

STATE OF NORTH DAKOTA )  
 ) ss.  
COUNTY OF WARD )

**AFFIDAVIT OF CAROL K. LARSON**

**Carol K. Larson**, being first duly sworn on oath, deposes and states as follows:

1. That I am the attorney of record for Capital Electric Cooperative, Inc.
2. That I make this affidavit in support of the Motion for Continuance or in the alternative motion for scheduling conference.
3. That the undersigned attorney of record understood the hearing schedule for March 2, 2006, to be a hearing on whether this case should proceed as a declaratory judgment action or an appeal.
4. That the undersigned did not understand this hearing to be a hearing on the full merits of Capital's appeal, if designated as an appeal.
5. Capital has pending motions for Motion to Amend Complaint and Motion for Reconsideration, which motions which need to be addressed prior to scheduling a hearing on the merits, whether framed as a declaratory judgment action, or an appeal.
6. On February 24, 2006, my office received the City's record on appeal while I was out-of-town.
7. That I require a written transcript of the City's proceedings to properly prepare my case, whether framed as a declaratory judgment action, or an appeal.
8. That I was require reasonable time to review the City record, and the written transcript, prior to addressing the trial on the merits.
9. That Capital is not prepared to proceed with a hearing on the merits of an appeal at the hearing now scheduled for March 2, 2006.
10. That I request a scheduling conference to clarify the procedural posture of this litigation to properly prepare and present Capital's case.

Dated this 15<sup>th</sup> day of March, 2006.

Carol K. Larson  
Carol K. Larson

SUBSCRIBED AND SWORN to before me this 1 day of March, 2006.

Ruth Headrick  
Notary Public  
For the State of North Dakota  
My Commission Expires: 10-25-11

**RUTH HEADRICK**  
Notary Public  
State of North Dakota  
My Commission Expires Oct. 25, 2011