

IN THE SUPREME COURT OF THE STATE OF NORTH DAKOTA

Supreme Court No. 20230116

Jacob Ebel, John Ebel, and Ordeen Ebel,

Case No. 26-2021-CV-00053

Plaintiffs and Appellants,

vs.

NOTICE OF CROSS APPEAL

Yvonne Engelhart, as Personal Representative
Of the Estate of Mark Lee Engelhardt, and
Tom Gross,

Defendants and Appellees.

TO: THE ABOVE-NAMED PLAINTIFFS AND APPELLANTS, JACOB EBEL, JOHN EBEL AND ORDEED EBEL, through their attorney of record, DREW J. HUSHKA, VOGEL LAW FIRM, dhushka@vogellaw.com, AND THE ABOVE-NAMED CO-DEFENDANT, YVONNE ENGELHART, through her attorney of record, JAMES MARING, SERKLAND LAW FIRM, jmaring@serklandlaw.com:

[¶1] Tom Gross, an above-named Defendant, by and through his undersigned attorney, hereby gives notice pursuant to Rules 3 and 4 of the North Dakota Rules of Appellate Procedure, that said Defendant hereby appeals to the North Dakota Supreme Court from the district court’s Order (Index #135) entered on April 19, 2023, and Judgment (Index #136) entered on April 19, 2023 issued by the Honorable Bradley A. Cruff, District Court Judge, McIntosh County, Southeast Judicial District, in the above entitled action.

[¶2] Without limiting the scope of issues the Defendant may raise, pursuant to Rule 3(c)(4) of the North Dakota Rules of Appellate Procedure, Defendant submits the following preliminary statement of issues on appeal:

1. Whether the District Court erred in not specifically determining that the Personal Representative or Personal Representative’s agent modified the bidding conditions resulting in an award of the bid to Tom Gross.

2. Whether the District Court erred in not specifically determining whether the Personal Representative or Personal Representative's agent waived any irregularities of bids resulting in an award of the bid to Tom Gross.

[¶3] Defendant reserves the right to amend and/or supplement the above issues prior to submitting his Cross- Appellee Brief.

Dated this 4th day of May, 2023.

HILL LAW OFFICE, PLLC

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Attorneys for Defendant/Appellee

CERTIFICATE OF SERVICE Y ELECTRONIC MEANS

[¶1] I, ASHLEY ANDERSON, hereby certify that on the 4th day of May, 2023, I served the following document on Appellants and co-defendant, by electronic means by forwarding them to Appellants’s attorney, Drew J. Hushka, at dhushka@vogellaw.com and James Maring, jmaring@serklandlaw.com through ND Supreme Court Efile Portal.

Notice of Cross Appeal

I declare under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Dated this 4th day of May, 2023 in the County of Cass, State of North Dakota.

/s/ Ashley Anderson

ASHLEY ANDERSON

CERTIFICATE OF SERVICE

[¶1] I, ASHLEY ANDERSON, hereby certify that on the 4th day of May, 2023, I served the following document on Defendant, Mary DuPuydt d/b/a DuPuydt Law Office, by forwarding them to Defendant's address at P.O. Box 215, Wishek, ND 58495.

Notice of Cross Appeal

I declare under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Dated this 4th day of May, 2023 in the County of Cass, State of North Dakota.

/s/ Ashley Anderson
ASHLEY ANDERSON