Electronically Filed: 10/27/2026 11:31 AM

STATE OF MAINE
PENOBSCOT, ss.

DISTRICT COURT
LOCATION: BANGOR
DOCKET NO. BANDC-PFH-2026-00180

JAMIE BECK,
Plaintiff

v.

ADAM STADE,
Defendant

PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S SPECIAL MOTIONS FOR EXPEDITED RELIEF UNDER 14 M.R.S. § 734

INTRODUCTION

Plaintiff Jamie Beck, through undersigned counsel appearing on a limited basis under M.R. Civ. P. 11(b), opposes Defendant Adam Stade's Special Motion for Expedited Relief filed October 6, 2026, and his Special Motion directed to the Amended Complaint filed October 9, 2026.

This case is about one image. Defendant used artificial intelligence to create a picture of Ms. Beck and her husband, built on the body of an unhoused man, in a pose that readers took to be sexual. He posted it as his Facebook cover photo, removed the label calling it satire, and posted a more degrading version two days later. Ms. Beck is a lecturer at the University of Maine and an uncontested candidate for the Bangor School Committee. She did not vote on, speak about, or work on the Yellen Pines project that Defendant says the image comments on. She asks for an order protecting her from harassment under 5 M.R.S. § 4651(2)(C), which reaches a violation of 17-A M.R.S. § 511-A, and for removal of the two images.

Defendant asks the Court to dismiss the case with prejudice and to make her pay his fees. The Uniform Public Expression Protection Act ("UPEPA"), 14 M.R.S. §§ 731-742, does not support that result. The Act protects speech on matters of public concern, and it leaves meritorious claims alone. Defendant's motion fails at the first step because he has not shown that this claim arises from speech on a matter of public concern. If the Court reaches the second step, Ms. Beck's sworn evidence establishes a prima facie case on every element. At the third step, Defendant has not shown that her claim is legally unsound, and the questions that remain are disputed questions of fact. In the alternative, UPEPA does not apply to a protection from harassment complaint at all, and fees against a harassment plaintiff are governed by 5 M.R.S. §

4655(1-A), not by 14 M.R.S. § 740. If the Court awards any fees, the award must be limited to what was reasonable.

As a threshold matter, the Amended Complaint is the operative pleading. Plaintiff filed it as of right on October 5, 2026, before Defendant filed anything, and Defendant had notice of it.

BACKGROUND

Citation conventions. "Beck Aff." is the Affidavit of Jamie M. Beck, filed with this Response. "Def.'s Mot." is Defendant's Special Motion directed to the Amended Complaint (Oct. 9, 2026), and "First Mot." is his Special Motion of October 6, 2026. "Stade Decl." is the Declaration of Adam Stade filed with Defendant's motions. "Comm. Amend." is the Committee Amendment to S.P. 367, L.D. 870 (131st Legis.), which contains the Uniform Comments that the Legislature accepted; page and line citations are to that document. "UPEPA § __ cmt. __" cites the Uniform Comments by the section numbers of the Uniform Act, which Maine codified at 14 M.R.S. §§ 731-742.

A. Ms. Beck and the images

Ms. Beck lives in Bangor. She is a lecturer and graduate assistant at the University of Maine and an uncontested candidate for the Bangor School Committee in the November 3, 2026 election. Beck Aff. ¶¶ 1, 4-5. She is a mother. *Id.* ¶¶ 1, 12-13. Her husband, Michael Beck, is a member of the Bangor City Council. *Id.* ¶ 6. She is not and has never been a Councilor. *Id.* She founded the nonprofit Dignity First in 2019, served as its executive director until March 7, 2025, and has had no connection to it since. *Id.* ¶¶ 7-9. She has no financial interest in the Yellen Pines project, its developer, or any entity paid in connection with it. *Id.* ¶ 10.

Ms. Beck did not take part in the Council's August 10 and 17 votes on Yellen Pines and did not speak to the Council on the subject. *Id.* ¶ 11. On August 17 she waited in the lobby with her son for a few minutes to pick up her husband. *Id.* ¶¶ 11-13. Defendant and a reporter for The Maine Wire approached her husband with a camera and microphone. *Id.* ¶ 13. Neither spoke to her. *Id.* ¶ 12. Her Amended Complaint does not seek relief based on that encounter or on any Maine Wire report. *Id.* ¶ 14.

On September 12, 2026, Defendant posted an AI-simulated image of Ms. Beck and her husband

as the cover photo of his personal Facebook page. *Id.* ¶ 15 & Ex. BECKAFF-B. Her husband is shown lying contorted on a brick sidewalk, bare-chested and dirty. Ms. Beck is shown smiling, dirty, in a short dress, "half laying on him" and "hovering over him from behind." *Id.* ¶ 18. The image combines her husband's face with the body of a man in a photograph Defendant had posted on August 29. *Id.* ¶ 28 & Ex. BECKAFF-G. The September 12 version carried the words "This is satire by Adam Stade." *Id.* ¶ 20. On September 14, Defendant posted a different version as his cover photo with those words removed, in which her leg is more contorted, and her husband looks dirtier and bloodier. *Id.* ¶ 21 & Ex. BECKAFF-C. Both images remain accessible. *Id.* ¶ 24 & Ex. BECKAFF-D. Readers commented on the post. Two comments are quoted in the Amended Complaint: "Almost looks too real to be satirical" and "Does she have a strap on?" *Id.* ¶ 25 & Exs. BECKAFF-E, -F. The image names no public issue, and no article, video or report accompanied it. *Id.* ¶¶ 26-27. Ms. Beck did not consent. *Id.* ¶ 17. She has never spoken to Defendant. *Id.* ¶ 30.

B. The Complaint, the September 18 order, and the Amended Complaint

Ms. Beck filed a Complaint for Protection from Harassment on September 18, 2026. Mot. to Continue ¶ 1. On September 18, the Court denied a temporary order on the photographs submitted with the application and set the matter for a final hearing on October 7, 2026. Def.'s Mot. at 4. On October 5, Plaintiff moved to continue the hearing and told the Court and Defendant that she would file an Amended Complaint that day clarifying that her claim arises under 5 M.R.S. § 4651(2)(C) and 17-A M.R.S. § 511-A. Mot. to Continue ¶ 3. She mailed Defendant the motion and the Amended Complaint that day. *Id.*, Cert. of Service. She submitted the Amended Complaint through e-filing at 8:15:59 P.M. on October 5. The system rejected the filing for a technical reason, she resubmitted it, and the Clerk later corrected the file stamp to the original time. *See* Part I.

C. Defendant's motions

Defendant filed his First Motion on October 6, 2026, at 1:52 P.M., directed at the original Complaint, together with an emergency motion to stay the October 7 hearing. He then filed a second special motion on October 9, 2026, at 9:08 A.M., directed at the Amended Complaint. Def.'s Mot. at 1, 4. Both ask the Court to dismiss with prejudice and to award fees under 14

M.R.S. § 740, and the Second Motion asks the Court to decide either motion. *Id.* at 8, 15.

THE STATUTORY FRAMEWORK

UPEPA applies to "a cause of action asserted in a civil action against a person based on the person's" covered communication or exercise of constitutional rights. 14 M.R.S. § 733(2). A defendant may file a special motion within 60 days of service of a pleading asserting such a cause of action. *Id.* § 734. The Court decides the motion in three steps. First, the movant must show that the Act applies. *Id.* § 738(1)(A). Second, the responding party must "establish a prima facie case as to each essential element of the cause of action." *Id.* § 738(1)(C)(1). Third, even if she does, the movant prevails by showing that the responding party failed to state a cause of action or that there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law. *Id.* § 738(1)(C)(2). The Court considers the pleadings, the motion, any response, and evidence that could be considered on summary judgment. *Id.* § 737. The Legislature enacted UPEPA as the Maine version of the Uniform Act and accepted the Uniform Comments as part of it. P.L. 2023, ch. 626, §§ 5-6. The Act "must be broadly construed" to protect free speech and press rights, 14 M.R.S. § 741, with attention to uniformity among the states that enact it. *Id.* § 742. “Broadly construed” does not relieve movant of their burden on steps one (1) or three (3).

ARGUMENT

I. The Amended Complaint is the operative pleading because Plaintiff filed it as of right before Defendant filed any special motion.

Defendant has filed two special motions. The first, filed October 6, 2026, was directed at the original Complaint. Def.'s Mot. at 4. The second, filed October 9, 2026, is directed at the Amended Complaint. Defendant asks the Court to treat the Amended Complaint as a nullity because his First Motion "was on file hours before" it was filed. *Id.* at 8. That premise is wrong. Plaintiff filed the Amended Complaint on October 5, 2026, at 8:15:59 P.M., more than seventeen hours before the First Motion. The facts that show this are in the Court's own file and in Defendant's own brief.

Date and time	Event	Source
Oct. 5, 2026, 2:27 P.M.	Plaintiff files her Motion to Continue and serves it by mail. The motion states that Plaintiff "will file an Amended Complaint on or about October 5, 2026."	Mot. to Continue ¶ 3; Cert. of Service
Oct. 5, 2026, 8:15:59 P.M.	Plaintiff submits the Amended Complaint through e-filing. The system rejects it for a combination of files that should be posted individually.	E-file Envelope 291203 (Ex. BECKRESP-A)
Oct. 6, 2026, 1:52 P.M.	Defendant files the First Motion.	Def.'s Mot. at 4
Oct. 6, 2026, 9:18 P.M.	Plaintiff resubmits with the documents corrected.	Def.'s Mot. at 4
Oct. 7, 2026, 9:16 P.M.	The Clerk accepts and dockets the resubmission. The file stamp is later corrected to October 5, 2026, 8:15:59 P.M.	Docketed Amended Complaint; E-file Envelope 293067 (Ex. BECKRESP-B)
Oct. 9, 2026, 9:08 A.M.	Defendant files his second special motion, directed at the Amended Complaint.	Def.'s Mot. at 1

A. Plaintiff amended as a matter of course before any special motion was filed.

A party "may amend the party's pleading once as a matter of course at any time before a responsive pleading is served." M.R. Civ. P. 15(a). A special motion under 14 M.R.S. § 734 is a motion, not a pleading. M.R. Civ. P. 7(a). Defendant has served no answer or other responsive

pleading. Plaintiff's right to amend as of course was therefore open on October 5, and she used it once, before the First Motion existed. The stay in 14 M.R.S. § 735(1)(A) attaches "on the filing of a motion under section 734." There was no such motion on October 5, so the stay could not reach the filing of the Amended Complaint.

