

## Jeffcoat-Sacco, Illona

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**From:** Brenda DiPersio <brendadipersio@northdakotalaw.net>  
**Sent:** Monday, February 06, 2017 2:09 PM  
**To:** supclerkofcourt@ndcourts.gov  
**Cc:** 'jfamoose@gra.midco.net'; 'Dan Gaustad'; Jon R. Brakke; 'rmelland@camrudlaw.com'; marmstrong@smithbakke.com; 'mmorley@morleylawfirm.com'; bschmidt@smithbakke.com; Jeffcoat-Sacco, Illona; John Schroeder; Tracy Kennedy  
**Subject:** Supreme Court # 20160303 - Appellant Bremer Bank's Notice of Motion and Motion for Extension of Time  
**Attachments:** 29. Appellant Bremer Bank's Notice of Motion, Motion, & Brief for Extension of Time to file all Reply Briefs.pdf

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Good Afternoon

Attached for filing and consideration by the Court, please find Appellant Bremer Bank, National Association's Notice of Motion, Motion for Extension of Time to File All Reply Briefs with Appendix A (Affidavit of Counsel), Brief in Support of Motion and Affidavit of Service by Email.

Thank you.

### **Brenda R. DiPersio**

Certified Legal Assistant

*Assistant to Tracy A. Kennedy,*

*John D. Schroeder & Jay D. Knudson*



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IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

Public Service Commission,	)	
Petitioner, Appellee and	)	Supreme Court No. 20160303
Cross-Appellant,	)	
vs.	)	
	)	
Grand Forks Bean Company, Inc.,	)	
Respondent and Appellee,	)	Grand Forks County District Court
<b>AND</b>	)	File No. 18-2015-CV-00240
Auto-Owners Insurance Company,	)	
Respondent, Appellee and	)	
Cross-Appellant,	)	
<b>AND</b>	)	
Bremer Bank, National Association,	)	
Interested Party and Appellant,	)	
<b>AND</b>	)	
Curt Amundson,	)	
Interested Party, Appellee and	)	
Cross-Appellant,	)	
<b>AND</b>	)	
Brent Baldwin, Duane Altendorf,	)	
Ronald Adams, Nicholas Adams,	)	
Chuck Nelson and WJS Nelson,	)	
Interested Parties and Appellees,	)	
_____	)	
PSC Case No. GE-15-36	)	

**APPELLANT BREMER BANK, NATIONAL ASSOCIATION'S NOTICE OF MOTION**

**TO: ALL PARTIES**

Please take Notice that the Appellant Bremer Bank, National Association has submitted to the above named Court a Motion For Extension of Time to File All Reply Briefs for its consideration. A copy of said Motion along with all supporting documents is also hereby served upon you.

Respectfully submitted this 6<sup>th</sup> day of February, 2017.



TRACY A. KENNEDY, ND ID # 05704

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Attorneys for Bremer Bank, National  
Association

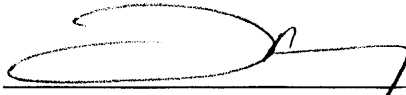
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

Public Service Commission,	)	
Petitioner, Appellee and	)	Supreme Court No. 20160303
Cross-Appellant,	)	
vs.	)	
	)	
Grand Forks Bean Company, Inc.,	)	
Respondent and Appellee,	)	Grand Forks County District Court
AND	)	File No. 18-2015-CV-00240
Auto-Owners Insurance Company,	)	
Respondent, Appellee and	)	
Cross-Appellant,	)	
AND	)	
Bremer Bank, National Association,	)	
Interested Party and Appellant,	)	
AND	)	
Curt Amundson,	)	
Interested Party, Appellee and	)	
Cross-Appellant,	)	
AND	)	
Brent Baldwin, Duane Altendorf,	)	
Ronald Adams, Nicholas Adams,	)	
Chuck Nelson and WJS Nelson,	)	
Interested Parties and Appellees,	)	
_____	)	
PSC Case No. GE-15-36	)	

**APPELLANT BREMER BANK, NATIONAL ASSOCIATION'S MOTION FOR  
EXTENSION OF TIME TO FILE ALL REPLY BRIEFS**

Tracy A. Kennedy, counsel for Appellant Bremer Bank, National Association, hereby respectfully moves the Court for a one week extension of time to file and serve all Reply Briefs to and through February 17<sup>th</sup>, 2017. This motion is based upon the Brief and Affidavit of Counsel in support of the request for extension, attached hereto as Appendix "A".

Respectfully submitted this 6<sup>th</sup> day of February, 2017.



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Attorneys for Bremer Bank, National  
Association

# APPENDIX A

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

Public Service Commission,	)	
Petitioner, Appellee and	)	Supreme Court No. 20160303
Cross-Appellant,	)	
vs.	)	
	)	
Grand Forks Bean Company, Inc.,	)	
Respondent and Appellee,	)	Grand Forks County District Court
AND	)	File No. 18-2015-CV-00240
Auto-Owners Insurance Company,	)	
Respondent, Appellee and	)	
Cross-Appellant,	)	
AND	)	
Bremer Bank, National Association,	)	
Interested Party and Appellant,	)	
AND	)	
Curt Amundson,	)	
Interested Party, Appellee and	)	
Cross-Appellant,	)	
AND	)	
Brent Baldwin, Duane Altendorf,	)	
Ronald Adams, Nicholas Adams,	)	
Chuck Nelson and WJS Nelson,	)	
Interested Parties and Appellees,	)	
_____	)	
PSC Case No. GE-15-36	)	

**AFFIDAVIT OF COUNSEL**

STATE OF NORTH DAKOTA    )  
                                  )  
COUNTY OF GRAND FORKS    )

Tracy A. Kennedy, being first duly sworn, deposes and states as follows:

1.     Affiant represents Appellant, Bremer Bank, National Association, in the above-referenced appeal.


2. Appellant Bremer Bank, National Association's reply brief is currently due to be filed and served on February 10, 2017.

