

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

ORDER OF REMAND

Supreme Court No. 20220057
Grand Forks Co. No. 2021-CV-00499

**Matthew Beland,
and
Sarah M. Kyte,**

Plaintiff and Appellant

Interested Party and Appellant

v.

**Jeremiah Danel,
Jeremiah Danel, D.D.S., P.C.,**

Defendant and Appellee

[¶1] On February 17, 2022, Matthew Beland and Sarah M. Kyte appealed from a district court judgment entered on December 28, 2021, which denied Beland’s motion for temporary injunctive relief, denied Beland’s motion for Rule 11 sanctions and granted Jeremiah Danel’s motion for Rule 11 sanctions. By letter dated March 4, 2022, the parties were notified that it was unclear to the Court whether the district court had entered final judgment as to the claims for relief requested in Beland’s complaint. The parties were further requested to respond to whether final judgment had been entered in the district court, whether 54(b) certification was necessary to support the appeal, whether the appeal should be dismissed for lack of a final judgment, and whether the case should be remanded for Rule 54(b) certification. On March 10, 2022, the parties submitted a joint letter response agreeing that the district court’s judgment adjudicated all claims in the case and no other claims remained pending before the district court. The Court considered the matter, and

[¶2] ORDERED, that this case be temporarily remanded to the district court for the limited purpose of entering an amended judgment clarifying that all claims have been adjudicated and none remain pending, if the district court has adjudicated all claims.

[¶3] IT IS FURTHER ORDERED, that upon completion of this remand by the district court, the Clerk of the Grand Forks County District Court file an updated Certificate of Record.

[¶4] Entered the 10th day of March, 2022, with the Honorable Jon J. Jensen, Chief Justice, directing the Clerk of the Supreme Court to enter the above order.



/s/ Meagen A. Powell
Chief Deputy Clerk
North Dakota Supreme Court