

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

DINNER TABLE ACTION, *et al.*,

Plaintiffs,

v.

WILLIAM J. SCHNEIDER, *et al.*,

Defendants.

Docket No. 1:24-cv-00430-KFW

STIPULATION REGARDING HISTORIANS' DECLARATIONS

The Parties having met and conferred hereby stipulate to the following:

1. The Parties offer the declarations of Jack Rakove, Jonathan Gienapp, and Seth Tillman, (Dkt. Nos. 53-1, 53-2, 62-3), as the testimony of witnesses who supply scholarly opinion which may prove helpful to the Court in adjudicating this case. *See* Fed. R. Evid. 201 advisory committee's note ("Adjudicative facts are simply the facts of the particular case. Legislative facts, on the other hand, are those which have relevance to legal reasoning and the lawmaking process").
2. The matters therein should not be viewed as adjudicative facts that supersede the Court's independent analysis of the relevant legal issues. Neither should the declarations be viewed as precluding the Parties or the Court itself from relying upon other scholarship.
3. The declarations should not be considered superior to other scholarship merely because of the form of presentation.
4. To the extent the declarations contain legal arguments, those portions of the declaration should be viewed as argument and not testimony. *Nieves-Villanueva v. Soto-Rivera*, 133 F.3d 92, 100 (1st Cir. 1997).

Respectfully submitted,

/s/ Joshua D. Dunlap

Joshua D. Dunlap
Pierce Atwood LLP
254 Commercial Street Merrill's Wharf
Portland, ME 04101
Tel: (207) 791-1350
jdunlap@pierceatwood.com

Charles Miller
Institute for Free Speech
1150 Connecticut Ave., NW Suite 801
Washington, DC 20036
Tel: (202) 301-9800
cmiller@ifs.org

Counsel for Plaintiffs

/s/ Neal Kumar Katyal

Neal Kumar Katyal*
Ezra P. Louvis*
Milbank LLP
1850 K St., N.W.
Washington, D.C. 20006
Tel: (202) 835-7500
nkatyal@milbank.com
elouvis@milbank.com

David M. Kallin, Bar No. 4558
Adam R. Cote, Bar No. 9213
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480
Tel: (207) 772-1941
dkallin@dwmlaw.com
acote@dwmlaw.com

** Pro hac vice*

*Counsel for Defendant Intervenors Richard
Bennett, Cara McCormick, Peter McCormick,
and EqualCitizens*

/s/ Jonathan R. Bolton

Jonathan R. Bolton
Assistant Attorney General
Office of the Attorney General
6 State House Station
Augusta, ME 04333-0006
Tel.: (207) 626-8800
jonathan.bolton@maine.gov

Counsel for State Defendants

May 5, 2025