

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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**APPELLANT BURLEIGH COUNTY'S  
REQUEST TO RESCHEDULE  
HEARING**

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(1.) Please take notice that Appellant Burleigh County (“Burleigh County”) hereby requests the civil hearing currently scheduled for May 5, 2026 (doc. 958) be scheduled to a date that both the parties and the Court are available. Counsel for Burleigh County will be out of the country between May 4-21, 2026, and also has out of state depositions scheduled May 26-29, 2026. To the extent acceptable to the Court’s schedule, and the schedules of other counsel, counsel for Burleigh County would be available for oral argument on any of the following dates:

- June 2, 2026
- June 3, 2026
- June 19, 2026
- June 30, 2026

(2.) Counsel for Burleigh County also has many dates available in July, 2026.

(3.) Burleigh County respectfully requests the Court to schedule oral argument on a date that Burleigh County's attorney, Randall Bakke, is available, as Bakke was involved in virtually all of the handling of the underlying PSC hearings and any related matters in this case.

Dated this 20<sup>th</sup> day of April, 2026.

BAKKE GRINOLDS WIEDERHOLT

By: /s/ Randall J. Bakke

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*Attorneys for Burleigh County*