

(I)

APPENDIX

TABLE OF CONTENTS

<u>APPENDIX</u>	<u>Page</u>
Appendix A (Order Granting Motion to Dismiss and Request for Fees and Costs) - Walsh County District Court Northeastern Division of North Dakota, No. 50-2023-CV-00287, order (Dec. 14, 2023).....	App. 1a-6a
Appendix B (Judgment) - Walsh County District Court Northeastern Division of North Dakota, No. 50-2023-CV-00287, Judgment (Jan. 30, 2024).....	App. 7a
Appendix C (Supplemental Order for Attorney fees) - Walsh County District Court Northeastern Division of North Dakota, No. 50-2023-CV-00287, Order (Jan. 19, 2024).....	App. 8a-9a
Appendix D (Order Denying Motion for Relief from Judgment) - Walsh County District Court Northeastern Division of North Dakota, No. 50-2023-CV-00287, Order (May 14, 2024).....	App.10a-14a
<u>Note: Walsh County Court - No findings of fact and conclusions of law.</u>	
Appendix E – North Dakota Supreme Court, No. 20240054, Opinion (Dec. 19, 2024)	App.15a-21a
Appendix F – North Dakota Supreme Court, No. 20240054, Judgment (Dec. 19, 2024)	App.22
<u>Note: North Dakota Supreme Court - No findings of fact and conclusions of law.</u>	
Appendix G – Janne Myrdal case index No. 50-2023-CV-00129	App. 23 - 30
Appendix H – Kari Agotness case index No. 50-2023-CV-00287.....	App. 31- 32

IN DISTRICT COURT, COUNTY OF WALSH, NORTH DAKOTA

Mitchell S. Sanderson,)	
)	
Plaintiff,	)	ORDER GRANTING
	)	MOTION TO DISMISS AND REQUEST
vs.	)	FOR FEES AND COSTS
)	
Judge Kari Agotness,	)	Case No. <u>50-2023-CV-00287</u>
)	
Defendant.)	

BACKGROUND AND CLAIMS

[¶1] This action was initiated upon Judge Kari Agotness ["Judge Agotness"] and the Office of Attorney General by service of a Summons and Complaint dated October 18, 2023 from Plaintiff, Mitchell S. Sanderson ["Sanderson"]. (R1-2). Sanderson did not file the Summons and Complaint with the Court, but rather Judge Agotness filed a copy of the Summons and Complaint pursuant to N.D.R.Civ.P. 5(d)(2)(A)(iv) to bring this matter before the Court.

[¶2] Sanderson initiated this action against Judge Agotness, a North Dakota state district court judge. Sanderson seeks compensatory damages of \$100,000,000 and punitive damages of at least \$100,000,000, along with a demand Judge Agotness be investigated for criminal actions.

[¶3] Defendant moves the Court for an order dismissing the Complaint. (R3-6). Defendant argues the Complaint generally fails to state a claim for relief under N.D.R.Civ.P. 12(b)(6) and is barred under the doctrine of absolute judicial immunity. Defendant also asks for an award of attorney fees and other reasonable costs pursuant to N.D.C.C. § 28-26-01(2) and N.D.C.C. § 28-26-31 due to having to defend against this action.

[¶4] Plaintiff did not file any response to Defendant's Motion to Dismiss.

LEGAL ANALYSIS

[¶5] Rule 12(b)(6), N.D.R.Civ.P., states, in part: "...a party may assert the following defenses by motion:....(6) failure to state a claim upon which relief can be granted." The North Dakota Supreme Court has stated:

A motion to dismiss a complaint under N.D.R.Civ.P. 12(b)(6) tests the legal sufficiency of the statement of the claim presented in the complaint. We construe the complaint in the light most favorable to the plaintiff, taking as true the well-pleaded allegations in the complaint. Under N.D.R.Civ.P. 12(b)(6), a complaint should not be dismissed unless it is disclosed with certainty the impossibility of proving a claim upon which relief can be granted. We will affirm a judgment dismissing a complaint for failure to state a claim if we cannot discern a potential for proof to support it.

McColl Farms, LLC v. Pflaum, 2013 ND 169, ¶ 12, 837 N.W.2d 359, 366 (citing Moseng v. Frey, 2012 ND 220, ¶ 5, 822 N.W.2d 464). As to the Rule 12(b)(6) defense the Court reviews the filings in this matter in the light most favorable to Sanderson.

[¶6] Judge Agotness asserts Sanderson's Complaint should be dismissed because it is barred under the doctrine of absolute judicial immunity.

[¶7] Pursuant to N.D.C.C. § 32-12.2-02(3)(d) neither the state or a state employee may be held liable for "[a] claim resulting from a decision to undertake or a refusal to undertake any judicial or quasi-judicial act...." The long-standing common-law doctrine of judicial immunity protects judges from civil liability for their judicial decisions. Riemers v. State, 2007 ND APP 2, ¶ 5, 732 N.W.2d 398, 400. The North Dakota Supreme Court has also found the judicial immunity doctrine is significant in the administration of justice:

It is elementary that judicial officers are not liable for the erroneous exercise of the judicial powers vested in them. This immunity from liability is based upon considerations of public policy. To hold judicial officers personally liable for errors of judgment concerning either questions of law or fact would be subversive of both independence and efficiency in the administration of justice.

Landseidel v. Culeman, 47 N.D. 275, 181 N.W. 593, 595 (1921).

[¶8] Judge Agotness is a district court judge for the State of North Dakota. Sanderson's Complaint alleges Judge Agotness is overseeing a case in which Sanderson is the Plaintiff: Walsh County case no. 50-2023-CV-00129. Sanderson's Complaint alleges Sanderson is entitled to the relief he is seeking because of actions or inactions of Judge Agotness specifically and exclusively during her role as the judge presiding over that particular case. There is zero allegation of any interaction between the parties outside of Walsh County case no. 50-2023-CV-00129. There is zero alleged factual support for any claim in Sanderson's Complaint outside of Walsh County case no. 50-2023-CV-00129. The long-standing common-law doctrine of judicial immunity protects judges from civil liability for their judicial decisions. Judge Agotness correctly asserts that she has judicial immunity regarding all the claims pled in Sanderson's Complaint. It is impossible for Sanderson to prove he is entitled to any relief that can be granted based on the allegations in his Complaint. Judge Agotness is entitled to have the Complaint dismissed in its entirety.

[¶9] Judge Agotness also asserts that Sanderson's Complaint should be dismissed because it fails to state a legally cognizable claim for relief. N.D.R.Civ.P. (8)(a) states in relevant part a pleading that states a claim for relief must contain "a short and plain statement of the claim showing that the pleader is entitled to relief[.]" "A claim may fail under Rule 8(a), N.D.R.Civ.P., 'if the defendant is unable to frame an appropriate responsive pleading.'" Tibert v. Minto Grain, LLC, 2004 ND 133, ¶ 21, 682 N.W.2d 294, 299 (quoting Gowin v. Hazen Memorial Hosp. Ass'n, 311 N.W.2d 554, 556 (N.D.1981)).

[¶10] Sanderson's Complaint is devoid of factual allegations or discernible causes of action that would permit this Court to draw a reasonable inference the alleged misconduct occurred. Sanderson has failed to sufficiently state a claim for which he may be entitled to the relief sought.

In fact, Sanderson does not specifically allege in any way how he has been aggrieved by any actions of Judge Agotness. Sanderson makes only a conclusory allegation that Judge Agotness has "violated the U.S. Constitution, Constitutional case law, Federal law, State Law, Rules of Court, and is biased against me." This is not a properly pled complaint. For this reason also Judge Agotness is entitled to have Sanderson's Complaint dismissed in its entirety.

[¶11] The Defendant is requesting the Court award reasonable attorney's fees and costs incurred in defending against the action pursuant to N.D.C.C. § 28-26-01(2) and § 28-26-31. N.D.C.C. § 28-26-01(2) states:

Attorney's fees by agreement - Exceptions - Awarding of costs and attorney's fees to prevailing party.

