

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT
JULY 11, 2014
STATE OF NORTH DAKOTA

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Nicholas R. Law,

Petitioner,

vs.

The Honorable Cynthia M. Feland
Judge of The District Court, South Central
Judicial District, Danielle Whittet,

Respondents,

and

State of North Dakota,

Statutory Real Party in Interest.;

Supreme Court No. _____

McLean County Case No. 28-2012-DM-055

South Central Judicial District
Burleigh County, North Dakota

**DISTRICT COURT RESPONSE TO PETITION
FOR SUPERVISORY WRIT**

Cynthia M. Feland
District Judge
South Central Judicial District
P.O. Box 1013
Bismarck, ND 58502
(701)222-6682
ND BAR ID No. 04804

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ARGUMENT

[¶1] Nicholas Law, through his attorney, has requested that the Supreme Court vacate “the district court’s June 25, 2014, Order for Amended Judgment and Subsequent Judgment” and direct “Judge Feland to recuse herself from this matter”.

[¶2] On May 2, 2013, following remand and review of this Court’s Opinion in the present case, I issued a Notice giving either party an opportunity to file a demand for change of judge (Docket No. 129 dated May 2, 2014). No demand or request was filed by Petitioner. Instead, on May 20, 2014, Petitioner filed a Proposed Amended Judgment (Docket No. 134 dated May 20, 2014).

[¶3] On June 20, 2014, after a careful and thorough review of the transcript of the trial and documents filed in this matter, including Petitioner’s proposed Amended Judgment, Ms. Whittet’s Objection and proposed parenting plan, and Petitioner’s Response, I sent a rough draft of my Amended Order for Judgment directing that the parties review the child support calculations for errors (Docket No. 139 dated June 20, 2014). The parties were given until noon on June 25, 2014, to file a response. Petitioner filed an Objection to the proposed Amended Judgment after the deadline requesting that I either recuse myself or issue an Amended Judgment consistent with Petitioner’s proposed Amended Judgment (Docket No. 146 dated June 25, 2014).

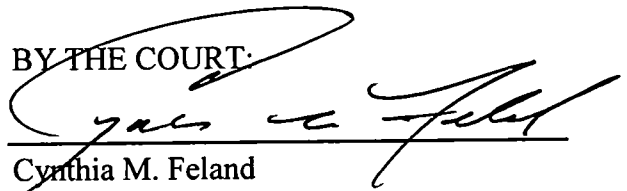
[¶4] Although I had and continue to have no reservations about my ability to follow the Supreme Court’s directive on remand, I allowed the parties an opportunity to request a demand for change of judge prior to my issuing an Amended Judgment. Petitioner did not avail himself of that opportunity.

CONCLUSION

[¶5] Only after Petitioner declined to request a demand for change of judge and following a thorough and detailed review of the entire record did I issue an Amended Order for Judgment containing detailed findings for the conclusions reached in determining an appropriate parenting time schedule as directed by the North Dakota Supreme Court.

Dated this 11th day of July, 2014.

BY THE COURT:



Cynthia M. Feland
District Judge

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MCLEAN

Case No. 28-2012-DM-055

Nicholas R. Law,

Petitioner,

vs.

The Honorable Cynthia M. Feland
Judge of the District Court,
South Central Judicial District,
Danielle Whittet,

Respondents,

and

State of North Dakota

Statutory Real Party in Interest.

Affidavit of Mailing

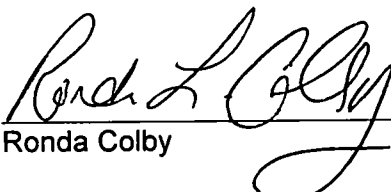
I, Ronda Colby, being duly sworn, depose and say that I am a United States citizen over 21 years of age, and on the 11th day of July, 2014, I e-mailed and/or deposited in a sealed envelope true copies of the attached:

DISTRICT COURT RESPONSE TO PETITION FOR SUPERVISORY WRIT

via e-mail or in the United States mail at Bismarck, North Dakota, postage prepaid and addressed to:

Supreme Clerk of Court, SupClerkofCourt@ndcourts.gov
Dan Nagle, dnagle@kelschlaw.com
Danielle Whittet, 107 5th Ave NW, Bowman, ND 58623.

Dated this 11th of July, 2014.



Ronda Colby