

**Exhibit 3**

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 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 respectively request that the appeal briefing schedule be extended by approximately 30 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 Oydsey, 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 respectfully request that the appeal briefing schedule be amended as follows:

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

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

Dated this \_\_\_\_\_ day of December, 2025.

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Dated this \_\_\_\_\_ day of December, 2025.

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