

## IN THE SUPREME COURT

## STATE OF NORTH DAKOTA

Jim Arthaud,	Supreme Court No. _____
Plaintiff and Appellant,	
v.	<b>NOTICE OF APPEAL</b>
Jim Fuglie,	
Defendant and Appellee.	

Appeal from a Judgment, Entered June 30th, 2022,  
Case No. 08-2021-CV-01885  
County of Burleigh, South Central Judicial District  
The Honorable Cynthia Feland, District Judge, Presiding

[¶ 1] Notice is hereby given that, pursuant to Rule 3 of the North Dakota Rules of Appellate Procedure, Appellant Jim Arthaud appeals to the North Dakota Supreme Court from the Order on Motion to Dismiss (Doc. ID# 33), issued on June 20, 2022; the Order for Judgment (Doc. ID# 37), issued on June 30, 2022; and the Judgment (Doc. ID# 38), issued on June 30, 2022, by the District Court for the South Central Judicial District, County of Burleigh, the Honorable Cynthia Feland presiding, in the case of *Arthaud v. Fuglie*, Case No. 08-2021-CV-01885.

**PRELIMINARY STATEMENT OF ISSUES**

[¶ 2] Pursuant to North Dakota Rule of Appellate Procedure 3(c)(4), Arthaud sets forth the following preliminary statement of issues on appeal:

(A) Whether the District Court erred when it held that the discovery rule only stops the running of the statute of limitations for defamation claims that are based on “inherently undiscoverable” statements.

(B) Whether the District Court erred when it held that Fuglie's defamatory statements that Arthaud's claims are based on were not inherently undiscoverable.

DATED this 15th day of August, 2022.

FREDRIKSON & BYRON, P.A.

By: 

Lawrence Bender, ND Bar #03908  
Mark W. Vyvyan, ND Bar #07957  
Spencer D. Ptacek, ND Bar # 08295  
1133 College Drive, Suite 1000  
Bismarck, ND 58501-1215  
(701) 221-8700  
lbender@fredlaw.com  
mvyvyan@fredlaw.com  
sptacek@fredlaw.com

*Attorneys for Plaintiff and  
Appellant Jim Arthaud*