

## Jeffcoat-Sacco, Illona

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**From:** Jeffcoat-Sacco, Illona  
**Sent:** Thursday, April 21, 2016 4:36 PM  
**To:** supclerkofcourt@ndcourts.gov  
**Cc:** Brian R. Bjella (bbjella@crowleyfleck.com); jj@baumstarkbraaten.com; derrick@baumstarkbraaten.com  
**Subject:** Joint Motion, Stipulation and Certificate of Service re filing extension request  
**Attachments:** Joint Motion for Extension to File Appellees' Briefs.pdf; Stipulation for Extension to File Appellees' Briefs.pdf; Certificate of Service Extension Motion and Stipulation.pdf

Enclosed for filing are a Joint Motion for Extension of Time to File Appellees' Briefs, a supporting Stipulation for Extension of Time to File Appellees' Briefs, and a Certificate of Service for same.

*Illona A. Jeffcoat-Sacco*  
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IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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

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Casey Voigt,

Appellant,

vs.

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

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**JOINT MOTION FOR EXTENSION OF TIME TO FILE APPELLEES' BRIEFS**

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APPEAL FROM DISTRICT COURT JUDGMENT ENTERED JANUARY 28, 2016  
SOUTH CENTRAL JUDICIAL DISTRICT, BURLEIGH COUNTY, ND

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[¶ 1] Appellees Coyote Creek Mining Company, L.L.C. and the North Dakota Public Service Commission, by and through their attorneys Brian Bjella and Illona A. Jeffcoat-Sacco, respectfully move this Court for a 30-day extension of time to file Appellees' Briefs until June 6, 2016.

[¶ 2] The extension of time is requested due to the continued demanding workload in the offices of each counsel and planned vacations. In addition to preparation of cases before the Public Service Commission, counsel for Coyote Creek Mining Company also has pending filings in other litigation, and a planned family vacation. Further, counsel for the Public Service Commission faces

resource constraints and has a prior commitment that necessitates being out of the office for much of the week preceding the current due date for Appellees' briefs. This commitment is for the purpose of a family gathering out of state to celebrate Eastern Orthodox Holy Week and Easter. Without an extension, due to work demands and other considerations, counsel will likely have to cancel travel plans. The timing of the Easter holiday, counsel's planned vacations and pre-paid travel arrangements, and the reality of continued resource constraints combine to show good cause for an extension.

[¶ 3] There exists good cause for the extension. All parties have agreed to a 30-day extension, and a Stipulation to this effect is being filed contemporaneously herewith.

[¶ 4] Based on the above, Appellees respectfully request that the 30-day extension be granted so that Appellees have until June 6, 2016 to file their Briefs.

Dated this 21<sup>st</sup> day of April 2016.

By /s/ Brian R. Bjella  
Brian R. Bjella (ID#03549)  
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Attorney for Appellee Coyote Creek Mining Company, LLC

Dated this 21<sup>st</sup> day of April 2016

By Illona A. Jeffcoat-Sacco  
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IN THE SUPREME COURT

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Casey Voigt,  
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Appellees.

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**STIPULATION FOR EXTENSION OF TIME TO FILE APPELLEES' BRIEFS**

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APPEAL FROM THE JUDGMENT ENTERED JANUARY 28, 2016  
SOUTH CENTRAL JUDICIAL DISTRICT BURLEIGH COUNTY, ND

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WHEREAS:

[¶ 1] Appellees will, contemporaneously with the filing of this Stipulation, jointly move for a 30-day extension of time to file Appellees' Briefs due to the continued demanding workload in the offices of each counsel and planned vacations.

[¶ 2] Appellees have discussed the Motion and Appellees' reasons for the extension request with Appellant.

[¶ 3] The attorneys in this matter acknowledge the continued demanding schedules of all parties and the conflicts noted by counsel for the Appellees, and have agreed to extend the deadline for filing Appellees' Briefs to on or before June 6, 2016.

[¶ 4] This Stipulation may be signed in counterparts, each of which is incorporated into the final document.

[¶ 5] The undersigned represent and warrant each has the authority to bind the party designated under each person's signature. This Stipulation sets forth all of the terms of the agreement reached between the parties with respect to the subject matter of this Stipulation and supersedes any and all prior negotiations and understandings.

[¶ 6] Signatures to the Stipulation may be provided by facsimile or other electronic means and will be as binding on the party so providing them as an original signature.

[¶ 7] This Stipulation is effective as of the date executed by the final party and will remain in effect unless a subsequent stipulation is executed by all the parties hereto or by court order after notice and opportunity to be heard has been given to all parties. No party will be deemed to have waived any rights under this Stipulation absent a written statement of waiver signed by the party alleged to have waived any rights.

[¶ 8] This Stipulation will be construed and interpreted under the laws of the State of North Dakota.

Dated this 21<sup>st</sup> day of April, 2016.

By *Illona A. Jeffcoat-Sacco*  
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Attorney for Appellee North Dakota Public Service Commission

Dated this 21<sup>st</sup> day of April, 2016

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Attorney for Appellee Coyote Creek Mining Company, LLC

Dated this 21<sup>st</sup> day of April, 2016

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Attorneys for Appellant Casey Voigt

IN THE SUPREME COURT

STATE OF NORTH DAKOTA

Supreme Court Case No. 20160046  
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Casey Voigt,

Appellant,

vs.

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

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**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the Joint Motion for Extension of Time to File Appellees' Briefs and the supporting Stipulation were on 21 April 2016, filed electronically by e-mail to the Clerk of the Supreme Court at the following e-mail address: [supclerkofcourt@ndcourts.gov](mailto:supclerkofcourt@ndcourts.gov)

and served electronically by e-mail on the following:

Brian Bjella	<a href="mailto:bbjella@crowleyfleck.com">bbjella@crowleyfleck.com</a>
Derrick Braaten	<a href="mailto:derrick@baumstarkbraaten.com">derrick@baumstarkbraaten.com</a>
JJ William England	<a href="mailto:jj@baumstarkbraaten.com">jj@baumstarkbraaten.com</a>

Dated this 21<sup>st</sup> day of April 2016.

By



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