

BOUGHEY LAW FIRM

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Monday, March 8, 2021

Petra Hulm
Clerk of the North Dakota Supreme Court
Bismarck, ND 58505

via email

RE: State v. Riggin
Supreme Court No. 20200293
Ward Co. No. 2020-CR-00818

RE: Somerset Court, et al. v. Burgum, et al.
Supreme Court No. 20200292
Burleigh Co. No. 2020-CV-01474

Oral Arguments Correction of Statement of Fact made at Oral Arguments 3-8-21

Dear Ms. Hulm:

Immediately following the oral arguments in Somerset Court and Riggin v. Burgum I was advised by Ms. Riggin that one of the facts asserted by me during oral arguments was not correct. It turns out that under normal circumstances, when there are no health restrictions in effect and we are not dealing with a pandemic, Ms. Riggin is allowed to have her own customers come into the residential facility, but the residents' appointments take precedence over any other appointments. This policy is a matter of record in this case at Appendix Page 148, as indicated by Mr. Nicolai. However, during the application of the executive orders (i.e., as to the facts relating to this particular case) no members of the public were allowed to use the salon.

I apologize for not having a handle on this particular fact or the contents of the handbook that is in the record.

Sincerely,



Lynn M. Boughey
Cc: Deputy Solicitor General Jim Nicolai via *email* at same time