

Jeffcoat-Sacco, Illona

From: Mann, Wade C.
Sent: Friday, February 27, 2015 3:36 PM
To: Jeffcoat-Sacco, Illona
Cc: derrick@baumstarkbraaten.com; jj@baumstarkbraaten.com; Brian R. Bjella (bbjella@crowleyfleck.com); Deutsch, James R.; Furey, Casey A.
Subject: RE: Staff response and request for short extension

Counsel,

I hereby grant PSC staff's requested extension of time to file a response to the recent filings. I believe that Monday is March 2, 2015 but if PSC staff needs until March 3, 2015 to file they will have an extension until that time. I also grant the request to give counsel for Mr. Voigt until Friday March 6, 2015 to submit his brief and proposed findings. Coyote Creek shall also receive two additional days for filing its brief and proposed findings. This e-mail communication shall serve as my order on the extensions. No formal order will follow unless requested by any of the parties. After receipt of PSC staff's filing, I will issue an order with respect to Norris and Bickle affidavits.

Wade Mann, Director
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503
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wmann@nd.gov

From: Jeffcoat-Sacco, Illona
Sent: Friday, February 27, 2015 3:18 PM
To: Mann, Wade C.
Cc: derrick@baumstarkbraaten.com; jj@baumstarkbraaten.com; Brian R. Bjella (bbjella@crowleyfleck.com); Deutsch, James R.; Furey, Casey A.
Subject: FW: Staff response and request for short extension

Judge Mann, we respectfully request an extension until the close of business Monday, 3 March 2015 to file our response to the two recent filings made as noted in your Order (the Norris affidavit and the Bickel affidavit). A quick summary of our planned response is noted in my original e-mail request to the parties, at the bottom of this message.

The parties have no objection to the request, but (as noted in the e-mail I am forwarding from Derrick Braaten, below) Casey Voight's counsel has asked for a two day extension on the filing of their brief. We have no objection to the two day extension requested by Mr. Braaten, nor to an additional two days for the company's brief.

Thank you in advance for your consideration of this request. I Have also copied and pasted in here the response we received from Mr. Bjella on the requests:

Ok with extensions, agree no waiver by doing so.

Illona A. Jeffcoat-Sacco
ND PSC
701-328-2407 (fax 2410)
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From: derrick@baumstarkbraaten.com [mailto:derrick@baumstarkbraaten.com]
Sent: Friday, February 27, 2015 2:15 PM
To: Jeffcoat-Sacco, Illona; Brian R. Bjella (bbjella@crowleyfleck.com)
Cc: jj@baumstarkbraaten.com
Subject: RE: Staff response and request for short extension

We don't object to the extension, but I would like to have until next Friday to submit our brief and proposed FoF and CoL so we have time to assess your filing. I'm fine with Coyote Creek having an additional two days for its final brief and proposed findings as well. Also, by agreeing to the extension, we are not waiving or conceding any constitutional due process or other legal arguments related to the objections to the Norris affidavit (if they are sustained).

Derrick Braaten
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----- Original Message -----

Subject: Staff response and request for short extension
From: "Jeffcoat-Sacco, Illona" <ijs@nd.gov>
Date: Fri, February 27, 2015 11:26 am
To: "derrick@baumstarkbraaten.com" <derrick@baumstarkbraaten.com>, "[Brian R. Bjella \(bbjella@crowleyfleck.com\)](mailto:bbjella@crowleyfleck.com)" <bbjella@crowleyfleck.com>
Cc: "jj@baumstarkbraaten.com" <jj@baumstarkbraaten.com>

Will you agree to our filing Monday rather than today? I would very much appreciate it if you would give us until Monday to file our short affidavit in response to the Norris and Bickle affidavits. If yes, I will write to Judge Mann and request the extension, and note that I have your agreement.

We plan to 1) agree with the company's objection to the portion of the Norris affidavit and attachment; 2) recommend that the relevant portion and attachment of the Bickle affidavit be also stricken; 3) file a short affidavit responding to other portions of the Norris affidavit, but not sure we can get than done, and reviewed and filed, yet this afternoon.

Thanks in advance.

Illona A. Jeffcoat-Sacco

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