

Jeffcoat-Sacco, Illona

From: Supreme Court Clerk's Office - Erck, Sarah <SErck@ndcourts.gov>
Sent: Friday, April 08, 2016 3:01 PM
To: 'derrick@baumstarkbraaten.com'; 'jj@baumstarkbraaten.com'
Cc: Jeffcoat-Sacco, Illona; 'bbjella@crowleyfleck.com'; (COC) 08 Burleigh Civil Clerk
Subject: Appellant's Brief and Appendix/Supplemental Clerk's Certificates - Voigt v. N.D. Public Service Commission, et al., Supreme Court No. 20160046
Attachments: roa_supp1.pdf; roa_supp1_am.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

*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)
April 8, 2016

Derrick L. Braaten
JJ William England
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

This will acknowledge receipt of the electronically filed Appellant's Brief and Appendix in the above matter. These were filed April 5, 2016. I trust the \$25 e-filing surcharge for your brief is being forwarded. I note your appendix is 402 pages. I trust an additional \$151 is being forwarded for your appendix for a total e-filing surcharge owed of \$176.00.

I note your table of contents in your brief references page numbers. Under the amendments to N.D.R.App.P. 32(a)(7), effective October 1, 2014, all briefs must be paragraph numbered. Reference to material in such documents must be to paragraph number, not page number. **Please correct your table of contents to reference paragraph numbers.**

I note your Appendix does not conform to Rule 32 of the North Dakota Rules of Appellate Procedure which states that all pages should be numbered at the bottom, either centered or at the right side. Additionally, it appears that some of the pages are covered by the gray edge of the page making them illegible. **Please correct the page numbering of your appendix to be either at the bottom center or the right side and insure that all page numbers are legible.**

226 RC-13-850 Filed: 4/8/2016 Pages: 5
SC APPEAL – Acknowledgment – Receipt of
Appellant's Brief and Appendix

I note the notice of appeal and specifications of error, amended notice of appeal and specifications of error to the district court, the district court judgment dated January 28, 2016, and the notice of appeal to the Supreme Court have not been included in your appendix. Please refer to Rule 30 of the North Dakota Rules of Appellate Procedure which sets forth what is to be included in the Appendix. As I understand Rule 30, these documents are required. **In this instance, you may include these documents at the end of your appendix, page numbered appropriately and update the table of contents to reflect their inclusion.**

I note that pages 40, 76, and 119 of your appendix are blank. Please advise if these pages have been intentionally left blank or if something is missing. In the event that it has been intentionally left blank, please indicate on each page that it has been intentionally left blank.

It appears that page 378 is scanned horizontally and is in color. It is our office policy to have all documents scanned vertically, as portions of the page will be cut off when printed if it is scanned horizontally. **Please scan page 378 vertically and advise if you wish this page to be printed in color or if black and white is sufficient.**

Please make the required corrections to your brief and appendix and forward an electronic copy of the brief and appendix in their entirety along with proof of service of the corrections on the other parties as soon as possible but at the latest by April 13, 2016. No other substantive changes may be made to the brief and appendix. There is no need to put amended or corrected on the brief and appendix.

Lastly, for future filings, Under N.D.R.App.P. 30(d) governing the appendix to the briefs, the docket sheet of the lower court must immediately follow the table of contents. The remainder of the appendix must be arranged in the same order as the docket entries. I call this to your attention for future filings with this Court.

The Appellees' Brief will be due thirty (30) days following service of the Appellant's Brief. This matter will be placed on an appropriate calendar of the Court when the Appellees' Brief has been received or when the time for filing such brief has expired.

Attached is a copy of the Supplemental Clerk's Certificate of Electronic Record dated March 29, 2016, which was received and filed in this office March 30, 2016. Also attached is a copy of the Amended Supplemental Clerk's Certificate of Electronic Record dated March 29, 2016, which was received and filed in this office March 30, 2016.

If record items were not forwarded to this Court by the district court, it is the parties' responsibility to ensure those items are forwarded to this Court if they wish them to be available for review by the Justices.

Sincerely yours,

Sarah Erck
Deputy Clerk
North Dakota Supreme Court

attachments

pc: Brian R. Bjella
Illona A. Jeffcoat-Sacco
Michele Bring, Clerk of Court

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.

