

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Public Service Commission,)	
)	Supreme Court No. 20160303
Petitioner,)	
)	
vs.)	
)	
Grand Forks Bean Company, Inc.,)	
Auto-Owners Insurance Company,)	Grand Forks County District Court
)	File No. 18-2015-CV-00240
Respondents,)	
)	
)	
_____)	
PSC Case No. GE-15-36)	

STIPULATION FOR AMENDED APPELLATE BRIEFING SCHEDULE

[¶1] WHEREAS, the Petitioner Public Service Commission; Respondent Auto-Owners Insurance Company (“Auto-Owners”); Claimants Beth Nelson, as Assignee of the Estate of Brad Nelson (“Nelson Estate”)¹, and Curt Amundson (“Amundson”); and Claimant Bremer Bank, National Association (“Bremer Bank”), have filed Notices of Appeal in the above noted matter.

[¶2] WHEREAS, Claimants Brent Baldwin, Baldwin Farms, Inc., Duane Altendorf, Ronald Adams, Nicholas Adams, Chuck Nelson, and WJS Nelson have not filed a notice of appeal, but did appear, through counsel, in the above noted matter.

[¶3] WHEREAS, a result of the complicated nature of the matters raised in the Notices of Appeal, the North Dakota Supreme Court has requested that the parties submit a proposed briefing

¹ Claimant Beth Nelson anticipates withdrawing her notice of appeal but as of the date of this Stipulation has not yet done so.

schedule by September 30, 2016, that includes an opening brief due 40 days after filing of the transcript.

¶4 WHEREAS, the undersigned parties had previously agreed and stipulated to a briefing schedule.

¶5 WHEREAS, the undersigned parties desire to file a single joint appendix in this matter but do not foresee being able to accomplish that prior to the filing deadline for initial briefs.

¶6 WHEREAS, the undersigned parties further wish to accommodate each party's holiday and year-end commitments that currently conflict with the briefing schedule by amending the briefing schedule as noted below.

STIPULATION

¶7 The undersigned parties, through counsel, hereby agree, stipulate, and jointly move the North Dakota Supreme Court to approve and issue an amended appellate briefing schedule as follows:

- A. On or before December 13, 2016, Bremer Bank, Amundson, and Auto Owners shall submit opening briefs on the issue identified in their respective notices of appeal.
- B. On or before January 5, 2017, the Public Service Commission shall submit a combined answer brief and its opening brief. The combined answer and opening brief is limited to the issues raised in the Public Service Commission's notice of appeal and to respond to the issues raised in the opening briefs of Bremer Bank, Amundson, and Auto-Owners.
- C. On or before January 24, 2017, Brent Baldwin, Baldwin Farms and Duane Altendorf (as one common brief among them), Ronald Adams, Nicholas Adams, Chuck Nelson, and WJS Nelson (as one common brief among them), and Nelson Estate (should she choose to participate as an appellee following withdraw of her previously filed notice of appeal), shall submit answer briefs to the opening briefs of Bremer Bank, Amundson, and Auto-Owners as outlined in ¶7(A) and the opening brief of the Public Services Commission as outlined in ¶7(B).
- D. On or before February 10, 2017, Bremer Bank, Amundson, and Auto-Owners shall each submit a reply brief limited in scope to responding to the issues raised by the opening briefs of the other appellants, the answer brief of the Public Service Commission, and the respective answer briefs of Brent Baldwin, Baldwin Farms, Duane Altendorf, Ronald Adams, Nicholas Adams, Chuck Nelson and WJS Nelson, and Nelson Estate.
- E. On or before February 28, 2017, the Public Service Commission shall submit a reply brief limited to responding to the issues raised in respective answer briefs of Bremer Bank,

Amundson, Auto-Owners, Brent Baldwin, Baldwin Farms, Duane Altendorf, Ronald Adams, Nicholas Adams, Chuck Nelson, and WJS Nelson and Nelson Estate.

- F. On or before December 13, 2016, the parties shall meet and confer regarding the filing of a joint appendix. The parties shall file a joint appendix containing the materials that all parties agree upon by December 13, 2016. The filing of a joint appendix shall not limit or preclude any party from filing a separate appendix as allowed in Rule 30 contemporaneously with the party's principal brief, nor shall this stipulation limit N.D. R. App. Proc. 30(a)(2) that provides the court or a party may rely upon parts of the record even though not included in a joint or separate appendix.

Dated: November 21, 2016

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)	
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_____)	
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AFFIDAVIT OF SERVICE BY EMAIL

APPEAL FROM JUDGMENT, DATED JULY 22, 2016, ORDER DENYING INTERVENTION BY ALLOWING FULL PARTICIPATION AS A CLAIMANT – BREMER BANK, DATED NOVEMBER 19, 2015, ORDER MODIFYING TRUSTEE’S REPORT AND RECOMMENDATION, DATED MAY 3, 2016, ORDER CORRECTING CLERICAL MISTAKE/OVERSIGHT, DATED MAY 5, 2016, ORDER RESOLVING POST-HEARING ISSUES, DATED JULY 5, 2016, ORDER FOR JUDGMENT, DATED JULY 22, 2016, AND ORDER DENYING POST-JUDGMENT RELIEF-MOTION FILED AUGUST 24, 2016, DATED SEPTEMBER 15, 2016

THE DISTRICT COURT OF GRAND FORKS COUNTY, NORTH DAKOTA
NORTHEAST CENTRAL JUDICIAL DISTRICT
THE HONORABLE JON J. JENSEN, PRESIDING

STATE OF NORTH DAKOTA)
)SS.
COUNTY OF GRAND FORKS)

BRENDA R. DIPERSIO, being first duly sworn on oath deposes and says that she is a secretary in the office of Zimney Foster P.C., 3100 South Columbia Road, Ste. 200, Grand Forks, ND 58201, that on the 21st day of November, 2016, she served:

1. Stipulation for Amended Appellate Briefing Schedule

by having it electronically served to the individual(s) listed below at their email address as noted:

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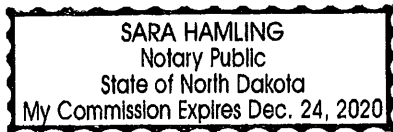
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Brenda R. DiPersio

Subscribed and sworn to before me this 21st day of November, 2016.




NOTARY PUBLIC, NORTH DAKOTA
My commission expires: