

Jeffcoat-Sacco, Illona

From: Supreme Court Clerk's Office - Keller, Heather <HWurtz@ndcourts.gov>
Sent: Thursday, February 23, 2017 11:39 AM
To: Jeffcoat-Sacco, Illona; 'jbrakke@vogellaw.com'; 'mmorley@morleylawfirm.com';
'rmelland@camrudlaw.com'; 'dan@grandforkslaw.com';
'tracykennedy@northdakotalaw.net'; 'marmstrong@smithporsborg.com';
'jquinn@grandforkslaw.com'; 'jschroeder@northdakotalaw.net';
'bschmidt@smithporsborg.com'
Subject: Oral Argument - Public Service Commission v. Grand Forks Bean Company, Inc., et al.,
Supreme Court No. 20160303
Attachments: Weather Policy.pdf

*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

February 23, 2017

Tracy Ann Kennedy
John Daniel Schroeder
3100 S. Columbia Rd., Ste. 200
Grand Forks, ND 58201-6062

Michael J. Morley
4000 Garden View Dr., Ste. 100
P.O. Box 14519
Grand Forks, ND 58208-4519

Illona A. Jeffcoat-Sacco
Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

Mitchell D. Armstrong
Brian Schmidt
122 E. Broadway Ave.
P.O. Box 460
Bismarck, ND 58502-0460

Russell John Melland
401 DeMers Ave., Ste. 500
P.O. Box 5849

480 GE-15-36 Filed: 2/23/2017 Pages: 4
**SC APPEAL - Request for confirmation of presence
at 28 March 2017 oral argument**

North Dakota Supreme Court
Heather Kelly, Deputy Clerk

Grand Forks, ND 58206-5849

Daniel Lee Gaustad
Joseph Elmer Quinn
24 N. Fourth St.
P.O. Box 5758
Grand Forks, ND 58206-5758

Jon R. Brakke
218 NP Ave.
P.O. Box 1389
Fargo, ND 58107-1389

RE: Public Service Commission v. Grand Forks Bean Company, Inc., et al.
Supreme Court No. 20160303
Grand Forks Co. No. 2015-CV-00240

This matter will be called for oral argument on 03/28/2017 at 2:45 p.m. or as soon thereafter as the case(s) may be heard.

Please immediately confirm your presence at oral argument with the Clerk's Office at 701-328-2221 or by e-mail to supclerkofcourt@ndcourts.gov. You **must** indicate whether you will be arguing or appearing. If you are only appearing, you must indicate whether you will be seated at counsel table. **It is not sufficient to respond saying that you will be "there" or "present."**

Pursuant to Rule 34(b), N.D.R.App.P., the appellant will be given 30 minutes and the appellee 20 minutes to argue. If there are two or more appellants or appellees, they must share the allotted time.

Absent exigent circumstances, if you are unable to attend or wish to waive oral argument, you must notify this office, in writing, no less than one week prior to the scheduled date and time. Neglect to do so may subject you to sanction. If you are unable to attend oral argument at the scheduled date and time, the case(s) will be submitted on the basis of the brief(s) filed. Counsel or unrepresented party available at the scheduled date and time will be permitted to appear. However, under N.D.R.App.P. 34(a)(2), upon examination of the briefs and record, the Court may decide that oral argument is unnecessary and cancel oral argument.

Counsel and parties should be aware that during this legislative session, security at the Capitol has been increased with walk through metal detectors and, as always, parking is at a premium. Please keep this in mind when arriving for argument.

Attached for your information is the Court's weather policy.

Sincerely yours,

/s/ Heather Keller
Deputy Clerk
North Dakota Supreme Court

attachment

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.

**North Dakota Supreme Court
Weather Policy**

After careful review, the Court has concluded that oral arguments will not be postponed due to winter weather conditions.

While the Court does not expect counsel or litigants to risk their personal safety in order to appear for arguments, the practice of rescheduling arguments is costly and unduly delays submission of the case to the Court. Therefore, it is incumbent upon counsel/parties to make appropriate arrangements to ensure their presence and, if necessary, travel the day before their scheduled arguments.

Should the state experience successive days of severe winter weather conditions, the Court, in its discretion, will decide whether or not to reschedule arguments and counsel/parties will be notified accordingly. However, arguments will ordinarily not be rescheduled if opposing counsel/party has traveled to Bismarck and is present for oral argument at the time scheduled.

If oral arguments are not rescheduled, the case will be submitted to the Court on the briefs that have been filed.

Approved 3/9/94