In civil actions the court shall, upon a finding that a claim for relief was frivolous, award reasonable actual and statutory costs, including reasonable attorney's fees to the prevailing party. Such costs must be awarded regardless of the good faith of the attorney or party making the claim for relief if there is such a complete absence of actual facts or law that a reasonable person could not have thought a court would render judgment in that person's favor, providing the prevailing party has in responsive pleading alleged the frivolous nature of the claim. This subsection does not require the award of costs or fees against an attorney or party advancing a claim unwarranted under existing law, if it is supported by a good-faith argument for an extension, modification, or reversal of the existing law.

Further, N.D.C.C. § 28-26-31 states:

Pleadings not made in good faith.

Allegations and denials in any pleadings in court, made without reasonable cause and not in good faith, and found to be untrue, subject the party pleading them to the payment of all expenses, actually incurred by the other party by reason of the untrue pleading, including a reasonable attorney's fee, to be summarily taxed by the court at the trial or upon dismissal of the action.

[¶12] "When a party requests attorney's fees under N.D.C.C. § 28-26-01(2), the court must first determine whether a claim is frivolous." Strand v. Cass Cty., 2008 ND 149, ¶ 11, 753 N.W.2d 872, 876. "Frivolous claims are those which have 'such a complete absence of actual facts or law

that a reasonable person could not have expected that a court would render judgment in [that person's] favor.” Strand v. Cass Cty., 2008 ND 149, ¶ 11, 753 N.W.2d 872, 876 (citing Deacon's Development, LLP, v. Lamb, 2006 ND 172, ¶ 12, 719 N.W.2d 379; Peterson v. Zerr, 477 N.W.2d 230, 236 (N.D.1991) and N.D.C.C. § 28-26-01(2)). “Although the district court's award of attorney's fees and costs under N.D.C.C. § 28-26-31 is discretionary, the court's exercise of that discretion must be based on evidence that the pleadings were made without reasonable cause and not in good faith, and are found to be untrue.” Strand v. Cass Cty., 2008 ND 149, ¶ 14, 753 N.W.2d 872, 877.

[¶13] The Court finds Sanderson's Complaint is frivolous. There is no logical factual explanation or legal support for relief sought in the Complaint. Sanderson fails to state a legally cognizable claim for relief and Sanderson's action against Judge Agotness is barred under the clearly established doctrine of judicial immunity. A reasonable person in Sanderson's position could not have believed a court could render judgment in in his favor. Sanderson has attempted to sue the Judge in his case because it appears he is unhappy with the decisions she is making as judge in his case. The Court finds that Sanderson's pleadings were made without reasonable cause and not in good faith. An award of reasonable attorney's fees and costs against Sanderson is appropriate and justified. Judge Agotness, and by extension the Office of Attorney General of North Dakota who represents Judge Agotness, is entitled to payment of all expenses, actually incurred by reason of the untrue pleading, including a reasonable attorney's fee.

CONCLUSION

[¶14] Sanderson has failed to sufficiently state a claim for which he may be entitled to the relief sought. The Court finds with certainty it is impossible for Sanderson to prove a claim upon which relief can be granted.

[¶15] Sanderson's Complaint is frivolous, was brought without reasonable cause, and it was not made in good faith.


[¶16] Based on the foregoing, the Court makes the following:

ORDER

[¶17] The Defendant's Motion to Dismiss is **GRANTED**.

[¶18] The Defendant's request for attorney's fees and costs is **GRANTED**. The Attorney General's office is directed to submit an affidavit and accounting of the fees and costs incurred in responding to this matter within fourteen (14) days of this Order. Sanderson, if he chooses, may respond regarding the specific requested amount within ten (10) days of being served with the affidavit. No hearing will be scheduled, and the Court will draft a supplemental order awarding fees as the Court finds them to be reasonably incurred.

Dated this 14 day of December, 2023.



Jay D. Knudson
Judge of the District Court

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WALSH

NORTHEAST JUDICIAL DISTRICT

Mitchell S. Sanderson,

Plaintiff,

JUDGMENT

vs.

Judge Kari Agotness,

Civil No. 50-2023-CV-00287

Defendant.

- [¶1] The Court, having ordered judgment entered in this action,
- [¶2] IT IS HEREBY ORDERED AND ADJUDGED that the Motion to Dismiss of Judge Kari Agotness is **GRANTED** and the above-entitled action is **DISMISSED**.
- [¶4] IT IS FURTHER ORDERED AND ADJUDGED THAT Judge Kari Agotness' motion for attorney fees and costs is **GRANTED**. Sanderson shall pay the amount of \$3,213.80 to the Office of Attorney General within sixty (60) days of January 19, 2024.
- [¶5] Witness, the Honorable Jay Knudson, District Judge, and my hand and the seal of this Court.

1/30/2024 11:19:12 AM

Mitchell Sanderson, Deputy
Clerk of District Court

IN DISTRICT COURT, COUNTY OF WALSH, NORTH DAKOTA

Mitchell S. Sanderson,)	
)	
Plaintiff,	)	SUPPLEMENTAL ORDER FOR
	)	ATTORNEY'S FEES
vs.)	
)	
Judge Kari Agotness,	)	Case No. <u>50-2023-CV-00287</u>
)	
Defendant.)	

[¶ 1] Defendant filed a Motion to Dismiss ["Motion"] on November 9, 2023. Plaintiff did not file a response to the Motion. An Order Granting Motion to Dismiss and Request for Fees and Costs was entered on December 15, 2023. (R11). The Court found Plaintiff's Complaint to be frivolous, was brought without reasonable cause, and was not made in good faith. Therefore, the Court found Defendant's request for attorney's fees was justified. The Court requested the Office of Attorney General of North Dakota to submit an affidavit and accounting of fees and costs incurred for time spent responding to this action. The Court allowed Plaintiff time to respond to the affidavit submitted by the Office of Attorney General.

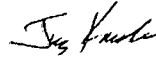
[¶ 2] On December 28, 2023, Assistant Attorney General Andrew Moraghan, the attorney representing Defendant, Judge Kari Agotness, filed an Affidavit and itemization for fees incurred in the amount of \$3,213.80. (R13-14). Plaintiff did not file any response or objection. The Court has reviewed the information provided by Attorney Moraghan and finds the requested amount of attorney's fees is reasonable.

ORDER

[¶ 3] For the above reasons, Plaintiff, Mitchell S. Sanderson, shall pay to the Office of Attorney General of North Dakota, as attorney for Defendant, Judge Kari Agotness, the amount of \$3,213.80

for attorney's fees and costs. Payment is to be made within sixty (60) days of this Order. Counsel for the Office of Attorney General of North Dakota shall file a proposed Judgment of Dismissal consistent with the Court's Orders in this matter.

Dated this 19th day of January, 2024.



Jay Knudson
Judge of District Court

IN DISTRICT COURT, COUNTY OF WALSH, NORTH DAKOTA

Mitchell S. Sanderson,)	
)	
Plaintiff,	)	ORDER DENYING MOTION
	)	FOR RELIEF FROM JUDGMENT
vs.)	
)	
Judge Kari Agotness,	)	Case No. <u>50-2023-CV-00287</u>
)	
Defendant.)	

Background

¶1 Plaintiff, Mitchell S. Sanderson ["Sanderson"] initiated this suit against Defendant, Judge Kari Agotness ["Judge Agotness"]. The Office of Attorney General of North Dakota ["Attorney General"] represented Judge Agotness pursuant to N.D.C.C. § 54-12-01.3. The Court and Sanderson were given adequate notice of the Attorney General's appearance by the filing of the Motion to Dismiss. Further, a Notification of Assignment and Case Number was served upon the parties by the Court on November 9, 2023 which identified the parties, as well as Defendant's counsel, the case number, and the Judge initially assigned to this matter. (R7).

¶2 Judge Agotness did not file an Answer, but rather moved to dismiss the Complaint and sought attorney's fees as permitted by N.D.R.Civ.P. 12(a). Sanderson did not respond. The Court dismissed the Complaint and found the action to be frivolous. The Court requested an accounting of fees from counsel for Judge Agotness, and allowed time for Sanderson to respond. Sanderson did not respond. Judgment of dismissal was entered and attorney fees were awarded.

