

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

FRIENDS OF MERRYMEETING BAY and
ENVIRONMENT MAINE,

Plaintiffs,

Civil Action No. 2:11-cv-00037

v.

TOPSHAM HYDRO PARTNERS LIMITED
PARTNERSHIP

Defendant.

**DECLARATION OF DAVID A. NICHOLAS IN OPPOSITION TO
TOPSHAM HYDRO PARTNERSHIP'S RENEWED MOTION TO STAY**

David A. Nicholas declares as follows:

1. I am one of Plaintiffs' counsel.
2. Attached as Exhibit 1 is the report of one of Plaintiffs' experts, Jeffrey Hutchings.

This report was provided to Defendant pursuant to Fed. R. Civ. P. 26(a)(2)(B).

3. Attached as Exhibit 2 are excerpts of the report of one of Plaintiffs' experts, Randy Bailey. This report was provided to Defendant pursuant to Fed. R. Civ. P. 26(a)(2)(B).

4. Attached as Exhibit 3 is an excerpt of Defendant Topsham Hydro Partners' Objections and Responses to Plaintiffs' First Request for Production of Documents. Defendant has refused

to provide documents responsive to requests 10 and 11 relating to the company's financial condition.

Signed under the penalty of perjury this 16th day of February, 2012.

/s/ David A. Nicholas
David A. Nicholas

CERTIFICATE OF SERVICE

I, David A. Nicholas, certify that on February 17, 2012 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of this filing to Defendant's counsel.