

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

Pamela Neppel, individually and as the)	
parent and legal guardian of Z.N., an)	
incapacitated individual,)	
)	Supreme Court No. 20200036
Plaintiff, Appellant, and)	
Cross-Appellee)	Civil No. 18-2017-CV-03249
v.)	
)	
Development Homes, Inc.;)	
)	
Defendant, Appellee, and)	
Cross-Appellant)	
)	
and)	
)	
Sandra J. Marshall, individually; Mark Indvik,)	
individually, and Mark and Amelia Indvik)	
As Co-Guardians of SO.; Konah Zunugo,)	
Individually.)	
)	
Defendants and Appellees)	

**BRIEF OF AMICUS CURIAE
NORTH DAKOTA ASSOCIATION OF NONPROFIT ORGANIZATIONS
To Support the Affirmance of Selected District Court Judgments**

Appeal from the Judgments of the
District Court of Grand Forks County
The Honorable Lolita Hartl-Romanick, Presiding

Murray G. Sagsveen (N.D. ID 03116)
1277 Eagle Crest Loop
Bismarck, ND 58503-8849
Telephone: 701-426-1905
Email: MGSagsveen@gmail.com
Attorney for Amicus Curiae

TABLE OF CONTENTS

	Page
Table of Authorities	3
	Paragraph
Statement of Identity and Interest	1
Rule 29(A(4)(D) Statement	1
Statement of the Facts	1
Legal Argument	8
1. Definition of “Charitable Organization”	8
2. Constitutionality of N.D.C.C. § 32-03.3-02(2)	32
3. Exemplary Damages	37
Conclusion	39
Certificate of Compliance	42

Table of Authorities

Cases	Paragraphs
<i>Bostock v. Clayton County</i> , ___ U.S. ___ (2020) (slip op., at 4).....	30
<i>Morton County Social Service Board v. Cramer</i> , 2010 ND 58	29
<i>Southern Valley Grain Dealers Association v. Board. of County Commissioners</i> , 257 N.W.2d 425 (N.D. 1977).....	34
<i>State v. Brown</i> , 2009 ND 150, 771 N.W.2d 267.....	29
<i>Teigen v. State</i> , 2008 ND 88, ¶ 7, 749 N.W.2d 505.....	33
Statutes	
N.D.C.C. § 10-33-47.....	16, 17
N.D.C.C. § 10-33-48.....	16, 18
N.D.C.C. § 32-03-44.....	19
N.D.C.C. § 32-03-45.....	19
N.D.C.C. ch. 32-03.3	<i>passim</i>
26 U.S.C. § 501(c)(3).....	10
42 U.S.C. §§ 14501-14505	11-13
Other Authorities	
House Bill 1452, 60 th Legislative Session (2007).....	20-24
Internal Revenue Code of 1954, Pub. Law 83-591, chap. 736	10
N.D. Const. art. X, § 5	15
War Revenue Act of 1917, 40 Stat. 300	9
Volunteer Protection Act of 1997, Public Law 105-19, 42 U.S.C. 14501-1405	11-13

I. Statement of Identity and Interest

[¶1] The North Dakota Association of Nonprofit Organizations (NDANO) respectfully submits this brief, as *Amicus Curiae*, in support of the district court’s ruling concerning the definition of “charitable organization” in N.D.C.C. § 32-03.3-01(1) and to oppose Appellant Neppel’s arguments to declare section 32-03.3-02(2) unconstitutional and to seek exemplary damages. NDANO represents nearly 200 501(c)(3) tax-exempt charitable organizations that provide services and care to individuals throughout North Dakota.

II. Rule 29(a)(4)(D) Statement

[¶2] I personally authored the entire brief for NDAN; no other counsel or party has assisted with the drafting or has reviewed the draft brief. I have not accepted any money from any person or organization to fund preparing or submitting this brief.

III. Statement of the Facts

[¶3] In 2007, N.D.C.C. chapter 32-03.3 was enacted to limit the liability of charitable organizations, specifically including charitable nonprofit organizations that serve disabled persons. S.L. 2007, ch. 288.

[¶4] On May 22, 2016, ZN, a resident of Defendant Development Homes, was attacked by another resident of Development Homes. Development Homes is a charitable nonprofit organization that provides services to disabled persons. Appellant’s Appendix p. 306, ¶ 5.