[¶3] Sanderson subsequently moved for Relief from Judgment under N.D.R.Civ.P. 60(b). Sanderson's motion does not specifically identify which section of N.D.R.Civ.P. 60(b) he is alleging applies. However, the Court must assume from the filings that Sanderson's request for relief is brought pursuant to N.D.R.Civ.P. 60(b)(1). Even if Sanderson was intending to bring his

motion pursuant to a different subsection, the Court has reviewed the other subsections of N.D.R.Civ.P. 60(b) and no other section would provide grounds for the relief sought.

[¶4] Before the Court could rule on the motion for Relief from Judgment, Sanderson filed a Notice of Appeal. Because of the Notice of Appeal, this Court lost jurisdiction to rule on the motion requesting relief from judgment. Subsequently, the North Dakota Supreme Court remanded the case back to this Court “for the limited purpose of consideration and disposition of the motion for relief from judgment.” (R50). For reasons set forth below, the motion for Relief from Judgment is denied.

Law

[¶5] “On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for . . . (1) mistake, inadvertence, surprise, or excusable neglect”. N.D.R.Civ.P. 60(b)(1). “The party moving for relief has the burden of establishing sufficient grounds for disturbing the finality of the decree.” *Grinaker v. Grinaker*, 553 N.W.2d 204, 207 (N.D. 1996). Case law described this burden as “heavy.” *DCI Credit Servs., Inc. v. Plemper*, 2021 ND 215, ¶ 7, 966 N.W.2d 904, 907. “The moving party must also show more than that the lower court made a ‘poor’ decision, but that it positively abused the discretion it has in administering the rule.” *First Nat. Bank of Crosby v. Bjrogen*, 389 N.W.2d 789, 794 (N.D. 1986).

Discussion

[¶6] Sanderson must prove sufficient grounds exist to disturb the finality of the decree. The Court finds Sanderson does not meet his burden. Sanderson initiated this action. He sued Judge Agotness. When Judge Agotness filed a Motion to Dismiss, Sanderson did not respond or in any way oppose the Motion to Dismiss. The Court granted the Motion to Dismiss. When the Court further found the action to be frivolous and ordered attorney fees, it gave Sanderson time to

respond or object to the fees requested by counsel for Judge Agotness. Sanderson did not respond or in any way object to the fees requested. The Court finds still that the suit initiated by Sanderson was and is frivolous, and the Court continues to hold that an award of attorney's fees to the Attorney General's office is proper.

[¶7] The Motion for Relief from Judgment alleges no facts supporting a conclusion that the Court's order for judgment was the result of inadvertence, surprise, or excusable neglect. Sanderson's Motion for Relief from Judgment provides no explanation why he did not respond in a timely manner to Judge Agotness' Motion to Dismiss or why he did not object to the award of attorney fees when he was given opportunity to do so. On its face, Sanderson's Motion for Relief from Judgment seems to allege that the Judgment and the accompanying award of attorney fees were the result of mistake by this Court. Sanderson's Brief makes a few additional arguments not presented in his Complaint but these arguments could have and should have been presented in response to the Motion to Dismiss. Otherwise, Sanderson essentially restates his complaint in longer sentences. Sanderson provides no new information, law, or authority that would convince this Court that its judgment was the result of a mistake. A motion under Rule 60 does not give a party the chance to bring forth new arguments. A motion under Rule 60 does not give a party another bite at the apple. To allow such would undermine the finality of judgments. Even if the Court were to consider the additional arguments presented by Sanderson, his arguments are unpersuasive and Sanderson does not convince this Court that it made a mistake in its prior order.

[¶8] Sanderson's Brief on Motion for Relief from Judgment addresses the award of attorney's fees in ¶¶ 65-68. (R28). Sanderson suggests that because the Attorney General's office filed the Complaint pursuant to N.D.R.Civ.P. 5(d)(2)(iv), that means that Sanderson did not "initiate" the action. In North Dakota, "a civil action is commenced by the service of a summons" pursuant to

N.D.R.Civ.P. 3. Sanderson served his Summons and Complaint on Judge Agotness. Whichever party filed the case with the Court is of no consequence. Judge Agotness was entitled to file the case and then ask the Court for an Order dismissing the Complaint. She did exactly that. The Court then found, and continues to find, that Sanderson's Complaint was and is wholly deficient and the award of attorney's fees was appropriate.


[¶9] As an unwelcome new entanglement to this matter, the Court is aware of a recently filed letter from the Attorney General's office indicating that a clerical error was made in its fee calculation. The Attorney General's office has indicated in its letter that the attorney fees it calculated and requested were incorrect. The letter notes that the amount of fees requested and subsequently awarded should have been less. The matter must be addressed, and if the fees calculated were incorrect, they should be corrected. Presumably, this will result in an award of lesser attorney fees, which would be favorable to Sanderson. However, the North Dakota Supreme Court remanded this case back to the District Court specifically "for the limited purpose of consideration and disposition of the motion for relief from judgment." Also, there is at this time no motion filed by Judge Agotness to correct the mistake in its requested attorney fees. Therefore at this time the Court has no ability to not take any action based on the Attorney General's letter. Should the Supreme Court affirm the District Court's award of attorney fees, then the Court would expect a motion from Judge Agotness through her counsel to correct the clerical error in the calculation of reasonable attorney fees awarded.

[¶10] While the Court is denying Sanderson's Motion for Relief from Judgment, the Court does not find the motion to be frivolous. The Defendant's request for additional attorney's fees and costs is denied.

ORDER

[¶11] Plaintiff's Motion for Relief from Judgment is **DENIED**. Defendant's request for attorney's fees and costs is **DENIED**.

Dated this 14 day of May, 2024.



Jay D. Knudson
Judge of the District Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2024 ND 232

Mitchell S. Sanderson,

Plaintiff and Appellant

v.

Judge Kari Agotness,

Defendant and Appellee

No. 20240054

Appeal from the District Court of Walsh County, Northeast Judicial District, the
Honorable Jay D. Knudson, Judge.

AFFIRMED AS MODIFIED.

Opinion of the Court by Crothers, Justice.

Mitchell S. Sanderson, Park River, ND, self-represented, plaintiff and appellant;
on brief.

Andrew Moraghan, Assistant Attorney General, Bismarck, ND, for defendant
and appellee; on brief.

Sanderson v. Agotness
No. 20240054

Crothers, Justice.

[¶1] Mitchell S. Sanderson appeals from the district court's judgment dismissing his civil case against Judge Kari Agotness, awarding her attorney's fees, and denying his N.D.R.Civ.P. 60(b) motion for relief of judgment. We modify the amount of attorney's fees awarded and affirm the judgment as modified.

I

[¶2] On October 30, 2023, Sanderson commenced this action against Agotness, seeking \$200 million in damages and demanding that Agotness be investigated for alleged criminal conduct. Sanderson served his summons and complaint on Agotness and the Office of Attorney General. Agotness filed the summons and complaint under N.D.R.Civ.P. 5(d)(2)(A)(iv), filed a N.D.R.Civ.P. 12(b)(6) motion to dismiss and requested attorney's fees. Sanderson did not respond to the motion to dismiss or the request for attorney's fees. The district court granted Agotness's motion to dismiss, found Sanderson's claims were frivolous, and awarded attorney's fees to Agotness. After judgment was entered, Sanderson filed a motion for relief of judgment under N.D.R.Civ.P. 60(b) with the district court. Before receiving a ruling on the motion, Sanderson filed a notice of appeal. We temporarily remanded the case for the district court to consider the Rule 60(b) motion, which later was denied. Sanderson timely appealed from that order.

[¶3] Sanderson lists 11 issues on appeal. We limit our consideration to Sanderson's challenge to Agotness's judicial immunity defense, which is dispositive, the motion for relief from judgment, and the award of attorney's fees.

II

[¶4] Sanderson claims the district court erred in dismissing his claims based on Agotness's judicial immunity because Agotness lacked personal jurisdiction to adjudicate issues in the underlying action.

[¶5] Dismissals under N.D.R.Civ.P. 12(b)(6) are reviewed de novo and will be affirmed if this Court is unable to "discern a potential for proof to support [the complaint]." *Krile v. Lawyer*, 2022 ND 28, ¶ 16, 970 N.W.2d 150 (quoting *Nelson v. McAlester Fuel Co.*, 2017 ND 49, 891 N.W.2d 126). Here, the three-page complaint consisted of a jurisdictional statement listing the parties, 11 conclusory claims without factual context or support, a demand for \$200 million in damages, and requested a criminal investigation of Agotness. Sanderson also claimed Agotness had the burden of disproving his claims.

