20140122
FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT
AUGUST 7, 2014
STATE OF NORTH DAKOTA

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

EOG Resources, Inc., Plaintiff/Appellee, -vs- Soo Line Railroad Company and G4, LLC, Defendants/Appellants, and Jeannette E. Gere, *et al.*, Defendants/Appellees v. V. Gail Brendle, as Trustee of the Ralph A. Brendle Trust, *et al.*, Crossclaim Defendants/Appellees	Supreme Court No. 20140122 Mountrail County District Court No. 31-10-C-00010

BRIEF OF CROSSCLAIM DEFENDANTS/APPELLEES ROGER WOLLSCHLAGER AND AMANDA OLSON, AS TRUSTEES OF THE BETSY AMANDA WOLLSCHLAGER TRUST; ROGER WOLLSCHLAGER, AS TRUSTEE OF THE WOLLSCHLAGER FAMILY TRUST; ROGER WOLLSCHLAGER AND BLANE WOLLSCHLAGER, INDIVIDUALLY AND AS CO-TRUSTEES OF THE BETSY AMANDA "BETTY" WOLLSCHLAGER IRREVOCABLE TRUST; AND THE WOLLSCHLAGER IRREVOCABLE MINERAL TRUST

Appeal from Summary Judgment entered on January 30, 2014

North Central Judicial District
Mountrail County District Court
The Honorable Todd J. Cresap

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STATEMENT OF THE ISSUES

[¶ 1] Whether the district court was correct in holding that Soo Line obtained only easements across the surface of certain lands in Mountrail County, North Dakota via private deeds that conveyed a right of way for the operation of a railway.

STATEMENT OF THE CASE

[¶ 2] Crossclaim Defendants/Appellees Roger Wollschlager and Amanda Olson, as Trustees of the Betsy Amanda Wollschlager Trust; Roger Wollschlager, as Trustee of the Wollschlager Family Trust; Roger Wollschlager and Blane Wollschlager, Individually and as Co-Trustees of the Betsy Amanda "Betty" Wollschlager Irrevocable Trust; and the Wollschlager Irrevocable Mineral Trust (collectively "Wollschlager, *et al*") adopts by reference the STATEMENT OF THE CASE contained in the brief of Plaintiff/Appellee EOG Resources, Inc. and Cross-Claim Defendants/Appellees Berry Ventures, Inc., *et al* ("EOGl") under N.D.R.App. 28(j).

STATEMENT OF FACTS

[¶ 3] Wollschlager, *et al*, adopts by reference the STATEMENT OF FACTS contained in EOG's brief under N.D.R.App. 28(j).

[¶ 4] Wollschlager, *et al*, own mineral interests in the Subject Lands as described in EOG's brief. The interests were acquired via the various Right of Way Deeds.

LAW AND ARGUMENT

[¶ 5] Wollschlager, *et al*, adopts by reference the LAW AND ARGUMENT contained in EOG's brief under N.D.R.App. 28(j).

CONCLUSION

[¶ 6] Wollschlager, *et al*, respectfully requests this Court to affirm the district court's

order granting EOG's Motion for Summary Judgment and denying Soo Line's and G-4's Motions for Summary Judgment.

[¶ 7] Dated August 7, 2014.

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CERTIFICATE OF SERVICE

[¶ 8] I, Christina M. Wiskus, as one of the attorneys for the Crossclaim Defendants/Appellees Roger Wollschlager and Amanda Olson, as Trustees of the Betsy Amanda Wollschlager Trust; Roger Wollschlager, as Trustee of the Wollschlager Family Trust; Roger Wollschlager and Blane Wollschlager, Individually and as Co-Trustees of the Betsy Amanda "Betty" Wollschlager Irrevocable Trust; and the Wollschlager Irrevocable Mineral Trust, do hereby certify that on the 7th day of August 2014, copies of the BRIEF OF CROSSCLAIM DEFENDANTS/APPELLEES ROGER WOLLSCHLAGER AND AMANDA OLSON, AS TRUSTEES OF THE BETSY AMANDA WOLLSCHLAGER TRUST; ROGER WOLLSCHLAGER, AS TRUSTEE OF THE WOLLSCHLAGER FAMILY TRUST; ROGER WOLLSCHLAGER AND BLANE WOLLSCHLAGER, INDIVIDUALLY AND AS CO-TRUSTEES OF THE BETSY AMANDA "BETTY" WOLLSCHLAGER IRREVOCABLE TRUST; AND THE WOLLSCHLAGER IRREVOCABLE MINERAL TRUST were served on the following by electronic mail transmission, per N.D.Sup.Ct. Admin. Order 14(D):

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CERTIFICATE OF COMPLIANCE

[¶ 9] The undersigned, as attorney for the Crossclaim Defendants/Appellees Roger Wollschlager and Amanda Olson, as Trustees of the Betsy Amanda Wollschlager Trust; Roger Wollschlager, as Trustee of the Wollschlager Family Trust; Roger Wollschlager and Blane Wollschlager, Individually and as Co-Trustees of the Betsy Amanda "Betty" Wollschlager Irrevocable Trust; and the Wollschlager Irrevocable Mineral Trust, in the above-entitled matter, and as author of the above brief, to hereby certify that the above brief complies with all type-volume limitations as set forth in the North Dakota Rules of Appellate Procedure.

I further certify that the attached brief contains fewer than 8,000 words, and was prepared using WORD Version 7, Times New Roman font, size 12.

Dated August 7, 2014.

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