[¶5] ZN’s guardian subsequently sued Development Homes and others. Appellant’s Appendix p. 23.

[¶6] On July 22, 2019, a jury rendered a verdict against Development Homes and awarded Plaintiff ZN \$500,000. Appellant’s Appendix pp. 298-299.

[¶7] The district court reduced the award to \$250,000, denied exemplary damages, and refused to declare the statute unconstitutional.

Legal Argument

1. Definition of “charitable organization”

[¶8] Our society has determined that charitable nonprofit organizations provide important services to those in need. The Congress and the North Dakota Legislative Assembly have enacted legislation to encourage public funding of charitable organizations, to protect volunteers serving charitable organizations, and to protect charitable organization. Several examples follow.

[¶9] The War Revenue Act of 1917 established, for the first time, an individual income tax deduction for contributions made to tax-exempt charitable organizations. Act of October 3, 1917, §1201; 40 Stat. 300.

[¶10] The Internal Revenue Code of 1954, the foundation for the current tax code, included section 501(c), which exempted certain organizations from income taxes. Public Law 83-591, chap. 736. The current language related to charitable organizations is at 26 U.S.C. §501:

(a) Exemption from taxation. An organization described in subsection (c)...shall be exempt from taxation under this subtitle...

(c) List of exempt organizations. The following organizations are referred to in subsection (a):

* * *

(3) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, **charitable**, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals.... [Emphasis added.]

[¶11] The Congress, recognizing the risks associated with volunteer service in a nonprofit organization, enacted the federal Volunteer Protection Act of 1997. Public Law 105-19, June 18, 1997, 111 Stat. 221, 42 U.S.C. §§ 14501-14505. The Congress expressed its rationale for enacted the legislation in detailed findings and a statement of purpose (in § 14501):

- (a) Findings. The Congress finds and declares that—
- 1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them;
 - 2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;
 - 3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;
 - 4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;
 - 5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;
 - 6) **due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance**, through interstate insurance markets, to cover their activities; and
 - 7) clarifying and limiting the liability risk assumed by volunteers is an appropriate subject for Federal legislation because...
 - A. of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits;
 - B. the citizens of the United States depend on, and the Federal Government expends funds on, and provides tax exemptions and other consideration to, numerous social programs that depend on the services of volunteers;
 - C. it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and
 - D. (i) liability reform for volunteers, will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected due process rights; and (ii) therefore, liability reform is an appropriate use of the powers contained in article 1, section 8, clause 3 of the United States Constitution, and the fourteenth amendment to the United States Constitution.
- (b) Purpose. The purpose of this chapter is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

[¶12] Section 14503(a) provides a very broad umbrella of protection for volunteers:

no volunteer of a nonprofit organization...shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if...the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization ...at the time of the act or omission....

[¶13] Section 14505(4) also defines “nonprofit organization” to mean “any organization which is described in section 501(c)(3) of title 26 and exempt from tax...” (i.e., organizations “organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes”).

[¶14] North Dakota has also enacted laws as part of its social contract with nonprofit organizations and volunteers who serve the organizations.

[¶15] The North Dakota Constitution provides a property tax exemption for nonprofit organizations: “property used exclusively for schools, religious, cemetery, charitable or other public purposes shall be exempt from taxation.” Article X, § 5.

[¶16] Similar in concept to the federal Volunteer Protection Act of 1997, state law provides protections for volunteers serving a nonprofit organization, but the protection is not limited to volunteers serving 501(c)(3) tax-exempt organizations. North Dakota Century Code §§ 10-33-47 and 10-33-48(1) provide, in part:

Any person that serves as a director, officer, or trustee of a corporation that is, or would qualify as a nonprofit organization that is described in paragraphs 3, 4, 5, 6, 7, 10, and 19 of section 501(c) of the Internal Revenue Code of 1954, as amended [26 U.S.C. 501(c)(3), (4), (5),(6), (7), (10), and (19)], is immune from civil liability for any act or omission resulting in damage or injury if at the time of the act or omission all of the following are met...

Any person who, on a volunteer basis, provides services or performs duties on behalf of a corporation is immune from civil liability for any act or omission resulting in damage or injury if at the time of the act or omission all of the following are met....

