

Jeffcoat-Sacco, Illona

From: Supreme Court Clerk's Office - Erck, Sarah <SErck@ndcourts.gov>
Sent: Monday, February 01, 2016 1:26 PM
To: derrick@baumstarkbraaten.com
Cc: Jeffcoat-Sacco, Illona; 'bbjella@crowleyfleck.com'
Subject: Notice of Appeal - Voigt v. N.D. Public Service Commission, et al., Supreme Court No. 20160046
Attachments: 20160046_noa.pdf; 20160046_noa_am.pdf; aff_serv_noa.pdf; rec_filing_fee.pdf

*SUPREME COURT OF NORTH DAKOTA
OFFICE OF THE CLERK
600 E Boulevard Avenue
Bismarck, ND 58505-0530
(701) 328-2221 (voice) (701) 328-4480 (fax)
1-800-366-6888 (TTY)
supclerkofcourt@ndcourts.gov*

(via e-mail only)
February 1, 2016

Derrick L. Braaten
109 N. Fourth St., Ste. 100
Bismarck, ND 58501-4003

RE: Voigt v. N.D. Public Service Commission, et al.
Supreme Court No. 20160046
Burleigh Co. No. 2015-CV-01056

I received the \$125 filing fee and the Notice of Appeal and corrected Notice of Appeal in this matter which were filed on January 29, 2016. I am enclosing a receipt for the filing fee.

This letter, along with the attached copy of the Notice of Appeal, will serve as the required notice under N.D.R.App.P. 3(d). This letter, the notice of appeal, any order for transcript(s), and the enclosed affidavit of service will be filed in Odyssey.

According to the Rules of Appellate Procedure, the clerk of the trial court shall certify the record on appeal to my office by February 25, 2016.

By copy of this letter, I am requesting Illona A. Jeffcoat-Sacco file a diskette of the administrative transcript or electronically transmit the administrative transcript to the Supreme Court clerk **no later than February 8, 2016**, unless the transcript was not prepared on a computer or word processor.

The file does not indicate whether the Appellant filed an Order for Transcript in accordance with the rules. If an Order for Transcript was not filed with the Notice of Appeal, the Appellant's brief is due in this office 40 days after the Notice of Appeal was filed. According to my calculation, the 40th day expires March 6, 2016.

All correspondence in this matter will be made by e-mail, including forwarding a copy of any orders or opinions filed. If we do not have an e-mail address for a party, all correspondence will be sent by U.S. Mail.

203 RC-13-850 Filed: 2/1/2016 Pages: 9
SC APPEAL - Acknowledgment of Notice of Appeal,
and N.D.R. App.P. 3(d) Notice, with attachments

Sincerely yours,

Sarah Erck
Deputy Clerk
North Dakota Supreme Court

attachments

pc: Illona A. Jeffcoat-Sacco
Brian R. Bjella
Clerk of District Court copied via filing in Odyssey

This email and any transmitted files attached are intended solely for the use of the individual or entity to which they are addressed, and may be confidential under the law. If you have received this email in error please notify the originator of the message.

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Casey Voigt,)	
)	
Appellant,	)	Supreme Court Case No.: xxxxxxxx
	)	Burleigh County District Court Case
vs.	)	No.: 18-2014-CV-01058
)	
North Dakota Public Service Commission	)	NOTICE OF APPEAL
and Coyote Creek Mining Company, L.L.C.,	)	AND
	)	SPECIFICATION OF ERRORS
Appellees.)	
)	
)	

[¶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

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Casey Voigt,)	
)	
Appellant,	)	Supreme Court Case No.: xxxxxxxx
	)	Burleigh County District Court Case
vs.	)	No.: 08-2015-CV-1056
)	
North Dakota Public Service Commission	)	NOTICE OF APPEAL
and Coyote Creek Mining Company, L.L.C.,)	AND
)	SPECIFICATION OF ERRORS
Appellees.)	
)	
)	

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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

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

AFFIDAVIT OF SERVICE

Supreme Court No. 20160046
Burleigh Co. Court No. 2015-CV-01056

Casey Voigt,

Appellant

v.

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

Appellees

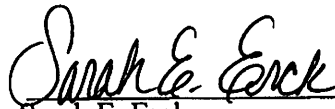
STATE OF NORTH DAKOTA)
) ss
COUNTY OF BURLEIGH)

[¶1] Sarah E. Erck, being duly sworn on oath, deposes and states that she is of legal age and that on February 1, 2016, she served the Notice of Appeal and corrected Notice of Appeal in the above matter electronically as follows:

**Derrick Lance Braaten at derrick@baumstarkbraaten.com
Baumstark Braaten Law Partners
109 N. Fourth St., Ste. 100
Bismarck, ND 58501-4003**

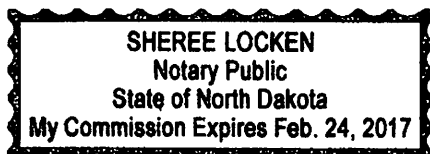
**Illona A. Jeffcoat-Sacco at ijs@nd.gov
Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480**

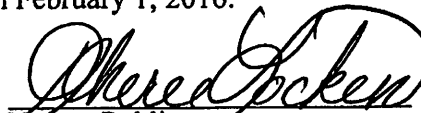
**Brian R. Bjella at bbjella@crowleyfleck.com
Crowley Fleck PLLP
100 W. Broadway, Ste. 250
P.O. Box 2798
Bismarck, ND 58502-2798**



Sarah E. Erck
Deputy Clerk
North Dakota Supreme Court

[¶2] Subscribed and sworn to before me on February 1, 2016.





Notary Public

CASH RECEIPT - NORTH DAKOTA
STATE JUDICIAL SYSTEM

No 24218

Date 1-29 2016

Received From Baumstark Baachen Law Partners
Address POB. N.D. CK #19355

One hundred twenty-five Dollars \$ 125

For Filing Fee - Vicist v. N.D. Public Service Comm., et al. - S.C. # 20160076

Unit	18000	Dept. ID	0000
Account	413009	State Fund	001
Project ID		Activity ID	

Received By [Signature]