

Gruman, Mark E.

From: Debbie Miller <debbie@baumstarkbraaten.com>
Sent: Wednesday, October 12, 2011 4:41 PM
To: supclerkofcourt@ndcourts.gov
Cc: Gruman, Mark E.; bbjella@crowleyfleck.com; Smith, Zac B.; Erickson, Ladd R.; 'Derrick Braaten'
Subject: Dakota Resource Council v. ND Public Service Commission, Supreme Court No. 20110226
Attachments: Motion_for_Extension_to_File_Appellants_Brief_10-12-11.pdf;
Affidavit_of_Derrick_Braaten_in_Support_of_Motion_for_Extension_to_File_Appellants_Brief_10-12-11.pdf
Importance: High

Attached for filing in the above-referenced case are the following documents:

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

Thank you for your attention to this matter.

Sincerely,

Debbie Miller
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Bismarck ND 58501
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95 RC-08-640 Filed: 10/13/2011 Pages: 6
SC APPEAL - Motion for extension to file Appellant's Brief

Dakota Resource Council
Derrick Braaten

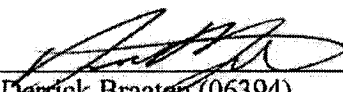
IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Dakota Resource Council,)	
)	
Appellant,)	Supreme Court No. 20110226
)	
v.)	Burleigh Co. No. 10-C-02329
)	
North Dakota Public Service Commission,)	
McLean County, North Dakota Department)	MOTION FOR EXTENSION TO FILE
of Transportation, North Dakota Game and)	APPELLANT'S BRIEF
Fish Department, and Falkirk Mining)	
Company,)	
)	
Appellees.)	

Appellant Dakota Resource Council, by and through its attorney Derrick Braaten, respectfully moves the Court for an additional (ten) 10days to file its opening brief in this appeal. Counsel for Appellees have indicated that they have no objection to the requested extension of time for filing Appellant's Brief, which would be filed October 24, 2011.

Dated this 12th day of October, 2011.

BAUMSTARK BRAATEN LAW PARTNERS
Attorneys for Appellant
222 North 4th Street
Bismarck, ND 58501-4004
Phone: 701-221-2911
Fax: 701-221-5842


By: Derrick Braaten (06394)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Appellant's **MOTION FOR EXTENSION TO FILE APPELLANT'S BRIEF** was served on October 12, 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
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Attorney for Falkirk Mining Company

Attorney General Wayne Stenehjem
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
lerickson@nd.gov
Attorney for McLean County

Dated this 12th day of October, 2011.



Derrick Braaten

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

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

Supreme Court No. 20110226
Burleigh Co. No. 10-C-02329


**AFFIDAVIT OF DERRICK BRAATEN
IN SUPPORT OF MOTION FOR
EXTENSION TO FILE APPELLANT'S
BRIEF**

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

Derrick Braaten, being duly sworn, states and attests as follows:

1. I am an attorney in good standing licensed in North Dakota state courts, and my attorney ID number is 06394.
2. I have been out of town for my wedding and honeymoon, and have returned October 12, 2011, to a number of unexpected and pressing office matters that require my attention and thus have requested an extension to allow me time to finish preparation of the Appellant's Brief and Appendix.
3. Counsel for Appellees have indicated they have no objections to the requested extension.

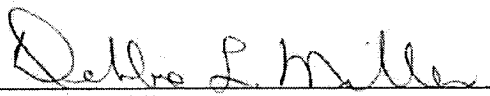
Dated this 12th day of October, 2011.


Derrick Braaten

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

On this 12th day of October, 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.

DEBBIE L MILLER
Notary Public
State of North Dakota
My Commission Expires April 10, 2014


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 EXTENSION TO FILE APPELLANT'S BRIEF** was served on October 12, 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
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Attorney for Falkirk Mining Company

Attorney General Wayne Stenehjem
Zachary Smith
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zasmith@nd.gov
*Attorney for North Dakota Game and
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Ladd Erickson
McLean County State's Attorney
P.O. Box 1108
Washburn, ND 58577-1108
lrickson@nd.gov
Attorney for McLean County

Dated this 12th day of October, 2011.



Derrick Braaten