[¶17] Section 10-33-47 provides broad immunity from civil liability to directors, officers, and trustees of civic leagues or organizations [501(c)(4)]; labor, agricultural, or horticultural

organizations [501(c)(5)]; business leagues, chambers of commerce, real estate boards, etc. [501(c)(6)]; clubs organized for pleasure, recreation, and other non-profitable purposes [501(c)(7)]; domestic fraternal societies, orders, or associations [501(c)(10)]; and a post or organization of past or present members of the Armed Forces of the United States [501(c)(19)]. However, this statute specifically excludes twenty-two other categories of 501(c) tax-exempt organizations.

[¶18] Section 10-33-48(1) is even more expansive as it states that “[a]ny person who, on a volunteer basis, provides services or performs duties on behalf of a corporation is immune from civil liability for any act or omission...”

[¶19] Sections 32-03-44 and 32-03-45, enacted in 1987, include similar language to sections 10-33-47 and 10-33-48. S.L. 1987, ch. 401, § 1, and ch. 402, § 1 (amended in S.L. 1997, ch. 283, § 1).

[¶20] In 2007, the Legislative Assembly decided to also address the liability of nonprofit organizations. Five bipartisan legislators introduced House Bill 1452 to limit the liability of “charitable organizations.” One bill sponsor, Rep. Kari Conrad, testified:

We are looking at the civil liability of charitable organization. This bill comes from my personal experience and also at the request of the Dakota Boys and Girls Ranch in Minot...The purpose of this bill is to save money for non-profit organizations and also to ensure that when people give money to charitable organizations, it is going to the extent possible to the purpose that they want to go for.¹

[¶21] The focus of the legislation was evident from the testimony in the House Judiciary Committee. For example, Rep. Schneider, a bill sponsor, testified: “Our intent with the bill, was

¹ Hearing on House Bill 1452 before the House Judiciary Comm., 60th N.D. Legis. Sess. (January 23, 2007) (testimony of Rep. Kari Conrad), <https://www.legis.nd.gov/files/resource/60-2007/library/hb1452.pdf> at p. 3/26.

certainly to define charitable organizations to really be the most charitable, charitable organizations.”² Rep. Kari Conrad also testified:

The first thing we do in this bill, we define charitable organizations. We’re not talking about non-profits, but we are talking about non-profit charitable organizations. This definition comes from the charitable gaming law... We did not include those definitions that would allow for instance, economic development groups, or fraternal organizations, or civic clubs which are non-profit. Those would not benefit under this law. This is only for charitable groups. It is... primarily for groups that give relief for poor, distressed, underprivileged or abuse persons, support of youth and youth programs, prevention of cruelty to children or animals, and similar condition of public concern.³

[¶22] Following a hearing on the bill, the House Judiciary Committee approved amendments and, when amended, recommended “do pass.” The recommended amendments are shown below:

"Charitable organization" means a nonprofit organization whose primary purpose is for relief of poor, ~~distressed disabled~~, underprivileged, or abused persons, support of youth and youth programs, or the prevention of ~~eruelty~~ abuse to children or animals, or similar condition of public concern and vulnerable adults.⁴

[¶23] The House approved the amendments and passed the bill, the Senate approved the bill without further amendments, and the governor signed the bill.⁵

[¶24] The House Judiciary Committee was very deliberate when it identified the organizations that would be benefited by the legislation. The committee did not select the broad definition “corporations,” as mentioned in N.D.C.C. 10-33-48(1). Nor did the committee select the term “nonprofit organizations,” as mentioned in 10-33-47 and 32-03-44. Instead, the Judiciary Committee focused on “charitable organizations” that perform certain services:

² Hearing on House Bill 1452 (testimony of Rep. Schneider), <https://www.legis.nd.gov/files/resource/60-2007/library/hb1452.pdf> at p. 8/26.

³ Hearing on House Bill 1452 (testimony of Rep. Conrad), <https://www.legis.nd.gov/files/resource/60-2007/library/hb1452.pdf> at page 4/26.

⁴ Committee meeting on House Bill 1452 (January 30, 2007) <https://www.legis.nd.gov/files/resource/60-2007/library/hb1452.pdf> at p. 19/26.

⁵ House Journal (2007) pp. 354, 361, and 476; Senate Journal p. 863. <https://www.legis.nd.gov/assembly/60-2007/bill-actions/ba1452.html>.

