20190120 FILED IN THE OFFICE OF THE CLERK OF SUPREME COURT MAY 28, 2019 STATE OF NORTH DAKOTA

IN THE SUPREME COURT OF THE STATE OF NORTH DAKOTA

Fernando A. Ramirez	}
Plaintiff,	} APPEAL
	Brief of Appellant.
vs.	}
	}
Dave Houge and	File No. 47-2018-CV-00468
Rod Didier	}
Defendant(s).	Supreme Court No. 20190120

Appeal from FINAL JUDGMENT in DISTRICT COURT COUNTY OF STUTSMAN, SOUTHEAST JUDICIAL DISTRICT.

FERNANDO ALBERTO RAMIREZ DIAZ

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B. TABLE OF CITATIONS.

[1.] North Dakota Legislative Branch North Dakota Century Code.

Chapter 12.1 - 21.1

Animal Research Facility Damage Section Section Name

12.1 - 21.1 - O1 Definitions

12.1 – 21.1 -02 Animal facility – Damage or destruction

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[2.] Appendix

[3.] Transcript of Proceeding. Civil Bench Trial. January 24. 2019.

Fernando A. Ramirez, Plaintiff in the above entitled matter, appeals to the North Dakota Supreme Court from the final judgment entered on 14 day of February, 2019. In Southeast Judicial District. County of Stutsman

C. STATEMENT OF JURISDICTION.

The North Dakota State Constitution states that, appeals "shall be allowed from decisions of lower courts to the supreme court as may be provided by law." N.D. Const. art. VI, § 6.

D. STATEMENT OF ISSUES.

- [1.] After the Trial occurred, Ramirez realizes that the documents delivered by the counterpart as "DEFENDANT'S EXHIBIT" are false, mutilated and other missing.
- (a.) Having Ramirez notified in a timely manner and with evidence.
 Was it the duty of the district court to have reviewed them, before ruling in favor of the defendants?
- (b.) Has Ramirez been treated with discrimination?

E. NATURE OF THE PROCEEDINGS.

Civil lawsuit criminal type (Law evoked: North Dakota Legislative Branch N.D. Century Code. Chapter 12.1 - 21.1 Animal Research Facility Damage.) Process leading:

Page (App.)

- 1 Notification of assignment and case number.
- 2 Complaint.

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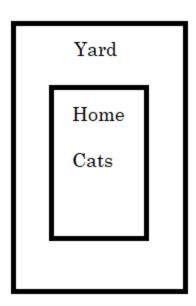
- 161 Judgment.
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- 169 Order for Transcript.

F. STATEMENT OF THE FACTS.

- [1.] The mobile home 1615 where Ramirez has his cats is safe. Demonstration:
- (a.) Has a completely closed porch. see App. 133, 134, 135, and 136.
- (b.) At night, the cats of the Ramirez family remain inside the mobile home.
- [2.] The wooden fence installed with attachments is safe, preventing a cat from escaping. Demonstration:
- (a.) A wooden fence with attachments is very different from a simple wooden fence. see App. 135, 137, 138, 139, 140, 141 and 142.The wooden fence with attachments is declared in: App. 132 numeral [4.];Trans. 23 ruler 1 5.

Abbreviated transcript (Trans); followed by the page and ruler.

- (b.) A loan in the bank in April 2016, was made for the construction of the wooden fence with attachments, plus the porch and included a hatch for cats.
- [3] During the night, the cats remain inside the Mobile Home and it is completely closed, making it impossible for the cats to get out of there. And on the other hand the yard is completely safe, no cat can get out of there to the outside.



As seen in this figure, cats have no where to go outside.

- (a.) The effectiveness of a fully enclosed porch with mesh and a wooden fence with attachments is demonstrated by the following evidence:Divide into three periods of time. 1, 2 and 3
- (1.) From its construction May 2016 until one day before the cat named Tara, Jun.
 5, 2017 disappears. In this period of time no cat, absolutely no cat of the
 Ramirez family is hunted. by cat hunters. and in the police there is no record in this regard.
- (2.) From Jun. 5, 2017 to Nov. 28, 2017. Some cats of the Ramirez family disappear; from a place where it is impossible that they came out on their own. For that reason the cats were released indevidamente. They were never reported to the police. Ramirez made the denouncements, but the police do not know where they are.