[¶6] Under N.D.R.Civ.P. 12(b)(6), a complaint should not be dismissed for failure to state a claim "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Bismarck Fin. Grp. LLC v. Caldwell*, 2020 ND 207, ¶ 5, 950 N.W.2d 155 (quoting *Johnson & Maxwell, Ltd. v. Lind*, 288 N.W.2d 763, 765 (N.D. 1980)). Section 8(a)(1), N.D.R.Civ.P., requires that a claim for relief contain "a short and plain statement of the claim showing that the pleader is entitled to relief[.]" A claim fails if the defendant "is unable to frame an appropriate responsive pleading." *Gowin v. Hazen Mem'l Hosp. Ass'n*, 311 N.W.2d 554, 556 (N.D. 1981).

[¶7] North Dakota law protects judges from civil claims arising out of the performance of their judicial duties. Section 32-12.2-02(3)(d), N.D.C.C., provides: "[n]either the state nor a state employee may be held liable . . . for . . . a claim resulting from a decision to undertake or a refusal to undertake any judicial . . . act." "Judicial immunity is a long-standing common law doctrine that protects judges from civil liability for their judicial decisions[.]" *Riemers v. State*, 2007 ND APP 2, ¶ 5, 732 N.W.2d 398. Judges lose immunity if acting "in clear absence of jurisdiction." *Id.* (citing *Brokaw v. Mercer Cnty.*, 235 F.3d 1000, 1015 (7th Cir. 2000)). Sanderson claims Agotness had no authority to act in the underlying case because the district court did not have personal jurisdiction over the defendant.

He argues the court lacked jurisdiction because he improperly served the defendant by mailing the summons and complaint in the underlying case. Because service was defective, he claims Agotness was required to dismiss the case rather than rule on any issues.

[¶8] We explicitly rejected Sanderson’s claim the district court was without jurisdiction in his action against Myrdal. *Sanderson v. Myrdal*, 2024 ND 202, ¶ 8, __ N.W.3d __ (“We are aware of no authority for the proposition that a plaintiff may challenge the court’s jurisdiction over a defendant who admits personal jurisdiction on the basis of defects in the plaintiff’s service of process on the defendant. Sanderson’s jurisdiction argument is without merit.”). Our holding in the *Myrdal* case is not subject to collateral attack in this proceeding. *Riverwood Commercial Park, L.L.C. v. Standard Oil Co., Inc.*, 2007 ND 36, ¶ 13, 729 N.W.2d 101 (“The doctrines of res judicata and collateral estoppel bar courts from relitigating claims and issues in order to promote the finality of judgments, which increases certainty, avoids multiple litigation, wasteful delay and expense, and ultimately conserves judicial resources.”) (cleaned up). Because the district court had jurisdiction, Agotness was acting within her capacity as a judge when she resolved the issues in the *Myrdal* case. Therefore, judicial immunity applies.

[¶9] “Judicial immunity is defined by the governmental functions it protects, not the motives of the officers performing those functions.” *Riemers*, 2007 ND APP. 2, ¶ 8 (citing 46 Am. Jur. 2d *Judges* § 64 (2007)). “Judges have absolute immunity because of the special nature of their responsibilities[.]” *Loran v. Iszler*, 373 N.W.2d 870, 875 (N.D. 1985). “Even if the judges disregard clear case or statutory law, their actions were judicial acts, and judicial immunity bars [] claims for money damages.” *Riemers*, at ¶ 8. Judicial acts are decisions regarding “what the law is, and what the rights of the parties are, with reference to the transactions already had[.]” *State ex rel. Mason v. Baker*, 288 N.W. 202, 204 (N.D. 1939). Here, all of the acts alleged by Sanderson exclusively stem from Agotness’s decisions while presiding over a case in which Sanderson was the plaintiff (No. 50-2023-CV-00129). “A district judge acting within his jurisdiction is not subject to a damage action.” *Loran*, 373 N.W.2d at 874 (citing *Root v. Rose*, 6 N.D. 575, 72 N.W. 1022 (1897)). Agotness has complete immunity from claims

relating to judicial decisions she made while presiding over the underlying case. As a result, the district court here did not err by dismissing Sanderson's case.

III

[¶10] Sanderson claims the district court erred in awarding Agotness's attorney's fees she incurred in defending against this action.

[¶11] This Court reviews an award of attorney's fees under the abuse of discretion standard. *Gratech Co., Ltd. v. Wold Eng'g, P.C.*, 2007 ND 46, ¶ 18, 729 N.W.2d 326. "A district court abuses its discretion if it acts in an arbitrary, unconscionable, or unreasonable manner, or if it misinterprets or misapplies the law." *Id.* (internal citations omitted).

[¶12] Sanderson argues the district court erred in finding his claims were frivolous and awarding attorney's fees. "A claim is frivolous when there is such a complete absence of actual facts or law that a reasonable person could not have expected that a court would render judgment in his favor." *Dietz v. Kautzman*, 2004 ND 119, ¶ 14, 681 N.W.2d 437 (citing *Peterson v. Zerr*, 477 N.W.2d 230, 236 (N.D. 1991)). "Judicial immunity . . . [is a] well-established and long-standing legal doctrine[]." *Riemers*, 2007 ND APP 2, ¶ 13. Because Sanderson did not request any form of relief not barred by judicial immunity, his claims are without merit.

[¶13] Sanderson also argues the district court erred in awarding attorney's fees because Agotness filed the summons and complaint with the court, not him. Attorney's fees in a frivolous action are not awarded based on who was first to file but on the prevailing party who was sued on a meritless claim. N.D.C.C. § 28-26-01(2). Section 28-26-01(2), N.D.C.C., states:

"In civil actions the court *shall*, upon a finding that a claim for relief was frivolous, award reasonable actual and statutory costs, including reasonable attorney's fees to the prevailing party. Such costs *must* be awarded regardless of the good faith of the attorney or party making the claim for relief if there is such a complete absence of actual facts or law that a reasonable person could not have thought a court would render judgment in that person's favor[.]"

(Emphasis added.) Sanderson did not provide a legal or factual response to the judicial immunity defense that would permit his claims to proceed. Because of this, the court did not abuse its discretion in finding the claims were frivolous and awarding attorney's fees to Agotness.

[¶14] While the district court did not abuse its discretion in awarding attorney's fees to Agotness, the amount awarded is incorrect. Counsel for Agotness filed a letter with the court asking to amend the attorney's fees award from \$3,213.80 to \$2,787.45 due to a computational error. Because the case was on appeal when the error was discovered, the district court is unable to correct it. *See* N.D.R.Civ.P. 60(a) (correction based on clerical mistake; oversights and omissions). Sanderson did not object to the request to reduce the attorney's fees award. We reduce Agotness's attorney's fee recovery to \$2,787.45, and affirm the award as modified.

IV

[¶15] Sanderson argues the district court erred in denying his "[m]otion for [r]elief from judgment."

[¶16] In February 2024, Sanderson filed a N.D.R.Civ.P. 60(b) motion for relief of judgment from the district court's order finding the claim was frivolous and granting attorney's fees. The motion was denied. Sanderson's argument on appeal is "Judge Knutson should have granted the Motion for Relief from Judgment! All legal arguments in this Motion are true and accurate demanding relief!"

[¶17] "Generally, issues not adequately briefed or argued on appeal will not be considered." *First State Bank v. Moen Enters.*, 529 N.W.2d 887, 893 (N.D. 1995). Sanderson did not include reference to N.D.R.Civ.P. 60(b) or other supporting law in his table of contents or the argument portion of his brief. "We 'will not consider an argument that is not adequately articulated, supported, and briefed,' or 'engage in unassisted searches of the record for evidence to support a litigant's position.'" *Hoever v. Wilder*, 2024 ND 58, ¶ 5, 5 N.W.3d 544 (quoting *State v. Noack*, 2007 ND 82, ¶ 8, 732 N.W.2d 389). Because Sanderson failed to adequately brief his N.D.R.Civ.P. 60(b) claim, we decline to further consider the issue.