"Charitable organization" means a nonprofit organization whose primary purpose is for relief of poor, disabled, underprivileged, or abused persons, support of youth and youth programs, or the prevention of abuse to children and vulnerable adults.

[¶25] Neppel tried to convince the district court that “DHI is not a charitable organization because it provided services in return for a fee” from the State. Appellant’s Appendix at p. 312, ¶ 16. The district court summarily rejected Neppel’s argument: “N.D.C.C. ch. 32-03.3 does not include any provision that charging of a fee precludes a charitable organization from meeting the statutory definition of a charitable organization.” *Id.* The district court concluded (Appellant’s Appendix p. 323, ¶ 35):

DHI established that its primary purpose is for: (1) relief of poor, disabled, underprivileged, or abused persons; (2) support of youth or youth programs; or, (3) prevention of abuse to children and vulnerable adults as required in N.D.C.C. § 32-03.3-01(1). Therefore, as a matter of law, DHI is a charitable organization under N.D.C.C. § 32-03.3-01(1). Consequently, as a matter of law, DHI's liability for an occurrence is limited by N.D.C.C. § 32-03.3-02(2) to two hundred fifty thousand dollars (\$250,000) against DHI as a charitable organization.

[¶26] Having failed at the district court with the argument that DHI is not a charitable organization because it charged a fee for services, Appellant Neppel is now trying a different approach with this court. Appellant Neppel now invents a definition imagined from the committee testimony (Appellant’s brief at p. 34, ¶ 66):

Neppel submits legislative history demonstrates an intent to apply charitable organization immunity to only those entities that meet the definition of “charitable organization” under N.D.C.C. § 32-03.3-01(1) *and* require financial assistance through statutorily subsidized insurance premiums....This assertion is supported by legislative intent to narrowly define “charitable organizations” to include only “the most charitable, charitable organizations.” ...Neppel submits it is consistent with legislative intent to read the phrase “the most charitable, charitable organizations,” as being those entities the legislature intended to receive charitable immunity, as “those charitable organizations most in need of financial assistance due to their underfunding.”

[¶27] In effect, Appellant Neppel is contending that this court should infer the statutory definition includes the following underlined clause:

"Charitable organization" means a nonprofit organization whose primary purpose is for relief of poor, disabled, underprivileged, or abused persons, support of youth and youth programs, or the prevention of abuse to children and vulnerable adults and require financial assistance through statutorily subsidized insurance premiums.

[¶28] Neppel’s new argument must be rejected. It is clear from the legislative history, described above, that the House Judiciary Committee, which carefully recommended amendments to House Bill 1452, clearly understood what it was doing when it refined the definition of “charitable organization.”

[¶29] In *Morton County Social Service Board v. Cramer*, 2010 ND 58, ¶ 14, this court has clearly reaffirmed the well-established guidelines for interpretation of statutes:

Interpretation of a statute is a question of law fully reviewable on appeal. Our primary goal in statutory construction is to ascertain the intent of the legislature, and we first look to the plain language of the statute and give each word of the statute its ordinary meaning. . . . If, however, the statute is ambiguous or if adherence to the strict letter of the statute would lead to an absurd or ludicrous result, a court may resort to extrinsic aids, such as legislative history, to interpret the statute. . . . We presume the legislature did not intend an absurd or ludicrous result or unjust consequences, and we construe statutes in a practical manner, giving consideration to the context of the statutes and the purpose for which they were enacted.

State v. Brown, 2009 ND 150, ¶ 15, 771 N.W.2d 267 (quoting *In re M.W.*, 2009 ND55, ¶ 6, 764 N.W.2d 185) (citations omitted).

[¶30] The U.S. Supreme Court, in a decision only months ago, also explained why a court must interpret a statute “in accord with the ordinary public meaning”:

This Court normally interprets a statute in accord with the ordinary public meaning of its terms at the time of its enactment. After all, only the words on the page constitute the law adopted by Congress and approved by the President. If judges could add to, remodel, update, or detract from old statutory terms inspired only by extratextual sources and our own imaginations, we would risk amending statutes outside the legislative process reserved for the people’s representatives. And we would deny the people the right to continue relying on the original meaning of the law they have counted on to settle their rights and obligations.

Bostock v. Clayton County, 590 U.S. ____ (2020) (slip op., at 4).

[¶31] The statute’s language is clear and unambiguous. Therefore, Appellant’s imaginative arguments (Appellant’s brief at ¶¶ 61-71) should be summarily rejected.

2. Constitutionality of N.D.C.C. § 32-03.3-02(2)

[¶32] Appellant Neppel contends that N.D.C.C. § 32-03.3-02(2) violates the appellant’s equal protection rights under N.D. Const. art. I, § 21. Appellant’s Brief at ¶¶ 83-87.

[¶33] In determining whether a statute is constitutional, this court recently stated:

Whether a statute is unconstitutional is a question of law, which is fully reviewable on appeal. All regularly enacted statutes carry a strong presumption of constitutionality, which is conclusive unless the party challenging the statute clearly demonstrates that it contravenes the state or federal constitution. The justice, wisdom, necessity, utility and expediency of legislation are questions for legislative, and not for judicial determination. This Court exercises the power to declare legislation unconstitutional with great restraint. Under N.D. Const. art. VI, § 4, this Court shall not declare a legislative enactment unconstitutional unless at least four of the members of the court so decide.

Teigen v. State, 2008 ND 88, ¶ 7, 749 N.W.2d 505 (citations and quotations omitted).

[¶34] This court has also stated: [A]n Act of the legislature is presumed to be correct and valid, and any doubt as to its constitutionality must, where possible, be resolved in favor of its validity.” *Southern Valley Grain Dealers Association v. Board of County Commissioners of Richland County*, 257 N.W.2d 425, 434 (N.D.1977).

[¶35] Appellant Neppel has not provided any substantive evidence or arguments that N.D.C.C. § 32-03.3-02(2) violates the equal protection clause of the North Dakota Constitution. Instead, Appellant Neppel simply suggests:

The district court concluded charitable organization immunity is constitutional as applied because “N.D.C.C. § 32-03.3-02(2) operates alike for all persons who are similarly situated.” ...If N.D.C.C. § 32-03.3-02(2) operates alike for all developmentally disabled individuals injured by the group home where they receive residential services, then either all group homes meet the definition of a “charitable organization” or none of them do. Since the district court concluded DHI is a “charitable organization,” the status of “charitable organization” must be applied to all group homes to avoid an equal protection problem under the district court’s constitutional analysis. Neppel submits such an expansive definition of the term “charitable organization” is contrary to legislative intent and patently fallacious.

[¶36] That argument does not satisfy this court’s stringent requirements for declaring a statute unconstitutional.

3. Exemplary Damages

[¶37] When Plaintiff Neppel attempted to add a claim for exemplary damages in a fourth amended complaint, the district court rejected the motion based on an analysis of N.D.C.C. § 32-03.2-11, which explains the usual guidelines related to exemplary damages. Appellant’s Appendix p. 169. Appellant Neppel now argues (Appellant’s brief p. 45, ¶ 9):

Neppel submits a claim for exemplary damages was proper based on the presence of an actionable intentional tort claim, the jury’s finding of extreme and outrageous conduct, and the entirety of the evidence presented to the district court. Accordingly, the district court erred by failing to allow a claim for exemplary damages.

[¶38] This argument should be summarily rejected because N.D.C.C. § 32-03.3-02(2) states, in part: “The charitable organization may not be held liable, or be ordered to indemnify an employee held liable, for punitive or exemplary damages.”

Conclusion

[¶39] Society has established a social contract with nonprofit organizations and the volunteer who serve the organizations. In exchange for voluntary service, the Congress and the North Dakota Legislative Assembly have enacted tax benefits to donors, have enacted protections for volunteers and have enacted protections for charitable organizations. Accordingly, such legislation should be generously construed to accomplish the legislatively intended objective.

[¶40] North Dakota Century Code chapter 32-03.3 is an example of such legislation. The Legislative Assembly has determined that the liability of a “charitable organization” (i.e., “a nonprofit organization whose primary purpose is for relief of poor, disabled, underprivileged, or

abused persons, support of youth and youth programs, or the prevention of abuse to children and vulnerable adults”) should be limited and should not be subject to exemplary damages.

[¶41] Accordingly, Amicus North Dakota Association of Nonprofit Organizations urges this court to affirm the district court’s decisions that:

1. The definition of “charitable organization” in N.D.C.C. § 32-03.3-01 is not somehow modified or limited by considering legislative intent;
2. Appellant Neppel is not entitled to exemplary damages; and
3. N.D.C.C. § 32-03.3-02(2) does not violate the North Dakota Constitution.

