

STATE OF MAINE
KNOX, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-10-002

RONALD HUBER,
Petitioner

v.

BUREAU OF PARKS AND LANDS,
OF MAINE DEPARTMENT OF CONSERVATION
Defendant

RONALD HUBER'S REPLY IN OPPOSITION TO MOTION TO INTERVENE BY UNIVERSITY OF MAINE AND DEEPCWIND CONSORTIUM.

NOW COMES Petitioner Ronald Huber and moves to oppose the motion by the DeepCWind Consortium to intervene in the above captioned matter. Petitioner has conferred with an attorney purporting to represent the University of Maine System and the DeepCWind consortium. Upon review and consideration, Petitioner has determined that the DeepCWind Consortium is a legal fiction at this time. Petitioner does not object to intervention by the University of Maine System pursuant to Maine Rules of Civil Procedure 24(a). Petition does object however, to intervention by the "DeepCwind Consortium". In support of this opposition, Petitioner states the following:

1. The University of Maine System is a legal entity incorporated in the state of Maine and fully entitled to file a motion to intervene.
2. DeepCWind (hereafter " the Consortium") is not a legally incorporated entity. It is described in a motion to intervene filed February 4, 2010 by attorney Jeffrey Thaler of the law firm

Bernstein Shur as "a public private partnership formed to develop floating offshore wind farm technologies off the coast of Maine". There is, however, no organization of that name listed in the records of the Maine Bureau of Corporations. There is no set membership in the consortium; state and federal agencies, the University of Maine System, businesses, nongovernment organizations and individuals apparently join or part from this ad hoc entity at their pleasure. The consortium's membership may vary from day to day. A legally nonexistent entity with no set membership and no legal existence is not "a person" and should not be permitted to intervene in a civil action.

3. Petitioner has no problem with the University of Maine petitioning to intervene in this case, however the Consortium is at present more a concept than a legal entity. Without clarity on who the consortium's actual members are and how it functions, the Petitioner and the Court is being asked to buy a pig in a poke. Petitioner thus asks the Court to rule that, while each and every member of the so-called Consortium is free to petition to intervene, the Consortium itself has no legal existence and may not itself intervene.

WHEREFORE, Petitioner Ronald Huber respectfully requests that the Court reject the joint motion to intervene by the University of Maine and the DeepCWind Consortium, and require separate filings by the University of Maine System and by any members of the so-called Consortium that wish to petition to intervene in this case.

Dated February 5, 2010

Ronald Huber
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Rockland ME 04841.