

Jeffcoat-Sacco, Illona

From: Mitch Armstrong <MArmstrong@smithporsborg.com>
Sent: Thursday, February 23, 2017 12:13 PM
To: supclerkofcourt@ndcourts.gov
Cc: Jeffcoat-Sacco, Illona; Brian Schmidt
Subject: FW: Oral Argument - Public Service Commission v. Grand Forks Bean Company, Inc., et al., Supreme Court No. 20160303
Attachments: Weather Policy.pdf
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I will be arguing and appearing at the oral argument on behalf of the PSC. Mr. Schmidt and Ms. Jeffcoat-Sacco, the other counsel for the PSC, will not be seated at counsel table. Thanks.

Mitch Armstrong
Attorney at Law



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*** NOTE *** Effective December 1, 2016, my email address has changed to marmstrong@smithporsborg.com.

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Subject: Oral Argument - Public Service Commission v. Grand Forks Bean Company, Inc., et al., Supreme Court No. 20160303

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SC APPEAL - Response to request for confirmation of presence at oral argument

Public Service Commission
Mitch Armstrong, SAAG

VIA E-MAIL ONLY

February 23, 2017

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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

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**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