

STATE OF NORTH DAKOTA

DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Wano Township, Willowbank
Township, Russell Township, Corwin
Township, Valley Township, Mike
Bartel, Patty Bartel, Richard Long,
Susan R. Long, Steven Nelson, Julia
Nelson, Phyllis P. Otterness, Patricia
A. Vick, Brandon Schweigert, Tausha
Schweigert, Shockman Farm
Partnership, LLLP, Debra Sue Wald,
Lucas Wald, Jill Wald, Tim Leppert,
Orr Farms, Steve M. Rupp, Sandra J.
Rupp, David A. Schweigert, Denette
M. Schweigert, Allen D. Swiontek,
Inna N. Swiontek, David Wald, Holly
Wald, Weston Wald, and Willowbank
Hutterian Brethren Association,

Case No. 08-2025-CV-02068

Appellants,

v.

North Dakota Public Service
Commission, Otter Tail Power
Company, and Montana-Dakota
Utilities Co.,

Appellees.

**[ALTERNATIVE PROPOSED] ORDER GRANTING IN PART
APPELLEES' MOTIONS/REQUESTS TO MODIFY BRIEFING
SCHEDULE AND IMPOSING PROTECTIVE RELIEF**

Having considered the filings by the North Dakota Public Service Commission and by Otter Tail Power Company and Montana-Dakota Utilities Co. seeking modification of the briefing schedule, Appellants' oppositions, and the record, IT IS ORDERED:

1. **Grant in Part.** Appellees' motions/requests to modify the briefing schedule are **GRANTED IN PART**.
2. **Briefing. Each Appellee** may serve and file its response brief within 21 days after service of Appellants' brief. All other aspects of the Court's September 10, 2025 expedited schedule remain in effect.
3. **Stay to Prevent Prejudice.** To avoid prejudice and preserve the Court's jurisdiction, proceedings in PSC Docket PU-25-236 are STAYED pending this Court's decision on the merits of this appeal.
4. **Fallback (if no stay).** If the Court declines to stay PU-25-236, then, pending this Court's merits decision:
 - a. The PSC and the Utilities may not rely on the disputed November 20, 2024 CPCN in PU-25-236; and
 - b. All PSC-set deadlines in PU-25-236 are held in abeyance.
5. **Oral Argument.** The Court will decide under N.D.R.Ct. 9.1 whether to set oral argument after briefing is complete.
6. **No Merits Determination.** This Order preserves the status quo and does not adjudicate the merits.

Dated: _____

BY THE COURT:

The Honorable Bobbi Weiler
Judge of the District Court