to prepare an *amicus curiae* brief in the case of *Hawaii v. Trump*, Docket No. 1:17-cv-00050 (D. Haw.), on the following conditions: 1) the cost of legal fees for outside counsel should be borne by the Office of the Governor, or otherwise as appropriated by the Legislature; and 2) a licensed attorney within the Office of the Governor should insure that outside counsel carries adequate malpractice insurance and holds all necessary licenses and bar admissions to represent the Governor in this case, and should review all the invoices submitted by outside counsel for reasonableness.

18. Plaintiff deemed this reply unresponsive as it did not address all the points in Plaintiff's letter, purported to shift the financial burden of representation of the State from the Defendant's appropriation, and imposed improper conditions on the Plaintiff's

authority to be represented in the litigation, not merely to join in or file an *amicus curiae* brief.

19. Accordingly, Plaintiff sent a further letter to the Defendant's designee on March 17<sup>th</sup>, reading in pertinent part as follows:

I have received your letter dated March 15, 2017. It is not responsive to my request to the Attorney General, as I asked under 5 M.R.S. § 191(3) for her (or an acceptable designate) to represent me in my executive capacity. You do not address that request except by silence. Unless you inform me otherwise, then, I must conclude that the Attorney General refuses to perform her duties as requested.

As to the remainder of your letter, the Attorney General has no authority to dictate the terms of engagement of outside counsel when she refuses to represent me, but only the authority to give or refuse written approval. Therefore, unless you inform me promptly to the contrary, I will take your letter as giving the Attorney General's approval without any of the limitations or conditions purportedly imposed by your letter.

.....

Further, I understand that there is historical precedent for the hiring of outside counsel to be paid from the budget of the Office of the Attorney General. Due to this precedent, I fully expect your office to pay the fees related to my hiring outside counsel.

20. In response, Plaintiff received from Deputy Attorney General Gardiner the following letter dated March 20<sup>th</sup>:

This is in response to your letter of March 17, 2017, in which you raise several issues relating to the authorization to hire outside counsel to represent you as *amicus curiae* in the matter of *Hawaii v. Trump*, as set forth in my letter of March 15, 2017, addressed to Hancock Fenton as your deputy general counsel. I will address each issue in the order presented.

First, the Attorney General has the authority and discretion to decline to represent the Executive Branch in litigation, based on her judgment as to what is in the best interest of the people of Maine. *See Opinion of the Justices*, 2015 ME 27,122, 123 A. 2d 494, and *Superintendent of*



*Insurance v. Attorney General*, 558 A. 2d 1197, 1199-1200 (Me. 1989). By authorizing outside counsel in this matter, the Attorney General is not refusing to perform any legal duty but is instead exercising her authority and discretion as provided by law. *Id.*

Second, our office is neither dictating nor attempting to dictate the terms of your engagement of outside counsel. My letter of March 15 to Mr. Fenton authorized your office to join another entity's amicus brief (at no cost to the taxpayers of Maine) or to retain private counsel to file a separate amicus brief on your behalf in *Hawaii v. Trump*. Consistent with the guidance provided by the Justices of the Maine Supreme Judicial Court in 2015, we have not imposed any cap on the hourly rate or total amount to be paid in fees to outside counsel, nor have we suggested that our office review any invoices submitted for payment. *See Opinion of the Justices*, 2015 ME 27,136. Under the circumstances, such tasks should properly be performed by licensed attorneys in the Office of the Governor, not the Office of the Attorney General. We have not imposed any constraints on your choice of outside counsel; other than to state the obvious that the person or firm should be properly licensed and insured, and admitted to practice before the U.S. District Court in Hawaii.

Third, although this office is not currently participating as an *amicus* in *Hawaii v. Trump*, the Attorney General retains authority to take a position in that case that is contrary to the position you wish to take, if she determines that to be in the best interest of the people of Maine. *See Opinion of the Justices*, 2015 ME 27, ¶ 14; Superintendent of Ins., 558 A. 2d at 1204.

