

Supreme Court Clerk's Office - Ferderer, Megan

From: Supreme Court Clerk's Office - Ferderer, Megan
Sent: Monday, November 14, 2022 8:19 AM
To: 'tkolb@meagher.com'; 'RHAGEN@meagher.com'; 'jnierengarten@meagher.com'
Cc: 'jed@kktplaw.com'; 'lgallagher@kktplaw.com'; 'larlaw@srt.com'; 'larlaw@srt.com'; Stevens, Sandra
Subject: Notice of Appeal - Davis, et al. v. Mercy Medical Center, et al., Supreme Court No. 20220325
Attachments: 20220325_noa.pdf; dec_serv_noa.pdf; rec_filingfee.pdf

*SUPREME COURT OF NORTH DAKOTA
OFFICE OF THE CLERK
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VIA E-MAIL ONLY

November 14, 2022

Tracy V. Kolb
1900 Burnt Boat Dr., Ste. 101
Bismarck, ND 58503

Rodger A. Hagen
Julia J. Nierengarten
33 S. Sixth St., Ste. 4400
Minneapolis, MN 55402

RE: Davis, et al. v. Mercy Medical Center, et al.
Supreme Court No. 20220325
Williams Co. No. 2019-CV-00589

I received the \$125 filing fee and the Notice of Appeal in this matter which was filed on November 4, 2022. I am enclosing a receipt for the filing fee. This letter, along with the attached copy of the Notice of Appeal, will serve as the required notice under N.D.R.App.P. 3(d). This letter, the notice of appeal, any order for transcript(s), and the enclosed declaration of service will be filed in Odyssey.

The clerk of the trial court shall certify the record on appeal to my office by December 4, 2022.

The file indicates that a transcript has been ordered in this matter. When the order for transcript(s) is transmitted to the Court Reporter or Recorder by the Clerk of District Court, we will provide a deadline for the transcript.

All correspondence in this matter will be made by e-mail, including forwarding a copy of any orders or opinions filed. If we do not have an e-mail address for a party, all correspondence will be sent by U.S. Mail.

The Affidavit in Support of Admission to Practice Pro Hac Vice of Julia J. Nierengarten was received and filed November 9, 2022. Ms. Nierengarten is authorized to appear in this Court for this matter. Out-of-state counsel must be accompanied by North Dakota counsel to oral argument, unless specifically excused by the Court.

By copy of this letter to Lauren Gallagher and Jed Kurzban, I note that you may be appearing pro hac vice. Under Rule 3 of the Admission to Practice Rules, if an attorney desires to appear on appeal in a matter so admitted, they must remit the required fee to the State Board of Law Examiners and file an updated affidavit with the Clerk of the Supreme Court. This is to advise you that no papers will be accepted for filing if the name of the out-of-state attorney appears on the papers and the out-of-state attorney has not complied with Rule 3 of the Admission to Practice Rules. Out-of-state counsel must be accompanied by North Dakota counsel to oral argument, unless specifically excused by the Court.

Sincerely,

/s/ Megan Ferderer
Deputy Clerk
North Dakota Supreme Court

attachments

cc: Mark V. Larson, Anders Larson, Lauren Gallagher & Jed Kurzban
Santee Stevens, Court Administrator
Clerk of District Court copied via filing in Odyssey

This email and any transmitted files attached are intended solely for the use of the individual or entity to which they are addressed, and may be confidential under the law. If you have received this email in error please notify the originator of the message.

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

UNSWORN DECLARATION OF SERVICE

Supreme Court No. 20220325
Williams Co. Court No. 2019-CV-00589

Michael Davis and Kimberly Davis,

Plaintiffs and Appellees

v.

**Mercy Medical Center d/b/a CHI St.
Alexius Health Williston; and David
Keene, M.D.,
and
and Cherise Norby, N.P.,**

Defendants and Appellants

Defendant

[¶1] Megan Ferderer, Deputy Clerk states that she is of legal age and that on November 14, 2022, she served the Notice of Appeal in the above matter electronically as follows:

**Tracy Vigness Kolb at tkolb@meagher.com
Meagher & Geer, P.L.L.P.
1900 Burnt Boat Dr., Ste. 101
Bismarck, ND 58503**

**Rodger Allen Hagen at RHAGEN@meagher.com
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**Mark Vincent Larson at larslaw@srt.com
Anders Larson at larslaw@srt.com
Larson Law Firm, P.C.
1020 N. Broadway
P.O. Box 2004
Minot, ND 58702-2004**

**Lauren Gallagher at lgallagher@kktplaw.com
Jed Kurzban at jed@kktplaw.com
Kurzban Kurzban Tetzeli & Pratt, P.A.
131 Madeira Ave.
Coral Gables, FL 33134**

I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct. Signed on November 14, 2022, at Bismarck, ND, USA.

/s/ Megan Ferderer
Deputy Clerk