

## Jeffcoat-Sacco, Illona

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**From:** Supreme Court Clerk's Office - Erck, Sarah <SErck@ndcourts.gov>  
**Sent:** Tuesday, June 07, 2016 4:01 PM  
**To:** 'bbjella@crowleyfleck.com'  
**Cc:** Jeffcoat-Sacco, Illona; 'derrick@baumstarkbraaten.com'; 'jj@baumstarkbraaten.com'  
**Subject:** Coyote Creek Mining Company, L.L.C.'s Appellee's Brief - Voigt v. N.D. Public Service Commission, et al., Supreme Court No. 20160046

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*SUPREME COURT OF NORTH DAKOTA  
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(via e-mail only)  
June 7, 2016

Brian R. Bjella  
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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 Coyote Creek Mining Company L.L.C. Appellee's Brief and Appendix in the above matter. The Appellee's Brief was filed June 6, 2016.

The Appellee's Appendix contains at least three pages that appear to have text that has been covered, specifically CCMC 5, 7 and 8, and several maps that are very dark and are not legible. Therefore, I am not authorized to file your Appendix. I caution you that under N.D.R.App.P. 30(a)(1), only items in the record on appeal be included in the appendix. If you have included items in the appendix which are not in the record, the Court will not consider them and you may be subject to sanctions. If you wish to revise your appendix, it will be due no later than June 13, 2016.

It is my understanding that the \$25 e-filing surcharge for your brief is being forwarded.

For future filings please note, it is the preference of our office regarding the nature of proceedings on the title page that it include the title and date of the order being appealed, the judge who entered the decision, and judicial district in which the matter was decided.

**228 RC-13-850** Filed: 6/7/2016 Pages: 2  
**SC APPEAL – Acknowledgment – Receipt of Appellee's Brief and Appendix**

In the future, please ensure you comply with Rule 28(b). The Appellee's Brief has the Statement of Facts and Statement of Case sections in the wrong order. Rule 28(b), N.D.R.App.P., requires that the Brief contain these sections in a certain order.

This appeal will be submitted to the Court for consideration for the September 2016 Term of Court. Under N.D.R.App.P. 34(a)(2), upon examination of the briefs and record, the Court may decide oral argument is unnecessary.

If the appeal is scheduled for argument, you will be notified of the date and time for appearance on completion of the Court calendar. **I request Appellant and Appellee to forward or fax to my office immediately all conflicts during the month of September, and to continuously update this office of your conflicts until you receive notice of an oral argument date or notice oral argument will not be held. My fax number is 701-328-4480 and my e-mail address is [supclerkofcourt@ndcourts.gov](mailto:supclerkofcourt@ndcourts.gov).** You should keep this appeal in mind when scheduling other matters during the upcoming term.

We do not guarantee argument will be scheduled or guarantee accommodation of conflicts. **However, if oral argument is held and conflicts are not received, oral argument will be scheduled without further contact.** If counsel cannot attend oral argument on the date and time scheduled, the case will be submitted on the basis of the brief(s) filed by the absent counsel. Counsel available at the scheduled date and time will be permitted to appear.

Sincerely yours,

/s/ Sarah Erck, Deputy Clerk  
North Dakota Supreme Court

pc: Illona A. Jeffcoat-Sacco  
Derrick Lance Braaten & JJ William England

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