

Supreme Court Clerk's Office - Erck, Sarah

From: Supreme Court Clerk's Office - Erck, Sarah
Sent: Thursday, February 9, 2023 2:28 PM
To: 'jane@sundbylaw.com'
Cc: 'jrestemayer@youthworksnd.org'; 'c[REDACTED].b[REDACTED]3@gmail.com'; 'chrisdjones@nd.gov'; 'Smb-ccss-legal@casscountynd.gov'; Matthys, Vicky; 'jgreenwood@jrmlawfirm.com'
Subject: Notice of Appeal - Interest of C.V. & J.V., Supreme Court Nos. 20230040 & 20230041
Attachments: 20230040_noa.pdf; dec_serv_noa.pdf; Guide to An Appeal.pdf; State v. Noack Opinion.pdf

*SUPREME COURT OF NORTH DAKOTA
OFFICE OF THE CLERK
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VIA E-MAIL ONLY

February 9, 2023

Elizabeth J. Sundby
1205 16th Ave. S.
Fargo, ND 58103

RE: Interest of C.V. & J.V.
Supreme Court Nos. 20230040 & 20230041
Cass Co. Nos. 2022-JV-00299 & 2022-JV-00300

I received the Notice of Appeal in this matter which was filed on February 8, 2023. This letter, along with the attached copy of the Notice of Appeal, will serve as the required notice under N.D.R.App.P. 3(d). This letter, the notice of appeal, any order for transcript(s), and the enclosed declaration of service will be filed in Odyssey.

Due to the expedited nature of these matters, I request the clerk of the trial court certify the records on appeal to my office as soon as possible, but no later than February 17, 2023.

The file indicates that transcripts have been ordered in this matter. I note the order for transcript is requesting copies of hearings held on November 3, 4, and 6, 2022. From a review of Odyssey, it appears November 6, 2022 may be a clerical error as it appears the hearings were held on November 3, 4, and 7, 2022. I trust counsel will communicate with the Court Reporter/Recorder to ensure the correct transcripts or recordings are prepared and filed. **By copy of this letter to the Court Reporter/Recorder, please forward the transcripts as soon as possible, but no later than February 17, 2023.** A recording of the proceedings may substitute for the transcript.

Under N.D.R.App.P. 14, in a proceeding to terminate parental rights, the name of the child and members of the child's family may not be used in any filed documents or at oral argument. These individuals may be referred to by initials or pseudonyms.

This will acknowledge the Appellant's Brief filed February 8, 2023.

The following corrections are required for your brief:

1. **Please redact your brief and ensure that no other confidential information appears in the brief.** There is confidential information in your brief. Specifically, two months and dates of birth appears on the title page. Rule 3.4 N.D.R.Ct. requires that only the year of an individual's birth may be included.
2. **Please adjust your margins.** Left-hand margins **must** be at least one and one-half inch, with the margins at top, bottom, and right at least one inch. It does not appear your left hand margins are at least one and one-half inch. While it appears to me that had your left margin been correct the brief would not exceed the page limit, anything less than the required margins could be cut-off or punched through when the brief is printed.

Please make the above corrections to your brief. Resubmit the brief in its entirety with proof of service of the corrections on the parties by **February 13, 2023**. No other changes to the brief may be made. **There is no need to put amended or corrected on the brief.** The corrections do not affect the time to file the Appellees' briefs.

Any Appellees' brief will be due twenty-one (21) days following service of the Appellant's brief. By my calculation, any Appellees' brief would be due in these matters March 1, 2023. I note there was no request for oral argument under N.D.R.App.P. 28(h) made by you. Therefore unless the appellee(s) requests argument, oral argument may be waived. Please reserve March 6, 2023, for oral argument. I remind all parties that the Court could still waive the entire argument. See, N.D.R.App.P. 34(a)(1)(e).

These cases have been consolidated for purposes of appeal. Nevertheless, pursuant to Rule 34(b), N.D.R.App.P., the appellant will be given 30 minutes and the appellee 20 minutes to argue. If there are two or more appellants or appellees, they must share the allotted time.

For the assistance of the self-represented party, I am attaching a copy of a Guide to an Appeal to the North Dakota Supreme Court and a copy of the opinion in *State v. Noack*.

All correspondence in this matter will be made by e-mail, including forwarding a copy of any orders or opinions filed. If we do not have an e-mail address for a party, all correspondence will be sent by U.S. Mail.

Sincerely,

/s/ Sarah Erck
Deputy Clerk
North Dakota Supreme Court

attachments

cc: Rebecca R. Jund
C.B., Jr. (via e-mail and U.S. mail)
Jay R. Greenwood
Jennifer Restemayer
Christopher D. Jones
Vicky Matthys, Lead Court Recorder
Clerk of District Court copied via filing in Odyssey

This email and any transmitted files attached are intended solely for the use of the individual or entity to which they are addressed, and may be confidential under the law. If you have received this email in error please notify the originator of the message.

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

UNSWORN DECLARATION OF SERVICE

Supreme Court No. 20230040
Cass Co. Court No. 2022-JV-00299

In the Interest of C.V., minor child

Ethan Hinze, L.B.S.W.,	Petitioner and Appellee
v.	
C.V., child; C.B., Jr., father;	Respondents and Appellees
John Doe, father;	
and	
K.V., mother;	Respondent and Appellant

Supreme Court No. 20230041
Cass Co. Court No. 2022-JV-00300

In the Interest of J.V., minor child

Ethan Hinze, L.B.S.W.,	Petitioner and Appellee
v.	
J.V., child; D.N., father;	Respondents and Appellees
John Doe, father;	
and	
K.V., mother;	Respondent and Appellant

[¶1] Sarah Erck, states that she is of legal age and that on February 9, 2023, she served the Notice of Appeal in the above matter electronically as follows:

Elizabeth Jane Sundby at jane@sundbylaw.com
Sundby Law Office, P.C.
1205 16th Ave. S.
Fargo, ND 58103

Rebecca R. Jund at Smb-ccss-legal@casscountynd.gov
Assistant State's Attorney
Cass County Courthouse
P.O. Box 2806
Fargo, ND 58108-2806

Jay Ryan Greenwood at jgreenwood@jrmlawfirm.com
15 Ninth St. S.
Fargo ND 58103-1830

Jennifer Restemayer at jrestemayer@youthworksnd.org

C. B. Jr. at c[REDACTED].b[REDACTED]3@gmail.com
222 West Lawson Dr.
Auburndale, FL 33823

Christopher D. Jones at chrisdjones@nd.gov
Executive Director
North Dakota Department of Human Services
600 East Boulevard Avenue, Dept. 325
Bismarck, ND 58505-0250

[¶2] And states that on February 9, 2023, she served the Notice of Appeal in the above matter by placing true and correct copies of the same in envelopes addressed as follows:

C. B. Jr.
222 West Lawson Dr.
Auburndale, FL 33823

and depositing the same, with postage prepaid, in the United States Mail at Bismarck, North Dakota.

I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct. Signed on February 9, 2023, at Bismarck, ND, USA.

/s/ Sarah Erck
Deputy Clerk