

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

**JUDGMENT**

Supreme Court No. 20210155  
Morton County Case No. 09-C-00869

Appeal from the district court for Morton County.

**Howard Malloy and Great Plains Potato  
Production, LLP,**

**v.**

**James Behrens,**

**Plaintiffs and Appellees**

**Defendant and Appellant**

[¶1] This appeal having been considered by the Court at the November 2021 Term before:

[¶2] Chief Justice Jon J. Jensen, Justice Gerald W. VandeWalle, Justice Daniel J. Crothers, Justice Lisa Fair McEvers, and Justice Jerod E. Tufte;

[¶3] and the Court having considered the appeal, it is ORDERED AND ADJUDGED that the orders of the district court are REVERSED and REMANDED for further proceedings consistent with the opinion.

[¶4] IT IS FURTHER ORDERED AND ADJUDGED that James Behrens have and recover from Howard Malloy and Great Plains Potato Productions, LLP costs and disbursements on this appeal under N.D.R.App.P. 39, to be taxed and allowed in the court below.

[¶5] This judgment, together with the opinion of the Court filed this date, constitutes the mandate of the Supreme Court on the date it is issued to the district court under N.D.R.App.P. 41.

Dated: March 3, 2022

By the Court:

Jon J. Jensen  
Chief Justice

ATTEST:

Petra H. Mandigo Hulm  
Clerk

