

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

ROBERT MARTINIE GOFF,

APPELLANT,

V.

WILLIAM PANOS, DIRECTOR,
NORTH DAKOTA DEPARTMENT OF
TRANSPORTATION,

APPELLEE.

SUPREME COURT NO. 2023 _____

Civil No. 09-2022-CV-00248

ON APPEAL FROM ORDER DENYING
REQUEST FOR COSTS AND ATTORNEY'S FEES
STATE OF NORTH DAKOTA
CASS COUNTY
JUDGE STEVEN E. MCCULLOUGH

NOTICE OF APPEAL

TO: APPELLEE WILLIAM PANOS, BY AND THROUGH HIS ATTORNEY
MICHAEL PITCHER AT MTPITCHER@ND.GOV

NOTICE

[¶1] Notice is hereby given that Appellant Robert Martinie Goff (“Mr. Goff”) hereby appeals to the North Dakota Supreme Court from the District Court’s Order denying Request for Costs and Attorney’s Fees (Index #58) entered on April 6, 2023.

PRELIMINARY STATEMENT OF THE ISSUE

[¶2] The law requires a court to award costs and attorneys’ fees when an administrative decision is not substantially justified. An administrative decision lacks substantial justification if a reasonable person would not believe the decision possessed a reasonable basis in law and fact. This Court held a reasoning mind could not find the

Department's decision was supported by the record. Did the district court abuse its discretion in finding the Department's decision was substantially justified when a reasonable person could not find the Department's decision was supported by the record.

Dated this 26th day of April, 2023.

VOGEL LAW FIRM

/s/ Mark A. Friese

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ATTORNEYS FOR DEFENDANT

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

ROBERT MARTINIE GOFF, APPELLANT, V. WILLIAM PANOS, DIRECTOR, NORTH DAKOTA DEPARTMENT OF TRANSPORTATION, APPELLEE.	SUPREME COURT NO. 2023 _____ Civil No. 09-2022-CV-00248
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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2023, the following document:

NOTICE OF APPEAL

was served via electronic mail on the following:

MICHAEL PITCHER
MTPITCHER@ND.GOV

Dated this 26th day of April, 2023.

VOGEL LAW FIRM

/s/ Mark A. Friese

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