

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

APH Farms, Arden Hagerott, Jonathan Harerott,
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.

Case No. 08-2024-CV-03622

**ORDER GRANTING REQUEST TO
RESCHEDULE HEARING**

[¶1] On April 15, 2026, the Court issued an *Order Granting Oral Argument*. (R:957). Oral argument was scheduled by reliable electronic means for May 8, 2026. Subsequently, counsel for Appellant, Burleigh County, submitted a *Request to Reschedule Hearing* indicating he will be out of the country between May 4-21 and has out of state depositions scheduled for May 26-29. (R:959). Counsel for Appellee, the North Dakota Public Service Commission (“PSC”), submitted a *Response* indicating the PSC did not object to the request to reschedule the oral argument. (R:962). Counsel for the PSC indicated he was unavailable from June 2-3 and June 19.

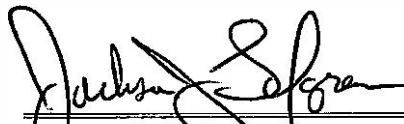
[¶2] The Court will **GRANT** the request to reschedule oral argument. This case involves multiple parties so scheduling a hearing for oral argument requires accommodating multiple schedules. Counsel for the Appellants should confer with counsel for the Appellees to attempt to

arrive at a mutually agreeable date for oral argument. The Court has the following dates available: June 11, June 12, June 22 (late afternoon), July 6, July 10, July 13 (morning), July 14, July 17, and July 27 (afternoon only). The parties should request a hearing if they cannot agree on a date for oral argument.

IT IS SO ORDERED.

Dated April 24, 2026.

BY THE COURT:



Jackson J. Lofgren, District Judge
South Central Judicial District