

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NORTHEAST ENERGY PARTNERS, LLC, Plaintiff)	
)	
v.)	C.A. 10-cv-30148-MAP
)	
RALPH MAHAR REGIONAL SCHOOL DISTRICT, Defendant/Third Party Plaintiff)	
)	
v.)	
)	
CONSTELLATION NEW ENERGY, Third Party Defendant)	
)	

MEMORANDUM AND ORDER REGARDING
JOINT MOTION TO CERTIFY QUESTIONS OF STATE LAW
TO MASSACHUSETTS SUPREME JUDICIAL COURT
(Docket No. 61)

May 12, 2011

PONSOR, D.J.

At the court's invitation, counsel have jointly submitted a Motion to Certify, agreeing on one of the questions to be certified, but disagreeing as to two others.

In order to reduce the risk of further uncertainty and delay, the court hereby **ALLOWS** the joint motion (Dkt. No. 61), with the understanding that all three questions will be certified. The Supreme Judicial Court, of course, has the option of declining to answer any or all of the three questions.

An adjustment of the wording of the third proposed question should be made so that it is gramatically parallel to the other two questions. Thus, the question should read: "If MGL Chapter 30B applies to the contract, does a

provision providing for automatic renewal of the contract term with a public entity, without the public entity's affirmative approval, violate MGL Chapter 30B?"

The parties' joint motion indicates that once the court determines the questions to be posed, counsel will submit a final version of the Order for Certification, including all referenced exhibits, in a form suitable for signing and transmission to the Supreme Judicial Court. Counsel should now submit this final version within ten days of this ruling.

It is understood that all pending proceedings in this case will be stayed until the SJC responds to the certified questions. The court has ruled on the motions pending on the docket to reflect the stay.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge