

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

CIVIL NO. 08-2024-CV-03622

APH Farms, Arden 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 Wachter,)
Chad Moldenhauer, City of Bismarck,)
Laborers District Council of Minnesota and)
North Dakota, Emmons County, and)
Burleigh County,)

Appellees.)

**BRIEF IN SUPPORT OF
MOTION FOR EXTENSION OF
APPEAL BRIEF SCHEDULE**

[¶1] On November 20, 2025, the District Court Administrator sent the attorneys of record in this case the following appeal brief schedule: “The appellant’s brief must be submitted on or before 12/20/2025 (i.e. 30 days from date of this letter). The appellee’s brief shall be served and filed within 20 days after service of appellant’s brief, and any reply within 10 days of the appellee’s brief.” Index # 147 (emphasis omitted).

[¶2] All counsel of record in this case have communicated regarding the brief schedule (Index # 147) and all parties except SCS Carbon Transport LLC (“Summit”) have entered into a stipulation, filed herewith, requesting that the appeal briefing schedule be extended by approximately 60 days as follows:

- Appellant’s Brief - February 20, 2026

- Appellee’s Brief - March 20, 2026
- Reply Brief – April 6, 2026

[¶3] Under North Dakota Rule of Civil Procedure 6(b), the Court may extend the brief schedule for good cause. Good cause exists for the requested extension due to the upcoming holidays, the fact that the record on appeal is still being input into Odyssey, and the need for the parties of record to review the PSC hearing transcripts, once they are uploaded into Odyssey. The PSC hearings were held over 14 days, and therefore significant time will or may be required to review all or parts of the hearing transcripts, which may be cited by some of the parties in their appeal briefs.

Dated this 5th day of December, 2025.

BAKKE GRINOLDS WIEDERHOLT

By: /s/ Randall J. Bakke

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