Finally, you suggest that there is “historical precedent for the hiring of outside counsel to be paid from the budget of the Office of the Attorney General.” We are not aware of any such precedent regarding payment of fees for outside counsel to represent the Executive Branch, nor are we aware of any statutory basis for requiring payment of counsel fees from this office's legislative appropriation. Upon receipt of your letter on Friday afternoon, I asked Mr. Fenton if he could please provide specifics underlying the reference to “historical precedent.” He has yet to respond.

Once again, you have the Attorney General's authorization to engage outside counsel to represent you as an *amicus* in the matter of *Hawaii v. Trump*, as indicated in my March 15 letter, consistent with 5 M.R.S. § 191(3) and the Court's guidance cited above. If you have additional questions or need further clarification, please let us know. Thank you.

21. The statute requiring that the Attorney General be the sole legal representative of State officers is premised primarily on protecting the State from incurring legal costs for outside attorneys. Therefore, the only legislative appropriation for State litigation is that made to the office of Attorney General. Because the Governor is entitled to legal representation by the Attorney General, the Legislature makes no appropriation to the Governor for litigation costs of outside attorneys.
22. The Attorney General has regularly requested funds to be appropriated by the Legislature for a category known as, "Professional Services Not By State." For fiscal year 2017, the Attorney General requested and received an appropriation totaling \$192,657 for this purpose, excluding any such services for the State Medical Examiner or the District Attorneys.
23. In the past, the Attorney General has used the appropriation for "Professional Services Not By State" to pay for legal services provided by private law firms.
24. The Governor does not receive an appropriation for such professional services.
25. If the Attorney General is permitted by statute to decline to represent the State without making funds available for alternative representation, all state agencies and the Executive branch are at risk of not being able to carry out their Constitutional and statutorily-mandated functions if the Attorney General declines to represent them, while at the same time remaining in control and possession of the entire appropriation for state legal representation including "Professional Services Not By State."
26. Put another way, there must be a fiscal consequence to the Attorney General's refusal to provide legal representation to the State because the alternative would leave all State

agencies, the Governor and the Executive without legal representation at the discretion of a sitting Attorney General.

27. On this state of facts, the Plaintiff is effectively obstructed by the Defendant in the exercise of Plaintiff's duties and carrying out Plaintiff's office as Governor because (a) Defendant fails and refuses to advise and represent the Governor with respect to the Order, as requested, (b) Defendant fails and refuses to give approval for the Plaintiff to obtain outside counsel without impermissible conditions and restrictions, and (c) Defendant at the same time refuses to make funds available for Plaintiff's outside representation, although the Defendant would otherwise provide such representation under the appropriation made for the Attorney General.

28. The attorney general statute, 5 M.R.S. § 191, cannot grant to the Attorney General of Maine the power to prevent the Governor of Maine from carrying out the executive office of the Governor. If and insofar as the statute has that effect, then the statute violates the proper separation of powers and is for that and other reasons unconstitutional. Under the Constitution of Maine there are only three branches of government, not four. Therefore, the statute must be interpreted so to restrict the authority and duties of the Attorney General of Maine as not to encroach upon, limit or restrict the duties and authority of the Governor or any other branch of state government under the Constitution of Maine.


WHEREFORE, Plaintiff prays for judgment against the Defendant as follows:

1. Declaring that if the Attorney General refuses to represent the Governor of the State when requested to do so in matters properly within the scope of the Governor's

executive power under the Constitution of Maine, the Attorney General must authorize the Governor to retain independent counsel without purporting to impose constraints or limitations on the scope of the Governor's representation by such counsel.

2. Declaring that when the Governor so retains outside counsel, because this relieves the Attorney General of the performance of his or her duty to represent the Governor, the costs of engaging the outside attorney must be paid out of the appropriation for the Attorney General.
3. Making such further declaration or granting such further relief as the Court may determine.
4. Ordering the Attorney General to conform to the Court's declaration.

Respectfully submitted this 1<sup>st</sup> day of May 2017.

