

Gruman, Mark E.

From: Debbie Miller <debbie@baumstarkbraaten.com>
Sent: Tuesday, September 20, 2011 1:32 PM
To: supclerkofcourt@ndcourts.gov
Cc: Gruman, Mark E.; bbjella@crowleyfleck.com; Ireickson@nd.gov; Smith, Zac B.; 08CivilClerk@ndcourts.gov; derrick@baumstarkbraaten.com
Subject: Dakota Resource Council v. ND Public Service Commission, Supreme Court No. 20110226
Attachments: Affidavit_of_Derrick_Braaten_in_Support_of_Motion_for_30_Day_Extension_to_file_Appellant's_Brief_09-20-11.pdf

Dear Ms. Cota:

As per the e-mail below, attached is the following document:

- Affidavit of Derrick Braaten in Support of Motion for 30 Day Extension to File Appellant's Brief.

Sincerely,

Debbie Miller
Legal Assistant
debbie@baumstarkbraaten.com
BAUMSTARK BRAATEN LAW PARTNERS
222 N 4th Street
Bismarck ND 58501
NEW EMAIL AND WEB ADDRESSES
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PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

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From: Supreme Court Clerk's Office - Cota, Terra [<mailto:TCota@ndcourts.gov>]
Sent: Tuesday, September 13, 2011 9:20 AM
To: derrick@baumstarkbraaten.com
Cc: bbjella@crowleyfleck.com; Ireickson@nd.gov; mgruman@nd.gov; zasmith@nd.gov; (COC) 08 Burleigh Civil Clerk
Subject: Motion for Extension of Time of Appellant's Brief (Dakota Resource Council v. ND Public Service Commission, Supreme Court No. 20110226)

SUPREME COURT OF NORTH DAKOTA

OFFICE OF THE CLERK

600 E Boulevard Avenue

Bismarck, ND 58505

*(701) 328-2221 (voice) (TDD)
1-800-366-688*

94 RC-08-640 Filed: 9/20/2011 Pages: 6
SC APPEAL - Affidavit of Derrick Braaten in Support of Motion for Extension to File Appellant's Brief

September 13, 2011

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

Your electronically filed Motion for Extension of Time to file the Appellant's Brief and Appendix in this matter was received and filed in my office September 12, 2011. Pursuant to Administrative Rule 5, I have granted an extension to October 14, 2011, to file the Appellant's Brief and Appendix provided an affidavit establishing good cause for an extension is filed by September 20, 2011. Please refer to N.D.R.App. 26(b). An agreement between the parties is not sufficient to establish good cause.

Sincerely yours,

Petra Mandigo Hulm
Chief Deputy Clerk
North Dakota Supreme Court

PMH: tc

pc: Brian R. Bjella
Ladd R. Erickson, State's Attorney

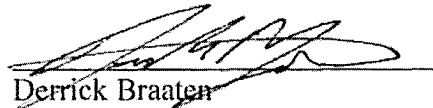
Mark E. Gruman
Zachary B. Smith
Debra Simenson, Clerk of District Court

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2011, which was one day prior to my deadline to submit the brief and appendix int his matter, and for this reason and due to a heavy workload on other cases, I have requested an extension to file the Appellant's Brief and Appendix in this matter.

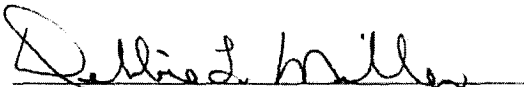
4. Additionally, I am getting married out of state on October 1, 2011, and will be out of the state from September 28 until October 11, 2011, and thus have requested an extension to allow me time to finish preparation of the Appellant's Brief and Appendix once I return.

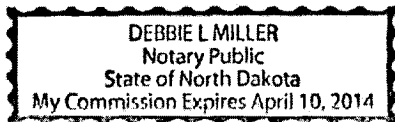
Dated this 20th day of September, 2011.


Derrick Braaten

STATE OF NORTH DAKOTA)
)ss.
COUNTY OF BURLEIGH)

On this 20th day of September, 2011, before me personally appeared Derrick Braaten, known to me to be the same person who is described in and who executed the within document, and acknowledged to me that he executed the same.


Notary Public



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Appellant's **AFFIDAVIT OF DERRICK BRAATEN IN SUPPORT OF MOTION FOR 30 DAY EXTENSION TO FILE APPELLANT'S BRIEF** was served on September 20, 2011, via email, on the following party at their last known address listed below:

ND Public Service Commission
Mark Gruman
600 East Boulevard, Department 408
Bismarck, ND 58505-0480
mgruman@nd.gov
*Attorney for ND Public Service
Commission*

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

Attorney General Wayne Stenchjem
Zachary Smith
State Capitol
600 E. Boulevard Ave.
Dept. 125
Bismarck, ND 58505
zasmith@nd.gov
*Attorney for North Dakota Game and
Fish Department and North Dakota
Department of Transportation*

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

Dated this 20th day of September, 2011.


Derrick Braaten