B. The e-filing rejection does not change the filing date.

Defendant relies on the October 7 stamp. Def.'s Mot. at 4, 8. That stamp has been corrected. The e-filing system rejected the first submission for improper document combinations, which are omissions the e-filing rules treat as curable. M.R. Elec. Ct. Sys. 35(D)-(F). Under Rule 35(F)(2)(a), the file date of a resubmission relates back to the file date of the original submission if it is the first resubmission, is substantively the same as the rejected document, and is submitted "within four business days after the date of the rejection notice." Plaintiff's resubmission meets each condition. Rule 35(F)(3) likewise preserves the original service date.

The Clerk applied Rule 35(F) and corrected the file stamp to October 5, 2026, at 8:15:59 P.M. The Court may take judicial notice of its own docket and of the Clerk's correction. *Cabral v. L'Heureux*, 2017 ME 50, ¶ 10 ("Courts may take judicial notice of pleadings, dockets, and other court records"); M.R. Evid. 201(b). Defendant's own brief says the Amended Complaint was "dated and signed Oct. 5, 2026." Def.'s Mot. at 4. If the Court considers any condition of Rule 35(F)(2)(a) unmet, Plaintiff asks the Court to approve relation back under Rule 35(F)(2)(b).

C. The amendment was not an attempt to escape a pending motion, and it does not support a fee award on the removed allegations.

Defendant argues that a plaintiff cannot amend her way out of a special motion, citing *Simmons v. Allstate Ins. Co.*, 92 Cal. App. 4th 1068, 1073-74 (2001), and *Salma v. Capon*, 161 Cal. App. 4th 1275, 1280 (2008). Def.'s Mot. at 8. As Defendant describes them, those cases concern a plaintiff who amends after a SLAPP motion is pending. Plaintiff did not amend after the motion. The Amended Complaint was filed before the First Motion.

Maine's Act addresses what happens when a claim is dismissed after a motion is filed. It does so by preserving the movant's right to fees. A voluntary dismissal of part of a cause of action "that is the subject of a motion under section 734" does not affect the movant's right to a ruling and to fees, 14 M.R.S. § 738(2), and a dismissal with prejudice establishes that the movant prevailed.

Id. § 738(3). The comments explain that these provisions apply when a party dismisses "after a motion is filed in order to avoid the sanctions," and protect a movant from a party who "dismisses a cause of action after the filing of a motion, only to refile." UPEPA § 7 cmts. 6-7, Comm. Amend. at 18, ll. 18-30. When Plaintiff removed the newsgathering allegations, no motion under § 734 had been filed. Nothing she removed was "the subject of a motion," so § 738(2) and (3) do not apply. Defendant's request for fees on the removed allegations, Def.'s Mot. at 8, 15, rests on those provisions. Plaintiff also does not seek relief based on the removed allegations, Beck Aff. ¶¶ 14, 33, so the amendment is not an admission about them.

The Act also contemplates a motion directed at an amended pleading. The comments say that "complaint" includes "any amended pleadings that assert a cause of action for the first time in a case." UPEPA § 3 cmt. 3, Comm. Amend. at 10, ll. 28-29. Defendant used that route. He filed the Second Motion against the Amended Complaint within four days and addressed its allegations in full. He also tells the Court that it may "[d]ecide the first UPEPA motion on the initial Complaint or decide this motion striking the Amended Complaint," and that he "does not care one way or the other." Def.'s Mot. at 8. The Court should decide the Second Motion on the operative pleading and treat the First Motion, which is directed at the superseded Complaint, as moot. If the Court treats the First Motion as live, each argument in this Response applies equally to the original Complaint, whose claim for protection rested on the same image.

D. Defendant cannot claim surprise or prejudice.

Plaintiff's Motion to Continue, filed October 5 at 2:27 P.M., told the Court and Defendant that Plaintiff "will file an Amended Complaint on or about October 5, 2026," and described what it would change. Mot. to Continue ¶ 3. Plaintiff served the motion and the Amended Complaint on Defendant by mail the same day. Cert. of Service. Defendant's counsel did not enter an appearance until October 6. Def.'s Mot. for Admission Pro Hac Vice ¶ 1. The Motion to Continue also reports that counsel telephoned Defendant about the motion that day, and that he declined to take a position until he had an attorney. Mot. to Continue ¶ 7; Form CR-CV-FM-JV-PA-PC-286 ¶ 5(b).

Defendant filed the First Motion the next afternoon and the Second Motion within four days, and the Second Motion answers every allegation in the Amended Complaint. Def.'s Mot. at 5-15.

Rule 35(F)(2)(c) also provides for adjusting the response schedule when a filing relates back, which protects a party who received the filing after its file date. Defendant does not claim that he lacked notice.

The Amended Complaint was filed first, as of right, and relates back to October 5, 2026, at 8:15:59 P.M. It is the operative pleading.

II. Defendant's motion fails at the first step because his own evidence does not show that this action arises from speech on a matter of public concern.

UPEPA applies only to a cause of action based on a covered communication or exercise of constitutional rights. Defendant invokes two categories in 14 M.R.S. § 733(2): a communication "on an issue under consideration or review in a legislative, executive, judicial, administrative or other governmental proceeding," § 733(2)(B), and the exercise of the right of free speech or of the press "on a matter of public concern," § 733(2)(C). Def.'s Mot. at 7. It is Defendant's burden to show that the Amended Complaint is based on speech within one of them. His own evidence does not do that.

A. At the first step the burden is Defendant's, and the Court looks to Defendant's evidence.

The Legislature enacted UPEPA as the Maine version of the Uniform Act and accepted the Uniform Comments "as part of" it. P.L. 2023, ch. 626, §§ 5-6. The legislative document describes a statute with two purposes: "protecting individuals' rights to petition and speak freely on issues of public interest while, at the same time, protecting the rights of people and entities to file meritorious lawsuits for real injuries." Comm. Amend. at 4, ll. 3-6. Public concern is what separates the speech the Act protects from the lawsuits it leaves alone.

The comments explain how the first step works. The movant "must show that the responding party's (typically the plaintiff's) cause of action arises from the movant's exercise of First Amendment rights on a matter of public concern," and the step "focuses on the movant's activity, and whether the movant can show that it has been sued for that activity." UPEPA § 2 cmt. 1, Comm. Amend. at 6, ll. 19-24. The consequence of failing is stated plainly: "If the movant cannot satisfy the first step—in other words, cannot show that the cause of action is linked to First Amendment activity on a matter of public concern—then the court will deny the motion

without ever proceeding to the second or third step." *Id.* at 6, ll. 27-30. The comments repeat the limit for § 733(2)(C), the broadest category, which applies to an exercise of speech or press rights "so long as that exercise is on a matter of public concern." UPEPA § 2 cmt. 7, Comm. Amend. at 8, ll. 8-11.

The comments also say how the Court decides the first step. The motion "is legal in nature," and the Court "should simply make a determination, based on the evidence produced by the moving party, whether a cause of action brought against the moving party is based on" a covered communication or exercise of rights. The Court does so "without weighing the parties' evidence against each other, but instead by determining whether the evidence put forth by the movant establishes the legal standard. If the moving party fails to prove the Act applies, the motion must be denied." UPEPA § 7 cmt. 2, Comm. Amend. at 16, ll. 11-24. A responding party carries a burden at this stage only to establish an exemption. UPEPA § 7 cmt. 3, Comm. Amend. at 16, ll. 25-39. Plaintiff does not rely on an exemption in this Part. The question is whether Defendant's evidence carries his burden.

Defendant must carry it with the kind of evidence that is admissible on summary judgment: "affidavits, deposition testimony, or tangible evidence." 14 M.R.S. § 737; UPEPA § 6 cmt. 1, Comm. Amend. at 14, ll. 4-5. His brief is not evidence. He is also held to what his counsel represents to the Court. *See id.* at 14, ll. 15-21 (citing *Faiella v. Fed. Nat'l Mortg. Ass'n*, 928 F.3d 141, 146 (1st Cir. 2019) ("A party ordinarily is bound by his representations to a court")).

B. Defendant's evidence shows no role for Ms. Beck in the Yellen Pines controversy.

Defendant's theory is that Ms. Beck is not "a bystander" to the Yellen Pines controversy but "a participant in it." Def.'s Mot. at 3. His evidence does not support that. The Stade Declaration says the following about Ms. Beck and Yellen Pines, and nothing more:

- The Council approved the tax agreement on August 10, 2026, and voted not to reconsider it on August 17. Councilor Michael Beck voted for the agreement and voted with the majority not to reconsider. Stade Decl. ¶¶ 3, 5. The declaration does not say that Ms. Beck voted, spoke, appeared before the Council, or held any role in the project or in the Council's deliberations.
- After the August 17 meeting, Councilor Beck "left the Council Chambers with Plaintiff

Jamie Beck and their son and walked to their car." *Id.* ¶ 6. Defendant did not speak to her. *Id.* ¶ 7. He identifies no statement by her about Yellen Pines at any time.

- The only link between Ms. Beck and the project is that a reporter asked her husband about "Ms. Beck's ties to a nonprofit that stands to benefit from the project." *Id.* ¶ 6. The declaration does not name the nonprofit, describe Ms. Beck's role in it, say that it is connected to Yellen Pines, or say that Ms. Beck benefits. Defendant's brief describes the same link as a suspicion: Ms. Beck "seems to be connected to an organization that will profit from this." Def.'s Mot. at 2. A question put to Ms. Beck's husband, and a brief's statement that she "seems" connected, are not evidence of a connection.

