

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

EOG Resources, Inc.,	)	
	)	
Plaintiff/Appellee,	)	Supreme Court No. 20140122
vs.	)	
	)	
Soo Line Railroad Company and G4, LLC,	)	Mountrail County District
	)	Court No. 31-10-C-00010
Defendants/Appellants,	)	
and	)	
Jeannette E. Gere, Skaar-Risan, <i>et al</i> ,	)	
	)	
Defendants/Appellees,	)	
vs.	)	
	)	
V. Gail Brendel, as Trustee of the Ralph	)	
A. Brendel Trust, <i>et al</i> ,	)	
	)	
Cross-Claim Defendants/Appellees.	)	

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**BRIEF OF DEFENDANT/APPELLEE SKAAR-RISAN LLLP and  
CROSS-CLAIM DEFENDANTS/APPELLEES RISAN LIMITED PARTNERSHIP,  
DUANE G. RISAN, JOYCE A. RISAN, JEANNETTE RISAN,  
SOLVEIG SWENDSEID, ROGER STENERSON, JOAN STENERSON,  
CYNTHIA M. ROBERTS, LOVILA KRUEGER, HERBERT KRUEGER,  
STAMFORD MINERALS ORGANIZATION, AND THOMAS T. RITTER**

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Appeal from Summary Judgment entered on January 30, 2014  
County of Mountrail, North Central Judicial District  
Honorable Todd L. Cresap, Presiding

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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] Defendant/Appellee Skaar-Risan LLLP and Crossclaim Defendants/Appellees Risan Limited Partnership, Duane G. Risan, Joyce A. Risan, Jeannette Risan, Solveig Swendseid, Roger Stenerson, Joan Stenerson, Cynthia M. Roberts, Lovila Krueger, Herbert Krueger, Stamford Minerals Organization, and Thomas T. Ritter (collectively "Skaar-Risan, 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 ("EOG") under N.D.R.App. 28(j).

[¶3] In addition, Skaar-Risan LLLP was granted partial summary judgment regarding its mineral interest in the following real property in Mountrail County:

Township 152 North, Range 90 West  
Section 27: SW¼

See Docket #137. Skaar-Risan LLLP was adjudged to be the owner of 39.9999999 mineral acres in the above described property. Id. The partial summary judgment was not appealed by any party to this action.

## **STATEMENT OF FACTS**

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

[¶5] Skaar-Risan, 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. As explained above, Skaar-Risan LLLP was adjudged to be the owner of 39.9999999 mineral acres in the SW¼ of 27-152-90. Therefore, Skaar-Risan LLLP's ownership interest will not be affected by the result of this case.

### **LAW AND ARGUMENT**

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

### **CONCLUSION**

[¶7] Skaar-Risan, 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.

[¶8] Dated this 7th day of August, 2014.

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## CERTIFICATE OF SERVICE

I, Andrew T. Forward, one of the attorneys for Appellee Skaar-Risan LLLP, and Cross-claim Defendants/Appellees Risan Limited Partnership, Duane G. Risan, Joyce A. Risan, Jeannette Risan, Solveig Swendseid, Roger Stenerson, Joan Stenerson, Cynthia M. Roberts, Lovila Krueger, Herbert Krueger, Stamford Minerals Organization, and Thomas T. Ritter, do hereby certify that on the 7th day of August, 2014, copies of the BRIEF OF DEFENDANT/APPELLEE SKAAR-RISAN LLLP AND CROSS-CLAIM DEFENDANTS/APPELLEES RISAN LIMITED PARTNERSHIP, DUANE G. RISAN, JOYCE A. RISAN, JEANNETTE RISAN, SOLVEIG SWENDSEID, ROGER STENERSON, JOAN STENERSON, CYNTHIA M. ROBERTS, LOVILA KRUEGER, HERBERT KRUEGER, STAMFORD MINERALS ORGANIZATION, AND THOMAS T. RITTER were served on the following by electronic mail transmission, per N.D. Sup.Ct. Admin. Order 14(D):

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I further certify that the attached brief contains fewer than 8,000 words, and was prepared using WordPerfect 10.0, Times New Roman font, size 12.

Dated this 7th day of August, 2014.

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