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Elizabeth D. McEvoy*
Jeffrey T. Piampiano*
Peter C. Felimly*
Jonathan R. Werner*
Jessica M. Emmons*

October 12, 2006

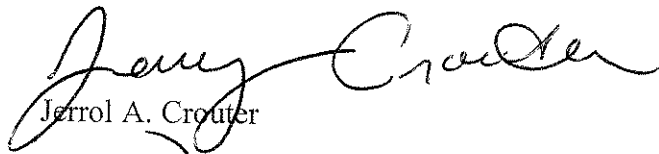
Dianne Hill, Clerk
York County Superior Court
P.O. Box 160
Alfred, ME 04002

**RE: The Gentle Wind Project, et al. v. Judy Garvey, et al.
Docket No.: CV-06-11**

Dear Ms. Hill:

I enclose for filing Defendants' supplemental motion *in limine* to exclude certain plaintiffs' trial exhibits with attachments as well as a request for hearing and proposed order.

Sincerely,


Jerrol A. Crouter
JAC/m

Consultants

Roger P. Kelley
Labor Relations &
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Ann S. Chapman
Policy & Labor Relations

Christopher P. O'Neil
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Donald A. Kopp*
Diene McCormack†

cc: James Bergin
Judy Garvey
Mary Miller
Shelly Miller
Carol Miller
Joan Carreiro
Pam Ranheim
John Miller

* Admitted in Maine
† Admitted in New Hampshire

STATE OF MAINE
YORK, ss.

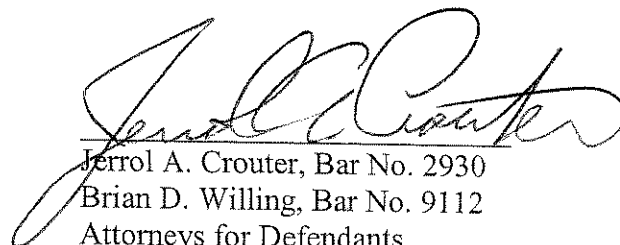
SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-06-11

THE GENTLE WIND PROJECT,)
et al.,)
)
Plaintiffs)
v.)
)
JUDY GARVEY, et al.,)
)
Defendants)

DEFENDANTS' SUPPLEMENTAL
MOTION *IN LIMINE* TO EXCLUDE
CERTAIN OF PLAINTIFFS'
TRIAL EXHIBITS

Defendants Judy Garvey and James Bergin hereby supplement their motion *in limine* to exclude certain of plaintiffs' trial exhibits. Plaintiffs have provided additional proposed exhibits, many of which suffer from the same fatal evidentiary flaws addressed in defendants' motion *in limine*, filed with this Court on October 11, 2006. The exhibits to which defendants object, and the basis for objection, are set forth on Attachment B, appended to this supplemental motion. Copies of the exhibits as marked by plaintiffs are included for the Court's review.

Dated: October 12, 2006


Jerrol A. Crouter, Bar No. 2930
Brian D. Willing, Bar No. 9112
Attorneys for Defendants
James Bergin and Judy Garvey

Drummond Woodsum
245 Commercial Street
P.O. Box 9781
Portland, ME 04104-5081
(207) 772-1941

Any opposition to this Motion must be filed not later than twenty-one (21) days after the filing of this Motion unless another time is provided by the Maine Rules of Civil Procedure or is set by the Court. Failure to file timely opposition will be deemed a waiver of all objections to the Motion, which may be granted without further hearing or notice.

Attachment B to
Defendants' Motion In Limine to
Exclude Certain of Plaintiffs' Trial Exhibits

<u>Exhibit</u>	<u>Basis for Objection</u>
P-741	Hearsay (as to memo and handwritten notes), Relevance
P-742	Hearsay, Authenticity
P-745	Hearsay, Relevance
P-750	Hearsay
P-751-A	Hearsay
P-751-B	Hearsay, Relevance, 403
P-751-C	Hearsay, Relevance, 403
P-753	Hearsay, 403
P-757	Hearsay, Relevance, 403, 608, Expert testimony from witness not designated as an expert ¹
P-759	Hearsay
P-782	Hearsay
P-784	Hearsay, 403

¹ Plaintiffs designated no expert witnesses

STATE OF MAINE
YORK, ss.

SUPERIOR COURT
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THE GENTLE WIND PROJECT,)
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)
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)
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)
Defendants)

DEFENDANTS' REQUEST FOR
HEARING ON ITS SUPPLEMENTAL
MOTION *IN LIMINE*

Defendants Judy Garvey and James Bergin, by and through counsel, hereby requests the Clerk to schedule the Defendant's Motion *in Limine*, for hearing.

The motion to be heard is non-testimonial.

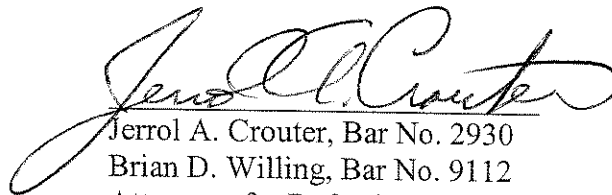
To the nearest one-quarter hour, the undersigned counsel's good faith estimate of the time which the hearing will take is ½ hour.

Pursuant to Rule 7(b)(3) I have included:

X Defendants' Motion *in Limine* to Exclude Certain of Plaintiffs' Trial Exhibits.¹

The motion is opposed by Plaintiffs.

Dated: October 12, 2006


Jerrol A. Crouter, Bar No. 2930
Brian D. Willing, Bar No. 9112
Attorneys for Defendants
James Bergin and Judy Garvey

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¹ A number of other motions in this case are scheduled to be heard on November 8, 2006 and we request that the Court combine this motion with the other pending motions.

STATE OF MAINE
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SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-06-11

THE GENTLE WIND PROJECT,)
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)
 Plaintiffs)
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)
JUDY GARVEY, et al.,)
)
 Defendants)

ORDER

After hearing and consideration, Defendants' Supplemental Motion *In Limine* is hereby granted.

Dated: October __, 2006

Justice, Superior Court