

Deutsch, James R.

From: Gruman, Mark E.
Sent: Friday, August 19, 2011 3:07 PM
To: Jeffcoat-Sacco, Illona; Deutsch, James R.
Subject: Fwd: Dakota Resource Council v. ND Public Service Commission, Supreme Court No. 20110226

Begin forwarded message:

From: "Hulm, Petra" <PHulm@ndcourts.gov>
Date: August 19, 2011 2:34:08 PM CDT
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Subject: **Dakota Resource Council v. ND Public Service Commission, Supreme Court No. 20110226**

*SUPREME COURT OF NORTH DAKOTA
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VIA E-MAIL ONLY

August 19, 2011

Derrick L. Braaten
Baumstark Braaten Law Partners
222 N. 4th St.
Bismarck, ND 58501-4004

RE: Dakota Resource Council v. ND Public Service Commission
Supreme Court No. 20110226
Burleigh Co. No. 10-C-02329

The Court has requested this office to review all matters for appealability. Upon our and the Court's review of this matter, it appears a final judgment has not been entered. Under N.D.C.C. § 28-32-49, a party may appeal a final judgment of the district court in an administrative appeal. In Sowatzki v. North Dakota Workers Comp. Bureau, the Court held that a judgment is necessary in administrative agency appeals and that an order intended to be final is insufficient. 1997 ND 137, 567 N.W.2d 189.

Please ensure that a final judgment is entered promptly. If a final judgment is not entered, the matter will be referred to the Court for authority to dismiss the appeal.

Sincerely yours,

Petra H. Mandigo Hulm
Chief Deputy Clerk
North Dakota Supreme Court

cc: Mark E. Gruman
Ladd R. Erickson, State's Attorney
Zachary B. Smith
Brian R. Bjella