

STATE OF NORTH DAKOTA

IN THE SUPREME COURT OF

COUNTY OF WILLIAMS

THE STATE OF NORTH DAKOTA

RAD Development-Main Street,

Supreme Court No. 20170447

LLC, Plaintiff,

Case No. 53-2017-CV-01161

vs.

Elvis Y. Leunguen-Koundjo

And All Other Occupants,

Defendants.

APPEAL FROM EVICTION JUDGEMENT IN THE DISTRICT COURT

NORTHWEST JUDICIAL DISTRICT

2018 ND 148

PETITION FOR REHEARING

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## Table of Authorities

### Cases:

Moody v. Sundley, 2015 ND 204, 868 N. W.2d 491

Nelson v. Johnson, 2010 ND 23, 778 N.W. 2d 773

### Statutes

North Dakota Century Code § 47-32

### Rules

[N.D.R.App.P. 35.1\(a\)\(2\)](#).

Rule 52(a), N.D.R.Civ.P.,

### Statement of the Facts

1. The Supreme Court held a hearing for the case on June 18, 2018
2. The Supreme Court Affirmed the District Court Judgement under [N.D.R.App.P. 35.1\(a\)\(2\)](#).

### Argument

1. Issue No. 1: The District Court failed to identify its reasoning in the application of the N.D.C.C. Chapter 47-32 to this matter.

In paragraph 9 of the Amended Findings Of Fact and Conclusions Of Law, the district court does not specify which sections or subsections of Chapter 47-32 is used to make the decision.

In *Moody v. Sundley*, 2015 ND 204, 868 N. W.2d 491. “A finding of fact is clearly erroneous if it is induced by an erroneous view of the law, if there is no evidence to support it, or if, after reviewing all the evidence, the court is convinced a mistake has been made”

In *Nelson v. Johnson*, 2010 ND 23, 778 N.W. 2d 773, the court provided reasoning for the necessity of clarity in the findings and stated:

Rule 52(a), N.D.R.Civ.P., requires findings of fact and conclusions of law sufficient to enable an appellate court to understand the factual determinations made by the district court and the basis for its conclusions of law and the judgement.

2. Issue No. 2: An important Exhibit was not allowed to be given to the court on the day argument was conducted.

A racially offensive message posted onto appellant apartment door was provided to District Court during court hearing, unfortunately the Supreme Court did not accept the same Exhibit on the argument date because it was not included with the appellant brief.

Conclusion

3. For the previous reasons, Elvis Leunguen-Koundjo respectfully requests from the court a rehearing.

Respectfully,

Submitted the 24<sup>th</sup> day of July, 2018

Elvis Y. Leunguen-Koundjo

2015 32<sup>ND</sup> ST W, APT 201

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AFFIDAVIT OF SERVICE

I would like the court to know that I sent my Petition for Rehearing to RAD Development's lawyer electronically at [info@nehrlaw.com](mailto:info@nehrlaw.com) on July 24, 2018.

Respectfully,

Submitted the 24<sup>th</sup> day of July, 2018

Elvis Leunguen-Koundjo

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