

Gruman, Mark E.

From: Derrick Braaten [derrick@baumstarkbraaten.com]
Sent: Tuesday, September 06, 2011 2:34 PM
To: 'Brian R. Bjella'
Cc: Gruman, Mark E.; Erickson, Ladd R.; Smith, Zac B.
Subject: RE: Appellant's Brief - Dakota Resource Council v. ND Public Service Commission, Supreme Court No. 20110226
Attachments: 62-Order_for_Judgment_08-24-11.pdf; 63-Judgment_08-26-11.pdf

I did file it, and was waiting for the signed copies to come back. I called after seeing your email and it was apparently entered last week. I've attached copies to this email, and will send a courtesy copy to Petra Hulm at the Supreme Court as well. Let me know if you have any questions.

Thanks,
Derrick

Derrick Braaten
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From: Brian R. Bjella [mailto:bbjella@crowleyfleck.com]
Sent: Tuesday, September 06, 2011 10:00 AM
To: derrick@baumstarkbraaten.com
Cc: mgruman@nd.gov; lrickson@nd.gov; zasmith@nd.gov
Subject: RE: Appellant's Brief - Dakota Resource Council v. ND Public Service Commission, Supreme Court No. 20110226

Derrick-
Did file a judgment, as have not received a copy?
Brian

From: Supreme Court Clerk's Office - Thompson, Jeanene [mailto:JThompson@ndcourts.gov]
Sent: Tuesday, September 06, 2011 9:54 AM
To: derrick@baumstarkbraaten.com
Cc: mgruman@nd.gov; lrickson@nd.gov; zasmith@nd.gov; Brian R. Bjella; (COC) 08 Burleigh Civil Clerk
Subject: Appellant's Brief - Dakota Resource Council v. ND Public Service Commission, Supreme Court No. 20110226

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September 6, 2011

Via E-mail Transmission Only:

Derrick L. Braaten
Attorney at Law
222 North 4th Street
Bismarck, ND 58501-4004

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

The Clerk's Certificate of Electronic Record (Entry Nos. 1 - 45) was received and filed in this office September 2, 2011.

The Appellant's Brief will be due 40 days after the notice of appeal was filed in the trial court. According to my calculation, the 40th day expires September 14, 2011.

Upon the timely filing of the briefs of the Appellant and Appellee, this matter will be placed on an appropriate calendar of the Court for oral argument.

Sincerely yours,

Jeanene Thompson
Deputy Clerk
North Dakota Supreme Court

pc: Brian R. Bjella
Ladd R. Erickson, State's Attorney
Mark E. Gruman
Zachary B. Smith
Debra Simenson, Clerk of District Court

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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Dakota Resource Council,)

Appellant,)

vs.)

North Dakota Public Service Commission,)

McLean County, North Dakota)

Department of Transportation, and North)

Dakota Game and Fish Department and)

Falkirk Mining Company,)

Appellees.)

Agency Case No. RC-08-640

OAH File No. 2010-0122

Civil No. 08-10-C-2329

JUDGMENT

The above-entitled action having been decided without hearing, and this court having issued an Order Affirming Administrative Decision dated May 31, 2011 and a subsequent Order for Judgment in accordance therewith;

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. The PSC Order of August 24, 2010 is affirmed.

Dated this 26th day of August, 2011.

BY THE COURT:

Debra Semmes
Clerk of Burleigh County District Court

RECEIVED & FILED

AUG 26 2011

Clk. of Crt. Burleigh Co.

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

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

Agency Case No. RC-08-640
OAH File No. 2010-0122
Civil No. 08-10-C-2329

ORDER FOR JUDGMENT

The above-entitled action was decided on the briefs of the parties without hearing or oral argument. By Order Affirming Administrative Decision dated May 31, 2011, the court directed that the PSC Order of August 24, 2010, which was appealed by Dakota Resource Council to the Burleigh County District Court, be affirmed. In accordance with this court's May 31, 2011 Order Affirming Administrative Decision, it is hereby

ORDERED that Appellees have judgment against Appellant in the following respects:

1. The PSC Order of August 24, 2010 is affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 21st day of August, 2011

BY THE COURT:


Honorable Donald L. Jorgensen
District Judge

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AUG 26 2011

Clk. of Crt. Burleigh Co.