Defendant's exhibits do not fill the gap. Exhibits 2 through 4, the news coverage of the Council's votes, report the votes and the project's developer. They do not mention Ms. Beck. Exhibit 1 reports on her candidacy for the School Committee and describes that election as "uncontested." It concerns whether a councilor's spouse may be sworn in to the School Committee.

Plaintiff's own evidence, which the Court need not reach at this step, is consistent with the gap in Defendant's. Ms. Beck did not vote on Yellen Pines, did not speak on it before the Council or in any public comment, did not attend the Council's August 17 meetings, and has no financial interest in the project or its developer. Beck Aff. ¶¶ 10-13. She founded the nonprofit Dignity First in 2019 and resigned as its executive director on March 7, 2025, more than eighteen months before the image was posted, and she has held no role in it since. *Id.* ¶¶ 7-9. Her only candidacy is for an uncontested School Committee seat. *Id.* ¶ 4. The burden is Defendant's, and he has not carried it. If the Court concludes that evidence beyond Defendant's submissions is needed to decide the first step, Plaintiff requests an evidentiary hearing at which Ms. Beck can testify.

C. The image has no functional relationship to the public debate over Yellen Pines.

UPEPA does not ask whether the plaintiff is a public figure or whether the speaker is a journalist. It asks whether the speech is on a matter of public concern, and "[t]he inquiry turns on the 'content, form, and context' of the speech." UPEPA § 2 cmt. 9, Comm. Amend. at 8, ll. 24-26 (quoting *Lane v. Franks*, 573 U.S. 228, 241 (2014)). The comments adopt a two-part method from California decisions. The court first asks what public issue the speech implicates, by looking at its content. It then asks "what functional relationship exists between the speech and the public conversation about some matter of public interest." *Id.* at 8, ll. 30-35 (quoting

FilmOn.com Inc. v. DoubleVerify Inc., 439 P.3d 1156, 1164-65 (Cal. 2019)). The first part is easy for a movant: "[V]irtually always, defendants succeed in drawing a line—however tenuous—connecting their speech to an abstract issue of public interest." *Id.* at 8, ll. 35-38. "But the second step is where many movants fail." *Id.* The inquiry "demands 'some degree of closeness between the challenged statements and the asserted public interest.'" *Id.* at 8, ll. 38-39. "[I]t is not enough that the statement refer to a subject of widespread public interest; the statement must in some manner itself contribute to the public debate." *Id.* at 8, ll. 40-43 (quoting *Wilbanks v. Wolk*, 17 Cal. Rptr. 3d 497, 506 (Cal. Ct. App. 2004)). And "[t]he fact that 'a broad and amorphous public interest' can be connected to a specific dispute is not enough." *Id.* at 8, ll. 43-44 (quoting *Dyer v. Childress*, 55 Cal. Rptr. 3d 544, 548 (Cal. Ct. App. 2007)).

Plaintiff does not ask the Court to weigh the value of the image. The comments say the inquiry "does not turn on a normative evaluation of the substance of the speech," and ask instead whether the speaker "participated in, or furthered, the discourse that makes an issue one of public interest." *Id.* at 9, ll. 3-8 (quoting *FilmOn*, 439 P.3d at 1166). The question here is one of connection: whether this image, of this plaintiff, furthered the discourse about Yellen Pines.

On content, Defendant says he made the image to depict the Becks "as homeless drug addicts" as his "commentary on their support for the Yellen Pines project." Stade Decl. ¶ 12. The word "their" carries the argument, and Defendant's evidence does not carry the word. It shows support for the project from Councilor Beck, through his votes. It identifies no statement, vote, or act of support by Ms. Beck. As to her, the image depicts the spouse of a Councilor who voted on the project, and the Amended Complaint alleges that it shows her in a simulated sexual act. Am. Compl. Item 7. Nothing in that depiction says anything about a tax agreement, the Council's refusal to reconsider it, or housing for homeless people.

On form and context, Defendant created the image on September 12 and posted a modified version on September 14, nearly four weeks after the August 17 meeting, on his personal Facebook page. *Id.* ¶¶ 12-13, 15. He did not send it to Ms. Beck or tag her. *Id.* ¶ 15. The Maine Wire's August 18 coverage was published by the Wire's editors, not by Defendant. *Id.* ¶ 10. Defendant's evidence ties the image to no statement that Ms. Beck made.

Defendant adds that Ms. Beck is a candidate for the School Committee. *Id.* ¶¶ 11, 16. Plaintiff

does not contend that a candidate's qualifications are beyond criticism. But Defendant's own Exhibit 1 describes that race as "uncontested," and nothing in the image or in his evidence connects it to the School Committee, to her fitness for it, or to any issue before it. A person's candidacy does not by itself make every depiction of her speech on a matter of public concern. The comments require the statement to "itself contribute to the public debate." Comm. Amend. at 8, ll. 40-43.

Defendant's brief treats Ms. Beck's marriage, and the questions a reporter put to her husband, as making her a "participant." Def.'s Mot. at 3. But "[a] private individual is not automatically transformed into a public figure just by becoming involved in or associated with a matter that attracts public attention." *Wolston v. Reader's Digest Ass'n*, 443 U.S. 157, 167 (1979). And a speaker cannot, by his own conduct, make the person he targets a participant in a controversy. *Cf. Hutchinson v. Proxmire*, 443 U.S. 111, 135 (1979) ("[T]hose charged with defamation cannot, by their own conduct, create their own defense by making the claimant a public figure."). Both are defamation cases, and UPEPA does not ask whether Ms. Beck is a public figure. They are cited for the narrower point that proximity to a public controversy, or a speaker's own questions about a person, does not by itself connect that person's image to the public debate.

D. Section 733(2)(B) does not apply.

The comments describe § 733(2)(B) as reaching "speech or expressive conduct about those matters being considered in legislative, executive, judicial, administrative, or other governmental proceedings." UPEPA § 2 cmt. 7, Comm. Amend. at 8, ll. 5-7. The matter before the Council was the Yellen Pines tax agreement. Defendant's evidence does not show that Ms. Beck was before the Council in any capacity, and the Amended Complaint seeks relief for the depiction of her. The Act can apply to part of a cause of action, 14 M.R.S. § 738(1), but Defendant has not shown that the part of the image Ms. Beck challenges is about the Council's vote.

E. Defendant's remaining first-step arguments do not supply the missing connection.

Defendant argues that Plaintiff's position is that speech is unprotected because it appears on a personal page and "not as media speech." Def.'s Mot. at 7. Plaintiff does not argue that a private citizen has less protection than a newspaper. The point of this Part is not who spoke or where. It is whether the image has a functional relationship to a public issue. Whether the speaker is a

journalist, a citizen, or a satirist, the Act asks the same question.

Defendant also invokes Article I, section 4 of the Maine Constitution as "more protective" than the First Amendment. Def.'s Mot. at 6-7. That section also says that every citizen is "responsible for the abuse of this liberty." Me. Const. art. I, § 4. The breadth of the Maine guarantee does not answer the first-step question. The question is whether the claim is based on speech on a matter of public concern, and Defendant must show that.

F. Plaintiff objects to portions of Defendant's evidence.

The Court may consider only evidence that could be considered on summary judgment. 14 M.R.S. § 737. Plaintiff objects to the following. First, Defendant asks the Court to accept that Ms. Beck has "ties" to a nonprofit that "stands to benefit" from the project. Stade Decl. ¶ 6; Def.'s Mot. at 2-3. The declaration reports a question a reporter asked, not a fact within Defendant's personal knowledge, and a question is not evidence of what it assumes. M.R. Civ. P. 56(e). Second, Exhibits 1 through 4 are news articles. Defendant cannot offer them for the truth of what they report after arguing that the comments Plaintiff attached are "unauthenticated anonymous hearsay." Def.'s Mot. at 10. The same rule applies to both sides. Plaintiff does not object to the Court's considering the articles for the fact that the Council voted and the fact that they were published. Third, Defendant's declaration states conclusions, such as that the image is "commentary on their support," Stade Decl. ¶ 12, that are argument and not fact.

Defendant has not carried his burden at the first step. The Court should deny the motion without reaching the second or third step and should set the Amended Complaint for hearing at the earliest date the statutory stay allows.

III. In the alternative, UPEPA does not apply to a protection from harassment complaint, which is a special statutory proceeding with its own structure.

Defendant says a harassment complaint is a "civil action" under UPEPA because 5 M.R.S. § 4658(1) sends harassment proceedings to the Maine Rules of Civil Procedure and M.R. Civ. P. 2 provides for one form of civil action. Def.'s Mot. at 5. The first premise is incomplete. Section 4658(1) provides that "[u]nless otherwise indicated in this chapter, all proceedings shall be in accordance with the Maine Rules of Civil Procedure."

The chapter indicates otherwise on each point where UPEPA would change how a harassment case proceeds.

A. The harassment chapter is part of Maine's human rights statutes and is self-contained.

Protection from harassment is Chapter 337-A of Title 5, Part 12, which is titled "Human Rights." It sits next to the Maine Human Rights Act, Chapter 337, and not with the general law of civil actions in Title 14, where UPEPA was placed. The chapter has its own definitions, 5 M.R.S. § 4651, jurisdiction and venue, § 4652, commencement, § 4653, hearings, § 4654, relief, § 4655, and enforcement, § 4659. It directs the clerk to provide forms, a summons and clerical help, § 4653(2), and lets a plaintiff proceed without paying for forms or *in forma pauperis*, § 4653(3).

UPEPA itself addresses Part 12 only to protect people who bring complaints: it covers statements made in connection with a discrimination complaint under the Human Rights Act. 14 M.R.S. § 733(2)(D). It does not mention Chapter 337-A. The California decision Defendant relies on, *Thomas v. Quintero*, 126 Cal. App. 4th 635 (2005), concerned a civil harassment statute that is part of the California Code of Civil Procedure, Cal. Civ. Proc. Code § 527.6. Maine's harassment statute is in a different place and has a different design.

