

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE**

**THE PINES CHURCH**, a Maine non-profit corporation, and **Matt Gioia**, an individual;

Plaintiffs,

vs.

**HERMON SCHOOL DEPARTMENT**;

Defendant.

Civil Action No.: 1:23-cv-00214-LEW

**PLAINTIFFS' MOTION TO CONVERT  
JURY TRIAL TO BENCH TRIAL**

**PLAINTIFFS' MOTION TO CONVERT JURY TRIAL TO BENCH TRIAL**

Pursuant to Federal Rule of Civil Procedure 39(a)(2), Plaintiffs The Pines Church and Matt Gioia (collectively, Plaintiffs) respectfully move this Court to enter an order converting the upcoming jury trial in this matter to a bench (non-jury) trial. In support of this Motion, Plaintiffs rely on the accompanying Memorandum of Law, the Declaration of Julianne Fleischer, and any reply memorandum that may be permitted by the Court.

Respectfully submitted,

DATED: September 24, 2025

/s/ Julianne Fleischer  
Julianne Fleischer, Esq., CA Bar No. 337006  
(*Pro Hac Vice Admission*\*\*)  
Advocates for Faith and Freedom  
jfleischer@faith-freedom.com  
25026 Las Brisas Road  
Murrieta, California 92562  
Tel: (951) 600-2733

/s/ Wenonah Wirick  
Wenonah M. Wirick, Esq., Bar No. 9634  
Conley & Wirick, P.A.  
31 Union Street  
Bath, Maine 04530  
Tel: (207) 443-3434  
wwirick@conleyandwirick.com

*Counsel for Plaintiffs The Pines Church, a Maine non-profit corporation, and Matt Gioia, an individual*

## I. INTRODUCTION

This case was initially designated for a jury trial based on a timely demand under Federal Rule of Civil Procedure 38. *See* ECF No. 10 (Complaint). However, at this stage of the proceedings, Plaintiffs are seeking only permanent injunctive relief, declaratory relief, nominal damages in the amount of \$1.00, and attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and 5 M.R.S.A. § 4614. Plaintiffs are no longer pursuing compensatory damages beyond the nominal amount. Because Plaintiffs' claims are equitable in nature, there is no federal right to a jury trial under the Seventh Amendment. Accordingly, pursuant to Federal Rule of Civil Procedure 39(a)(2), this Court should find that no right to a jury trial exists and convert the upcoming jury trial to a bench trial.

## II. STATEMENT OF FACTS

This action arises under Maine's Public Accommodation statutes and federal constitutional law. A jury trial demand was made by Plaintiffs in their Complaint filed on July 7, 2023. *See* ECF No. 10, PageID#: 62. Plaintiffs' Complaint seeks: (1) permanent injunctive relief; (2) declaratory relief; (3) nominal damages and/or compensatory damages for the violation of the Maine Human Rights Act; (4) nominal damages and/or compensatory damages for the violation of Plaintiffs' constitutional rights; and (5) an award of reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and 5 M.R.S.A. § 4614. *Id.* at 75-76. At this stage of the proceedings, Plaintiffs are seeking only permanent injunctive relief, declaratory relief, nominal damages in the amount of \$1.00, and attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and 5 M.R.S.A. § 4614. Declaration of Julianne Fleischer ("Fleischer Declaration"), ¶ 4. Plaintiffs are no longer pursuing compensatory damages beyond the nominal amount. *Id.*

The Court's scheduling order currently set this matter for jury selection on October 1, 2025 and jury trial on October 27, 2025. *See* ECF No. 116, PageID#: 1182. On September 22, 2025, Plaintiffs' counsel advised Defendant's counsel of their intent to request that the Court convert the jury trial to a bench trial, explaining that no right to a jury trial exists, and asked Defendant's counsel to stipulate to a bench trial in lieu of filing this motion. Fleischer Declaration, ¶ 6. On September 23, 2025, counsel for both parties conferred by phone. *Id.*, ¶ 7. Defendant's counsel stated that, before agreeing to a stipulation, she needed to assess "whether the trial will go forward as scheduled." *Id.* On September 23, 2025,

Plaintiffs’ counsel contacted the court clerk to determine whether, if the parties stipulated to a bench trial, the Court’s calendar would allow the trial to proceed in October or November. *Id.*, ¶ 8. The clerk responded that a trial could go forward in October, subject to a scheduled criminal trial that may or may not proceed, and there is also availability on the Court’s calendar in November. *Id.* On September 24, 2025, Plaintiffs’ counsel again sought Defendant’s position, but Defendant’s counsel indicated she could not provide a “definitive answer.” *Id.*, ¶ 9. Given the imminent pre-trial deadlines—including jury selection set for October 1, 2025—and the need for Plaintiffs’ counsel to travel from California and Michigan for that proceeding, Plaintiffs move for this relief. *Id.*, ¶ 10. To the extent discovery has occurred, all depositions, document productions, and other discovery efforts have primarily focused on the substantive merits of the claims, which are predominantly equitable in nature. *Id.*, ¶ 11. Converting to a bench trial at this stage will conserve judicial resources without prejudicing any party. *Id.*, ¶ 12.

