

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Coyote Creek Mining Company, L.L.C.
Renewal No. 1, Permit NACC-1302
Revision No. 9, Permit NACC-1302
Applications

Case No. RC-19-189
Case No. RC-19-190

**NOTICE OF INTENT TO FILE MOTION TO DISQUALIFY CROWLEY FLECK, PLLP
FROM REPRESENTING COYOTE CREEK MINING COMPANY, LLC IN THIS
MATTER DUE TO CONFLICT OF INTEREST UNDER RULE 1.12 OF THE NORTH
DAKOTA RULES OF PROFESSIONAL CONDUCT**

September 17, 2019

PLEASE TAKE NOTICE that Casey and Julie Voigt, by and through their counsel of record, intend to file a motion to disqualify Crowley Fleck, PLLP from representing Coyote Creek Mining Company in the above-captioned proceedings. The motion will be brought pursuant to Rule 1.12 of the North Dakota Rules of Professional Conduct, and the undersigned expects to file this motion no later than close of business on Friday, September 20, 2019.

Crowley Fleck, PLLP has a conflict of interest in this proceeding because Coyote Creek Mining Company's attorney, Wade Mann, previously presided both as a procedural and substantive administrative law judge in PSC Case Nos. RC-14-846 and RC-13-850. Both cases are directly intertwined with the above-captioned proceedings and are inseparable from the current proceedings. The Voigts are providing this notice to provide early notice of this issue to the Honorable Judge Dawson, the PSC, and the parties. The Voigts are not opposed to rescheduling the hearing to allow substitute counsel for CCMC adequate time to come up to speed on the matters in this proceeding, including the proceedings and filings in RC-14-846 and RC-13-850.

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Notice of Intent to File Motion to Disqualify Crowley Fleck Firm
Casey and Julie Voigt
JJ England, Braaten Law Firm

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Notice of Intent to File Motion to Disqualify Crowley Fleck Firm
Casey and Julie Voigt
JJ England, Braaten Law Firm

Respectfully Submitted this 17th day of September, 2019.

BRAATEN LAW FIRM

/s/ Derrick Braaten
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DECLARATION OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was on September 17, 2019 filed with the Public Service Commission by e-mail to ndpsc@nd.gov and USPS First Class Mail, and that the same was served by e-mail and by USPS First Class Mail upon the following:

The Honorable Timothy Dawson
Administrative Law Judge
Office of Administrative Hearings
2911 N 14th St., #303
Bismarck, ND 58503
tjdawson@nd.gov

Wade Mann
Crowley Fleck, PLLP
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John Schuh
Special Assistant Attorney General
North Dakota Public Service
Commission
600 E Boulevard Dept. 408
Bismarck, ND 58505
jschuh@nd.gov

I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the 17th day of September, 2019 at Bismarck, North Dakota, United States of America.

Printed Name: JJ England

Signature: 