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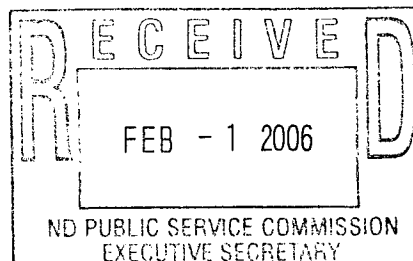
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February 1, 2006

Honorable Bruce Haskell  
 District Judge  
 PO Box 1013  
 Bismarck, ND 58502



**Capital Electric v. City of Bismarck, et al.**  
**Burleigh County Civil No. 05 C 2303**

Dear Judge Haskell:

The Defendant, City of Bismarck, has filed a Motion for More Definite Statement pursuant to Rule 12(e) N.D.R.Civ.P. The Plaintiff, Capital, has filed its response. The Court has not ruled on the City's Motion for More Definite Statement. Capital is entitled to 10 days following an order for more definite statement to comply with said Order. The City has 10 days thereafter to file its responsive pleading pursuant to Rule 12(c) of the N.D.R.Civ.P.

After pleadings are closed, a party may move for judgment on the pleadings. Rule 12(c) If, on a motion for judgment on the pleading matters outside the pleadings are presented and not excluded from by the Court, the motion shall be treated as one for summary judgment and disposed of as provided in N.D.R.Civ.P. 56. Rule 12(c) N.D.R.Civ.P. further provides that all parties shall be given reasonable opportunity to present all material made pertinent to such motion by N.D.R.Civ.P. 56. The City's motion included briefs and materials outside the pleadings and, therefore, Rule 56 applies.

Capital respectfully asserts that the parties are entitled to a ruling on the Motion for More Definite Statement and further entitled to 10 days to comply with said Order, and

entitled to an answer from the City, prior to responding to a motion for Judgment on the pleadings or a Motion for Summary Judgment.

Yours truly,



Carol K. Larson

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Encs.

cc: Daniel Kuntz  
William Binek  
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Jerome Kettleson  
Capital Electric