 *Amy Dieterich*  
Bryan M. Dench, Bar No. 1005  
Amy Dieterich, Bar No. 5413  
*Attorneys for Governor Paul R. LePage*  
SKELTON TAINTOR & ABBOTT  
95 Main Street  
Auburn ME 04210  
207-784-3200  
[bdench@sta-law.com](mailto:bdench@sta-law.com)  
[adieterich@sta-law.com](mailto:adieterich@sta-law.com)

## SUMMARY SHEET

This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating or updating the civil docket sheet. (SEE INSTRUCTIONS ON REVERSE)

**I. County of Filing or District Court Jurisdiction: KENNEBEC COUNTY SUPERIOR COURT**

**II. CAUSE OF ACTION** (Cite the primary civil statutes under which you are filing, if any.) *Pro se* plaintiffs: If unsure, leave blank.  
14 M.R.S. § 5951, *et seq.*; 5 M.R.S. § 191

**III. NATURE OF FILING**

- Initial Complaint
- Third-Party Complaint
- Cross-Claim or Counterclaim
- If Reinstated or Reopened case, give original Docket Number** \_\_\_\_\_  
(If filing a second or subsequent Money Judgment Disclosure, give docket number of first disclosure)

**IV.  TITLE TO REAL ESTATE IS INVOLVED**

**V. MOST DEFINITIVE NATURE OF ACTION.** (Place an X in one box only) *Pro se* plaintiffs; If unsure, leave blank.

**GENERAL CIVIL (CV)**

- |   |  |  |
|---|--|--|
| <p><b>Personal Injury Tort</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Property Negligence</li><li><input type="checkbox"/> Auto Negligence</li><li><input type="checkbox"/> Medical Malpractice</li><li><input type="checkbox"/> Product Liability</li><li><input type="checkbox"/> Assault/Battery</li><li><input type="checkbox"/> Domestic Torts</li><li><input type="checkbox"/> Other Negligence</li><li><input type="checkbox"/> Other Personal Injury Tort</li></ul> <p><b>Non-Personal Injury Tort</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Libel/Defamation</li><li><input type="checkbox"/> Auto Negligence</li><li><input type="checkbox"/> Other Negligence</li><li><input type="checkbox"/> Other Non-Personal Injury Tort</li></ul> | <p><b>Contract</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Contract</li></ul> <p><b>Declaratory/Equitable Relief</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> General Injunctive Relief</li><li><input checked="" type="checkbox"/> Declaratory Judgment</li><li><input type="checkbox"/> Other Equitable Relief</li></ul> <p><b>Constitutional/Civil Rights</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Constitutional/Civil Rights</li></ul> <p><b>Statutory Actions</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Unfair Trade Practices</li><li><input type="checkbox"/> Freedom of Access</li><li><input type="checkbox"/> Other Statutory Actions</li></ul> <p><b>Miscellaneous Civil</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Drug Forfeitures</li></ul> | <ul style="list-style-type: none"><li><input type="checkbox"/> Other Forfeiture/Property Libels</li><li><input type="checkbox"/> Land Use Enforcement (80K)</li><li><input type="checkbox"/> Administrative Warrant</li><li><input type="checkbox"/> HIV Testing</li><li><input type="checkbox"/> Arbitration Awards</li><li><input type="checkbox"/> Appointment of Receiver</li><li><input type="checkbox"/> Shareholders' Derivative Actions</li><li><input type="checkbox"/> Foreign Deposition</li><li><input type="checkbox"/> Pre-action Discovery</li><li><input type="checkbox"/> Common Law Habeas Corpus</li><li><input type="checkbox"/> Prisoner Transfers</li><li><input type="checkbox"/> Foreign Judgments</li><li><input type="checkbox"/> Minor Settlements</li><li><input type="checkbox"/> Other Civil</li></ul> |
|---|--|--|

