

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

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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.

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And

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Burleigh County,

Appellant,

vs.

North Dakota Public Service Commission  
and SCS Carbon Transport LLC,

Appellees.

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PSC Case No. PU-22-391

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CIVIL NO. 08-2024-CV-03622

AMENDED  
CERTIFICATE OF SERVICE

CIVIL NO. 08-2024-CV-03614

[¶ 1] I hereby certify that on the 25<sup>th</sup> 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 – steve@bismarck-attorneys.com
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[¶ 2] Dated this 25<sup>th</sup> day of August, 2025.



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# Public Service Commission

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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