B. UPEPA's stay, proof and fee provisions cannot be reconciled with the harassment chapter.

The stay. Filing a special motion stays "[a]ll other proceedings between the moving party and responding party, including discovery and a pending hearing or motion," 14 M.R.S. § 735(1)(A), until the court rules and the time to appeal expires. *Id.* § 735(2). An appeal as of right from a denial, *id.* § 739, extends the stay until the appeal concludes. *Id.* § 735(3). The only exception that reaches a pending hearing is a motion for an injunction against "an imminent threat to public health or safety." *Id.* § 735(7)(B). The harassment chapter is built on prompt hearings and interim protection: temporary orders without notice on a verified complaint, 5 M.R.S. § 4654(2), interim relief, § 4654(4), temporary orders that continue when a hearing is continued, § 4654(7), and dissolution or modification on two days' notice, § 4654(6). A stay that outlasts the ruling and any appeal, with an exception for public health and safety rather than the safety of the person seeking protection, removes the feature the chapter is designed around.

This case shows the effect. The Court denied a temporary order on September 18, 2026, and set a hearing for October 7, 2026, 19 days later. On October 6, Defendant filed an "emergency"

motion asking the Court to take that hearing off the calendar under § 735(1)(A). Def.'s Emergency Mot. to Stay at 1.

Fees. UPEPA directs that the court "shall award" costs and attorney's fees to a prevailing movant. 14 M.R.S. § 740(1). The harassment chapter has its own rule. A court may order a plaintiff to pay costs or fees only if judgment is entered against the plaintiff and the complaint is found frivolous, and then the award is discretionary. 5 M.R.S. § 4655(1-A). Section 740 would replace that judgment with a mandatory award against any plaintiff who loses at an early stage, including the self-represented plaintiffs the chapter's forms and clerical help are meant to serve. *See* Part VI.A.

Proof. The chapter requires the plaintiff to prove harassment by a preponderance of the evidence at a hearing. 5 M.R.S. § 4654(1). UPEPA would require a prima facie showing on each element, on summary judgment evidence, before any hearing. 14 M.R.S. §§ 737, 738(1)(C)(1). Those are different procedures for a different kind of litigant, and the harassment chapter's procedure is the more specific.

C. Defendant's contrary arguments do not answer the conflict.

Defendant argues that Minnesota and Washington excluded harassment orders from their versions of the Act and Maine did not. Def.'s Mot. at 5-6. The Act directs courts to consider uniformity, 14 M.R.S. § 742, and its comments leave timing and hearing practice to state law and local custom. UPEPA § 5 cmts. 2-3, Comm. Amend. at 13, ll. 26-30; UPEPA § 6 cmt. 2, Comm. Amend. at 14, ll. 22-24. Maine's harassment chapter is that state law. A general statute's silence about a special statute does not displace the special statute's own procedures.

If the Court concludes that UPEPA can apply to a harassment complaint, the stay and fee provisions should be read together with Chapter 337-A so that neither defeats the other, and the motion should be denied at the first step for the reasons given in Part II.

IV. If the Court reaches the second step, Plaintiff has established a prima facie case on each element of her claim under 5 M.R.S. § 4651(2)(C).

If the Court reaches the second step, the question is narrow. Plaintiff must "establish a prima facie case as to each essential element of the cause of action." 14 M.R.S. § 738(1)(C)(1). She has

done so with her own sworn evidence. Defendant's argument that she has not rests on a different standard, on a reading of 17-A M.R.S. § 511-A that leaves out half of its text, and on a September 18 order that decided nothing about the merits.

A. The second step asks only whether Plaintiff's evidence, if believed, satisfies each element.

At this step "the party against whom the motion is filed has the burden to show its case has merit by establishing a prima-facie case as to each essential element of the cause of action." Comm. Amend. at 17, ll. 1-3 (UPEPA § 7 cmt. 4). "Prima facie" means "evidence sufficient as a matter of law to establish a given fact if it is not rebutted or contradicted." *Id.* at 17, ll. 6-7. The comment states what this requires: "all a responding party must do to satisfy its burden under Phase Two is produce evidence that, if believed, would satisfy each element of the challenged cause of action." *Id.* at 17, ll. 26-28. The Court "may not weigh that evidence, but rather must take it as true." *Id.* at 17, ll. 28-29. The responding party also gets "a certain degree of leeway" because of "the early stage at which the motion is brought and heard and the limited opportunity to conduct discovery." *Id.* at 17, ll. 15-18. The burden is "akin to that of a party opposing a motion for summary judgment." *Id.* at 17, ll. 21-22.

Two consequences follow. Defendant's own declaration and his characterizations of the image are not weighed against Plaintiff's evidence at this step. And the Court asks only whether Plaintiff has produced evidence of each element. It does not decide whose account is more persuasive. *See also* 14 M.R.S. § 737 (the Court considers the pleadings and supporting and opposing affidavits).

B. Plaintiff proceeds under § 4651(2)(C), which requires a single violation of 17-A M.R.S. § 511-A.

"Harassment" includes "[a] single act or course of conduct constituting a violation of" listed criminal provisions, and § 511-A is one of them. 5 M.R.S. § 4651(2)(C). Plaintiff does not rely on the three-act definition in § 4651(2)(A). Defendant's argument that she pleads no "[t]hree or more acts of intimidation, confrontation, physical force or the threat of physical force," and no following, contact or property damage, Def.'s Mot. at 12, therefore answers a claim she does not make. Nothing in (2)(C) requires contact with the plaintiff, a threat, or a pattern.

Section 511-A(1) has these elements: (1) the defendant acted with intent to harass, torment or

threaten the depicted person or another person; (2) the defendant intentionally or knowingly disseminated, displayed or published an image; (3) the image was created or modified so that it appears to show the depicted person in a state of nudity, a sexual act or sexual contact; (4) the depicted person is identifiable; (5) the depicted person did not consent, and the defendant knew or should have known that; and (6) the image serves no public or newsworthy purpose. Plaintiff's evidence supports each.

C. Plaintiff's evidence establishes each element.

1. Defendant created or modified the image and published it. On September 12, 2026, Defendant posted an AI-simulated image depicting Plaintiff and her husband as his Facebook cover photo. Beck Aff. ¶ 15 & Ex. BECKAFF-B. On September 14 he posted a modified version. *Id.* ¶ 21 & Ex. BECKAFF-C. Both remain accessible in his cover-photo album. *Id.* ¶ 24 & Ex. BECKAFF-D. The image combines her husband's face with the body of a man in a photograph Defendant had posted on August 29. *Id.* ¶ 28 & Ex. BECKAFF-G. Defendant does not dispute that he made and published the image. He calls it "a satirical picture" and says he published it. Def.'s Mot. at 2; Stade Decl. ¶¶ 12-13.

2. Plaintiff is identifiable. Plaintiff recognized herself and her husband. Beck Aff. ¶ 16. Defendant describes the image as a picture "of the Becks," Def.'s Mot. at 2, and "of her and her husband." *Id.* at 4. A friend identified it to her. Beck Aff. ¶ 29.

3. The image appears to show a sexual act or sexual contact. The statute asks whether the image has been "created or modified so that it appears to show" the depicted person in a sexual act or sexual contact. 17-A M.R.S. § 511-A(1). It defines "sexual act" to include "simulated sexual acts" and "sexual contact" to include "simulated sexual contact." *Id.* § 511-A(3)(A), (B). Defendant argues that a sexual act requires genital contact under § 251(1)(C), that nothing in the image shows that, and that two clothed people cannot be depicted in a sexual act. Def.'s Mot. at 9-10. That reading ignores the text. The Legislature did not limit § 511-A to the § 251 definitions. The statute also lists nudity as a separate alternative, so the absence of nudity does not answer the question. Defendant's argument that a simulated sexual act would "criminalize every editorial cartoon that draws two politicians in bed together," *id.* at 10, is an argument about whether the statute should be narrower. It is not an argument that Plaintiff lacks evidence of an

element.

Plaintiff's evidence on this element is the image itself and her description of it. Her husband lies chest-down on a sidewalk in a contorted position. She is shown "half laying on him," "hovering over him from behind," in a short dress, holding his arm and shoulder. Beck Aff. ¶ 18. She understood the image to show "my husband and me engaged in inappropriate sexual behavior in public." *Id.* ¶ 19. Readers did too. One commenter wrote "Does she have a strap on?" and another wrote "Almost looks too real to be satirical." *Id.* ¶ 25 & Exs. BECKAFF-E, -F. The Court may look at the exhibits and decide whether a reasonable viewer could see a simulated sexual act or sexual contact. At this step it does not decide which reading is better. Comm. Amend. at 17, ll. 28-29.

Defendant also attacks the comments as "unauthenticated anonymous hearsay." Def.'s Mot. at 10. Ms. Beck authenticated them as screenshots she took herself and viewed again on October 22. Beck Aff. ¶ 25; M.R. Evid. 901(a). She does not offer them to prove that what the commenters wrote is true. *Id.* She offers them to show that the post was seen and how viewers understood it, which is not hearsay. M.R. Evid. 801(c). How viewers understood the image is relevant to whether it "appears to show" a simulated sexual act. Defendant's own argument that the statute applies "to what is in the image, not what is in the spectators' imaginations," Def.'s Mot. at 11, concedes that the Court looks at the image, which is before it.

4. Defendant acted with intent to harass or torment. Intent is rarely proved by direct statement, and at this step Plaintiff has "leeway" because no discovery has occurred. Comm. Amend. at 17, ll. 15-18. The circumstances support the inference:

- The September 12 version carried a note that said, "This is satire by Adam Stade." Two days later Defendant posted a different version as his cover photo with the note removed, and in that version her leg was more contorted and her husband looked "dirtier and bloodier." Beck Aff. ¶¶ 20-21. Defendant admits he removed the note. Stade Decl. ¶ 13; Def.'s Mot. at 4.
- He placed the image in his cover photo, the most prominent position on his page, where it was visible to a viewer who was not logged in. Beck Aff. ¶ 23. It was not attached to any article, video, or report. *Id.* ¶ 26.