Jeffcoat-Sacco, Illona

From: JJ England <jj@baumstarkbraaten.com>
Sent: Tuesday, April 12, 2016 3:42 PM
To: Erck, Sarah E.; '(SUP) Clerk of Court Office'
Cc: Jeffcoat-Sacco, Illona; bbjella@crowleyfleck.com; derrick@baumstarkbraaten.com; becky@baumstarkbraaten.com; donna@baumstarkbraaten.com
Subject: Corrected Appellant's Brief and Appendix - Voigt v. N.D. Public Service Commission, et al., Supreme Court No. 20160046
Attachments: 2016-04-12 CoS.PDF; 2016-04-12 Filed Brief of Appellant Casey Voigt.docx
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Ms. Erck,

As requested in your e-mail message below, attached please find the brief of Appellant Casey Voigt with the corrections you have requested. Additionally, the following link contains the Appendix of Appellant Casey Voigt with the corrections you have requested.

Appendix: <https://app.box.com/s/l4he4lvzvu5526yogayjih520ex9fpqn>

All parties have been copied on this message, and a new Certificate of Service is attached. You had three additional questions which I will respond to directly in this email.

1. You asked whether certain pages were intentionally left blank. Yes, certain pages were intentionally left blank, and we have marked those pages in the appendix as requested.
2. You asked whether page 0378 should be in color. Yes, we request that page 0378 be printed in color for ease of use and legibility. It has been re-oriented to vertical, as requested.
3. You inquired about payment of the fees. We are mailing you payment in the amount of \$178.50 today (\$25 e-filing fee and \$153.50 for filing a 407 page appendix), and I expect your office will receive that payment tomorrow or Thursday.

I trust that this addresses each of the items in your e-mail below. Please let me know if you need anything further.

Sincerely,
JJ England

JJ England
BAUMSTARK BRAATEN LAW PARTNERS
109 North 4th Street, Suite 100
Bismarck, ND 58501-4003
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This e-mail message is intended only for the named recipient(s) above and is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This e-mail is confidential and may contain information that is privileged, attorney work product or exempt from disclosure

IN DISTRICT COURT

COUNTY OF BURLEIGH

STATE OF NORTH DAKOTA

Casey Voigt

Plaintiff,

vs.

CLERK'S SUPPLEMENTAL
CERTIFICATE OF APPEAL

North Dakota Public Service
Commission and Coyote Creek
Mining Co. LLC

Case # 08-2015-CV-01056
Supreme Court Case # 20160046

Defendant.

I, Michelle Bring, Clerk of the District Court for the County of Burleigh within the South Central Judicial District of the State of North Dakota, DO HEREBY CERTIFY:

The following electronic image(s) found in Odyssey® comprise and constitute the additional document(s) filed to date in the above action and the same is hereby transmitted to the Supreme Court of the State of North Dakota, pursuant to the statute:

Index Number	File Date	Document Type	Number of Pages
204	3/24/2016	Letter from Public Service Commission (w/ CD)	1
205	3/29/2016	Clerk's Supplemental Certificate of Appeal	1

The hard copy of the CD is being sent by U.S. Mail.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of the Clerk of District Court this Tuesday, March 29, 2016.

Michelle Bring

CLERK OF DISTRICT
COURT

By: /s/ Stefanie Schettler

Stefanie Schettler

Deputy Clerk

Filed - Clerk of District Court
3/29/2016
Burleigh County, ND



ORIGINAL SEAL IN RED

IN DISTRICT COURT

COUNTY OF BURLEIGH

STATE OF NORTH DAKOTA

Casey Voigt

Plaintiff,

AMENDED

CLERK'S SUPPLEMENTAL
CERTIFICATE OF APPEAL

vs.

North Dakota Public Service Commission
and Coyote Creek Mining Co. LLC

Case # 08-2015-CV-01056

Defendant.

I, Michelle Bring, Clerk of the District Court for the County of Burleigh within the South Central Judicial District of the State of North Dakota, DO HEREBY CERTIFY:

The following electronic image(s) found in Odyssey® comprise and constitute the additional document(s) filed to date in the above action and the same is hereby transmitted to the Supreme Court of the State of North Dakota, pursuant to the statute:

Index Number	File Date	Document Type	Number of Pages
203	3/2/2016	Clerk's Certificate on Appeal Amended Clerk's Certificate on Appeal	1
204	3/24/2016	Letter from Public Service Commission (w/ CD)	1
205	3/29/2016	Clerk's Supplemental Certificate of Appeal	1
206	4/6/2016	Clerk's Supplemental Certificate of Appeal	1

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of the Clerk of District Court this Wednesday, April 06, 2016.

Michelle Bring
CLERK OF DISTRICT
COURT

By: /s/ Sherry Mills

Sherry Mills

Deputy Clerk

Filed - Clerk of District Court
4/6/2016
Burleigh County, ND



ORIGINAL SEAL IN RED