

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.

AFFIDAVIT OF BRIAN JORDE

Case No. 08-2024-CV-03622

Brian E. Jorde, being first duly sworn deposes and states as follows:

1. I am an attorney with the firm of Domina Law Group pc llo, located at 2425 S. 144th Street, Omaha, NE 68144. My telephone number is 402-493-4100. My email address is bjorde@dominalaw.com. I received my J.D. from Thomas M. Cooley Law School in 2007.

Exhibit 1

Case No.: 08-2024-CV-03622

2. I have been admitted to, and I am in good standing to appear before the following courts:

| <u>Court</u> | <u>Year Admitted</u> |
|--|----------------------|
| Nebraska State Court | 2007 |
| Michigan State Court | 2007 |
| Iowa State Court | 2013 |
| Wisconsin State Court | 2017 |
| US District Court of Nebraska | 2007 |
| US Bankruptcy Court Nebraska | 2007 |
| US District Court Eastern Michigan | 2007 |
| US District Court Western Michigan | 2007 |
| US Court of Appeals 8th Circuit | 2013 |
| US Court of Federal Claims | 2010 |
| US District Court Southern District Iowa | 2013 |
| 8th Circuit Court of Appeals | 2013 |
| US District Court Colorado | 2013 |
| US District Court Southern Illinois | 2015 |

3. I am not presently, nor have I ever been, subject to a disciplinary proceeding in any jurisdiction.

4. I am not under any restriction or probation in the practice of law in any jurisdiction in which I am licensed.

5. I am not presently, nor have I ever been, suspended or disbarred from a court in any jurisdiction.

6. I was hired by the Landowner Appellants to represent them with respect to the SCS pipeline. Many of these same people were sued in North Dakota State court. I moved for admission *pro hac vice* in that consolidated action and was admitted *pro hac vice* in the consolidated North Dakota State Court action (SCS Carbon Transport v. Howard Malloy, et. al. - Case No.: 30-2022-CV-00665). I moved for admission *pro hac vice* in the consolidated Supreme Court case (Case No. 20230149) to represent many of the same people to appeal the District Court's decision. I also moved for admission *pro hac vice* to represent many of the same people before the North Dakota Public Service Commission regarding the application of SCS Carbon Transport LLC for a Certificate of Corridor Compatibility and Route Permit for the Midwest Carbon Express Project (Case No. PU-22-391). Other than these recent matters involving the SCS Carbon Transport pipeline, I have not appeared before the North Dakota court or administrative proceedings in the last three years.

7. David M. Knoll and Steven J. Leibel with the Bismarck law firm Knoll Leibel LLP will be associated with me in all phases of this case.

8. The applicable renewal admission fee was previously submitted for 2025 to the State Board of Law Examiners to appear in an administrative proceeding.

Dated this 27th day of January, 2025.

Brian E. Jorde
Brian E. Jorde

Subscribed and sworn to before me this 27th day of January, 2025.

Mark S. Hunt
Notary Public

