

Jeffcoat-Sacco, Illona

From: Becky Osborn <becky@baumstarkbraaten.com>
Sent: Wednesday, March 02, 2016 9:25 AM
To: supclerkofcourt@ndcourts.gov
Cc: bbjella@croweyfleck.com; Jeffcoat-Sacco, Illona; -Info-Attorney General; Derrick Braaten
Subject: Supreme Court No. 20160046
Attachments: Affidavit_of_Derrick_Braaten_in_Sup_of_Motion_for_Extension_of_Time.pdf; Motion for Extension.pdf; Affidavit of Service.pdf

Attached please find the following documents on behalf of Appellant:

1. Motion for Extension of Time to File Appellant's Brief;
2. Affidavit of Derrick Braaten; and
3. Affidavit of Service.

Please let me know if you have any questions.

Thank you.

Becky Osborn, ACP

Advanced Certified Paralegal

BAUMSTARK BRAATEN LAW PARTNERS

109 North 4th Street, Suite 100

Bismarck, ND 58501-4003

701-221-2911 (phone)

701-221-5842 (fax)

becky@baumstarkbraaten.com

www.baumstarkbraaten.com

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205 RC-13-850 Filed: 3/2/2016 Pages: 6
SC APPEAL – Motion for Extension to file Brief &
Affidavit of Derrick Braaten

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Casey Voigt,)	
)	
Appellant,)	Supreme Court Case No.: 20160046
)	Burleigh County District Court Case
vs.)	No.: 08-2015-CV-1056
)	
North Dakota Public Service Commission)	
and Coyote Creek Mining Company,)	MOTION FOR EXTENSION OF TIME
L.L.C.,)	TO FILE APPELLANT'S BRIEF
)	
Appellees.)	

[¶1]. Plaintiff Casey Voigt, by and through his undersigned counsel, hereby moves the Court for a thirty day extension to file his opening brief. Pursuant to N.D.R.App.P. 26(b), “[f]or good cause, the court may extend the time prescribed by these rules or by its order to perform any act, or may permit an act to be done after that time expires.”

[¶2]. Filed and served herewith is the Affidavit of Derrick Braaten, which sets forth the reasons for this request. Appellant, through his undersigned counsel, submits that the Affidavit of Derrick Braaten provides information sufficient to demonstrate good cause for this extension.

Dated this 2nd day of March, 2016.

BAUMSTARK BRAATEN LAW PARTNERS
/s/ Derrick Braaten
By: Derrick Braaten, ND Bar # 06394
Attorney for Plaintiffs/Appellants
109 N. 4th Street, Suite 100
Bismarck, ND 58501
Phone: 701-221-2911
Fax: 701-221-5842
derrick@baumstarkbraaten.com

5. Doc. ID No. 10 is titled "CR Exhibit 1 Permit application" and as presently certified contains a five page letter, which states: "Enclosed are three DVDs containing Surface Coal Mining Permit Application NACC-1302. Also enclosed is the original application form." While the application form appears to be part of the record certified via Odyssey by the district court, the record as it is certified does not contain the three DVDs, which are the most important part of this exhibit and contain the entirety of the application for the permit on appeal.
6. Doc ID Nos. 99-100 are high resolution color aerial photographs, the originals of which were submitted in hard copy to the district court. The copies certified to the Court here are again only the items as they appeared in Odyssey.
7. Appellant is in the process of requesting that the district court clerk certify these additional items to the North Dakota Supreme Court and will arrange for their transport pursuant to N.D.R.App.P. 11(b)(2).
8. I am submitting this affidavit in support of Appellant's Motion for Extension of Time to File Appellant's Brief in order to show good cause for the requested thirty (30) day extension.

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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.: 20160046
Burleigh County District Court Case
No.: 08-2015-CV-1056

AFFIDAVIT OF SERVICE

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

The undersigned, being duly sworn, deposes and says that: I am a United States Citizen, over 18 years of age, and on Wednesday, March 2, 2016, I served a copy of the following documents:

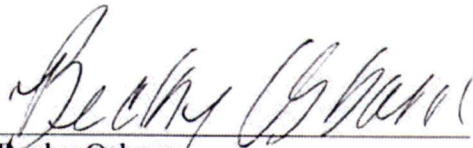
1. Motion for Extension of Time to File Appellant's Brief; and,
2. Affidavit of Derrick Braaten

by e-mailing true and correct copies to the persons named below, to the e-mail addresses listed.

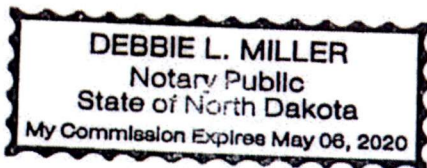
Brian Bjella
bbjella@crowleyfleck.com

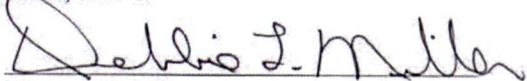
Wayne Stenehjem
ndag@nd.gov

Ilona Jeffcoat-Sacco
ijs@nd.gov


Becky Osborn

Subscribed and sworn to before me this 2nd day of March, 2016.




Notary Public
State of North Dakota