- The image has no words other than the removed note. It does not mention Yellen Pines, the Council's votes, Dignity First, the School Committee or any policy. *Id.* ¶ 27.
- Plaintiff took no part in the Council's votes and has no connection to the project. *Id.* ¶¶ 6-11. *See* Part II.
- Defendant is a videographer who knows how to publish his work as reporting and chose not to do that here. Stade Decl. ¶¶ 2, 12.
- Defendant says he made the image to depict "homeless drug addicts." Def.'s Mot. at 2; Stade Decl. ¶ 10. A depiction of a private person as a drug addict in a sexualized pose, taken without consent and posted in a prominent place, supports an inference of intent to torment.

Defendant answers that he intended "to mock a public figure" and that Plaintiff identifies no communication "uttered to her, rather than just about her." Def.'s Mot. at 11 (citing *Chan v. Ellis*, 296 Ga. 838, 841 (2015)). The first point asks the Court to resolve a disputed question of intent in his favor, which the Court may not do at this step. The second adds a requirement that the statute does not contain. Section 511-A reaches intent to harass, torment or threaten "the depicted person or another person" and requires no communication to the depicted person. *Chan* is a Georgia case about a different statute.

5. Plaintiff did not consent, and Defendant knew or should have known that. She did not give permission to use her likeness or to create, alter or publish the image. Beck Aff. ¶ 17. She has never had contact with Defendant, and he has never contacted her. *Id.* ¶¶ 17, 22, 30. Defendant claims no consent. A person who builds a sexualized image of someone he has never spoken to knows or should know that she did not agree.

6. The image serves no public or newsworthy purpose. This element looks at the image, not at the controversy in which Defendant places it. The image names no issue and accompanies no report. Beck Aff. ¶¶ 26-27. Plaintiff did not vote on or speak about Yellen Pines, holds no role in the project, and has no financial interest in it. *Id.* ¶¶ 6, 8, 10-12. Her only candidacy is for an uncontested School Committee seat. *Id.* ¶ 4. A simulated sexual image of a private spouse of a Councilor tells viewers nothing about the Council's vote. *See* Part II. Defendant's strongest answer is that satire of a public official's family is public commentary itself. Plaintiff addresses that in Part V.

D. The September 18 order does not resolve the merits.

Defendant says the Court "already resolved" whether the image is within § 511-A when it denied a temporary order on September 18. Def.'s Mot. at 9. That order considered whether an *ex parte* temporary order should be issued on the photographs attached to the original application before Defendant had appeared and before Plaintiff had filed her Amended Complaint or her affidavit. The standard for a temporary order is different from the standard required for a prima facie showing of the elements under step two, 14 M.R.S. § 738(1)(C)(1). Specifically, a temporary order requires the Court to find that it appears clearly that, "[b]efore the defendant or the defendant's attorney can be heard, the plaintiff or the plaintiff's employees may be in immediate and present danger of physical abuse from the defendant or in immediate and present danger of suffering extreme emotional distress as a result of the defendant's conduct, or the plaintiff's business property is in immediate and present danger of suffering substantial damage as a result of the defendant's actions." 5 M.R.S. § 4654(2)(A)(1).

A ruling on a request for emergency relief without notice is not a final determination of whether a prima facie case exists.

E. The remaining arguments belong to the third step.

Defendant's arguments that the image is satire protected by the First Amendment, that the requested relief is a prior restraint, and that the statutes are unconstitutional are arguments that the claim is not legally viable. They belong to the third step, where the burden returns to him. 14 M.R.S. § 738(1)(C)(2); Comm. Amend. at 17, ll. 34-44. They do not bear on whether Plaintiff has produced evidence of each element. Plaintiff addresses them in Part V.

Plaintiff has made a prima facie showing on every element of her claim under § 4651(2)(C). The Court should proceed to the third step.

V. Defendant has not shown that Plaintiff's claim is legally unviable.

If Plaintiff makes a prima facie showing, the motion must be denied unless Defendant shows at the third step that Plaintiff "failed to state a cause of action upon which relief can be granted" or that "there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law." 14 M.R.S. § 738(1)(C)(2); Comm. Amend. at 17, ll. 34-38

(UPEPA § 7 cmt. 5). "In this phase, the burden shifts back to the moving party." *Id.* at 17, ll. 39-40. Defendant does not carry it. His arguments are that the image is protected speech, that the relief Plaintiff seeks is a prior restraint, and that the statutes are unconstitutional. Def.'s Mot. at 12-14. Each fails, and the second goes to the scope of relief, not to whether Plaintiff has a claim.

A. The Amended Complaint states a cause of action, and the facts that decide it are disputed.

A complaint states a cause of action if, read in the light most favorable to the plaintiff, it alleges facts that would entitle her to relief under some legal theory. *Saunders v. Tisher*, 2006 ME 94, ¶ 8. The Amended Complaint alleges each element of harassment under 5 M.R.S. § 4651(2)(C) by way of 17-A M.R.S. § 511-A, and asks for relief that 5 M.R.S. § 4655(1)(G) authorizes for that violation. Defendant's motion does not argue otherwise. His argument is that the facts do not fit the statute, which is a merits argument.

Judgment as a matter of law is also unavailable because material facts are disputed. Defendant says the image is satire, that he meant to mock a public figure, and that it addresses a public controversy. Def.'s Mot. at 2, 11. Plaintiff's evidence is that it is a sexualized depiction of a private person with no connection to the controversy, that Defendant removed the label identifying it as satire and posted a more degrading version, and that it was read by viewers as sexual. Beck Aff. ¶¶ 18-21, 25-28. Whether the image "appears to show" a simulated sexual act or contact, whether Defendant acted with intent to harass or torment, and whether the image serves a public or newsworthy purpose are questions of fact. The Court cannot resolve them against Plaintiff on a record where she is the party opposing summary judgment. M.R. Civ. P. 56(c); *see In re Wage Payment Litig.*, 2000 ME 162, ¶ 3.

B. The claim does not reach speech that is "protected by law."

Section 4651(2) excludes "any act protected by law." Defendant reads that phrase as if it swallowed the statute, so that any image that can be called satire is outside it. Def.'s Mot. at 12. It does not, for four reasons.

1. The Legislature wrote the line into the elements. Section 511-A applies only to an image that appears to show the depicted person in a sexual act, sexual contact or nudity, that is published with intent to harass or torment, without consent, and that serves "no public or newsworthy purpose." Those limits do the work Defendant assigns to the "protected by law"

exclusion. A defendant whose image is a real commentary on a public matter does not violate the statute. A plaintiff who proves each element has shown conduct that the Legislature decided is not protected.

2. *Hustler* does not decide this case. Defendant's case is *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988). *Hustler* held that "public figures and public officials may not recover for the tort of intentional infliction of emotional distress by reason of publications such as the one here at issue without showing in addition that the publication contains a false statement of fact which was made with 'actual malice.'" *Id.* at 56. It protected a parody of a nationally known minister that "could not reasonably be interpreted as stating actual facts." *Id.* at 57. Three differences matter. (1) Plaintiff is a private person who has no role in the Yellen Pines controversy and is an uncontested candidate for a School Committee seat. *See* Part II. She does not sue in tort for damages. (2) *Hustler* concerned a publication directed at the plaintiff's public conduct as a minister and commentator. Defendant's image names no public conduct. (3) The Court in *Hustler* also relied on the long tradition of caricature of public figures. *Id.* at 53-55. Defendant has to show that tradition covers an AI-created sexualized depiction of the spouse of a Councilor. He has not. Whether he can do so is a matter for the Court to decide by examining the "content, form, and context" of the speech. *Snyder v. Phelps*, 562 U.S. 443, 453 (2011) ("Deciding whether speech is of public or private concern requires us to examine the 'content, form, and context' of that speech, 'as revealed by the whole record.'" (quoting *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 761 (1985) (opinion of Powell, J.) (quoting *Connick v. Myers*, 461 U.S. 138, 147-48 (1983)))).

3. Speech used as the means of harassment is not protected. The Law Court has said that "[t]he use of speech as part of conduct designed to threaten or harm other individuals" does not find protection under the Maine and federal constitutions. *Childs v. Ballou*, 2016 ME 142, ¶ 15. It affirmed a harassment order on that ground while recognizing the presumption against prior restraints. *Id.* ¶¶ 15-18, 23-26. Section 511-A makes intent to harass or torment an element of the offense. A published image that proves that element is speech used as part of conduct designed to harm. Plaintiff does not claim a true threat, and the First Amendment's unprotected categories are not limited to true threats. *See Counterman v. Colorado*, 600 U.S. 66 (2023) (cited at Def.'s Mot. at 12).

Courts that have reviewed statutes against nonconsensual sexual images have upheld them. *People v. Austin*, 2019 IL 123910 (applying intermediate scrutiny and calling the dissemination of private sexual images a "strong candidate" for categorical exclusion from First Amendment protection); *State v. VanBuren*, 2018 VT 95 (upholding Vermont's statute under strict scrutiny).

4. The statute survives any level of scrutiny. Section 511-A serves the State's interest in protecting people from sexualized depictions made to demean them, and it is tailored by its elements: a sexualized depiction, intent to harass or torment, lack of consent, and no public or newsworthy purpose. Defendant's concern that it would "criminalize every editorial cartoon that draws two politicians in bed together," Def.'s Mot. at 10, is answered by the public-purpose element. His cartoon hypothetical involves public officials and a public point. This image involves neither.

C. The relief Plaintiff seeks is not a prior restraint, and any overbreadth in the requested order is a matter of remedy.

A prior restraint is an order "forbidding certain communications when issued in advance of the time that such communications are to occur." *Alexander v. United States*, 509 U.S. 544, 550 (1993) (cited at Def.'s Mot. at 13-14). Plaintiff's central request is an order to remove two images that Defendant has already published. Section 4655(1)(G) authorizes that relief in terms: the court may order removal for "unauthorized dissemination of certain private images as described in Title 17-A, section 511-A." Defendant says that section is unavailable because the image is not a § 511-A image, Def.'s Mot. at 13, which repeats his merits argument.

