

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF OLIVER

EAST CENTRAL JUDICIAL DISTRICT

<p>Ryan Fleck, Plaintiff/Appellant,  vs.  Dana Fleck, Defendant/Appellee,  and  State of North Dakota, Statutory Real Party in Interest.</p>	<p><b>NOTICE OF APPEAL AND PRELIMINARY STATEMENT OF ISSUES</b></p> <p>Case No. 33-2019-DM-00004 Supreme Court No. _____</p>
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TO: DEFENDANT/APPELLEE, DANA FLECK, BY AND THROUGH HER ATTORNEY OF RECORD, JENNIFER M. GOOSS OF SOLEM LAW OFFICE, P.O. BOX 249 BEULAH, NORTH DAKOTA, 58523, AND THE STATE OF NORTH DAKOTA:

[1] PLEASE TAKE NOTICE that, pursuant to Rule 3 and Rule 4 of the North Dakota Rules of Appellate Procedure, Plaintiff/Appellant, Ryan Fleck, by and through his attorney of record, Emily J. Rouse of Oster Law Office, P.L.L.C., hereby appeals to the North Dakota Supreme Court from the Order Denying Motions by Ryan Fleck to Amend Parenting Plan and Order Denying Motion to Find Dana Fleck in Contempt in the above-entitled matter, signed on November 21, 2022 by the Honorable James S. Hill, Judge of the District Court.

**PRELIMINARY STATEMENT OF ISSUES FOR APPEAL**

[2] Without limiting the scope of the issues that Plaintiff/Appellant may raise, pursuant to Rule 3 (c) (4) of the North Dakota Rules of Appellate Procedure, Plaintiff/Appellant submits the following statement of preliminary issues, of which Plaintiff/Appellant is currently aware:

1. Whether the Court erred in applying North Dakota Century Code § 14-09-06.6 rather than North Dakota Century Code § 14-05-22 (2) to Plaintiff/Appellant's Motion to Amend Parenting Plan.
2. Whether the Court erred in Finding that there was not a Material Change in Circumstances.
3. Whether the Court erred in Finding that Modifying Parenting Time was not in the Children's Best Interests.
4. Whether the Court erred in failing to make a Finding regarding if the Current Parenting Time Schedule enables the children to Maintain a Parent-Child Relationship with Plaintiff/Appellant that is beneficial to the children.

Dated this 9th day of January, 2023.

**OSTER LAW OFFICE, PLLC**



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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF OLIVER

SOUTH CENTRAL JUDICIAL DISTRICT

Ryan Fleck,

Plaintiff,

vs.

Dana Fleck,

Defendant,

And

State of North Dakota,  
Statutory Real Party in Interest.

Court File No. 33-2019-DM-00004  
Supreme Court No. \_\_\_\_\_

**DECLARATION OF SERVICE BY  
ELECTRONIC MEANS**

[1] Hannah Herder, being first duly sworn, deposes and says that she is of legal age and is not a party to the above-entitled matter; that on the 10th day of January, 2023 she served a true and correct copy of the following document(s):

1. Notice of Appeal; and
2. Order for Transcript.

upon:


Jennifer M. Gooss  
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Clerk of Supreme Court  
600 E. Boulevard Avenue.  
Bismarck, ND 58505  
supclerkofcourt@ndcourts.gov

by electronic means, at the above-referenced e-mail address. The undersigned knows the person or persons served to be the person or persons named in the papers served, and said person or persons intended to be served. To the best of the affiant's knowledge, the email address given is the actual email address of the party interested to be so served. The above documents were electronically served in accordance with the provisions of the Rules of Civil Procedure.

[2] I declare under penalty of perjury that the foregoing is true and correct. Executed on the 10th day of January, 2023.

  
\_\_\_\_\_  
Hannah Herder