

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

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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**BURLEIGH COUNTY'S RESPONSE TO  
SCS CARBON TRANSPORT LLC'S  
MOTION TO DISMISS**

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[¶1] Burleigh County submits this brief in opposition to SCS Carbon Transport LLC's Motion to Dismiss (Index # 35). Burleigh County agrees with, adopts, and incorporates by reference all of the arguments made by Appellants in their Response to Motion to Dismiss dated March 4, 2025.

[¶2] Additionally, the Court's attention is directed to Burleigh County's Response to SCS Carbon Transport LLC's Motion To Dismiss, docketed as Index # 22 in Burleigh County's separate appeal, Civil No. 08-2024-CV-03614, also incorporated by reference. Burleigh County made many of the same arguments in its separate appeal to oppose Summit's similar motion to dismiss in that case.

Dated this 4th day of March, 2025.

BAKKE GRINOLDS WIEDERHOLT

By: /s/ Randall J. Bakke

Randall J. Bakke (#03989)

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