The authority Defendant cites supports the distinction. In *Kinney v. Barnes*, 443 S.W.3d 87 (Tex. 2014), the court divided the plaintiff's requested relief. It held that an order requiring the removal of statements already adjudicated defamatory "does not prohibit future speech, but instead effectively requires the erasure of past speech" and is not a prior restraint, and that an order barring similar future statements is a prior restraint. *See id.* pt. II.A. Defendant cites the case only for a footnote quoting a film. Def.'s Mot. at 14. Removal after a final adjudication that the posts violate the statute is the first kind of order, and it is the one § 4655(1)(G) contemplates. The other cases Defendant cites involve injunctions against future speech. *Sindi v. El-Moslimany*, 896 F.3d 1 (1st Cir. 2018), and *Pete v. Cooper*, No. [docket no.] (S.D. Fla. Apr. 20, 2026), both

involved requests to bar a defendant from speaking again after a verdict on different claims. Neither addresses a statute that authorizes removal of a particular image.

Defendant also reads Plaintiff's request as an order that he "not disseminate" the images "at any time in the future." Def.'s Mot. at 13. The Amended Complaint submitted by Plaintiff does include in the request for relief marking item "f) order the defendant to remove, destroy, or return private images . . . order the defendant to stop disseminating the private images, and further order the defendant not to disseminate the private images at any time in the future." Am. Compl. at 5. This is a pre-filled form provided by the State of Maine with checkboxes, not written by Plaintiff. Even if some part of the requested relief were too broad, that would not defeat the cause of action. A court can grant the relief a final order may lawfully contain and decline the rest. The third step asks whether the cause of action is legally sound, and Defendant has identified no legal bar to the finding that he violated § 4651(2)(C), the entry of an order, or the removal of the two images.

Defendant's other point is that the images "remain accessible," which he calls evidence of "unconstitutional intent." Def.'s Mot. at 14. Plaintiff alleges that the images remain accessible to explain why removal is needed. They are still being published, and the harm continues. That is not an admission that she wants to control his future speech.

D. Defendant's constitutional challenge to §§ 4651 and 511-A does not support dismissal.

Defendant "challenges the constitutionality" of both statutes "facially or at least as applied," and he says he does not waive it. Def.'s Mot. at 13, 10 n.8. The Court need not reach the challenge, and if it does, it fails.

The challenge is raised in one paragraph. Defendant gives one case, a 1954 federal case about a different statute, and a two-sentence conclusion. Def.'s Mot. at 13 (citing *United States v. Harriss*, 347 U.S. 612, 617 (1954)). A statute is presumed constitutional, and the person challenging it carries the burden. A facial challenge asks more, and Defendant has not shown that a substantial number of the statute's applications are unconstitutional compared with its legitimate reach.

The statutes are not vague. A statute is vague if a person "of ordinary intelligence" could not

understand what it prohibits. *Harriss*, 347 U.S. at 617. Section 511-A defines "image," "sexual act," "sexual contact" and "state of nudity," and it limits liability to a person who acts with intent to harass or torment, knowing that the person did not consent, and knowing or having reason to know that the image serves no public or newsworthy purpose. A person who publishes a simulated sexual image of someone he has never spoken to, with that intent, knows what the statute prohibits.

The as-applied challenge depends on disputed facts. The question is whether this image, published in this way, is protected. That turns on the facts set out in Part V.A. It cannot be decided for Defendant at the third step.

Procedure. Defendant acknowledges that he "might no longer have standing" if the motion is granted, Def.'s Mot. at 10 n.8, and he describes the challenge as one he "reserves" for appeal, *id.* at 13 n.9. A challenge that Defendant uses to preserve an issue is not an argument that the claim fails as a matter of law. Maine law requires that "[w]hen the constitutionality of an act of the legislature affecting the public interest is drawn in question in any action to which the State of Maine or an officer, agency, or employee thereof is not a party, the plaintiff shall notify the Attorney General, and the court shall permit the State of Maine to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality." M.R. Civ. P. 24(d). If Defendant has not made such a notification, Plaintiff requests the Court require such notice before reaching Defendant's challenge to the constitutionality of §§ 4651 and 511-A.

Defendant has not shown that the claim is legally unviable. The Court should deny the motion.

VI. Defendant is not entitled to a mandatory fee award, and any award must be limited to what was reasonable.

Plaintiff opposes any award of fees for the reasons given above. If the Court rules for Defendant, two further points apply. The first is that the protection from harassment statute, and not § 740, governs fees against a harassment plaintiff. The second is that any fees awarded under § 740 must be reasonable.

A. Even if UPEPA applies, the protection from harassment statute's own fee provision

controls, and Defendant has not shown that the complaint is frivolous.

Defendant asks for fees under 14 M.R.S. § 740(1), which he says is mandatory. Def.'s Mot. at 15. That provision cannot govern an award against a protection from harassment plaintiff, because the PFH chapter has its own provision on fees against a plaintiff. The Court should apply it.

The PFH chapter provides: "If a judgment is entered against the plaintiff and the court finds that the complaint is frivolous, the court may order the plaintiff to pay court costs, reasonable attorney's fees or both." 5 M.R.S. § 4655(1-A). Three features of that text matter. It requires a judgment against the plaintiff. It requires a finding by the Court that the complaint is frivolous. And it says the Court "may" award, which makes any award discretionary.

The Legislature chose that standard deliberately. As introduced in 2009, the bill would have allowed an award whenever "a complaint is dismissed." L.D. 657 (124th Legis.), H.P. 471. As enacted, the provision applies only when the complaint is frivolous. P.L. 2009, ch. 263, § 1. The Legislature considered a broad fee-shifting rule for protection from harassment cases and narrowed it to frivolous complaints.

Defendant's rule would undo that choice. Section 740(1) awards fees to every successful moving party whether or not the complaint was frivolous, and it makes the award mandatory. If it governed here, every PFH plaintiff who lost on a special motion would pay the defendant's fees, which is the rule the Legislature declined to enact in 2009. The specific provision controls over the general one. The PFH chapter anticipates the point. It provides that proceedings follow the Maine Rules of Civil Procedure "[u]nless otherwise indicated in this chapter." 5 M.R.S. § 4658(1). Section 4655(1-A) is such an indication.

Nothing in UPEPA shows an intent to displace § 4655(1-A). The Act does not mention protection from harassment actions, and the Legislature enacted it as a uniform act whose text "has been changed to conform to the Maine statutory conventions." P.L. 2023, ch. 626, § 5; Comm. Amend. at 20, ll. 33-37. The uniform comments Defendant relies on explain why a mandatory fee rule matters to a uniform act: states that do not require fees "will become safe havens for abusive litigants" who file "frivolous suits." UPEPA § 10 cmt. 1, Comm. Amend. at 19, ll. 26-34. That rationale concerns SLAPP plaintiffs. It does not require ignoring a Maine statute that addresses fees in a different kind of case, with a different kind of plaintiff, and that

already allows fees against a plaintiff who files a frivolous complaint.

Defendant relies on the mandatory rule in § 740(1) and does not ask the Court to find that the complaint is frivolous. Def.'s Mot. at 15. Without a finding, there is no basis for an award under § 4655(1-A). The record would not support the finding. The complaint rests on a provision that the Legislature has extended to altered and AI-generated images: 5 M.R.S. § 4651(2)(C) incorporates 17-A M.R.S. § 511-A, and § 511-A reaches an image "created or modified so that it appears to show" a person in a sexual act or sexual contact, including a simulated one. Defendant acknowledges the 2025 amendment. Def.'s Mot. at 10 (citing P.L. 2025, ch. 400). Plaintiff supports her claim with a sworn affidavit and the images themselves. *See* Parts IV and V. Courts in other states have upheld similar statutes. *See* Part V.B. Before Defendant filed a motion, Plaintiff had already narrowed her claim and clarified its basis. *See* Part I. A plaintiff who corrects and narrows her pleading before a motion is filed is acting in good faith. A party whose legal position fails is not for that reason frivolous.

Plaintiff asks the Court to hold that, if UPEPA applies, any award of fees against her is governed by § 4655(1-A), that she is not subject to an award because the complaint is not frivolous, and that § 740(1) does not apply.

B. If § 740 applies, the award is limited to what was reasonable and related to the motion.

If the Court holds that § 740(1) applies, the award must be limited by the statute, by the comments the Legislature accepted, and by the usual rules for reasonable fees. Defendant "will submit a fee application after the Court rules." Def.'s Mot. at 15. Plaintiff asks the Court to require that application and to allow her to respond to it.

1. The award is limited to what was reasonable and related to the motion. Section 740(1) authorizes "court costs, attorney's fees and reasonable litigation expenses related to the motion." 14 M.R.S. § 740(1). The comments define the fees recoverable as "the fees paid to the attorney to compensate for his or her time and effort in the prosecution or defense of the motion," and expenses as "the hard costs an attorney incurs in the prosecution or defense of the motion." UPEPA § 10 cmts. 4-5, Comm. Amend. at 20, ll. 5-9. The statute makes the award mandatory but does not make every dollar Defendant spends recoverable. Fees must be tied to the motion, and the amount must be reasonable. Maine courts decide reasonableness using the factors in

Poussard v. Commercial Credit Plan, Inc., 479 A.2d 881 (Me. 1984), which include the time and labor required, the customary fee, and the results obtained, and the similar factors in Maine Rule of Professional Conduct 1.5(a). A court may exclude hours that are "excessive, redundant, or otherwise unnecessary." *Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983). The party seeking fees must prove their reasonableness with records of the work done, by whom, and at what rate.

2. Any hourly rate should be the rate for a Maine attorney. Defendant has had a Maine lawyer from the start. David R. Gordon, a member of the Maine bar, entered his appearance and told the Court that he is "actively associated with Attorney Randazza," that he "will remain associated with Attorney Randazza at all times in this action," that he "will sign all papers filed with the Court," and that he will attend any proceeding the Court requires. PHV Mot. ¶¶ 1, 4. Nothing in the motion explains why Maine counsel could not file and argue a special motion in this Court. The Act is a short statute with legislative comments that Defendant himself cites throughout. This is a protection from harassment action in a District Court, and the motion asks the Court to apply a three-step framework that Maine counsel can brief.