- (3.) Nov. 29 2017, until now, no cat of the Ramirez family disappeared again. There is no record of the police in this regard. And it draws attention because a lawsuit against cat hunters, Houge and Didier, began on July 6, 2018.
- (b.) Another important evidence is that the owners of these lots have never received a complaint against the cats of the Ramirez family.
- (c.) Other evidence that demonstrates the effectiveness of the wooden fence with attachments, plus the closed area of the mobile home 1615, are the Houge video cameras, these, in their several years of being active, have not registered to Ramirez's cats invading his lot.
- (d.) It is also noteworthy that Houge's video cameras have not registered the place where the trap for pests is installed.
- [4.] gates for cats. The manufacturers give four options:
- Open in both directions.
- Open only to enter.
- Open only to exit
- Completely closed
- (a.) In the Trial, Didier asks about the reason for that gate, and he was given an example. gate in the "open only to enter" position. Trans. 22, ruler 17. But Didier did not understand and confuse what is an example or a supposition or imagination with a fact of real life that has certainly lived.
- (b.) The effectiveness of the wooden fence with attachments, resulted in the gates remaining completely closed and thus have remained. This since June 2016.
- (c.) The doors and gate of the wooden fence always remain closed, this is stated in App. 28 (ruler 28). Trans. 15, ruler 6 21.

- [5] The Ramirez family cats disappear, or are released from inside the mobile home late at night until dawn. you have:
- (a.) Ramirez works at night, and leaves work at 7 A.M. App. 10 ruler 32; App. 28 ruler 32; App. 28 ruler 26.
- (b.) The case of Tigrilla is very important, because it reveals who or who are responsible for releasing Ramirez cats during the night, until dawn. App. 10 ruler 24. Denunciation 3. and App. 11
- (c.) The interrogation of Rod Didier in Trans. 56 ruler 22, Trans 57 and 58. is important because it confirms that Tigrilla is in a trap owned by Houge; confirm with this fact that the letter sent to the Police Department, Jamestown is true and on the correct date, March 16, 2016.
- (d) An attempted liberation occurred in the same way late at night until dawn, on December 26, 2017. App. 28 ruler32.
- (e.) This same pattern of releasing the cats of the home mobile of the Ramirez family late at night until dawn is repetitive. App. 28 ruler 26; App. 18 NOV 28, 2017.
- (f.) The case of Tigrilla is important because it was an oversight of cat hunters, Houge and Didier not having picked it up before Ramirez arrived from work.
- [6] The use of a trap for pests unfit to catch cats, seriously injured Tigrilla and Vicka. Demonstration:
- (a.) The manufacturer of the trap for pests is explicit in indicating what type of animals can be hunted, but does not mention the felines. App. 63 EVIDENCES; App. 64; App. 11; This trap is the same one used by Houge and presented in the Trial.
- (b.) The interrogation of Rod Didier in Trans. 56 ruler 22, Trans 57 and 58, Didier makes two alterations where he tries to tell the court that Ramirez shaking the trap for pests injured his cat Tigrilla.

- (c.) In the court in the case of the cat Vicka, Ramirez had no contact with her cat, and when she recovered she was permanently injured. (App. 29).
- (d.) It is up to Ramirez to show with evidence that Didier has not told the truth to the court. Demonstration in App. 10 ruler 32 we have:

"In one morning I came home from work, I looked at cat moaned in pain, I looked and it was my cat, who was trapped in the cage hunter cats, as I approached I noticed that his nose was damaged and front leg was cut I took it out of the cage and took her to the veterinary clinic, ... "

Analyze what is first in time and what is after:

Time 1: Ramirez leaves his job at 7 A.M.

Time 2: and when you arrive at your house, you are only ready to enter.

