

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

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 TO FILE APPELLANT
BURLEIGH COUNTY’S REPLY BRIEF**

[¶1] Burleigh County, by and through its counsel submit this brief in support of its motion to extend the deadline for Burleigh County to submit its reply brief. Burleigh County requests the Court allow Burleigh County until Monday, April 13, 2026, to submit its reply brief.

[¶2] 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 as counsel for Burleigh County have a reply brief due next week in Federal Court where a briefing schedule was recently set in a case which is on appeal to the Eighth Circuit Court of Appeals, along with other matters with deadlines next week.

[¶3] This motion is not being filed for any improper purpose such as to unduly delay proceedings or unfairly prejudice the parties. All counsel of record in this case have communicated

regarding Burleigh County's requested extension and all parties, except counsel for the Landowners, do not object to the motion for extension. As of the time of this filing, we have not heard back from counsel for the Landowners.

[¶4] For the foregoing reasons, Burleigh County respectfully requests the Court grant the instant request allowing Burleigh County until Monday, April 13, 2026 to submit its reply brief.

Dated this 2nd day of April, 2026.

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

bwiederholt@bgwattorneys.com

Attorneys for Burleigh County