

STATE OF MAINE  
KENNEBEC, SS.

SUPERIOR COURT  
CIVIL ACTION

Docket No. AP-00-7

SKS-KEN-6/14/2000

CITY OF CARIBOU,

Appellant

v.

DECISION ON MOTION

SUSAN OUELLETTE,

and

MAINE LABOR RELATIONS BOARD,

Respondents

The petitioner City of Caribou has moved this court to allow the taking of additional evidence pursuant to M.R. Civ. P. 80C(e) and 5 M.R.S.A. § 11006(1). The proffered evidence would be a transcript of testimony by a Douglas Bell before the Caribou City Council Personnel Committee subsequent to Mr. Bell's testimony before the Maine Labor Relations Board.

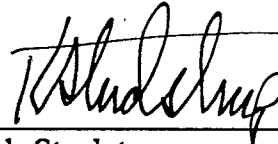
The court has reviewed excerpts of Mr. Bell's testimony set forth in the petitioner's memo and the extensive decision and order of the Maine Labor Relations Board. Although there is a doubt in the court's mind as to the materiality of this subsequent testimony, that is a question which can only be answered with confidence by the Board itself. For this reason, the court will remand this matter to the Maine Labor Relations Board for its review of the proffered testimony and for its determination of the materiality of the proffered evidence. The Board may take

any other action which may be necessary as a result of that review, including the taking of additional evidence and further consideration of its decision.

The entry will be:

Remanded to the Maine Labor Relations Board for its further review and proceedings consistent with this order.

DATED: June 14, 2000



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S. Kirk Studstrup  
Justice, Superior Court

Action Change of Venue  
Rule 80C Appeal

**J. STUDSTRUP**

City of Caribou

vs. Susan Ouellette & State of Me. Labor

Plaintiff's Attorney

Defendant's Attorney Relations Board

Clare Hudson Payne, Esq.  
 PO Box 1210  
 Bangor, Maine 04402-1210

\*\*\*Royce A. Oreskovich, Esq (Labor Rel. Board)  
 90 State House Station  
 Augusta, Maine 04333-0090  
 \*\*\*Charles W. March, Esq. (Susan Ouellette)  
 PO Box 7060 DTS  
 97 India Street  
 Portland, Maine 04112  
 \*\*\*Marc P Ayotte Esq (2/28/00)  
 90 State House Sta  
 Augusta Me 04333

Date of  
 Entry

2/3/00	Change of Venue from Caribou Superior Court with all papers, filed. Case File Notice mailed to atty. Record filed. s/Oreskovich, Esq. Certification, filed. s/Marc P. Ayotte, Exec. Dir.
2/3/00	Notice of briefing schedule mailed to attys of record.
2/14/00	Copy of letter to Atty Oreskovich filed. s/Payne Esq
2/14/00	Petitioner City of Caribous motion for the taking of additional evidence filed. s/Payne Esq Petitioner City of Caribous statement and memorandum in support of the taking of additional evidence filed. s/Payne Esq
2/17/00	Copy of respondents exhibit R-15 missing from the record filed. s/Oreskovich Esq
2/28/00	Letter entering appearance filed. s/Ayotte Esq Maine Labor Relations Boards response to petitioners motion for the taking of additional evidence filed. s/Ayotte Esq
3/6/00	Opposition of Susan Ouellette to Petitioner's Motion for the Taking of Additional Evidence, filed. s/March, Esq.  Notice of setting for <u>5/31/00</u>  sent to attorneys of record.
5/31/00	Hearing had on motion for additional evidence with Justice Studstrup presiding, Attys Payne, Ayotte and March present. Court to remand to Board of Maine Labor Relations
6/15/00	DECISION ON MOTION, Studstrup, J. Remanded to the Maine Labor Relations Board for its further review and proceedigns consistent with this order. Copies mailed to attys of record. Copies mailed to Deborah Firestone, Garbrecht Law Library and Donald Goss.