

STATE OF NORTH DAKOTA

DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

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Casey Voigt and Julie Voigt,	)	
	)	
Appellants,	)	Case No: [REDACTED] 01338
	)	
v.	)	Case No. 08-2023-CV-02561
	)	
North Dakota Public Service Commission	)	<b>STIPULATED MOTION TO</b>
and Coyote Creek Mining Company, LLC,	)	<b>CONSOLIDATE AND REQUEST TO</b>
	)	<b>STAY</b>
Appellees.	)	
	)	

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[¶1] WHEREFORE Appellants Casey and Julie Voigt, and Appellees North Dakota Public Service Commission and Coyote Creek Mining Company, LLC, by and through the attorneys of record, agree that Burleigh County Civil No. 08-2023-CV-02561 should be consolidated with Burleigh County Civil No. 08-2023-CV-01338 and

[¶2] The parties further agree that both cases arise from the same series of events and present common questions of both fact and law, and the record for this additional appeal overlaps significantly if not entirely with the record for the pending appeal; and

[¶3] Consolidating the two cases is in the interest of judicial efficiency;

[¶4] IT IS THEREFORE STIPULATED AND AGREED that all parties to the above-captioned actions jointly move this Court pursuant to N.D.R.Civ.P. 42(a)(2) for an order consolidating Burleigh County Civil No. 08-2023-CV-2561 with Burleigh County Civil No. 08-2023-CV-01338 for the purpose of allowing all issues in both current actions to be addressed in one, single action.

[¶5] The parties have conferred regarding solutions for resolution of the disputes raised by these appeals and have agreed to make an attempt at addressing the issues constructively with the agency, and stipulate and agree to the following:

- a. The matter will be stayed until the conclusion of the following events.
- b. Within 60 days from September 26, 2023, the Voigts will file a complaint with the PSC asking to hold a formal hearing to address these matters through an adjudicative proceeding under the North Dakota Administrative Agencies Practice Act at N.D.C.C. ch. 28-32. *See* 08-2023-CV-1338, Index #122.
- c. If the PSC agrees to schedule and hold a formal hearing and issue a final decision adjudicating the claims through an adjudicative proceeding as defined by N.D.C.C. § 28-32-01(1), the Voigts agree to dismiss this consolidated appeal with prejudice within three business days of a PSC determination accepting the complaint and agreeing to address the matter pursuant to applicable law and rules. The parties agree this does not foreclose the ability to ask for a formal hearing or appeal from Coyote Creek Mining Company's application for Revision 12 of its permit or other matters before the Public Service Commission for which the Voigts would have a right to a hearing or appeal.

DATED this 31<sup>st</sup> day of October, 2023.

**BRAATEN LAW FIRM**

*/s/ Derrick Braaten*

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DATED this 8<sup>th</sup> day of November, 2023.

*/s/John Schuh*

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DATED this 8<sup>th</sup> day of November, 2023.

**CROWLEY FLECK PLLP**

*/s/Wade Mann*

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