

STATE OF NORTH DAKOTA

DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

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,

v.

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.

**UNDERTAKING ON APPEAL  
TO DISTRICT COURT**

08-2024-CV-03622

Case No. \_\_\_\_\_


[1] 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 deposits with the Clerk of the above-named Court, pursuant to N.D.C.C. § 28-32-42, a check in the amount of Two Hundred Fifty and no/100 Dollars (\$250.00) as an undertaking in this proceeding to the State of North Dakota upon the conditions that Appellants

will prosecute the appeal herein without delay and pay all costs adjudged against Appellants.

[2] Appellants contend that the record upon appeal does not require the submission of the entire agency record and intends to consult with Appellees regarding an appropriate record as permitted by N.D.C.C. § 28-32-44(4).

Dated this 13<sup>th</sup> day of December, 2024

KNOLL LEIBEL LLP  
Attorneys for Appellants  
1915 N. Kavaney Drive, Suite 3  
P.O. Box 858  
Bismarck, ND 58502-0858  
Phone: (701) 255-2010  
steve@bismarck-attorneys.com



---

By: Steven J. Leibel (ID 07361)