

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

APH Farms, Argen Hagerott, Jonathan
Hagerott, Janel Olson, Valera Hayen, Kari
Curran, Scott Irmen, Mary Jo Irmen, Leon
Mallberg, Staroba Revocable Living Trust,
Loren Staroba, Diane Staroba, James Tiegs,

Appellants,

vs.

North Dakota Public Service Commission,
SCS Carbon Transport, LLC, John H.
Warford, Jr. Revocable Trust, Chad
Moldenhauer, City of Bismarck, Laborers
District Council of Minnesota and North
Dakota, Emmons County, and Burleigh
County,

Appellees.

And

Burleigh County,

Appellant,

vs.

North Dakota Public Service Commission
and SCS Carbon Transport LLC,

Appellees.

PSC Case No. PU-22-391

CIVIL NO. 08-2024-CV-03622

CERTIFICATE OF SERVICE

CIVIL NO. 08-2024-CV-03614

[¶ 1] I hereby certify that on the 25th day of August, 2025, the following document: Notice of Potential Conflict of Interest/Perceived Bias was filed electronically with the Clerk of Court via the Odyssey File and Serve System using the email addresses provided on the Odyssey Electronic Service and File System and will send Notice of Electronic Filing to:

- Steven Leibel – steven@bismarck-attorneys.com
- David Knoll – david@bismarck-attorneys.com
- Randall Bakke – rbakke@bgwattorneys.com
- Bradley Wiederholt – bwiederholt@bgwattorneys.com
- Derrick Braaten - derrick@braatenlawfirm.com
- Lawrence Bender – lbender@fredlaw.com
- Spencer Ptacek – sptacek@fredlaw.com
- Zach Pelham – zep@pearce-durick.com

[¶ 2] Dated this 25th day of August, 2025.



Brian Johnson (ID No. 07937)
Special Assistant Attorney General
State Capitol – 12th Floor
600 East Boulevard Ave – Dept 408
Bismarck, North Dakota 58505-0480
Telephone (701) 328-2407
Facsimile (701) 328-2410
brljohnson@nd.gov

Attorney for Appellee, North Dakota Public Service Commission



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

August 25, 2025

Re: APH Farms, et al. vs.
North Dakota Public Service Commission, et al.

Case No. 08-2024-CV-03622

Notice of potential conflict of interest/perceived bias

There is a potential for a perceived concern of bias in the matter of APH Farms, et al. vs. North Dakota Public Service Commission, et al.

The case has been assigned to Judgeship No. 1 in the South-Central Judicial District to which the Honorable Marina Sphar has been appointed. I worked closely with Judge Sphar while I was employed by the Burleigh County States Attorney's Office. Judge Sphar was my direct supervisor and mentor, I have had a continued friendship with Judge Sphar, I volunteered assistance during her campaign, and in her appointment for District Court Judge.

While I am not directly involved with the ongoing appeal, I made filings in the case early on regarding protection of information. I do work with Mr. Pelham and PSC staff regarding the ongoing appeal while discussing the case and ongoing strategies as I am currently the only attorney on staff.

I wanted to make Judge Sphar and all parties involved of the potential conflict of interest/perceived bias.

Best regards,

A handwritten signature in blue ink, appearing to read "Brian Johnson", is written over a horizontal line.

Brian Johnson
Special Assistant Attorney General
North Dakota Public Service Commission
ND Bar ID 07937