

**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**

**DECLARATION OF DERRICK BRAATEN IN SUPPORT OF  
MOTION TO CONTINUE FORMAL HEARING**

**December 6, 2019**

1. I am an attorney for Casey and Julie Voigt in the above-captioned matter, along with attorney JJ England, also of Braaten Law Firm.
2. Attorney England and I have been representing the Voigts in matters involving Coyote Creek Mining Company, LLC (CCMC) since 2014, beginning with the permitting process related to CCMC's mine permit NACC-1302, almost all of which involves the Voigts' farm and ranch land.
3. This matter involves revision and renewal of NACC-1302. The objections against renewal and revision of NACC-1302, are based upon ongoing issues as a result of CCMC's mining of coal on the Voigts' land pursuant to NACC-1302.
4. Attorney England and I are scheduled for a four-day jury trial in *Lamp v. Edwards*, LaMoure County Case No. 23-2018-CV-00017, beginning December 9, 2019. LaMoure County District Court is situated in LaMoure, North Dakota.
5. I fully expect for trial in the *Lamp* matter to last the entire time allotted by the District Court, and it is possible that trial could extend beyond the fourth day due to jury deliberations.

6. Attorney England and I will be out of town for the duration of the jury trial in *Lamp* due to its venue.
7. Trial in *Lamp* was scheduled by the Honorable Daniel Narum on August 20, 2018.
8. If this matter is heard as currently scheduled on December 16, 2019, at best Attorney England and I will only have three days to prepare for the hearing, two of which are over the weekend immediately preceding the hearing date.
9. A continuance of three or four days would significantly ease the burden and prejudice to the Voigts from the timing of the presently-scheduled hearing on December 16, 2019.
10. If our requested continuance is not granted, the bulk of hearing preparation will fall to Attorney Carey Goetz, who joined Braaten Law Firm on October 1, 2019. Attorney Goetz has not been involved in any of these proceedings between the Voigts and CCMC and I do not believe Attorney Goetz's assistance will be enough to adequately prepare for the formal hearing on behalf of the Voigts as it is currently scheduled.
11. It is unfair to the Voigts to expect them to proceed to hearing without adequately prepared counsel and, unfortunately, I believe it will be significantly detrimental to their case and their ability to adequately present their concerns to the Public Service Commission through the formal hearing process.

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

Executed this 6<sup>th</sup> day of December, 2019 in Bismarck, North Dakota.



**Derrick Braaten**