**CHILD PROTECTIVE CUSTODY (PC)**

- Non-DHS Protective Custody

**SPECIAL ACTIONS (SA)**

- Money Judgment**
- Money Judgment Request Disclosure

**REAL ESTATE (RE)**

- |   |   |  |   |
|---|---|--|---|
| <p><b>Title Actions</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Quiet Title</li><li><input type="checkbox"/> Eminent Domain</li><li><input type="checkbox"/> Easements</li><li><input type="checkbox"/> Boundaries</li></ul> | <p><b>Foreclosure</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Foreclosure /(ADR exempt)</li><li><input type="checkbox"/> Foreclosure (Diversion eligible)</li><li><input type="checkbox"/> Foreclosure – Other</li></ul> | <p><b>Misc. Real Estate</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Equitable Remedies</li><li><input type="checkbox"/> Mechanics Lien</li><li><input type="checkbox"/> Partition</li><li><input type="checkbox"/> Adverse Possession</li></ul> | <ul style="list-style-type: none"><li><input type="checkbox"/> Nuisance</li><li><input type="checkbox"/> Abandoned Roads</li><li><input type="checkbox"/> Trespass</li><li><input type="checkbox"/> Other Real Estate</li></ul> |
|---|---|--|---|

**APPEALS (AP) (To be filed in Superior Court) (ADR exempt)**

- Governmental Body (80B)
- Administrative Agency (80C)
- Other Appeals

**VI. M.R.Civ.P. 16B Alternative Dispute Resolution (ADR):**

- I certify that pursuant to M.R.Civ.P. 16(B)(b), this case is exempt from a required ADR process because:
  - It falls within an exemption listed above (i.e., an appeal or an action for non-payment of a note in a secured transaction).
  - The plaintiff or defendant is incarcerated in a local, state or federal facility.
  - The parties have participated in a statutory prelitigation screening process with \_\_\_\_\_
  - The parties have participated in a formal ADR process with \_\_\_\_\_ (name of neutral) on \_\_\_\_\_ (date).
- This is a Personal Injury action in which the plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption from ADR.

- VII. (a)  **PLAINTIFFS** (Name & Address including county)  
or  **Third-Party**,  **Counterclaim or Cross-Claim Plaintiffs**  
 The plaintiff is a prisoner in a local, state or federal facility.

Governor Paul R. LePage  
1 State House Station  
Augusta, ME 04333-0001  
(Kennebec County)

- (b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number) **If all counsel listed do NOT represent all plaintiffs, specify who the listed attorney(s) represent.**  
(If *Pro se* plaintiff, leave blank)

Bryan M. Dench, Esq. – Bar No. 1005  
Amy Dieterich, Esq. – Bar No. 5413  
Skelton, Taintor & Abbott  
95 Main Street  
Auburn, ME 04210  
(207) 784-3200

- 
- VIII. (a)  **DEFENDANT(S)** (Name & Address including county)  
and/or  **Third-Party**,  **Counterclaim or**  **Cross-Claim Defendant(s)**  
 The defendant is a prisoner in a local, state or federal facility.

Attorney General Janet T. Mills  
Office of the Attorney General  
Burton Cross Building, Sixth Floor  
109 Sewall Street  
Augusta, ME 04330  
(Kennebec County)

- (b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number) **If all counsel listed do NOT represent all defendants, specify who the listed attorney(s) represent.**  
(If known)

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IX. RELATED CASE(S) IF ANY \_\_\_\_\_

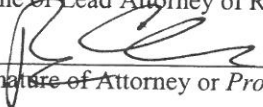
Assigned Judge/Justice \_\_\_\_\_

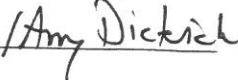
Docket Number \_\_\_\_\_

Date: May 1, 2017

Bryan M. Dench

Name of Lead Attorney of Record or *Pro se* Party

  
Signature of Attorney or *Pro se* Party



**SKELTON, TAINTOR & ABBOTT**  
95 Main Street  
Auburn, Maine 04210  
Tel. (207) 784-3200  
FAX (207) 784-3345

**REQUEST FOR SERVICE**

**DATE:** May 1, 2017

**TO:** Harry McKinney, Chief  
Kennebec County Sheriff's Office  
Civil Division  
125 State Street  
Augusta, ME 04330

**CASE:** Re: Governor Paul R. LePage  
Vs: Attorney General Janet T. Mills  
Kennebec Superior Court, Docket No. 17-\_\_\_\_\_