Admission of visiting counsel under M.R. Civ. P. 89(b) is a matter of the Court's permission. It is not a finding that visiting counsel was needed, and it does not make the cost of visiting counsel reasonable. Defendant told the Court that Attorney Randazza practices from offices in Gloucester, Massachusetts, and Las Vegas, Nevada, and is admitted in Arizona, California, Florida, Massachusetts, and Nevada. PHV Mot. ¶¶ 2-3. He is not a member of the Maine bar. Defendant may retain whatever counsel he prefers. The question is who bears the cost. A party that chooses a national advocacy firm for a District Court proceeding is not entitled to shift to the opposing party a rate that reflects the firm's national practice, when Maine counsel was available and had appeared. Reasonable fees are measured by "the fee customarily charged in the locality for similar legal services." Me. R. Prof. Conduct 1.5(a)(3); *see also Blum v. Stenson*, 465 U.S. 886, 895 (1984). The relevant community is the Bangor area. If any fees are awarded, the hourly rate for every timekeeper should not exceed the prevailing rate in that community for a Maine attorney of comparable experience, and Defendant should have to prove that rate.

Even at a Maine rate, work should not be compensated twice. Defendant has two attorneys on this motion, one of whom the other is associated with and will sign everything filed. Defendant should have to show which tasks required both, and time spent by a second attorney reviewing,

conferring about, or attending to the work of the first is duplicative. Out-of-state travel, lodging, and similar costs are "litigation expenses" only if reasonable. 14 M.R.S. § 740(1). They are not when Maine counsel was available to appear. Time spent on the motion to admit Attorney Randazza is not time spent on "the motion" under § 734. It was not "related to the motion," and it should not be included.

3. Defendant was on notice of the Amended Complaint, so one response was enough. Defendant filed two special motions in three days. He filed the first on October 6, 2026, at 1:52 P.M., against the original Complaint. He filed the second on October 9, 2026, at 9:08 A.M., against the Amended Complaint. Def.'s Mot. at 1, 4. He now asks the Court to decide either one and says he "does not care one way or the other." *Id.* at 8. Only one was needed.

Defendant had notice the original Complaint was about to be replaced. On October 5, Plaintiff filed and mailed to him a Motion to Continue stating that she "will file an Amended Complaint on or about October 5, 2026," that it would rely on 5 M.R.S. § 4651(2)(C) and 17-A M.R.S. § 511-A, and that it would add facts about the images. Mot. to Continue ¶ 3. She mailed him the Amended Complaint the same day. Cert. of Service, Oct. 5, 2026. The Amended Complaint was filed that evening at 8:15:59 P.M., before Defendant's first motion. *See* Part I. Defendant's first motion was directed at a pleading that was already superseded and spent pages on newsgathering allegations that the Amended Complaint did not include. He then filed a second motion that responds to the Amended Complaint and treats the newsgathering allegations as "conceded." Def.'s Mot. at 1, 12. Work on the first motion was avoidable and should not be compensated, and in any case the work on the two motions overlaps. The fee award should include time for a single motion and should exclude time spent on the first motion's arguments about allegations that Defendant knew, or had every reason to know, were being withdrawn.

The comments say what the Court should do when the moving party does not give the other side a chance to avoid a motion. "[A] prudent moving party should take efforts to inform opposing parties that it intends to file a motion under the Act, so as to give them an opportunity to voluntarily dismiss offending claims before a motion is filed. Courts may take a moving party's failure to do so into account when calculating the reasonableness of the moving party's attorney's fees." UPEPA § 7 cmt. 6, Comm. Amend. at 18, ll. 23-27. Defendant did not tell Plaintiff before October 6 that he planned to file. He has never contacted Plaintiff. Beck Aff. ¶ 30. A warning

would have been simple, and Plaintiff's October 5 motion had already announced the amendment. Whatever he spent on the first motion is the cost of not asking, and the Court may take that into account.

4. Other limits.

- **Only fees actually incurred.** The comments define recoverable fees as fees "paid to the attorney." Defendant's application should include the fee agreement and the amount billed and paid for the motion, with time records kept at the time the work was done.
- **No fees for work that does not bear on the result.** Defendant states that he raises constitutional challenges that he "reserves" for appeal and that he might lack standing to bring. Def.'s Mot. at 10 n.8, 13 n.9. Work to preserve issues for appeal, and work on arguments the Court does not reach, is not necessary to prevail and should not be compensated.
- **No fees on the withdrawn allegations.** *See* Part I.C.
- **Billing judgment.** If the application does not show that Defendant removed excessive, redundant, or unnecessary time, the Court should reduce the hours it finds unreasonable, line by line or by percentage.

If the Court awards fees, Plaintiff asks it to (1) require a detailed application with time records, rates and fee agreements; (2) allow Plaintiff to respond; and (3) limit any award to the reasonable time of one Maine attorney at the prevailing Maine rate on one motion.

VII. Alternative and procedural requests.

If the Court does not deny the motion outright, Plaintiff asks for the following in the alternative.

A. A hearing, and a prompt ruling.

Plaintiff requests oral argument, and an evidentiary hearing if the Court concludes that evidence beyond the papers is needed to decide any step. The Act leaves the form of the hearing to local custom, UPEPA § 5 cmt. 2, Comm. Amend. at 13, ll. 26-28, and it allows the Court to advance the motion on the docket "when the court determines that the interests of justice so require." 14 M.R.S. § 736. They do here. The images remain posted and Defendant has asked the Court to stay the final hearing on her complaint until the Court rules.

B. Limited discovery under § 735(4).

If the Court finds the record on intent or on public purpose insufficient for Plaintiff, she asks for limited discovery. The Court may allow it "if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden under section 738, subsection 1 and the information is not reasonably available unless discovery is allowed." 14 M.R.S. § 735(4). The information Plaintiff needs is in Defendant's control: who created the image and with what tools, the source photographs, his communications about the image and its audience, and when and why he removed the "satire" label. Intent and purpose are the elements on which Defendant knows the facts and Plaintiff cannot reach them.

C. A ruling limited to any portion found deficient.

The Act reaches "a cause of action or part of a cause of action." 14 M.R.S. §§ 734, 738(1). If the Court finds any part of the claim or the relief deficient, it should dismiss only that part. The removal of the two published images should not be dismissed because a challenge to a different form of relief succeeds. *See* Part V.C.

D. Leave to supplement or amend.

If the Court finds a defect that Plaintiff can cure with additional evidence or a clarified pleading, such as a more specific description of the image or a narrower request for relief, she asks for leave to supplement the record or amend within fourteen days.

CONCLUSION

Defendant has not shown that this action arises from speech on a matter of public concern, and the Court should deny both special motions on that ground. If the Court reaches the second step, Plaintiff has established a prima facie case on every element, and Defendant has not shown at the third step that her claim is legally unsound. In the alternative, UPEPA does not apply to a protection from harassment complaint. If the Court rules for Defendant should hold that fees against Plaintiff are governed by 5 M.R.S. § 4655(1-A), and that any fees awarded under 14 M.R.S. § 740 must be limited to the reasonable time of one Maine attorney on one motion. Plaintiff also requests the alternative relief in Part VII.

Dated: October 27, 2026

Respectfully submitted,

/s/ Melissa Palzewicz
Melissa Palzewicz, Esq., Maine Bar No. 011659
33 Division St., Bangor, ME 04401
(617) 286-2648
(657) 423-5900 (m)
melissa.palzewicz@palzewiczlaw.com
Attorney for Plaintiff Jamie Beck (Limited Appearance)

INDEX OF EXHIBITS

Plaintiff's exhibits

Exhibit	Description	Cited in
Beck Aff.	Affidavit of Jamie M. Beck, with the exhibits below	Background; Parts I, II, IV, V, VI
BECKAFF-A	Resignation communication with Dignity First	Beck Aff. ¶¶ 7-9
BECKAFF-B	September 12, 2026 Facebook cover photo (with "satire" label)	Background A; Part IV.C.1
BECKAFF-C	September 14, 2026 Facebook cover photo (label removed)	Background A; Part IV.C.1
BECKAFF-D	Cover-photo album showing both images remain accessible	Background A; Part IV.C.1

Exhibit	Description	Cited in
BECKAFF-E, -F	Screenshots of reader comments	Background A; Part IV.C.3
BECKAFF-G	August 29, 2026 photograph posted by Defendant	Background A; Part IV.C.1
BECKRESP-A	E-filing rejection notice, Envelope 291203 (Oct. 5, 2026)	Part I (table)
BECKRESP-B	E-filing record for resubmission, Envelope 293067 (Oct. 7, 2026)	Part I (table)

Court-file documents cited (judicial notice)

- Plaintiff's Amended Complaint (Oct. 5, 2026)
- Plaintiff's Motion to Continue and Certificate of Service (Oct. 5, 2026)
- Form CR-CV-FM-JV-PA-PC-286 (cited in Part I.D)
- Defendant's Special Motion for Expedited Relief (Oct. 6, 2026) ("First Mot.") and Special Motion directed to the Amended Complaint (Oct. 9, 2026) ("Def.'s Mot.")
- Declaration of Adam Stade and Defendant's Exhibits 1-4 ("Stade Decl.")
- Defendant's Emergency Motion to Stay (Oct. 6, 2026)
- Defendant's Motion for Admission of Visiting Counsel Pro Hac Vice (Oct. 6, 2026) ("PHV Mot.")