### III. LEGAL STANDARD

Federal Rule of Civil Procedure 39(a) governs the mode of trial when a jury demand has been made. It provides:

When a jury trial has been demanded under Rule 38, the action must be designated on the docket as a jury action. The trial on all issues so demanded must be by jury unless:

- (1) the parties or their attorneys file a stipulation to a nonjury trial or so stipulate on the record; or
- (2) the court, on motion or its own, finds that on some or all issues there is no federal right to a jury trial.

Fed. R. Civ. P. 39(a). Where the claims are predominantly equitable, the court may—and should—order a bench trial. *Abbott v. Bragdon*, 882 F. Supp. 181, 183 (D. Me. 1995) *Abbott v. Bragdon*, 882 F. Supp. 181, 183 (D. Me. 1995) (“If any part of [plaintiff’s allegation] constitutes a legal claim, ‘the Seventh Amendment mandates that a jury demand be honored.’ . . . “On the other hand, if [plaintiff’s allegation] is purely equitable, the Seventh Amendment right to a jury trial is not implicated.”). The Local Rules of the United States District Court for the District of Maine do not alter this federal standard. Local Rule 38 requires that a jury demand be noted in the caption of the pleading but otherwise defers to Federal Rule

38. Local Rule 47 addresses juror selection in civil jury cases but imposes no additional requirements for determining the right to a jury trial.

#### IV. ARGUMENT

The Seventh Amendment preserves the right to a jury trial “in Suits at common law,” but only for actions seeking legal remedies such as monetary damages, not equitable relief like injunctions. *See* U.S. Const. amend. VII; Fed. R. Civ. P. 38(a); *Tull v. United States*, 481 U.S. 412, 417–22 (1987). Courts determine the Amendment’s reach by examining the “nature of the remedy,” giving greater weight to the remedy sought than to the underlying right. *See City of Monterey v. Del Monte Dunes*, 526 U.S. 687, 709–11 (1999); *Chauffeurs v. Terry*, 494 U.S. 558, 575 (1990) (Brennan, J., concurring) (“[T]he nature of the remedy is more important than the nature of the right.”). Claims for injunctive relief are consistently treated as equitable and tried to the court. *See BioPoint, Inc. v. Dickhaut*, 110 F.4th 337, 342 (1st Cir. 2024); *Gallagher v. Wilton Enters., Inc.*, 962 F.2d 120, 122–23 n.3 (1st Cir. 1992) (“If any legal claim exists, the Seventh Amendment mandates that a jury demand be honored. . . . The bench can then pass upon the equitable claims.”).

In their First Amended Complaint, Plaintiffs originally sought “nominal and/or compensatory damages” for violation of Maine Human Rights Act and violations of Plaintiffs’ constitutional rights. *See* ECF No. 10, PageID#: 75. However, at this stage of the proceedings, Plaintiffs are only seeking nominal damages of \$1.00, injunctive and declaratory relief, and attorneys’ fees and costs allowed under the law. Fleischer Declaration, ¶ 4. Plaintiffs’ limitation of monetary damages to a nominal amount, combined with their primary pursuit of injunctive relief and attorneys’ fees and costs, renders this action equitable. No party therefore has a Seventh Amendment right to a jury,<sup>1</sup> and the Court should order a bench trial under Rule 39(a)(2). A bench trial will conserve judicial resources and avoid unnecessary jury empanelment, with no prejudice to Defendants given the minimal damages at issue. Fleischer Declaration, ¶ 12.

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<sup>1</sup> Defendant did not seek a jury demand in their Answer to Plaintiffs’ First Amended Complaint. *See* ECF No. 11.

## V. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court finds that on all issues there is no federal right to a jury trial, and instead, convert the jury trial to a bench trial.

Respectfully submitted,

DATED: September 24, 2025

/s/ Julianne Fleischer  
Julianne Fleischer, Esq., CA Bar No. 337006  
(*Pro Hac Vice Admission\*\**)  
Advocates for Faith and Freedom  
jfleischer@faith-freedom.com  
25026 Las Brisas Road  
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/s/ Wenonah Wirick  
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