

SUPREME COURT OF THE STATE OF NORTH DAKOTA

In the matter of an appeal from South	[Supreme Court Docket No.: 20210063
Central District Court]	
	[
Terry Kemmet,]	MOTION TO RECONSIDER
	[Case No.: 22-2019-CV-00059
Claimant]	
v.	[
WSI, INCORPORATED]	
A SUBSIDIARY OF THE STATE OF	[
NORTH DAKOTA]	
Respondents	[

COMES NOW, Terry Kemmet, a living man, born and living on the land, not a person as assumed under law, but one of the people with all rights and privileges of the same character as those same people who ordained and established the constitutions for all states, who according to their enacting clauses, did ordain and establish the constitutions for their respecting government authorities and give them parameters in which to govern.

This Motion to Reconsider is directed to the NDSC and comes in a form of Judicial Notice and of the following non-adjudicated facts as follows....

1. Terry Kemmet demands the court take Judicial notice. The act by which a court, in conducting a trial, or framing its decision, will of its own motion, and without the production of evidence, recognize the existence and truth of certain facts, having a bearing on the controversy at bar, which from their nature, are not properly the subject of testimony, or which are universally regarded as established by common notoriety, *e.g.*, the laws of the state, international law, historical events, the constitution and course of nature, main geographical features, etc. The cognizance of certain facts which judges and jurors may properly take and act upon without proof, because they already know them. Fed Evid. Rule 201.
2. Issues presented See pg. 5
3. The constitution in Article 1; the Bill of Rights clearly states See pg. (s) 21-24.
4. Rules under N.D.C.C. See pg. (s) 4,7,9-15, 18-19, 24.
5. Table of Authorities See pg. (s) 3-4
6. Law and Argument See pg. (s) 7-24
7. Conclusion See pg. (s) 25-27
8. On July 8th, 2021 the NDSC gave its opinion affirming the lower court decision to take property of Terry Kemmet for violating Chapter 65 N.D.C.C. Workforce Safety and Insurance. No reasons were given in law for this opinion, so presumptions must be made by Kemmet for the decision rendered. And the presumptions must of necessity be that the Supreme Court of N.D. agrees with all that the lower court has decided on this matter.
9. A quote by Larken Rose is appropriate here. "The truth is, one who seeks freedom by petitioning those in power to give it to him has already failed, regardless of response. To beg for the blessing of "authority" is to accept that the choice is the master's alone to make, which means that the person is already by definition, a slave."
10. Here in the United States, our Federal Constitution and all that is in Pursuance thereof to it plus each state's Constitution are the government; they are also the Contracts that all who serve within our government serve under and are Oath bound

to the highest lawful binding; and the U.S. Constitution is definer of our governments, state and federal, and the U.S. Constitution defines our federal government, while the State Constitution defines the State government; and the people serving in that government are delegated different duties and authorities within that government and have no authority beyond what they are allowed to use while serving in that authority.

11. 28 CFR § 85 defines terrorism as “the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population or any segment thereof, in furtherance of political or social objectives.”
12. *Horne v Dorrance* 2 Dall. 304. “What is a constitution? It is the form of government, delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established.”
13. “A constitution is designed as a supreme enactment, a fundamental act of legislation by the people of the state. A constitution is legislation direct from the people acting in their sovereign capacity, while a statute is legislation from their representatives, subject to limitations prescribed by the superior authority.” *Ellingham v. Dye*, 231 US 250. **No enacting clause – no authority.**
14. *Ejusdem Generis Canon*. Where general words following an enumeration of two or more things, they apply only to person or things of the same general kind of class specifically mentioned.
15. *Avoidance Canon*. If a statute is susceptible to more than one reasonable construction, the courts should choose an interpretation that avoids raising constitutional problems. In the U.S. this canon has grown stronger in recent history. The traditional avoidance Canon required the court to choose a different interpretation only when one interpretation was actually unconstitutional. The modern avoidance canon tells the court to choose a different interpretation when another interpretation merely raises constitutional doubts.
16. **Artificial person Canon. The word person includes corporations and other entities, but not the sovereign.**

Submitted this 21st day of July , 2021 by electronic filing, by Terry Kemmet

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Claimant	[Case No.: 22-2019-CV-00059
v.]	
WSI, INCORPORATED	[CERTIFICATE OF ELECTRONIC SERVICE
A SUBSIDIARY OF THE STATE OF]	
NORTH DAKOTA	[
Respondents]	

Terry Kemmet certifies that he has sent this Motion to Reconsider to Workforce Safety and Insurance, and the electronic record will show proof of this service.

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