Legislative materials

- Committee Amendment to S.P. 367, L.D. 870 (131st Legis.), with Uniform Comments ("Comm. Amend.") [excerpts recommended]

INDEX OF CASE CITATIONS

Case	Where cited
Alexander v. United States, 509 U.S. 544 (1993)	Part V.C
Blum v. Stenson, 465 U.S. 886 (1984)	Part VI.B.2
Cabral v. L'Heureux, 2017 ME 50	Part I.B
Chan v. Ellis, 296 Ga. 838 (2015)	Part IV.C.4
Childs v. Ballou, 2016 ME 142	Part V.B.3
Connick v. Myers, 461 U.S. 138 (1983)	Part V.B.2 (quoted in *Snyder*)
Counterman v. Colorado, 600 U.S. 66 (2023)	Part V.B.3
Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc., 472 U.S. 749 (1985)	Part V.B.2 (quoted in *Snyder*)
Dyer v. Childress, 55 Cal. Rptr. 3d 544 (Cal. Ct. App. 2007)	Part II.C
Faiella v. Fed. Nat'l Mortg. Ass'n, 928 F.3d 141 (1st Cir. 2019)	Part II.A
FilmOn.com Inc. v. DoubleVerify Inc., 439 P.3d 1156 (Cal. 2019)	Part II.C
Hensley v. Eckerhart, 461 U.S. 424 (1983)	Part VI.B.1
Hustler Magazine, Inc. v. Falwell, 485 U.S. 46 (1988)	Part V.B.2

Case	Where cited
Hutchinson v. Proxmire, 443 U.S. 111 (1979)	Part II.C
In re Wage Payment Litig., 2000 ME 162	Part V.A
Kinney v. Barnes, 443 S.W.3d 87 (Tex. 2014)	Part V.C
Lane v. Franks, 573 U.S. 228 (2014)	Part II.C
People v. Austin, 2019 IL 123910	Part V.B.3
Pete v. Cooper, No. [docket no.] (S.D. Fla. Apr. 20, 2026)	Part V.C
Poussard v. Commercial Credit Plan, Inc., 479 A.2d 881 (Me. 1984)	Part VI.B.1
Salma v. Capon, 161 Cal. App. 4th 1275 (2008)	Part I.C
Saunders v. Tisher, 2006 ME 94	Part V.A
Simmons v. Allstate Ins. Co., 92 Cal. App. 4th 1068 (2001)	Part I.C
Sindi v. El-Moslimany, 896 F.3d 1 (1st Cir. 2018)	Part V.C
Snyder v. Phelps, 562 U.S. 443 (2011)	Part V.B.2
State v. VanBuren, 2018 VT 95	Part V.B.3
Thomas v. Quintero, 126 Cal. App. 4th 635 (2005)	Part III.A
United States v. Harriss, 347 U.S. 612 (1954)	Part V.D

Case	Where cited
Wilbanks v. Wolk, 17 Cal. Rptr. 3d 497 (Cal. Ct. App. 2004)	Part II.C
Wolston v. Reader's Digest Ass'n, 443 U.S. 157 (1979)	Part II.C

CERTIFICATE OF SERVICE

I certify that on October 27, 2026, I served a copy of the foregoing Plaintiff's Response, with its exhibits, on Defendant's counsel, David R. Gordon, Esq., Steve Smith Trial Lawyers, 191 Water Street, Augusta, ME 04330, and Marc J. Randazza, Esq., Randazza Legal Group, PLLC, 30 Western Avenue, Gloucester, MA 01930, by the Maine e-filing system.

Dated: October 27, 2026

/s/ Melissa Palzewicz
Melissa Palzewicz, Esq., Maine Bar No. 011659
33 Division St., Bangor, ME 04401
(617) 286-2648
(657) 423-5900 (m)
melissa.palzewicz@palzewiczlaw.com
Attorney for Plaintiff Jamie Beck (Limited Appearance)

Electronically Filed: 10/27/2026 11:31 AM

BECKRESP -A

Details - Case # BANDC-PFH-2026-00180 - Envelope # 291203 - *** CONFIDENTIAL ***

Envelope

Envelope ID
291203

Submitted date
10/05/2026 8:16 PM

Submitted by
Melissa Palzewicz

Username
melissa.palzewicz@palzewiczlaw.com

Case Information

Court Location
Bangor District Court

Case Type
Protection from Harassment

Case Category
Civil

Case Initiation Date

Parties

Party Type	Party Name	Lead Attorney
Plaintiff	Hidden Party - Plaintiff	Melissa Palzewicz
Defendant	Hidden Party - Defendant	David Gordon

Filings

Filing Code
Supplemental Filing - Amended Complaint - Filed

Filing Type
eFile and Serve

Filing Description
Amended Protection from Harassment Complaint

Client Ref #

Submitted Date

10/05/2026 8:16 PM

Status

Rejected

Review Date

Comments to Court

Included is Amended form MJB-Form-oth-032 and supporting documentation.

Reviewer Comments

There are three points to focus on in this rejection: 1. The Amended Complaint (pg 1-6 only) must be uploaded as the lead document using filing code: [Supplemental Filing – Amended Complaint – Filed]. 2. The Certification for Electronic Filing of Complaint(PA-027) must be uploaded as a separate PDF attachment to the Complaint. No other documents are required if the Complaint is the only thing that has changed. 3. Each attachment/exhibit must be submitted as a separate PDF file, uploaded as an attachment to the filing they correspond with. --- If you resubmit a corrected version of the rejected document(s) and you want the file date of the resubmitted document(s) to relate back to the file date of the rejected submission, your resubmission must comply with M.R.E.C.S. 35(F). You must resubmit the filing within four (4) business days after the date of first rejection and include in the "Comments to Court" field all of the following information. 1) The words – "Resubmission of filing, original submission unsuccessful." 2) The date of the original attempted submission. 3) The date of this rejection notice. 4) This statement – "This is the first resubmission of [identify the resubmitted document(s)]." --- WARNING: Failure to comply with any of these requirements will result in a new and later submission date attaching to the resubmitted document(s).

Reject Reason

Multiple reasons for rejection - see comment for details

Courtesy Copy Email

Type

Lead Document

Document name

AMENDED 2026.10.05 - MJB-Form-oth-032.signed.pdf

Description

Security

Non-Public

Original document

Type

Attachments

Document name

Amended Complaint - Beck - Supporting Documents.pdf

Description

Security

Non-Public

Original document

Service Details

Recipient Name	Associated Party	Service Methods
Melissa Palzewicz	Hidden Party	EServe

Method

EServe

View Logs

Contact Information

melissa.palzewicz@palzewiczlaw.com

Administrative Copy

None

Filing Code

Supplemental Filing - Amended Complaint - Filed

Status

Served: 10/05/2026 8:17 PM

Fees

Payment account

Palzewicz

Party responsible for envelope fees

Hidden Party - Plaintiff

Filing attorney

Melissa S Palzewicz

Order ID

Transaction Response

Transaction Amount

$0.00

Transaction ID

454340

Total	$0.00
Grand Total	$0.00

BECKRESP - B

Electronically Filed: 10/27/2026 11:31 AM

Details - Case # BANDC-PFH-2026-00180 - Envelope # 293067 - *** CONFIDENTIAL ***

Envelope

Envelope ID
293067

Submitted date
10/07/2026 9:16 PM

Submitted by
Melissa Palzewicz

Username
melissa.palzewicz@palzewiczlaw.com

Case Information

Court Location
Bangor District Court

Case Type
Protection from Harassment

Case Category
Civil

Case Initiation Date

Parties

Party Type	Party Name	Lead Attorney
Plaintiff	Hidden Party - Plaintiff	Melissa Palzewicz
Defendant	Hidden Party - Defendant	David Gordon

Filings

Filing Code
Supplemental Filing - Amended Complaint - Filed

Filing Type
eFile and Serve

Filing Description
Amended PFH Complaint

Client Ref #

Submitted Date
10/07/2026 9:16 PM
Status
Accepted
Review Date
10/08/2026 1:30 PM
Comments to Court
Resubmission of filing, original submission unsuccessful. Date of the original attempted submission - 10/5/2026. Date of this rejection notice - 10/7/2026. This is the first resubmission of Amended PFH Complaint.
Reviewer Comments

Courtesy Copy Email

Type
Lead Document
Document name
AMENDED 2026.10.05 - MJB-Form-oth-032-signedv3.pdf
Description

Security
Non-Public

Original document
File stamped

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Attachments
Document name
Beck 4.pdf
Description

Security
Non-Public

Original document
File stamped

Type
Attachments
Document name

Beck 1.pdf

Description

Security

Non-Public

Original document

File stamped

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Attachments

Document name

Beck 3.pdf

Description

Security

Non-Public

Original document

File stamped

Type

Attachments

Document name

Beck 2.pdf

Description

Security

Non-Public

Original document

File stamped

Type

Attachments

Document name

PA 027 Certification for Electronic Filing-BANDC-PFH-2026-00180.pdf

Description

Security

Non-Public

Original document

File stamped

Service Details

Recipient Name	Associated Party	Service Methods
Melissa Palzewicz	Hidden Party	EServe

Method
EServe
View Logs

Filing Code
Supplemental Filing - Amended Complaint - Filed

Contact Information
melissa.palzewicz@palzewiczlaw.com

Status
Served: 10/07/2026 9:17 PM, Opened: 10/26/2026 1:58 PM

Administrative Copy
None

Recipient Name	Associated Party	Service Methods
Sheri Nichols	Hidden Party	EServe

Method
EServe
View Logs

Filing Code
Supplemental Filing - Amended Complaint - Filed

Contact Information
sheri@americantrialgroup.com

Status
Served: 10/07/2026 9:17 PM, Opened: 10/08/2026 8:50 AM

Administrative Copy
None

Recipient Name	Associated Party	Service Methods
Marc Randazza	Hidden Party	EServe

Method
EServe
View Logs

Filing Code
Supplemental Filing - Amended Complaint - Filed

Contact Information
ecf@randazza.com

Status
Served: 10/07/2026 9:17 PM, Opened: 10/07/2026 9:53 PM

Administrative Copy
None

David Gordon | Hidden Party | EServe

Method
EServe

View Logs

Filing Code
Supplemental Filing - Amended Complaint - Filed

Contact Information
david@americantrialgroup.com

Status
Served: 10/07/2026 9:17 PM

Administrative Copy
None

Fees

Payment account
Palzewicz
Party responsible for envelope fees
Hidden Party - Plaintiff
Filing attorney
Melissa S Palzewicz
Order ID
Transaction Response
Transaction Amount
$0.00
Transaction ID
457244

Total	**$0.00**
Grand Total	**$0.00**