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Via Electronic Mail: supclerkofcourt@ndcourts.com

Penny Miller
Clerk of the Supreme Court
State Capitol
Judicial Wing, 1st Floor
600 East Boulevard Ave
Bismarck, ND 58505-0530

Re: Ebach v. N.D. Dep't of Transportation;
Supreme Ct. No. 20180290
District Ct. No. 36-2018-CV-00122

Dear Ms. Miller:

Pursuant to Rule 28(k) of the North Dakota Rules of Appellate Procedure, counsel for the appellee, the North Dakota Department of Transportation, notes this pertinent authority that has come to my attention since the appellee's brief has been filed.

Salter v. Hjelle, 415 N.W.2d 801 (N.D. 1987) which refers to the argument made in Section I.1. of the appellee's brief at ¶¶ 28 – 31.

Phipps v. North Dakota Dep't of Transp., 2002 ND 112, 646 N.W.2d 704; Rule 61, North Dakota Rules of Civil Procedure; and Rule 103 (a), North Dakota Rules of Evidence are relevant to the argument made in appellant's reply brief (¶8) and Section I.2. of the appellee's brief at ¶¶ 32-33.

Sincerely,

Nici Meyer
Assistant Attorney General

cc: Luke Heck
Drew Hushka