

**Thompson, Pamela J.**

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**Sent:** Monday, August 25, 2025 12:16 PM  
**To:** Thompson, Pamela J.  
**Subject:** Filing Accepted for Case: 08-2024-CV-03622; APH Farms, et al. vs. North Dakota Public Service Commission, et al.; Envelope Number: 6267587

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## Filing Accepted

Envelope Number: 6267587

Case Number: 08-2024-CV-03622

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



The filing below was reviewed and has been accepted by the clerk's office. You may access the file copy of the document filed by clicking on the below link.

Filing Details	
<b>Court</b>	Burleigh County
<b>Case Number</b>	08-2024-CV-03622
<b>Case Style</b>	APH Farms, et al. vs. North Dakota Public Service Commission, et al.
<b>Date/Time Submitted</b>	8/25/2025 11:23 AM CST
<b>Date/Time Accepted</b>	8/25/2025 12:15 PM CST
<b>Accepted Comments</b>	
<b>Filing Type</b>	Service Documents (DO NOT USE FOR SERVICE OF MOTION. Use Service of Motion instead.)
<b>Filing Description</b>	Amended Certificate of Service on S. Leibel, D. Knoll, R. Bakke, B. Wiederholt, D. Braaten, L. Bender, S. Ptacek, and Z. Pelham
<b>Activity Requested</b>	EFileAndServe
<b>Filed By</b>	Pamela Thompson
<b>Filing Attorney</b>	Brian Johnson

Document Details	
<b>Lead Document</b>	Amended Certificate of Service.pdf
<b>Lead Document Page Count</b>	2
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# Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

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600 East Boulevard Ave  
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Bismarck, ND 58505-0480  
701-328-2400  
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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 black 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

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
- 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 25<sup>th</sup> day of August, 2025.



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