

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

APH Farms, et al.,

Appellants,

v.

North Dakota Public Service
Commission, et al.,

Appellees.

Case No. 08-2024-CV-3622

**ORDER FOR SUPPLEMENTAL
BRIEFING REGARDING ORAL
ARGUMENT**

[¶1] This matter is the consolidation of two administrative appeals from the North Dakota Public Service Commission. (cases 08-2024-CV-3622 and 08-2024-CV-3614).

[¶2] On February 20, 2026, Appellants, 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, filed their *Brief* and requested oral argument (R:915 and R:916). They request three hours for oral argument. (R:916). On February 23, 2026, Appellant, Burleigh County, filed its *Brief* and requested oral argument. (R:918 R:919). Burleigh County requests two hours for oral argument. (R:919).

[¶3] Under the exiting briefing schedule, the Appellees have until March 20, 2026, to file their briefs. (R:492). Any reply briefs are due by April 6, 2026.

[¶4] “A judge of the district court must review an appeal from the determination of an administrative agency based only on the record filed with the court.” N.D.C.C. § 28-32-46. Rule 9.1 of the North Dakota Rules of Court governs the procedure for administrative appeals and states:

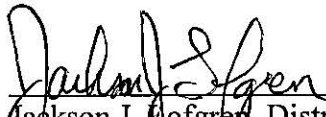
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APPEAL - Order for Supplemental Briefing
Regarding Oral Argument

In an appeal in which the decision of the court will be based exclusively on a record made before an administrative agency, board, commission, or officer, after receipt of the record, the court must fix a time for filing briefs. The court, in its discretion, may permit or require oral argument. A party desiring oral argument may so indicate on or before the time fixed for filing of that party's brief.

[¶5] Here, some of the Appellants have requested oral argument. Under Rule 9.1, N.D.R.Ct., oral argument is permissible but discretionary. The Court will allow the parties fourteen (14) days from the date of this *Order* to submit supplemental briefing regarding whether oral argument should be held. Any party wishing to have oral argument should address the length requested for the hearing, and if a hearing is granted, how the time should be allocated.

Dated this 14th day of March, 2026.

BY THE COURT:



Jackson J. Gofgren, District Judge
South Central Judicial District