Time 3: but "I heard a cat moaned in pain, ..."

Analyzing: Ramirez has heard a sound that is not normal.

Time 4: "I looked and it was my cat, who was trapped in the cage hunter cats ..."

Time 5: "... as I approached I noticed that his nose was damaged and front leg was cut ..."

Time 6: "I took it out of the cage and took her to the veterinary clinic, ..."

It is demonstrated that Ramirez when he arrives at his house, did not know what was happening.

It is shown that when Ramirez notices what happened, his cat was already injured. (past time); because his sound of pain was what alerted Ramirez, that something was happening.

It is demonstrated: At 7 A.M. Ramirez leaves work at home, Tigrilla was released from home mobile late at night. and not at another time as Didier intended to deceive the court.

[7] It is false that Houge has installed his trap for pests in his lot. Demonstration:

The Tigrilla hunt that ended severely injured, having been released intensionally late at night or at dawn, forces the cat hunter to install his trap for pests in the same lot of Ramirez.

These are the logics:

- (a.) When Ramirez arrives from his job he heard a cat moaning in pain. This implies closeness.
- (b.) There is evidence (App. 78) of Houge invading the Ramirez lot. video No 1 and video No 2.
- (c.) It does not make sense that after knowing the cat hunter, because side of the mobile home can free the Ramirez cats, install a trap for pest away.
- [8] Vicka was severely injured for life. Demonstration
- (a.) When Ramirez is warned that some of his cats were handed over by the cat hunter to the police, Ramirez realizes that his cat Vicka is not well. App. 29. January 31, 2018. In the Trial, perhaps due to some confusion, the animal control officer declared that the cats were in good physical condition. This is discouraging because now Ramirez must demonstrate with evidence, the critical condition of his cat Vicka. Demonstration:

Country Acres Veterinary Clinic gives a diagnosis of Vicka, it says:

"Hip problems especially right hip." (App. 6)

But what follows is a true proof of its critical state; it says:

"I need to lose wight."

"He is too fat."

and in App. 7 is registered:

Weight: 16 lbs.

(b.) When the cat hunter unduly releases Vicka from her home, on Nov. 2, 2017, Vicka was in perfect health and her weight was normal. App. 23

The permanent damage caused to Vicka on her hip, prevents her from leading a normal life. Vicka can not burn her energies like a normal cat does.

- (c.) This brings harm to the Ramirez family, implies a special diet for their cat, with the following problem that the cat will want to feed on the normal food of the other cats. This damage is for the time of life that is left to Vicka, a cat has an average life of 15 years.
- (d.) That's why when Houge's lawyer tries to cheat the court with what he paid for an exam, or how much a cat is worth; This lawyer is bordering on the absurd.

 Well, damages are another difficult issue to quantify, when these are for life.
- (e.) The disappearance of all cats of the Ramirez family have followed the same pattern used by the cat hunter. for that reason, the absent cats that are still in the power of the cat hunter, it is not easy to quantify it in value of money, because the evoked law, says that the owner's affection for his pet is lost.
- [9] In the Police CALL FOR SERVICE document, it is important to detail the following:
- (1.) Mark the date and time of the call and an assigned number.
- (2.) The name of the person and telephone number.
- (3.) Number of cats reported and their color; more something they are carrying.
- (4.) Some details or writings of the incident.
- (5.) And the name of the person who will pick them up.
- (a.) After the Trial, when Ramirez examines the CALL FOR SERVICE documents; he realizes that he as the person who picked up his cats named Carlila, Torito and Vicka at the end of January 2018. And because the cats were handed over by the cat hunter to the police, this document must exist.
- (b.) Ramirez in the "Findings of Fact Plaintiff's response" complaint to the court that the CALL FOR SERVICE documents attached as DEFENDANT'S EXHIBIT No 1 are altered, mutilated and others are missing.

