

STATE OF NORTH DAKOTA

DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

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

[¶1] Pursuant to the stipulated motion filed by the parties, the parties agreed that Burleigh County Civil No. 08-2023-CV-02561 should be consolidated with Burleigh County Civil No. 08-2023-CV-01338 as both cases arise from the same series of events and present common questions of both fact and law, and consolidating the two cases is in the interest of judicial efficiency.

[¶2] IT IS HEREBY ORDERED that pursuant to the parties’ stipulated motion and N.D.R.Civ.P. 42(a)(2), Burleigh County Civil No. 08-2023-CV-02561 shall be consolidated with Burleigh County Civil No. 08-2023-CV-01338 for the purpose of allowing all issues in both current actions be addressed in one, single action.

[¶3] IT IS FURTHER ORDERED that the parties’ stipulation and request for stay is granted,

- 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 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.

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Judge of the District Court