

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

Michael Davis and Kimberly Davis,  Plaintiffs,	Supreme Court No. _____
v.	Civil No. 53-2019-CV-00589
Mercy Medical Center d/b/a CHI St. Alexius Health Williston; and Cherise Norby, N.P., and David Keene, M.D.,	<b>Affidavit of  Julia J. Nierengarten</b>
Defendants,	

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN )

Julia J. Nierengarten, first being sworn states as follows:

1. I was granted *pro hac vice* on November 7, 2022, to appear and participate on behalf of Mercy Medical Center d/b/a CHI St. Alexius Health Williston and David Keene, M.D., before this Honorable Court in the above-captioned matter. Accordingly, this affidavit is submitted as a certification of compliance with the North Dakota Admission to Practice Rule 3.

2. I am admitted and licensed to practice in the State of Minnesota, Attorney Registration No. 0391851. I am and have been a member in good standing of the following courts:

- State of Minnesota since 2011;
- United States District for the District of Minnesota since 2013;
- United States Court of Appeals for the Eighth Circuit since 2016;
- United States Court of Appeals for the Third Circuit since 2016; and
- United States District Court for the District of North Dakota since 2017.

3. I represent Mercy Medical Center d/b/a CHI St. Alexius Health Williston and David Keene, M.D. in the above captioned matter.

4. Tracy Vigness Kolb is duly authorized and licensed to practice law in the state of North Dakota, and is the associated North Dakota attorney in this matter.

5. I am not presently subject to a disciplinary proceeding in any jurisdiction.

6. I am not presently under any restriction or probation in the practice of law in any jurisdiction in which I am licensed.

7. I am not now, nor have I ever been, suspended or disbarred from a court in any jurisdiction.

8. In the past three years, I have appeared *pro hac vice* in one North Dakota state court action (*Simmons v. Cudd Pressure Control et al*, Case No. 53-2014-cv-00665). I am not registered pursuant to North Dakota Admission to Practice Rule 3B.

9. My contact information is as follows: Meagher & Geer, P.L.L.P., 33 South Sixth Street, Suite 4400, Minneapolis, MN 55402; Direct Phone: 612-347-9152; email: jnierengarten@meagher.com.

10. The required fee of \$380.00 has been remitted to the North Dakota State Board of Law Examiners.

/s/ Julia J. Nierengarten  
Julia J. Nierengarten

Subscribed and sworn before me this  
9<sup>th</sup> day of November, 2022.

/s/ Lisa White  
Notary Public  
My Commission Expires: January 31, 2025

15614425.1

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

Michael Davis and Kimberly Davis,  Plaintiffs,  v.  Mercy Medical Center d/b/a CHI St. Alexius Health Williston; and Cherise Norby, N.P., and David Keene, M.D.,  Defendants,	Supreme Court No. _____  Civil No. 53-2019-CV-00589  <b>Certificate of Service</b>
---	--

[1] I hereby certify that on November 9, 2022, a true and correct copy of **Affidavit of Julia J. Nierengarten**, and this **Certificate** were filed electronically by email with the Clerk of Court - [supclerkofcourt@ndcourts.gov](mailto:supclerkofcourt@ndcourts.gov) and filed electronically by email on the following:

**Plaintiffs Attorney**

Mark V. Larson  
Jed Kurzban  
Lauren Gallagher

[larslaw@srt.com](mailto:larslaw@srt.com)  
[jed@kktplaw.com](mailto:jed@kktplaw.com)  
[lgallagher@kktplaw.com](mailto:lgallagher@kktplaw.com)

[2] I further certify that a copy of these documents will be served under N.D.R.Civ.P.5(b)(3) on the following persons who are exempt from electronic service by email:

None

Dated this 9<sup>th</sup> day of November, 2022.

/s/ Tracy Vigness Kolb

Tracy Vigness Kolb, ND ID# 05338  
MEAGHER + GEER, P.L.L.P.  
1900 Burnt Boat Drive, Suite 101  
Bismarck, ND 58503  
Ph: 701.222.1315  
Direct Ph: 701.333.0638  
[tkolb@meagher.com](mailto:tkolb@meagher.com)  
*Attorney for Defendants-Appellants*