- [10.] It is known that the animal control office in Jamestown, N.D. Work from monday to Thursday. and in daytime. Therefore, when a 911 call is made, on any day, when a cat hunter delivers a hunted animal, any police officer may come to pick it up. Therefore, it does not necessarily have to be the animal control officer.
- (a.) It is specified in (Trans. page 53, ruler 20 24) that the police do not catch cats on their own, it must be a cat hunter who does it, and then report it to the police, who will then come to pick it up.
- (b.) Due to this circumstance, the animal control officer may not always know what is happening while it is out of service.
- (c.) This concludes that there will always be a CALL FOR SERVICE document.

 that describes the name of who is calling and what cat or cats is delivering. and who claims them.
- [11.] Within the process, the flash drive containing the videos 1 and 2 was sent to the counterparty on two occasions. The lawyer claims that he does not see them because they may have a virus and this can damage his computer.
- (a.) This is manipulation to the process because the lawyer is not obligated to use his work computer, but there are video players on the market without having to compromise his work computer. As a lawyer you are required to have your work tools.
- (b.) Ramirez did not know he had to carry a laptop, to play the videos. But the same public trial programs, this does not appear as an inconvenience.Therefore, the court must first warn pro se litigants.A simple note to be sent through the clerk, as the court does not have video players. with this, you are not going against the rules or against the laws. But

it does prevent unscrupulous lawyers from taking advantage of this and wanting to invalidate evidence. The courts are to discover the truth, not to allow the slips.

G. ARGUMENT.

It is up to Ramirez to demonstrate with evidence the alterations that have been the subject of the CALL FOR SERVICE documents.

- [1.] CALL FOR SERVICE Jamestown Police Dept. Incident # 201800009346 (app .123 and 124.), presented in the Trial as DEFENDANT'S EXHIBIT 1 Ramirez in the (App. 145. Numeral 10.), declares that this document was altered in its content.
 - Demonstration with evidence that this document was intensionally altered.
- (a.) In the (App. 124.), in the part where it appears 4/22/2018 16:09:41 Johnson Cuyler "I spoke to David, David admitted his cats Have climbed the fence in the backyard and gotten lose ..." On the page (App. 145 Numeral 10. d.) Describes why David never gave this comment to Officer Johnson. and the evidence to support this writing is in: App. 135, 137, 138, 139, 140, 141 and 142 that correspond to the fence with attachments, and that since its construction have never let a cat escape. This is also demonstrated in: E. STATEMENT OF THE FACTS. Numeral [2].
- (b.) This statement contains an addendum: "... and gotten lose ..."

 No cat by its nature is lost, the easier a person is lost, but never a cat. Cats have a very good sense of direction. In the case of the Ramirez family cats, these have been released from the mobile home 1615 by Houge. as indicated before the 911 Johnson Cuyler official. (App. 4. and 5.)
- (c.) Other adsurdo in the statement:4/22/2018 16:05:45 where Houge reports on his cats.

Ramirez knows that Houge has two cats (App. 58); This alteration can be made on paper, but in practice, this is making fun of authority. Keep in mind that Houge is before a police officer, and when this question is answered. The officer has asked Houge for two specific cats, Tigrilla and Kerly.

Houge has responded to Officer Johnson. and what appears in (App. 4) is the information obtained thanks to the collaboration of the police officer.

- (d.) It is reported that in this incident there are four people present. (App. 5).

 Ramirez is present, and very interested in knowing where Kerly and Tigrilla are. What follows next is to prove why Ramirez would not have allowed Houge to tell the story of his cats. Ramirez is a Military Police, and comes from a base agreement between Colombia and U.S.A.
- (e.) The phrase "... cats have climbed the fence in the back yard and gotten lose." is very personal of Mr. Houge. and achieve the alteration of this document CALL FOR SERVICE; is the reason why Ramirez says there is a sabotage in his lawsuit that prevents him from recovering his lost cats.
- (f.) In the (Trans. page 75, # 21, 22, 23, 24 and 25). By the official Rebekah Johnson, of animal control, it is demonstrated that David never admitted that his cats escaped climbing a fence, what if he affirms is that his cats disappear because the cat hunter hunts them.
- (g.) Conclusion: It is a crime to present a false document before a court to obtain a benefit.
- [2.] It is false that Houge stopped hunting cats, because he was tired.

 Demonstration with evidence that Houge has lied to the court.

- (a.) Bear in mind that the CALL FOR SERVICE document Jamestown Police Dept. Incident # 201800009346 (app.123 and 124) was intensively altered as already demonstrated.
- (b.) The animal control officer entered the Trial, gave her statement and immediately left for the fulfillment of her duty. Therefore, he did not notice Houge's statement, and the other witnesses.
- (c.) Reviewing the entire statement of the animal control officer, he always had Houge as an active hunter up to the present.
- (d.) Since Houge and his lawyer had access to and knowledge of all the original CALL FOR SERVICE, they eliminate the one that corresponds when Houge or Didier deliver the Ramirez cats to the police.
- (e.) It is logical that if Houge or Didier were not involved in this, the CALL FOR SERVICE, by obligation, would be in the name of another cat hunter, who was delivering the Ramirez cats. This document would be the most prized by Houge and his lawyer. But the reality is that this document does not exist. That is why Houge chooses to falsify the CALL FOR SERVICE No 201800009346. And, in the process, alter the others.
- [3.] In the court Ramirez allows entry of the defendants' Exhibits, because they are documents that come from the Jamestown police, and therefore reliable.
- (a.) Although the court gave time to review them, it is not the prudent and necessary time to detail their content. (App. 145. Number 10.), again for being documents that come from the police, plays an important role as it is to trust the police.
- (b.) After the Trial, Ramirez makes a detailed review of the documents from the police to obtain important information and realizes that these documents are altered, mutilated, falsified and others disappeared. (App. 145 Numeral 10. c.)
- (c.) We have the animal control officer in the Trial indicated that he did not have all the CALLS FOR SERVICE. (Trans page 75 ruler 15 and 16.)

- (d.) Houge's lawyer having the knowledge that CALL FOR SERVICE exists and can be obtained; He does not have the right to decide which ones he presents and which ones he does not. His duty as a lawyer is to defend Houge legally, but not to get involved in his affairs.
- [4.] In the time period between June 2017 and February 2018, there are no other cat hunters other than Houge and Didier.
 Time in which some cats of the Ramirez family disappear and some are recovered.

Demonstration:

- (a.) It is important to keep in mind that the CALL FOR SERVICE number 201800009346 was completely altered in its content. And a revision to the other CALL FOR SERVICE were also altered.
- (b.) When reviewing the CALL FOR SERVICE, no person other than Houge and Didier appears, handing over the Ramirez cats to the police.
- (c.) Keep in mind that a CALL FOR SERVICE also specifies the name of the person claiming the cat. Thus; Ramirez to claim his three cats that were delivered by the police, there is also the record of appearing the name of the cat hunter who gave them to the police.
- (d.) It is easy to deduce, that Houge with his lawyer must have been looking at ALL CALL FOR SERVICE to which they did have access; ORIGINAL material; the name of some hunter of cats different from the name of them, that are also hunting, to bring it to the court, but they did not find it.
- (e.) And that is in Western Park Vlg. There is no other cat hunter other than Houge and Didier. On the other hand Ramirez had communication with the owners of these lots, and never informed him that they were in that type of activity; at least at the time that Ramirez's cats disappeared.

- (f.) It should be noted that if there were another cat hunter different from Houge and Didier, these immediately in the Trial would have said name and surname of who else is hunting cats apart from them. In the same way, the animal control officer would have revealed it in the Trial.
- (g.) To say in court that there may be other cat hunters, apart from Houge and Didier, is easy; like a smoke screen; but a document like CALL FOR SERVICE becomes EVIDENCE. Therefore, if the Ramirez cats were delivered to the police by a cat hunter other than Houge or Didier, they Houge and his lawyer who had access to the original material of all CALL FOR SERVICE, would not have hesitated for a moment bring this original material, and thereby free your client from the charges made by Ramirez.
- (h.) It is concluded, without the least equivocal that Houge or Didier, or both delivered Ramirez cats to the police.
- [5] Another way of knowing how Houge was the one who delivered the Ramirez cats, who had been captive for a long time, is because of the words he addressed to the animal control officer. It is to take into account that a police officer, part from scratch, or what is the same do not know anything. but it collects the information that is supplied to you. It says: (App. 28. ruler 10.)

