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February 18, 2021

Supreme Court of North Dakota
600 E. Boulevard Avenue
Bismarck, ND 58505-0530

Re: Supreme Court No. 20200304

At Paragraphs 19 and 21 of her Reply Brief (Doc. No. 36), Defendant incorporates by reference prior argument, including argument made to the District Court. Pursuant to N.D.R.App.P. 28(k), the State provides the following pertinent legal authority:

Daniels v. Ziegler, 2013 ND 157, ¶ 13, 835 N.W.2d 852, 858 (citing Minto Grain, LLC v. Tibert, 2009 ND 213, ¶ 40, 776 N.W.2d 549 and Smestad v. Harris, 2011 ND 91, ¶ 5, 796 N.W.2d 662) ("We have disapproved the practice of incorporating by reference in an appellate brief arguments previously presented to the district court. We conclude these issues are inadequately briefed for our consideration, and we decline to address them.").

Sincerely,

A handwritten signature in black ink, appearing to be "B. Card", written over a horizontal line.

Brian M. Card
Assistant Attorney General
Consumer Protection & Antitrust Division

cc: David Thompson, dct@rrv.net