

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.

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**STIPULATION BY ALL PARTIES  
EXCEPT SCS CARBON TRANSPORT  
LLC TO AMEND APPEAL BRIEF  
SCHEDULE**

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(1.) The parties are in receipt of the email from the Court Administrator establishing an appeal brief schedule (doc. 147).

(2.) All counsel of record in this case have communicated regarding the Notice of Briefing Schedule (doc. 147) and all parties except SCS Carbon Transport LLC (“Summit”) respectively request that the appeal briefing schedule be extended by approximately 60 days. Good cause exists for the requested extension due to the upcoming holidays, the fact that the record on appeal is still being input into Oydyssey, 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.

(3.) The parties to this Stipulation respectfully request that the appeal briefing schedule be amended as follows:

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

(4.) A proposed Order for the Court outlining the amended briefing schedule is filed herewith.

Dated this 5th day of December, 2025.

BAKKE GRINOLDS WIEDERHOLT

By: */s/ Randall J. Bakke*

Randall J. Bakke (#03989)  
Bradley N. Wiederholt (#06354)  
Special Assistant State’s Attorneys for  
Burleigh County  
300 West Century Avenue  
P.O. Box 4247  
Bismarck, ND 58502-4247  
(701) 751-8188  
[rbakke@bgwattorneys.com](mailto:rbakke@bgwattorneys.com)  
[bwiederholt@bgwattorneys.com](mailto:bwiederholt@bgwattorneys.com)

*Attorneys for Burleigh County*

Dated this 5th day of December, 2025.

KNOLL LEIBEL LLP

By: */s/ Steve Leibel*

Steven Leibel (#07361)  
David Knoll (#06167)  
P.O. Box 858  
1915 N. Kavaney Drive, Ste. 3  
Bismarck, ND 58501  
(701) 255-2010  
[steve@bismarck-attorneys.com](mailto:steve@bismarck-attorneys.com)

david@bismarck-attorneys.com

*Attorneys for 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 and James Tiegs*

Dated this 5th day of December, 2025.

BRAATEN LAW FIRM

By: */s/ Derrick Braaten*

Derrick Braaten (#06394)  
109 North 4th Street, Suite 100  
Bismarck, ND 58501  
(701) 221-2911  
derrick@braatenlawfirm.com

*Attorney for Emmons County*

Dated this 5th day of December, 2025.

PEARCE DURICK PLLC

By: */s/ Zachary Pelham*

Zachary Pelham (#05904)  
Special Assitant Attorney General  
314 E. Thayer Avenue  
P.O. Box 400  
Bismarck, ND 58502-0400  
(701) 223-2890  
zep@pearce-durick.com

*Attorney for North Dakota Public Service  
Commission*