

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,

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May 5, 2025