Dated: August 28, 2020.

/s/ Murray G. Sagsveen
Murray G. Sagsveen (ND ID 03116)
1277 Eagle Crest Loop
Bismarck, ND 58503-8849
Telephone: 701-426-1905
Email: MGsagsveen@gmail.com
Attorney for Amicus Curiae

CERTIFICATE OF COMPLIANCE WITH RULE 29(a)(5) and 32(e)

[¶42] This Brief contains 14 pages. I certify that this Brief complies with the typeface requirements of N.D.R.App.P. 29(a)(5) and 32(3) and the type style requirements of that rule, because it has been prepared in a proportionally-spaced typeface using a Microsoft Word, Times New Roman, 12 point font.

/s/ Murray G. Sagsveen
Murray G. Sagsveen (ND ID 03116)

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

Pamela Neppel, individually and as the)	
Parent and legal guardian of Z.N., an)	
Incapacitated individual,)	
)	
Plaintiff-Appellant,)	Supreme Court No. 20200036
)	Civil No. 18-2017-CV-03249
vs.)	
)	
Development Homes, Inc.; Sandra J.)	
Marshall, individually; Mark Indvik,)	
Individually, and Mark and Amelia Indvik)	
As Co-Guardians of SO.; Konah Zunugo,)	
Individually.)	
)	
Defendants-Appellees)	

On August 28, 2020, I served these documents on the following counsel by email:

- Motion for Leave to File Amicus Curiae Brief by the North Dakota Association of Nonprofit Organizations
- Brief of Amicus Curiae North Dakota Association of Nonprofit organizations

Jonathon (Jack) F. Yunker - jackyunker@traynorlaw.com
Jason P. Sayler - jasonsaylor@traynorlaw.com
TRAYNOR LAW FIRM, PC
509 5th St NE, Ste. 1 - P.O. Box 838
Devils Lake, ND 58301-0838
Telephone: (701) 662-4077
Attorneys for Appellant

William J. Behrmann – wbehrmann@esattorneys.com
Jerry W. Evenson – jevenson@esattorneys.com
Evenson Sanderson, PC
1100 College Drive, Suite 5
Bismarck, ND 59501
Attorneys for Appellees

/s/ Murray G. Sagsveen
Murray G. Sagsveen (N.D. ID 03116)
1277 Eagle Crest Loop
Bismarck, ND 58503-8849
Telephone: 701-426-1905
Email: MGSagsveen@gmail.com
Attorney for Amicus Curiae

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

Pamela Neppel, individually and as the)	
parent and legal guardian of Z.N., an)	
incapacitated individual,)	
)	Supreme Court No. 20200036
Plaintiff, Appellant, and)	
Cross-Appellee)	Civil No. 18-2017-CV-03249
v.)	
)	
Development Homes, Inc.;)	
)	
Defendant, Appellee, and)	
Cross-Appellant)	
)	
and)	
)	
Sandra J. Marshall, individually; Mark Indvik,)	
individually, and Mark and Amelia Indvik)	
As Co-Guardians of SO.; Konah Zunugo,)	
Individually.)	
)	
Defendants and Appellees)	

On September 2, 2020, I served this documents on the following counsel by email:

- Amended Brief of Amicus Curiae North Dakota Association of Nonprofit organizations

Jonathon (Jack) F. Yunker - jackyunker@traynorlaw.com
Jason P. Sayler - jasonsayer@traynorlaw.com
TRAYNOR LAW FIRM, PC
509 5th St NE, Ste. 1 - P.O. Box 838
Devils Lake, ND 58301-0838
Telephone: (701) 662-4077
Attorneys for Appellant

William J. Behrmann – wbehrmann@esattorneys.com
Jerry W. Evenson – jevenson@esattorneys.com
Evenson Sanderson, PC
1100 College Drive, Suite 5
Bismarck, ND 59501
Attorneys for Appellees

/s/ Murray G. Sagsveen
Murray G. Sagsveen (N.D. ID 03116)
1277 Eagle Crest Loop
Bismarck, ND 58503-8849
Telephone: 701-426-1905
Email: MGSagsveen@gmail.com
Attorney for Amicus Curiae