V

[¶18] It is unnecessary to address other issues raised on appeal because they are either without merit or unnecessary to the decision. We affirm the dismissal of this matter based on judicial immunity. We modify the amount of attorney's fees awarded, and affirm the judgment as modified.

[¶19] Jon J. Jensen, C.J.
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte
Douglas A. Bahr

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

JUDGMENT

**Supreme Court No. 20240054
Walsh County No. 50-2023-CV-00287**

Mitchell S. Sanderson,

Plaintiff and Appellant

v.

Judge Kari Agotness,

Defendant and Appellee

[¶1] This appeal was considered by the Court at the October Term of Court and an opinion was filed. The Court considered the matter, and

[¶2] IT IS ORDERED AND ADJUDGED that the judgment of the district court is AFFIRMED AS MODIFIED.

[¶3] IT IS FURTHER ORDERED AND ADJUDGED that neither party have and recover costs and disbursements in this appeal.

[¶4] This judgment will be final upon disposition of a petition for rehearing, if any is filed, or when the time for filing such petition has expired and the mandate of this Court issued.

[¶5] This judgment, together with the opinion of the Court, constitutes the mandate of the Supreme Court on the date it is issued to the district court under N.D.R.App.P. 41.

[¶6] Dated: 12/19/2024

**Jon J. Jensen
Chief Justice**

**Attest:
Petra H. Mandigo Hulm
Clerk**

REGISTER OF ACTIONS**CASE NO. 50-2023-CV-00129****Mitchell S Sanderson vs. Janne Myrdal**§
§
§
§
§
§
§Case Type: **Other Civil**Date Filed: **05/19/2023**Location: **-- Walsh County**Judicial Officer: **Agotness, Kari**Supreme Court Docket Number: **20230395****PARTY INFORMATION****Defendant Myrdal, Janne a.k.a. MYRDAL, JANNE NMN**
EDINBURG, ND 58227Female
DOB: 1962**Attorneys**
Howard D. Swanson
Retained
701-772-3407 x0000(W)**Intervenor Attorney General**
Bismarck, ND 58505**Courtney R. Titus**
Retained
701-328-3640(W)**Plaintiff Sanderson, Mitchell S**
Park River, ND 58270Male
DOB: 1965**EVENTS & ORDERS OF THE COURT****DISPOSITIONS**

01/30/2024 **Dismissed** (Judicial Officer: Agotness, Kari)

01/31/2024 **Money Judgment Entered** (Judicial Officer: Agotness, Kari)

Monetary Award Judgment

Status: \$4,975.00

Creditor: Janne Myrdal; AKA JANNE NMN MYRDAL

Debtor: Mitchell S Sanderson (Active)

Entered: 01/31/2024

Docketed: 01/31/2024, 1:46 PM

Damages: \$4,975.00

Interest Rate: 11.50%

OTHER EVENTS AND HEARINGS

05/19/2023 **Complaint Index # 1**

05/19/2023 **Summons Index # 2**

05/19/2023 **Service Document Index # 3**
Affidavit of Service by Mail

05/19/2023 **Service Document Index # 4**
Return Receipt for Certified Mail

05/19/2023 **Service Document Index # 5**
serving Walsh County Clerk of Court

05/19/2023 **Notice of Assignment and Case Number Index # 6**
Emailed to Plaintiff on this date

05/24/2023 **Request Index # 7**
for Recusal by Judge Barbara Whelan

05/26/2023 **Notice Index # 8**
of Filing and Case Number

05/26/2023 **Service Document Index # 9**
Affidavit of Service by Mail-Janne Myrdal and Clerk of Court Walsh County

06/05/2023 **Response Index # 10**

06/06/2023 **Recusal Index # 11**

06/07/2023 **Order Index # 12**
Assigning Case

06/07/2023 **Letter Index # 13**
Notification of Case Number of Assignment

06/07/2023 **Service Document** Index # 14
 06/08/2023 **Brief** Index # 15
in Support of Complaint
 06/08/2023 **Affidavit** Index # 16
in Support of Complaint
 06/08/2023 **Exhibit** Index # 17
A - F Defendant Facebook Page. (Not Received)
 06/08/2023 **Service Document** Index # 18
Affidavit of Service by Mail
 06/12/2023 **Answer** Index # 19
Answer of Defendant
 06/12/2023 **Service Document** Index # 20
Affidavit of Service by Mail (Mitchell S Sanderson)
 06/13/2023 **Request** Index # 21
for Recusal of Judge Kari Agotness
 06/20/2023 **Notice** Index # 22
of 3.2 Motion for Default Summary Judgment
 06/20/2023 **Motion** Index # 23
3.2 Motion for Default/Summary Judgment
 06/20/2023 **Brief** Index # 24
in Support of Motion for Default/Summary Judgment
 06/20/2023 **Affidavit** Index # 25
in Support of Motion for Default Judgment
 06/20/2023 **Service of Motion** Index # 26
Affidavit of Service by Email-Clerk of Court Walsh County(Not Served by Certified Mail), Steven C. Ekman
 06/20/2023 **Proposed Judgment** Index # 27
Judgment
 06/28/2023 **Brief** Index # 28
Brief in Response to Motion for Default Judgment
 06/28/2023 **Affidavit** Index # 29
Affidavit of Janne Myrdal
 06/28/2023 **Exhibit** Index # 30
Exhibit 1
 06/28/2023 **Exhibit** Index # 31
Exhibit 2
 06/28/2023 **Exhibit** Index # 32
Exhibit 3
 06/28/2023 **Service Document** Index # 33
Affidavit of Service by Mail (Mitchell Sanderson)
 06/30/2023 **Answer** Index # 34
to Counterclaim
 06/30/2023 **Service Document** Index # 35
Affidavit of Service by Mail-Serving Clerk of Court Walsh County and Steven C. Ekman
 06/30/2023 **Proposed Judgment** Index # 36
Judgment
 07/10/2023 **Order** Index # 37
Order Denying Request to Recuse
 07/10/2023 **Service Document** Index # 38
Certificate of Service serving Nicholas B. Hall and Mitchell S. Sanderson
 07/10/2023 **Order** Index # 39
Order Denying Motion for Default Judgment
 07/10/2023 **Service Document** Index # 40
Certificate of Service
 07/11/2023 **Response** Index # 41
Reply Brief to Defendant's Response on Default Judgment
 07/11/2023 **Affidavit** Index # 42
in Support of Complaint
 07/11/2023 **Service Document** Index # 43
Affidavit of Service by Mail-Serving Clerk of Court and Steven C. Ekman
 07/18/2023 **Brief** Index # 44
Supplemental Brief
 07/18/2023 **Affidavit** Index # 45
of Supplemental Brief
 07/18/2023 **Exhibit** Index # 46
E & F
 07/18/2023 **Exhibit** Index # 47
G & H
 07/18/2023 **Exhibit** Index # 48
I & J

