

September 27, 2010

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PUBLIC SERVICE COMMISSION

Debra Simenson
Clerk of District Court
P.O. Box 1055
Bismarck, ND 58502-1055

Re: Dakota Resource Council vs. ND Public Service Commission, et al.

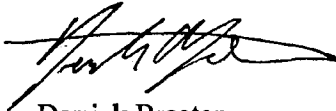
Dear Clerk of Court:

Enclosed for filing in the above referenced case is:

1. Demand For Change of Judge (in triplicate).

Thank you for your attention to this matter.

Sincerely,



Derrick Braaten

DB/dm

Enclosures

Copy: Appellant Dakota Resource Council
ND Public Service Commission ✓
Brian R. Bjella
Ladd Erickson
Wayne Stenehjem
ND Dept. of Transportation
ND Game and Fish Department

51 RC-08-640 Filed: 9/28/2010 Pages: 3
APPEAL - Demand for change of Judge filed with
District Court

Dakota Resource Council

Derrick Braaten, SarahVogelLaw Partners

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Dakota Resource Council,)
)
Appellant,)

Civil No. 08-10-C-02329

vs.)

Agency Case No. RC-08-640

OAH File No. 2010-0122

North Dakota Public Service Commission,)
McLean County, North Dakota)
Department of Transportation, and North)
Dakota Game and Fish Department and)
Falkirk Mining Company,)
)
Appellees.)

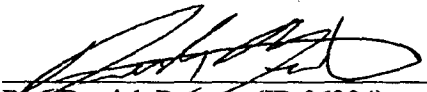
DEMAND FOR CHANGE OF JUDGE

Appellant Dakota Resource Council hereby demands a change of judge pursuant to N.D.C.C. § 29-15-21. Appellant seeks the removal of the Honorable Gail Hagerty in the above-captioned administrative appeal. Appellant certifies that the Honorable Gail Hagerty has not ruled upon any matter pertaining to the above-captioned proceeding, and that this demand has been filed in good faith and not for the purpose of delay.

Respectfully submitted,

SARAH VOGEL LAW PARTNERS

Dated this 27th day of September, 2010.


By: Derrick Braaten (ID 06394)
222 North 4th Street
Bismarck, ND 58501-4004
Telephone: 701-221-2911
Fax: 701-221-5842
Attorneys for Dakota Resource Council

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **DEMAND FOR CHANGE OF JUDGE** was on September 27, 2010, mailed to the following:

Darrell Nitschke
Executive Secretary
ND Public Service Commission
600 East Boulevard, Department 408
Bismarck, ND 58505-0480

Brian R. Bjella
Crowley Fleck
400 East Broadway, Suite 600
Bismarck, ND 58501
Attorney for Falkirk Mining Company

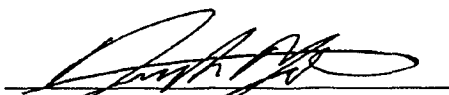
Attorney General Wayne Stenehjem
State Capitol
600 E. Boulevard Ave.
Dept. 125
Bismarck, ND 58505

Ladd Erickson
McLean County State's Attorney
P.O. Box 1108
Washburn, ND 58577-1108
Attorney for McLean County

ND Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

ND Game & Fish Department
100 N. Bismarck Expressway
Bismarck, ND 58501-5095

Dakota Resource Council
Attn: Mark Trechock
PO Box 1095
Dickinson, ND 58602
Appellant


Derrick Braaten