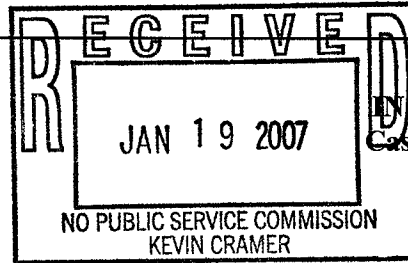


STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH



IN DISTRICT COURT
Case No. 06 C 1290

Montana-Dakota Utilities Co

Plaintiff,

vs.

North Dakota Public Service Comm.

Defendant.

NOTICE

Rule 16 of the North Dakota

Rules of Civil Procedure requires that a scheduling order be entered in this case.

The parties are directed to confer with each other in an effort to agree on a proposed scheduling order. Attached is a form which may be used and which includes the information necessary to manage the case. The parties may include additional scheduling information which they believe will assist in preparation for trial.

A scheduling conference will be set if:

- The parties are unable to agree to a scheduling order;
- The Judge believes a scheduling conference is necessary after reviewing a proposed scheduling order; or
- No proposed scheduling order has been provided to the Court within 25 days of this notice.

Dated : January 18, 2007

Donna Fair
Trial Court Administrator

BY: Diana Mayer, Calendar Clerk

c: Jerme Kettleon, William Binek

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

SOUTH CENTRAL JUDICIAL DISTRICT

Plaintiff

Civil No: _____

Vs

Defendant

PROPOSED SCHEDULING ORDER

The parties have met and agreed as follows:

1. The parties shall complete fact discovery and other pre-trial preparations by _____.
2. The parties shall designate any expert witnesses by _____, and complete discovery on expert witnesses not later than _____, unless they mutually agree otherwise to extend such deadlines for expert witnesses.
3. The parties must file all non-dispositive motions by _____, and all dispositive motions by _____.
4. If a pretrial conference is requested, the parties must be prepared for it no later than ten days before trial.
5. The parties must identify all documents and witnesses by _____.
6. The parties must be prepared for trial no later than _____.
7. The parties are requesting a (Bench trial—Jury of 6—Jury of 9).

8. The length of trial is _____ days.

Dated this _____ day of _____, _____.

Attorney for the Plaintiff

Attorney for the Defendant

IT IS SO ORDERED THIS _____ DAY OF _____, _____.

DISTRICT JUDGE

C: ATTORNEYS
COURT ADM OFFICE