07/18/2023	Exhibit	Index # 49
	<i>K & L</i>	
07/18/2023	Exhibit	Index # 50
	<i>M & N</i>	
07/18/2023	Exhibit	Index # 51
	<i>O & P</i>	
07/18/2023	Exhibit	Index # 52
	<i>Q & R</i>	
07/18/2023	Service Document	Index # 53
	<i>Certificate of Service serving Steven C. Ekman and Clerk of Court Walsh County</i>	
07/21/2023	Notice	Index # 54
	<i>State of North Dakota's Notice of Motion to Intervene</i>	
07/21/2023	Motion	Index # 55
	<i>State of North Dakota's Motion to Intervene</i>	
07/21/2023	Brief	Index # 56
	<i>State of North Dakota's Brief in Support of Motion to Intervene</i>	
07/21/2023	Exhibit	Index # 57
	<i>Exhibit 1 - Answer by State of North Dakota</i>	
07/21/2023	Service of Motion	Index # 58
	<i>Certificate of Service - Hall and Sanderson</i>	
07/26/2023	Substitution of Attorneys	Index # 59
	<i>Substitution of Counsel</i>	
07/26/2023	Consent	Index # 60
	<i>Consent to Substitution of Counsel</i>	
07/26/2023	Notice	Index # 61
	<i>Notice of Substitution of Counsel</i>	
07/26/2023	Service Document	Index # 62
	<i>Declaration of Service (serving Nicholas Hall, Courtney Titus & Mitchell Sanderson)</i>	
07/26/2023	Interrogatories	Index # 63
	<i>Discovery/Interrogatories with Admissions and Production</i>	
07/26/2023	Service Document	Index # 64
	<i>Certificate of Service of Discovery-Steven C. Ekman, Drew H. Wrigley, Clerk of Court Walsh County</i>	
08/02/2023	Answer	Index # 65
	<i>to Counterclaim from State</i>	
08/02/2023	Brief	Index # 66
	<i>in Opposition to State Intervention</i>	
08/02/2023	Affidavit	Index # 67
	<i>in Opositino to State Intervening</i>	
08/02/2023	Service Document	Index # 68
	<i>Service of Oposition of State to Intervene and Reply to States Answer-Served on Howard Swanson, Drew H. Wrigley/Courtney R. Titus and Clerk of Court of Walsh County</i>	
08/02/2023	Motion	Index # 69
	<i>to Rule on Evidence Tampering and Spoilage</i>	
08/02/2023	Brief	Index # 70
	<i>of Evidence Tampering</i>	
08/02/2023	Affidavit	Index # 71
	<i>in Support of Motion on Evidence Tampering</i>	
08/02/2023	Exhibit	Index # 72
	<i>Exhibit #S Facebook Page.</i>	
08/02/2023	Service Document	Index # 73
	<i>of Evidence Tampering Motion-Serving Howard Swanson; Drew H. Wrigley/Courtney R. Titus & Clerk of Court Walsh County</i>	
08/02/2023	Notice	Index # 74
	<i>of Motion to Rule on Evidence Tampering and Spoilage</i>	
08/02/2023	Notice	Index # 75
	<i>of Motion to Rule on Forgery</i>	
08/02/2023	Motion	Index # 76
	<i>to Rule on Forgery</i>	
08/02/2023	Brief	Index # 77
	<i>on Forgery</i>	
08/02/2023	Affidavit	Index # 78
	<i>in Support of Motion on Forgery</i>	
08/02/2023	Exhibit	Index # 79
	<i>Exhibit # T Answer of Defendant.</i>	
08/02/2023	Exhibit	Index # 80
	<i>Exhibit # U Certified Return Receipt Card.</i>	
08/02/2023	Exhibit	Index # 81
	<i>Exhibit # V Affidavit of Janne Myrdal. (Received)</i>	
08/02/2023	Service Document	Index # 82
	<i>of Forgery Motion-Serving Howard Swanson, Drew H Wrigley/Courtney R. Titus and Clerk of Court Walsh County</i>	

08/08/2023 **Brief Index # 83**
State of North Dakota's Reply Brief in Support of Motion to Intervene

08/08/2023 **Service Document Index # 84**
Certificate of Service - Swanson, Sanderson

08/09/2023 **Notice Index # 85**
Notice of No Objection to the State of North Dakota's Motion to Intervene

08/09/2023 **Service Document Index # 86**
Declaration of Service (serving Courtney R. Titus & Mitchell S. Sanderson)

08/15/2023 **Brief Index # 87**
Defendant's Brief in Opposition to Plaintiff's Motion to Rule on Evidence Tampering and Spoilage

08/15/2023 **Brief Index # 88**
Defendant's Return and Brief in Opposition to Plaintiff's Motion to Rule on Forgery

08/15/2023 **Service Document Index # 89**
Declaration of Service (serving Courtney R. Titus & Mitchell S. Sanderson)

08/15/2023 **Notice Index # 90**
of Motion to Rule on First and Fourteenth Amendment Violations

08/15/2023 **Motion Index # 91**
To Rule on First and Fourteenth Amendment Violations

08/15/2023 **Brief Index # 92**
On First and Fourteenth Amendment Violations

08/15/2023 **Affidavit Index # 93**
in Support of Motion to Rule on First and Fourteenth Amendment Violations

08/15/2023 **Service Document Index # 94**
Service of First and Fourteenth Amendment Violations-Howard Swanson & Drew Wrigley/Courtney Titus

08/18/2023 **Order Index # 95**
Order Granting State of North Dakota's Motion to Intervene

08/18/2023 **Service Document Index # 96**
Certificate of Service upon Howard D. Swanson, Courtney R. Titus and Mitchell S. Sanderson

08/21/2023 **Notice Index # 97**
Notice of Appearance

08/21/2023 **Answer Index # 98**
Answer by State of North Dakota

08/21/2023 **Service Document Index # 99**
Certificate of Service - Swanson, Sanderson

08/29/2023 **Motion Index # 100**
to Rule on Qualified Immunity

08/29/2023 **Notice Index # 101**
of Motion to Rule on Qualified Immunity

08/29/2023 **Brief Index # 102**
on Qualified Immunity

08/29/2023 **Affidavit Index # 103**
on Qualified Immunity

08/29/2023 **Service Document Index # 104**
Service of Motion on Qualified Immunity, Reply to Defendant's Brief on Forgery and Evidence Tampering

08/29/2023 **Response Index # 105**
to Defendant's Brief on Forgery

08/29/2023 **Response Index # 106**
Reply to Defendant's Brief on Evidence Tampering

08/30/2023 **Order Index # 107**
Order Denying Hearing on Motion to Rule on Evidence Tampering and Spoilage and Order Denying Hearing on Motion to rule on Forgery

08/30/2023 **Service Document Index # 108**
Certificate of Service upon Mitchell S. Sanderson, Howard D. Swanson, and Courtney R. Titus

09/01/2023 **Notice of Hearing Index # 109**
Notice of Remote Hearing

09/01/2023 **Service Document Index # 110**
Certificate of Service - Swanson

09/08/2023 **Response Index # 111**
Reply and Counter Answer to State's Answer

09/08/2023 **Exhibit Index # 112**
Exhibit # T Return Receipt.

09/08/2023 **Service Document Index # 113**
Service of Reply and Counter to State's Answer-Howard Swanson, Drew H. Weigley/Courtney R. Titus

09/11/2023 **Motion Index # 114**
to Rule on Obstruction

09/11/2023 **Notice Index # 115**
of Motion to Rule on Obstruction

09/11/2023 **Brief Index # 116**
on Obstruction

09/11/2023 **Affidavit Index # 117**
on Obstruction

09/11/2023 **Exhibit Index # 118**
Exhibit # U & V Facebook Posts.

09/11/2023 **Exhibit Index # 119**
Exhibit # X & Y Facebook Posts.

09/11/2023 **Service Document Index # 120**
Service of Motion on Obstruction on Howard Swanson, Drwe H. Wrigley/Courtney R. Titus & Clerk of Court Walsh County

09/12/2023 **Scheduling Conference (3:00 PM) (Judicial Officer Agotness, Kari)**
 Result: Hearing Ended

09/13/2023 **Brief Index # 121**
Defendant's Brief in Opposition to Plaintiff's Motion to Rule on First and Fourteenth Amendment Violations and Plaintiff's Motion to Rule on Qualified Immunity

09/13/2023 **Service Document Index # 122**
Declaration of Service (serving Courtney R. Titus & Mitchell S. Sanderson)

09/13/2023 **Brief Index # 123**
State of North Dakota Response Brief in Opposition to Plaintiff's Motion to Rule on First and Fourteenth Amendment Violations

09/13/2023 **Service Document Index # 124**
Certificate of Service (Swanson, Sanderson)

09/14/2023 **Service Document Index # 125**
Certificate of Service - Swanson, Sanderson

09/15/2023 **Order Index # 126**
Scheduling Order

09/15/2023 **Service Document Index # 127**
Certificate of Service upon Mitchell S. Sanderson, Howard D. Swanson, and Courtney R. Titus

09/19/2023 **Brief Index # 128**
Defendant's Brief in Opposition to Plaintiff's Motion to Rule on Obstruction

09/19/2023 **Service Document Index # 129**
Declaration of Service (serving Courtney R. Titus & Mitchell S. Sanderson)

09/19/2023 **Brief Index # 130**
State of North Dakota's Response Brief to Plaintiff's Motion to Rule on Obstruction

09/19/2023 **Service Document Index # 131**
Certificate of Service - Swanson, Sanderson

09/27/2023 **Response Index # 132**
State of North Dakota Response Brief in Opposition to Plaintiff's Motion to Rule on Qualified Immunity

09/27/2023 **Service Document Index # 133**
Certificate of Service - Swanson, Mitchell

09/29/2023 **Motion Index # 134**
to Rule on Public Forum and Color of Law

09/29/2023 **Notice Index # 135**
of Motion to Rule on Public Forum and Color of Law

09/29/2023 **Brief Index # 136**
on Public Forum and Color of Law

09/29/2023 **Affidavit Index # 137**
on Public Forum and Color of Law

09/29/2023 **Exhibit Index # 138**
Exhibit # Z FaceBook Posts.