3. Affiant's father in law passed away on Sunday, February 5<sup>th</sup>, 2017 for which Affiant will have to assist her family with funeral arrangements and travel to Saskatchewan to attend the funeral and be with family.

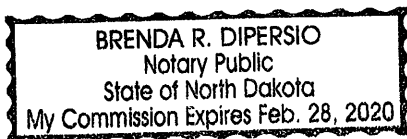
4. Therefore, Affiant respectfully requests an extension of time for the service and filing of the Appellant reply briefs until February 17<sup>th</sup>, 2017.

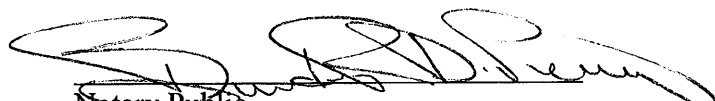
Further your Affiant sayeth not.

Respectfully submitted this 6<sup>th</sup> day of February, 2017.

  
\_\_\_\_\_  
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Attorneys for Bremer Bank, National  
Association

SUBSCRIBED AND SWORN TO this 6<sup>th</sup> day of February, 2017.



  
\_\_\_\_\_  
Notary Public.

IN THE SUPREME COURT

STATE OF NORTH DAKOTA

Public Service Commission,	)	
Petitioner, Appellee and	)	Supreme Court No. 20160303
Cross-Appellant,	)	
vs.	)	
	)	
Grand Forks Bean Company, Inc.,	)	
Respondent and Appellee,	)	Grand Forks County District Court
<b>AND</b>	)	File No. 18-2015-CV-00240
Auto-Owners Insurance Company,	)	
Respondent, Appellee and	)	
Cross-Appellant,	)	
<b>AND</b>	)	
Bremer Bank, National Association,	)	
Interested Party and Appellant,	)	
<b>AND</b>	)	
Curt Amundson,	)	
Interested Party, Appellee and	)	
Cross-Appellant,	)	
<b>AND</b>	)	
Brent Baldwin, Duane Altendorf,	)	
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Chuck Nelson and WJS Nelson,	)	
Interested Parties and Appellees,	)	
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PSC Case No. GE-15-36	)	

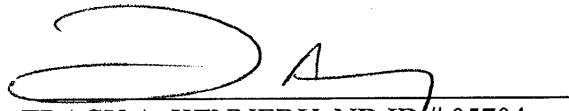
**BRIEF IN SUPPORT OF APPELLANT BREMER BANK, NATIONAL ASSOCIATION'S MOTION FOR EXTENSION OF TIME TO FILE ALL REPLY BRIEFS**

1. All Appellant Reply Briefs are currently due to be filed and served on February 10, 2017.
2. Appellant Bremer Bank, National Association counsel Tracy A. Kennedy's father in law passed away on Sunday, February 5<sup>th</sup>, 2017 for which she will have to assist her family with funeral arrangements and travel to Saskatchewan to attend the funeral and be with family.

3. Therefore, Appellant Bremer Bank, National Association's counsel respectfully requests an extension of time for the service and filing of all Appellant Reply Briefs until February 17<sup>th</sup>, 2017.

4. Counsel for Appellant Bremer Bank, National Association has conferred with all counsel in this matter and has the consent of everyone but for Mr. Brakke, counsel for Amundson, who is unavailable until tomorrow.

Respectfully submitted this 6<sup>th</sup> day of February, 2017.



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Attorneys for Bremer Bank, National  
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IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

Public Service Commission,	)	
Petitioner, Appellee and	)	Supreme Court No. 20160303
Cross-Appellant,	)	
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Grand Forks Bean Company, Inc.,	)	
Respondent and Appellee,	)	Grand Forks County District Court
<b>AND</b>	)	File No. 18-2015-CV-00240
Auto-Owners Insurance Company,	)	
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Chuck Nelson and WJS Nelson,	)	
Interested Parties and Appellees,	)	
	)	

PSC Case No. GE-15-36

**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



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**Brian D. Schmidt**

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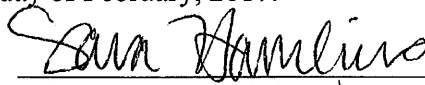
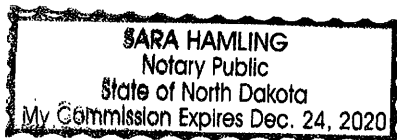
[mmorley@MorleyLawFirm.com](mailto:mmorley@MorleyLawFirm.com)

Attorney for Auto-Owners Insurance Company



**Brenda R. DiPersio**

Subscribed and sworn to before me this 6<sup>th</sup> day of February, 2017.



NOTARY PUBLIC, NORTH DAKOTA

My commission expires: