

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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Shane Jarvis	)	
	)	Supreme Court No. 20190218
Appellant	)	
	)	
vs.	)	Burleigh County District No.
	)	08-201-CV-01062
North Dakota Workforce	)	
Safety and Insurance	)	
	)	
Appellee	)	

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APPEAL FROM THE DISTRICT COURT OF BURLEIGH COUNTY  
SOUTH CENTRAL JUDICIAL DISTRICT  
HONORABLE BRUCE A. ROMANICK, PRESIDING

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BRIEF OF APPELLANT

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Shane S. Jarvis  
187 East Foote Street  
Buffalo WY 82834  
Shanejarvis1020@gmail.com

1. Shane is requested an oral argument.
2. Shane Jarvis lost his case in District Court Claim #2014 913 946, Employer Account # 1149798. We feel that Shane was under represented and would like the opportunity to appeal to the Supreme Court in ND.

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4. Statement of Facts
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## Statement of issues to review

1. WSI Allowed Claimants counsel to withdraw from the case. Claimant was misrepresented by this counsel. Due to lack of funds claimant no longer has an attorney.
2. Dr. Jimmy Johnson stated and signed insurance documents on four occasions in Aug 2014, Sept 2014, Oct 2014 and Dec 2014 that Claimant was totally disabled. Dr. Tabb on Jan 8, 2018 stated that claimant was unable to work at this time due to Axial spine pain and neurogenic pain.
3. WSI cut off funding to Dr. Jimmy Johnson in Feb 2015 which was the only relief claimant was receiving. This substantially increased his pain.
4. Claimant has never been granted a Doctors release to do a work search. This is stated in court records to have happened on April 4, 2016.
5. Claimant was given 44 potential work search locations. All of these locations were 30 - 374 miles from his home. This would have been impossible geographically to make the 5 searches per day even if claimant had the means to get to these locations.

## Oral Argument Statement

Shane was under represented in his case in the district court. He did not understand the issues and consequences of the situation. He was unaware that he could have brought up issues that were unresolved in the past.

Statement of the Facts:

Claimant was injured on the job March 10, 2014. Claimant never received a Doctors release to look for work. WSI took his benefits away due to lack of job search. Claimant has been listed as totally disabled and unable to work by 2 different doctors 4 different times. Claimant due to no income was unable to pay his attorney or secure additional council. Claimant was ill prepared for the conference call with the judge and unaware of his rights.

Conclusion:

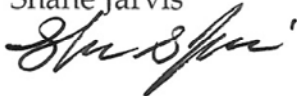
Claimant was hurt on the job March 10, 2104. Claimant was taken to a company clinic by local employees and returned to work. Claimant should have been removed from sight via ambulance and taken to a hospital. Claimant returned home when his shift was done 14 days later. Claimant's symptoms progressively got worse and were incapacitating. Due to this injury Claimant has lost his house and truck. WSI should have continued to pay lost wages. Claimant has no income and has been unable to work since the accident.

We are requesting that WSI reinstate Shane to full disability benefits with back pay from July 26<sup>th</sup> 2016.

Proof of Service:

I Shane Jarvis will be filing my Appeal to the Supreme Court of ND on Oct 8<sup>th</sup> electronically with the Supreme Court via their website as well as with Jacqueline Anderson via email.

Shane Jarvis



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## Supreme Court Clerk's Office - Mosbrucker, Becky

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**From:** John DeMatteis <[john.dematteis@amys.com](mailto:john.dematteis@amys.com)>  
**Sent:** Saturday, October 12, 2019 2:21 PM  
**To:** Supreme Court Clerk's Office - Mosbrucker, Becky; 'Shanejarvis1020@gmail.com'  
**Cc:** [janderson@nilleslaw.com](mailto:janderson@nilleslaw.com)  
**Subject:** RE: Shane Jarvis Appeal File 08-2019-cv-01  
**Attachments:** Shane Appeal 3.docx; EPSON073.JPG; EPSON066.JPG; EPSON067.JPG; EPSON068.JPG; EPSON069.JPG; EPSON070.JPG; EPSON071.JPG; EPSON072.JPG

Filing of Shane Jarvis Appeal Brief.

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**From:** Supreme Court Clerk's Office - Mosbrucker, Becky  
**Sent:** Wednesday, October 9, 2019 10:48 AM  
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As previously noted, corrections are due October 15, 2019

If you have any questions, please give me a call.

**Becky Mosbrucker**  
**Deputy Clerk**  
**North Dakota Supreme Court**  
**600 E Boulevard Ave.**  
**Bismarck, ND 58505-0530**  
**Phone: 701-328-4270**

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**Cc:** [janderson@nilleslaw.com](mailto:janderson@nilleslaw.com); Shane jarvis <[shanejarvis1020@gmail.com](mailto:shanejarvis1020@gmail.com)>  
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This is the filing for appeal for Shane Jarvis.

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Shane Jarvis Appendix  
To go with the Appeal

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