**SERVE:** Summons and Complaint

**UPON:** **Defendant:** Attorney General Janet T. Mills  
**Located at:** Office of the Attorney General  
Burton Cross Building, 6<sup>th</sup> Floor  
109 Sewall Street  
Augusta, ME 04330

**RETURN:** **Original Summons with executed oath**

Should you have any questions, please contact me 784-3200, ext. 3026

**SEND RETURN OF SERVICE TO:** Midge Leblond, Legal Assistant  
Skelton, Taintor & Abbott  
95 Main Street  
Auburn, ME 04210

STATE OF MAINE

SUPERIOR COURT  
KENNEBEC

Docket No. \_\_\_\_\_, ss.

DISTRICT COURT

Location \_\_\_\_\_

Docket No. \_\_\_\_\_

Governor Paul R. LePage Plaintiff

v.

**SUMMONS**  
M.R. Civ. P. 4(d)

Attorney General Janet Mill Defendant  
Office of the Attorney General  
Burton Cross Building, 6th Floor  
109 Sewall Street Address  
Augusta, ME 04330

The Plaintiff has begun a lawsuit against you in the ~~(District)~~ (Superior) Court, which holds sessions at (street address) 1 Court Street, in the Town/City of Augusta, County of Kennebec, Maine. If you wish to oppose this lawsuit, you or your attorney **MUST PREPARE AND SERVE A WRITTEN ANSWER** to the attached Complaint **WITHIN 20 DAYS** from the day this Summons was served upon you. You or your attorney must serve your Answer, by delivering a copy of it in person or by mail to the Plaintiff's attorney, or the Plaintiff, whose name and address appear below. You or your attorney must also file the original of your Answer with the court by mailing it to the following address: Clerk of ~~(District)~~ (Superior) Court, Michelle Lumbert  
1 Court Street, Augusta, Maine 04330  
(Mailing Address) (Town, City) (Zip)  
before, or within a reasonable time after, it is served. Court rules governing the preparation and service of Answer are found at [www.courts.maine.gov](http://www.courts.maine.gov).

**IMPORTANT WARNING**

**IF YOU FAIL TO SERVE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU IN YOUR ABSENCE FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR EMPLOYER MAY BE ORDERED TO PAY PART OF YOUR WAGES TO THE PLAINTIFF OR YOUR PERSONAL PROPERTY, INCLUDING BANK ACCOUNTS AND YOUR REAL ESTATE MAY BE TAKEN TO SATISFY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS LAWSUIT, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.**

If you believe the plaintiff is not entitled to all or part of the claim set forth in the Complaint or if you believe you have a claim of your own against the Plaintiff, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the clerk of court for information as to places where you may seek legal assistance.

Date: May 1, 2017  
Bryan M. Dench, Esq., Bar No. 1005  
Amy Dieterich, Esq., Bar No. 5413  
(Attorney for) Plaintiff Skelton, Taintor & Abbott  
95 Main Street Address  
Auburn, ME 04210  
(207) 784-3200 Telephone

(Seal of Court)  
Linda S. Masan  
Clerk



STATE OF MAINE

County of \_\_\_\_\_, ss.

On \_\_\_\_\_ (date), I served the Complaint (and Summons) upon Defendant \_\_\_\_\_  
address: \_\_\_\_\_ by delivering a copy of same at the following

- to the above-named Defendant in hand.
- to \_\_\_\_\_ (name), a person of suitable age and discretion who was then residing at Defendant's usual residence.
- to \_\_\_\_\_ (name), who is authorized to receive service for Defendant.
- by (describe other manner of service):  
\_\_\_\_\_  
\_\_\_\_\_

**Costs of Service:**

Service: \$ \_\_\_\_\_  
 Travel \$ \_\_\_\_\_  
 Postage \$ \_\_\_\_\_  
 Other \$ \_\_\_\_\_  
 Total \$ \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Agency