

June 2, 2022

Ms. Petra Hulm  
North Dakota Supreme Court  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0530

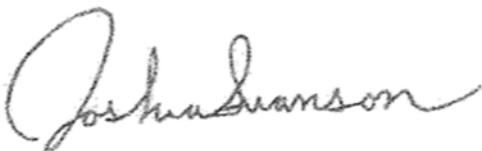
e-mail only to: [supclerkofcourt@ndcourts.gov](mailto:supclerkofcourt@ndcourts.gov)

**Re:     *Wilkinson et al. v. The Board of Univ. & School Lands et al.***  
**Our File No.: 047086.14000**  
**Supreme Court No. 20220037**

Dear Clerk of Court:

This letter is submitted pursuant to N.D.R.App.P. 28(k) in response to the State's letter dated June 2, 2022, with what they claim is a relevant decision from the federal district court in *EEE Minerals, LLC v. State*, Case No. 1:20-cv-00219. The State fails to inform the Court that this decision has been appealed to the United States Eighth Circuit Court of Appeals. As the State is aware, that appeal was filed yesterday, June 1, 2022. I've enclosed a copy of the Notice of Appeal. If the Court is inclined to give any weight to the federal magistrate judge's decision, the Court should wait to do so until the Eighth Circuit decides the appeal. In response to the State's assertion that Section 3A of the federal magistrate judge's decision is relevant, the Wilkinsons respectfully disagree.

Respectfully,



Joshua A. Swanson

UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION

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EEE Minerals, LLC, and Suzanne Vohs as  
Trustee for the Vohs Family Revocable Living  
Trust,

Plaintiffs,

vs.

State of North Dakota, the Board of University  
and School Lands of the State of North Dakota,  
and Jodi A. Smith as Commissioner for the  
Board of University and School lands of the State  
of North Dakota,

Defendants.

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Case No. 1:20-cv-00219-CRH

**NOTICE OF APPEAL**

Notice is hereby given that Plaintiffs, EEE Minerals, LLC, and Suzanne Vohs as Trustee for the Vohs Family Revocable Trust, in the above-named case, hereby appeal to the United States Court of Appeals for the Eighth Circuit from the final judgment entered on May 31, 2022 (Doc. ID No. 24).

Dated this 1<sup>st</sup> day of June, 2022.

**VOGEL LAW FIRM**

*/s/ Joshua A. Swanson*

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ATTORNEYS FOR PLAINTIFFS

U. S. COURT OF APPEALS - EIGHTH CIRCUIT  
NOA SUPPLEMENT

*Please note any additions or deletions to the style of the case from the style listed on the docket sheet.*

Case No. 1:20-cv-219

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EEE Minerals, LLC, et al. v. State of North Dakota, et al.

Length of trial:

Financial Status:	Fee Paid?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	If <b>NO</b> , has IFP been granted?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Is there a pending motion for IFP?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any other pending post-judgment motions?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Please identify the court reporter:  No hearings held

Name:

Address:

Telephone Number:

Criminal cases only:

Is the defendant incarcerated?  Yes (include address below) No

Please list all other defendants in this case if there were multiple defendants.

**SPECIAL COMMENTS:**