

Jeffcoat-Sacco, Illona

From: JJ England <jj@baumstarkbraaten.com>
Sent: Friday, January 29, 2016 3:50 PM
To: supclerkofcourt@ndcourts.gov
Cc: 'Derrick Braaten'; 'Brian R. Bjella'; Jeffcoat-Sacco, Illona
Subject: Corrected Electronic filing: notice of appeal for Burleigh County District Court Case 08-2015-CV-1056
Attachments: Voigt Notice of Appeal.pdf

To the Clerk of the Supreme Court,

Attached please find a corrected notice of appeal regarding 08-2015-CV-1056, with corrected case number. The \$125 filing fee was hand-delivered today, and a transcript will not be requested.

Thank you,
JJ England

JJ England
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From: JJ England [<mailto:jj@baumstarkbraaten.com>]
Sent: Friday, January 29, 2016 3:21 PM
To: 'supclerkofcourt@ndcourts.gov' <supclerkofcourt@ndcourts.gov>
Cc: 'Derrick Braaten' <derrick@baumstarkbraaten.com>; 'Brian R. Bjella' <bbjella@crowleyfleck.com>; 'Jeffcoat-Sacco, Illona' <jj@nd.gov>
Subject: Electronic filing: notice of appeal for Burleigh County District Court Case No. 18-2014-CV-01058

To the clerk of the Supreme Court,

Attached for filing please find a notice of appeal regarding Burleigh County District Court Case No. 18-2014-CV-01058, Casey Voigt, Appellant, vs. North Dakota Public Service Commission and Coyote Creek Mining Company, L.L.C., Appellees. The \$125 filing fee will be hand-delivered today, and a transcript will not be requested.

Thank you,
JJ England

JJ England

202 RC-13-850 Filed: 1/29/2016 Pages: 4
SC APPEAL - Corrected Notice of Appeal

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IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Casey Voigt,

Appellant,

vs.

North Dakota Public Service Commission
and Coyote Creek Mining Company, L.L.C.,

Appellees.

)
)
) Supreme Court Case No.: xxxxxxxx
) Burleigh County District Court Case
) No.: 08-2015-CV-1056
)
)
)

)
) **NOTICE OF APPEAL**
) **AND**
) **SPECIFICATION OF ERRORS**
)
)
)

[¶1] PLEASE TAKE NOTICE that Casey Voigt, by and through his counsel, hereby gives notice of his appeal under N.D.C.C. § 28-27-02 to the North Dakota Supreme Court of the trial court’s Order, dated January 19, 2016, and final judgment in this matter, dated January 28th, 2016.

STATEMENT OF ISSUES

[¶2] Mr. Voigt presents the following issues for appeal:

- A. Whether the trial court erred in concluding that the Public Service Commission’s order in this matter complied with applicable surface mining laws relating to identification and protection of alluvial valley floors;
- B. Whether the trial court erred in concluding that the Public Service Commission’s order in this matter sufficiently addressed evidence presented by Appellant in the administrative process identifying pertinent alluvial valley floors immediately adjacent to Coyote Creek Mine;

- C. Whether the trial court erred in concluding that the Public Service Commission's conclusions of law regarding lack of alluvial valley floors adjacent to Coyote Creek Mine were supported by its findings of fact;

Dated this 29th day of January, 2016.

BAUMSTARK BRAATEN LAW PARTNERS
Attorneys for Plaintiff
109 North 4th Street, Suite 100
Bismarck, ND 58501
Telephone: 701-221-2911
Fax: 701-221-5842

By: /s/ Derrick Braaten
Derrick Braaten (ND ID No. 06394)
JJ England (ND ID No. 08135)

CERTIFICATE OF SERVICE

I hereby certify that on January 29th, 2016, a true and correct copy of Appellant's **NOTICE OF APPEAL** was served via electronic mail on:

- Brian Bjella, counsel for Appellee Coyote Creek Mining Company at bbjella@crowleyfleck.com; and
- Illona Jeffcoat-Sacco, counsel for Appellee Public Service Commission at ijs@nd.gov.

Dated this 29th day of January, 2016.

 /s/ JJ England
JJ England