

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

Hon. Bobbi Weiler

Appellants,

v.

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

Appellees.

**APPELLANTS' MOTION FOR ENTRY OF JUDGMENT AND
PROPOSED JUDGMENT**

Appellants move the Court for entry of judgment consistent with the Court's February 2, 2026 Order.

1. On February 2, 2026, the Court entered an Order disposing of this administrative appeal. The Court dismissed the appeal from the Commission's November 20, 2024 Certificate of Public Convenience and Necessity Order for lack of appellate subject matter jurisdiction, and dismissed in part and affirmed in part the appeal from the Commission's June 18, 2025 Order, consistent with the Order.

2. A notice of appeal has been filed in the North Dakota Supreme Court, and Appellees have filed a motion asserting lack of jurisdiction due to the absence of an entered judgment.

3. Entry of a judgment consistent with the February 2, 2026 Order is necessary to avoid unnecessary procedural delay and to permit Supreme Court review under the governing statutes.

4. N.D.R.Civ.P. 58 provides the mechanism for entry of judgment following an order for judgment and authorizes submission of an appropriate judgment form.

Appellants request that the Court direct entry of judgment forthwith and order the Clerk to enter judgment consistent with the February 2, 2026

Order. Appellants submit the proposed judgment for the Court's convenience.

Dated: February 23, 2026

Respectfully submitted,

By: /s/ Douglas J. Nill

Douglas J. Nill (ND # P00392)

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