

Supreme Court Clerk's Office - Erck, Sarah

From: Supreme Court Clerk's Office - Erck, Sarah
Sent: Friday, January 27, 2023 7:51 AM
To: 'otten.nicholas@yahoo.com'
Cc: 'victoria@ljalaw.net'
Subject: Notice of Appeal - Otten v. Otten, Supreme Court No. 20230019
Attachments: 20230019_noa.pdf; dec_serv_noa.pdf; Guide to An Appeal.pdf; State v. Noack Opinion.pdf

*SUPREME COURT OF NORTH DAKOTA
OFFICE OF THE CLERK
600 E Boulevard Avenue
Bismarck, ND 58505-0530
(701) 328-2221 (voice) (701) 328-4480 (fax)
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supclerkofcourt@ndcourts.gov*

VIA E-MAIL ONLY

January 27, 2023

Nicholas A. Otten
3110 7th Ave N.
Fargo, ND 58102

RE: Otten v. Otten
Supreme Court No. 20230019
Cass Co. No. 2021-DM-01260

I received the Notice of Appeal in this matter which was filed on January 18, 2023. 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.

A petition to waive the filing fee in this matter was filed in our office January 26, 2023. Pursuant to Administrative Rule 5, Petra H. Mandigo Hulm, Clerk, has granted your petition; therefore, no filing fee is required for this appeal. The granting of the waiver of the filing fee does not extend to costs related to preparation of transcripts, e-filing surcharges, or costs on appeal. Any costs such as these will be your responsibility in this civil matter.

The clerk of the trial court shall certify the record on appeal to my office by February 17, 2023.

The file does not indicate whether the Appellant filed an Order for Transcript in accordance with the rules. If an Order for Transcript was not filed with the Notice of Appeal, the Appellant's brief is due in this office 40 days after the Notice of Appeal was filed. According to my calculation, the 40th day expires February 27, 2023.

As the Appellant, it is your responsibility to keep this office informed of your current address throughout this appeal. For your assistance, I am attaching a copy of a Guide to an Appeal to the North Dakota Supreme Court and a copy of the opinion in *State v. Noack*.

Under N.D.R.App.P. 14, the name of a minor child in a divorce, parental responsibility, or child support case may not be used in any filed documents and at oral argument. These individuals may be referred to by initials or pseudonyms.

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.

Sincerely,

/s/ Sarah Erck
Deputy Clerk
North Dakota Supreme Court

attachments

cc: Victoria C. Hicks
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. 20230019
Cass Co. Court No. 2021-DM-01260

Jessica M. Otten,

v.

Nicholas A. Otten,

Plaintiff and Appellee

Defendant and Appellant

[¶1] Sarah Erck, states that she is of legal age and that on January 27, 2023, she served the Notice of Appeal in the above matter electronically as follows:

**Nicholas A. Otten at otten.nicholas@yahoo.com
3110 7th Ave N.
Fargo, ND 58102**

**Victoria Catherine Hicks at victoria@ljalaw.net
Johnson & Hicks Law Office P.C.
1018 First Ave. N.
Fargo, ND 58102-4602**

I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct. Signed on January 27, 2023, at Bismarck, ND, USA.

/s/ Sarah Erck
Deputy Clerk