

# Supreme Court of North Dakota

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October 30, 2006

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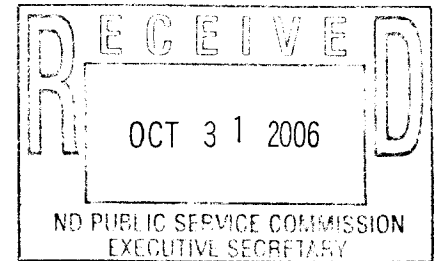
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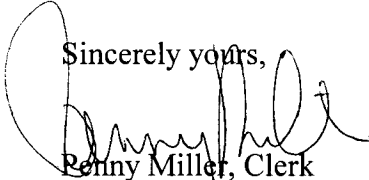
RE: Capital Electric Coop., Inc. v. City of Bismarck, et al.  
Supreme Court No. 20060199  
Burleigh Co. No. 05-C-02303



The above matter has been identified for the **December** 2006 Term of Court for oral argument. You will be notified of the date and time for appearance on completion of the Court calendar. **I request Appellant and Appellee to forward or fax to my office immediately any conflicts during the month of December.** The tentative dates for oral argument are **December 4, 6, 7, 18 and 19.** Please provide all conflicts for the month of December as these dates are tentative. **My fax number is 701-328-4480 and my e-mail address is supclerkofcourt@ndcourts.gov.** You should keep this appeal in mind when scheduling other matters during the specified Term of Court. Counsel for the Appellant should also take this into account when preparing a reply brief, if any.

If conflicts are not received **immediately**, or cannot be accommodated, oral argument will be scheduled without further contact. If counsel cannot attend oral argument at the date and time scheduled, the matter will be submitted on the basis of the brief(s) filed. Counsel available at the scheduled date and time will be permitted to appear. However, under N.D.R.App.P. 34(a)(2), amended effective March 1, 2003, upon examination of the briefs and record, the Court may decide that oral argument is unnecessary and cancel oral argument.

Sincerely yours,

  
Penny Miller, Clerk  
North Dakota Supreme Court

PM:tc