09/29/2023 **Service Document Index # 139**
Service of Motion on Public Forum and Color of Law

10/03/2023 **Order Index # 140**
Order Denying Hearing on Motion to Rule on First and Fourteenth Amendment Violations

10/03/2023 **Service Document Index # 141**
Certificate of Service upon Mitchell S. Sanderson, Howard D. Swanson, and Courtney R. Titus

10/06/2023 **Under Advisement (Judicial Officer: Agotness, Kari)**
Issue decision re: first set of motions

10/10/2023 **Response Index # 142**
Response/Reply to Defendant on First and Fourteenth Amendment Right Violations

10/10/2023 **Response Index # 143**
Response/Reply/Brief to State's Omnibus Motion

10/10/2023 **Response Index # 144**
Response/Reply to State on First and Fourteenth Amendment Right Violations

10/10/2023 **Response Index # 145**
Response/Reply to State on Obstruction Motion

10/10/2023 **Response Index # 146**
Response/Reply to Defendant's Response on Obstruction Motion

10/10/2023 **Response Index # 147**
Response/Reply to State's Response on Qualified Immunity

10/10/2023 **Service Document Index # 148**
Proof of Service Upon Howard Swanson and Drew H. Wrigley/Courtney R. Titus

10/11/2023	Notice Index # 149 <i>Rule 3.2 Notice of Motion for Summary Judgment</i>
10/11/2023	Motion Index # 150 <i>Motion for Summary Judgment</i>
10/11/2023	Brief Index # 151 <i>Defendant's Brief in Support of Motion for Summary Judgment and Defendant's Return in Opposition to Plaintiff's Motion to Rule on Public Forum and Color of Law</i>
10/11/2023	Declaration Index # 152 <i>Unsworn Declaration of Janne Myrdal</i>
10/11/2023	Service Document Index # 153 <i>Declaration of Service (serving Courtney R. Titus & Mitchell S. Sanderson)</i>
10/16/2023	Brief Index # 154 <i>State of North Dakota's Response Brief in Opposition to Plaintiff's Motion on Public Forum and Color of Law</i>
10/16/2023	Service Document Index # 155 <i>Certificate of Service - Swanson, Sanderson</i>
10/16/2023	Order Index # 156 <i>Order Denying Motion to Rule on Evidence Tampering and Spoilage & Awarding Attorney Fees</i>
10/16/2023	Service Document Index # 157 <i>Certificate of Service upon Mitchell S. Sanderson, Howard D. Swanson, and Courtney R. Titus</i>
10/16/2023	Order Index # 158 <i>Order Denying Motion to Rule on Forgery & Awarding Attorney Fees</i>
10/16/2023	Service Document Index # 159 <i>Certificate of Service upon Mitchell S. Sanderson, Howard D. Swanson, and Courtney R. Titus</i>
10/17/2023	Order Index # 160 <i>Order Denying Motion to Rule on Obstruction and Awarding Attorney Fees</i>
10/17/2023	Service Document Index # 161 <i>Certificate of Service upon Mitchell S. Sanderson, Howard D. Swanson, and Courtney R. Titus</i>
10/18/2023	Notice Index # 162 <i>State of North Dakota's Notice of Motion for Declaratory Judgment</i>
10/18/2023	Motion Index # 163 <i>State of North Dakota's Motion for Declaratory Judgment</i>
10/18/2023	Brief Index # 164 <i>State of North Dakota's Brief in Support of Motion for Declaratory Judgment</i>
10/18/2023	Service of Motion Index # 165 <i>Certificate of Service - Swanson, Sanderson</i>
10/23/2023	Declaration Index # 166 <i>Unsworn Declaration of Howard D. Swanson (Attorney Fees RE: Evidence Tampering and Spoilage Motion)</i>
10/23/2023	Declaration Index # 167 <i>Unsworn Declaration of Howard D. Swanson (Attorney Fees RE: Forgery Motion)</i>
10/23/2023	Declaration Index # 168 <i>Unsworn Declaration of Howard D. Swanson (Attorney Fees RE: Obstruction Motion)</i>
10/23/2023	Service Document Index # 169 <i>Declaration of Service (serving Courtney R. Titus & Mitchell S. Sanderson)</i>
10/24/2023	Brief Index # 170 <i>Plaintiff's Brief in Opposition to Defendant's Motion for Summary Judgment</i>
10/24/2023	Notice Index # 171 <i>of Reservation of the Disposition of the Above Styled Action</i>
10/24/2023	Service Document Index # 172 <i>Declaration of Service</i>
10/25/2023	Response Index # 173 <i>Plaintiff's Reply to Sate's Opposition Motion and Motion to Color of Law and Forum</i>
10/30/2023	Declaration Index # 174 <i>of Service-Clerk of Court; Howard Swanson; Drew Wrigley/Courtney Titus</i>
10/31/2023	Brief Index # 175 <i>Plaintiff's Brief in Response to State's Motion for Declaratory Judgment</i>
10/31/2023	Stipulation / Agreement Index # 176 <i>Stipulation to Dismiss Without PPrejudice</i>
10/31/2023	Proposed Order Index # 177 <i>Order Adopting Stipulation to Dismiss Without Prejudice</i>
10/31/2023	Service Document Index # 178 <i>Declaration of Service-Clerk of Court; Howard Swanson; Drew Wrigley/Courtney R. Titus</i>
11/01/2023	Brief Index # 179 <i>Reply Brief in Support of Defendant's Motion for Summary Judgment</i>
11/01/2023	Service Document Index # 180 <i>Declaration of Service (serving Courtney R. Titus & Mitchell S. Sanderson)</i>
11/03/2023	Notice Index # 181 <i>Notice of Non-Recusal</i>
11/03/2023	Service Document Index # 182 <i>Certificate of Service upon Mitchell S. Sanderson, Howard D. Swanson, and Courtney R. Titus</i>

11/07/2023 **Order Index # 183**
Order Denying Hearing on Motion to Rule on Public Forum and Color of Law

11/07/2023 **Service Document Index # 184**
Certificate of Service upon Mitchell S. Sanderson, Howard D. Swanson, and Courtney R. Titus

11/07/2023 **Brief Index # 185**
State of North Dakota's Reply Brief in Support of Motion for Declaratory Judgment

11/07/2023 **Service Document Index # 186**
COS - Swanson and Sanderson

12/14/2023 **Order Index # 187**
Order Regarding Attorneys Fees

12/14/2023 **Order Index # 188**
Order Granting Motion for Summary Judgment, Order Denying Motion to Rule on First and Fourteenth Amendment Violations, Order Denying Motion to Rule on Qualified Immunity, and Order Denying Motion to Rule on Public Forum and Color of Law

12/14/2023 **Order Index # 189**
Order Regarding Motion for Declaratory Judgment

12/14/2023 **Service Document Index # 190**
Certificate of Service upon Mitchell S. Sanderson, Howard D. Swanson, and Courtney R. Titus

12/19/2023 **Notice Index # 191**
Notice of Entry of Order Regarding Attorney's Fees

12/19/2023 **Service Document Index # 192**
Declaration of Service (serving Courtney R. Titus & Mitchell S. Sanderson)

12/27/2023 **Proposed Statement of Costs and Disbursements Index # 193**
Verified Statement of Costs and Disbursements and Taxation of Costs (proposed)

12/27/2023 **Service Document Index # 194**
Declaration of Service (serving Courtney R. Titus & Mitchell S. Sanderson)

12/29/2023 **Civil Filing Index # 195**
Verified Petition to Remove - venued in United States District Court

12/29/2023 **Exhibit Index # 196**
A Official Complaint

12/29/2023 **Civil Filing Index # 197**
Civil Cover Sheet

12/29/2023 **Service Document Index # 198**
Declaration of Service upon Clerk of Court Walsh County, Howard Swanson, Drew H. Wrigley/Courtney R. Titus and Office of the Clerk U.S. District Court

01/08/2024 **Order Index # 199**
Order of Dismissal with Mandate

01/29/2024 **Order Index # 200**
Remand to State Court from the US District Court

01/30/2024 **CANCELED Motion/Hearing (1:00 PM) (Judicial Officer Agotness, Kari)**
Court Order on Motion for Declaratory Judgment.

