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MAY 21 2008

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

PUBLIC SERVICE COMMISSION

SOUTH CENTRAL JUDICIAL DISTRICT

Dakota Resource Council, Janie and John)
Capp, Ramona Klein, Linette and Merle)
Kratochvil, and Mark Novak ,)

CIVIL NO. 08-08-C-0814
Agency Case No. PU-06-421

Appellants,)

vs.)

ORDER FOR RULE 16 SCHEDULING CONFERENCE

Public Service Commission and)
TransCanada Keystone Pipeline LP,)

Appellees.)

A written request for a Rule 16 scheduling conference has been filed in this case by Defendant TransCanada Keystone Pipelinc, LP. It appears that this case is one that will benefit from early Court intervention and the setting of deadlines. To those ends, IT IS HEREBY

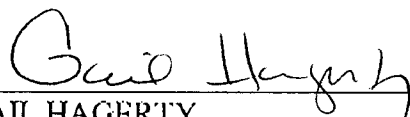
ORDERED, that a Rule 16 scheduling conference will take place at 2:00 p.m. on

May 29, 2008, at the Burleigh County Courthouse, Bismarck, North Dakota,

before the Honorable Gail Hagerty. The parties should ~~appear ready to set deadlines for briefing~~ ^{present a proposed} ~~and oral argument in this case.~~ ^{scheduling order in advance of the hearing.}

Dated this 8 day of May, 2008.

BY THE COURT:


GAIL HAGERTY
Judge of the District Court

C: Thomas Kelsch, Illona Jeffcoat-Sacco, William Binek, Derrick Braaten
Jana Linderman

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APPEAL Order for Rule 16 Scheduling Conference

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