"While the animal control officer was talking about the agility that cats have to climb a fence, ..."

As can be seen are the same words that Houge used to alter the document CALL FOR SERVICE No. 201800009346 (App. 124.)

"... cats have climbed the fence ..." and also, these same words, Houge held them in the Trial. (Trans page 42 ruler 19.)

"They would climb the wooden fence ..."

[6] It is also to be borne in mind that Ramirez delivers a letter dated January 31, 2018 to the animal control officer and explains what he affirmed. (App. 28 and 29) That exhibition is that Ramirez already knows that it was the cat hunter who hunted his cats. Keep in mind that this is how Ramirez identifies Houge. it says:

"On the other hand, as I know, that the cat hunter is the one who is hunting my cats, I want to ask you through you, if you can, to return my cats Tigrilla and Kerly."

And in the second week Ramirez meets again with the control officer.

This meeting is important because in addition to listening to the animal control officer, who knows that Ramirez identifies Houge as the cat hunter, he does not make any corrections to the letter. That is why this letter is important, because it was at the exhibition of the animal control officer.

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H. CONCLUSION

For the foregoing, as provided by law: Chapter 12.1 - 21.1 of the North Dakota

Legislative Branch N.D. Century Code. (App. 31, 32, 33, and 34), which prohibits

the undue release of animals, retention and bodily injury for life. and with the

aggravation of the counterpart of submitting false documentation.

Fernando A. Ramirez supports himself in the compensation as it is written in the

COMPLAINT (App. 35. or App. 151, 152, 153 and 154.) or to what the Supreme

Court rules.

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20190120 FILED IN THE OFFICE OF THE CLERK OF SUPREME COURT MAY 29, 2019 STATE OF NORTH DAKOTA

IN DISTRICT COURT, SOUTHEAST	COUNTY, STATE OF NO	RTH DAKOTA		
FERNANDO A. RAMIREZ.	CASE # 5. C 20	0190120		
DAVE HOUGE Defendant	AFFIDAVIT OF SERVIC BY MAIL	E		
STATE OF NORTH DAKOTA COUNTY OF	TUTSMAN			
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swear that I am at least 18 years of age; and that on the date shown above, I deposited a true copy of APPEAL Brief of Appellant, and APPEN DIX.				
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(Signature of Person Who Mailed Envelope)				
Subscribed and sworn to before me this day of, 20				
(Clerk of Court or Notary Public)				
County, North Dak	ota			
If Notary Public, my commission expires:				

IN DISTRICT COURT, SOUTHEAST	COUNTY, STATE OF NOR	RTH DAKOTA		
FERNANDO A. RAMIREZ	CASE # 5.C 20	0190120		
ROD DIDIER Defendant	AFFIDAVIT OF SERVIC BY MAIL	E		
STATE OF NORTH DAKOTA COUNTY OF	TUTSMAN			
Name of Person who Mailed Papers:	Time Mailed(hr:mn): 2:15 A.M.	Date Mailed: MAY 29 2019		
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Mailed at U.S. Post Office in the City of: TAME STO W W . N D .	State of:			
I swear that I am at least 18 years of age; and that on the date shown above, I deposited a true copy of APPEAL Brief of Appellant. and APPENDIX (Documents mailed)				
in this case, securely enclosed in an envelope wi RETURN RECEIPT REQUESTED, DELIVER TO ADDI				
Dated: MAY 29 2019 William.				
(Signature of Person Who Mailed Envelope)	~			
Subscribed and sworn to before me this				
(Clerk of Court or Notary Public)				
County, North Dakota If Notary Public, my commission expires:				
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