STATE OF NORTH DAKOTA **IN DISTRICT COURT**

COUNTY OF BURLEIGH **SOUTH CENTRAL JUDICIAL DISTRICT**

CASE NO. 08-2024-CV-03622

APH Farms et al,

Plaintiff,

vs.

NOTICE OF ELECTRONIC REMOTE-PARTY PROCEEDING

North Dakota Public Service Commission et al,

Defendant.

It is hereby ordered that:

1. The following proceeding(s) will be conducted using contemporaneous audio or audiovisual transmission by reliable electronic means as permitted under N.D.Sup.Ct.Admin.R. 52, as supplemented by N.D.Sup.Ct.Admin.O. 26, 27, 28, 29, 30 or 31:

   Civil Hearing on 5/8/2026 at 10:00 AM

2. The proceeding(s) will be conducted by:

   ZOOM - This hearing is set up via Zoom/teleconference, NOT at the courthouse. At the time of your hearing, please go to **www.zoom.com** and join a meeting using **Meeting ID 890 7135 6892** and enter **Passcode 123** or call 669-900-9128 OR 646-558-8656. **IT IS UP TO THE ATTORNEY/PARTIES TO GET THIS INFORMATION TO ANY WITNESSES OR PARTICIPANTS.**

3. Documents and exhibits for the remote hearing must be handled as follows:

   a. Not later than 5 business days before the scheduled proceeding, the plaintiff's or moving party's documents and exhibits must be numbered and **[electronically]** exchanged with all participants and provided to the court.
   b. Not later than 2 business days before the scheduled proceeding, the defendant's or non-moving party's documents and exhibits must be numbered and **[electronically]** exchanged with all participants and provided to the court.
   c. Documents and exhibits necessary for rebuttal may be used during the proceeding at the judge's discretion. All rebuttal documents and exhibits must be contemporaneously electronically exchanged with all participants prior to use during the proceeding. Contemporaneous electronic exchange may include realtime display, email, cloud upload and download, facsimile, or using other reliable electronic means.
   d. Unless otherwise ordered by the judge, any exhibit (whether previously exchanged or not) offered or admitted into evidence from a remote location must be filed by the moving party into the Odyssey case management system

within 2 business days of the close of the proceeding. Any party without access to the Odyssey case management system must within 2 business days of the close of the proceeding transmit the documents to the clerk of court by United States mail or third-party commercial carrier. An exhibit not filed or transmitted as required by this paragraph must be deemed stricken from the record.

4. The following procedures and instructions apply:
    a. The proceeding under this order must be conducted in the same manner as if the parties appeared in person, and the judge presiding over the matter may exercise all powers consistent with the proceeding.
    b. During the proceeding conducted under this order the remote location(s) must be considered an extension of the courtroom and held before the judge who is presiding. The judge's pronouncements, instructions, and rulings have the same force and effect as if all participants are physically present in the courtroom.
    c. By participating in this proceeding, the parties stipulate that an oath administered by the judge, court reporter, or other authorized person to a witness, interpreter, or a party has the same force and binding effect as if the oath had been administered to a person physically present in the courtroom.
    d. A court reporter or recorder who can **[see and]** hear the witness and other participants may administer oaths, record notes, and transcribe the proceeding without being physically present with any other participant.
    e. During any proceeding conducted under this order, other than by a court reporter or recorder, no electronic device may be used by anyone for photography, videography, or audio recording of the court proceeding without prior approval from the judge. Such devices include cellular telephones, cameras, computers, laptops, tablets, digital voice recorders or similar devices.
    f. In any proceeding conducted under this order an interpreter who can **[see and]** hear the witness and other participants may provide interpreter services without being physically present with any other participant.

Dated on this the 15th day of April, 2026

Signed: 4/15/2026 1:03:56 PM

District Court Personnel