01/30/2024 **Proposed Judgment Index # 201**
Judgment of Dismissal with Prejudice (proposed)

01/30/2024 **Service Document Index # 202**
Declaration of Service (serving Courtney R. Titus & Mitchell S. Sanderson)

01/30/2024 **Judgment Index # 203**
Judgment of Dismissal with Prejudice

01/31/2024 **Statement of Costs and Disbursements Index # 204**

01/31/2024 **Affidavit Index # 205**
Affidavit of Identification and Non-Military Service of Judgment Debtor

01/31/2024 **Notice of Entry of Judgment Index # 206**
Notice of Entry of Judgment

01/31/2024 **Service Document Index # 207**
Declaration of Service (serving Courtney R. Titus & Mitchell S. Sanderson)

02/09/2024 **Notice Index # 208**
of Objection to Dismissal with Prejudice and Attorney Fees Vacate Judgment/Release from Order

02/09/2024 **Civil Filing Index # 209**
Objection to Dismissal with Prejudice and Attorney Fees Vacate Judgment/Release from Order

02/09/2024 **Brief Index # 210**
on Objection to Dismissal with Prejudice and Attorney Fees Vacate Judgment/Release from Order

02/09/2024 **Service Document Index # 211**
Declaration of Service-ND Attorney General's Office, Courtney Titus; Walsh County Clerk of Court; Howard Swanson

02/09/2024 **Proposed Judgment Index # 212**
Judgment Adopting Stipulation to Dismiss Without Prejudice

02/12/2024 **Response Index # 213**
Return in Opposition to Plaintiff's "Notice of Objection to Dismissal with Prejudice and Attorney Fees, Vacate Judgment/Release from Order."

02/12/2024 **Service Document Index # 214**
Declaration of Service (serving Courtney R. Titus & Mitchell S. Sanderson)

02/29/2024	Response	Index # 215	
	<i>Response to Defendant's Objection to Dismissal with Prejudice and Attorney Fees/Vacate Judgment/Release from Order</i>		
02/29/2024	Service Document	Index # 216	
	<i>Declaration of Service-ND Attorney General's Office, Courtney Titus; Walsh County Clerk of Court; Howeard Swanson</i>		
03/05/2024	Order	Index # 217	
	<i>Order Denying Plaintiffs Objection to Dismissal with Prejudice and Attorney Fees. Vacate Judgment/Release from Order</i>		
03/05/2024	Service Document	Index # 218	
	<i>Certificate of Service upon M. Sanderson, H. Swanson, and C. Titus</i>		
03/08/2024	CANCELED Pretrial Conference	(1:00 PM)	(Judicial Officer Agotness, Kari)
	<i>Court Order</i>		
	<i>Zoom hearing. Meeting ID: 484 756 1164; password: 165941; toll free number: 1-888-788-0099.</i>		
03/19/2024	CANCELED Court Trial	(9:00 AM)	(Judicial Officer Agotness, Kari)
	<i>Court Order</i>		

FINANCIAL INFORMATION

	Defendant Myrdal, Janne			
	Total Financial Assessment			50.00
	Total Payments and Credits			50.00
	Balance Due as of 03/24/2024			0.00
06/12/2023	Transaction Assessment			50.00
06/12/2023	E-File Payment	Receipt # 50-2023-1004	Myrdal, Janne	(50.00)
	Plaintiff Sanderson, Mitchell S			
	Total Financial Assessment			80.00
	Total Payments and Credits			80.00
	Balance Due as of 03/24/2024			0.00
05/19/2023	Transaction Assessment			80.00
05/19/2023	Mail Payment	Receipt # 50-2023-825	Sanderson, Mitchell S	(80.00)

3/22/24, 9:39 AM

publicsearch.ndcourts.gov/CaseDetail.aspx?CaseID=5228355

Skip to Main Content Logout My Account Search Menu New Civil Search Refine Search Back

Location Northeast District Help

REGISTER OF ACTIONS**CASE No. 50-2023-CV-00287**

Mitchell S. Sanderson vs. Kari Agotness

§
§
§
§
§
§
§
§Case Type: Other Civil
Date Filed: 11/09/2023
Location: -- Walsh County
Judicial Officer: Knudson, Jay
Supreme Court Docket Number: 20240054**PARTY INFORMATION**Defendant Agotness, Kari
Cavalier, ND 58220Attorneys
Andrew . Moraghan
Retained
701-328-3640 x0000(W)Plaintiff Sanderson, Mitchell S.
Park River, ND 58270**EVENTS & ORDERS OF THE COURT****DISPOSITIONS**

01/30/2024 Dismissed (Judicial Officer: Knudson, Jay)

01/31/2024 Money Judgment Entered (Judicial Officer: Knudson, Jay)
 Monetary Award Judgment
 Status: \$3,213.80
 Creditor: State of North Dakota
 Debtor: Mitchell S. Sanderson (Active)
 Entered: 01/31/2024
 Docketed: 01/31/2024, 2:50 PM
 Damages: \$3,213.80
 Interest Rate: 11.50%

OTHER EVENTS AND HEARINGS

11/09/2023 Summons Index # 1
Summons (copy received from Mitchell Sanderson by Judge Kari Agotness and Office of Attorney General)

11/09/2023 Complaint Index # 2
Complaint (copy received from Mitchell Sanderson by Judge Kari Agotness and Office of Attorney General)

11/09/2023 Notice Index # 3
Notice of Motion to Dismiss

11/09/2023 Motion Index # 4
Motion to Dismiss

11/09/2023 Brief Index # 5
Brief in Support of Motion to Dismiss

11/09/2023 Service of Motion Index # 6
Certificate of Service - Mitchell S. Sanderson

11/09/2023 Notice of Assignment and Case Number Index # 7

11/14/2023 Recusal Index # 8
Notice of Recusal

11/16/2023 Supreme Court Order Index # 9
Order of Assignment of Judge Jay Knudson

11/16/2023 Letter Index # 10

12/15/2023 Order Disposing of Motion Index # 11
Order Granting Motion to Dismiss and Request for Fees and Costs

12/15/2023 Service Document Index # 12

12/28/2023 Affidavit Index # 13
Affidavit of Andrew Moraghan

12/28/2023 Exhibit Index # 14
Exhibit 1 - Attorney's Billing

12/28/2023 Service Document Index # 15
Certificate of Service - Mitchell S. Sanderson

01/19/2024 Order Index # 16
Supplemental Order for Attorney's Fees

01/19/2024 Service Document Index # 17

01/29/2024 Sheriff's Return Served Index # 18
PC Sheriff's Return of Service - Judge Kari Agotness served on 10-30-23

01/29/2024 Sheriff's Return Served Index # 19
Sheriff's Return - Attorney General's Office served on 11-01-23

01/29/2024 Service Document Index # 20
Certificate of Service - Mitchell S. Sanderson

01/29/2024 Proposed Order Index # 21
proposed Order for Judgment filed by Andrew Moraghan

01/29/2024 Proposed Judgment Index # 22
proposed Judgment filed by Andrew Moraghan

<https://publicsearch.ndcourts.gov/CaseDetail.aspx?CaseID=5228355>

1/2

3/22/24, 9:39 AM

publicsearch.ndcourts.gov/CaseDetail.aspx?CaseID=5228355

01/29/2024	Service Document	Index # 23
	Certificate of Service - Mitchell Sanderson	
01/30/2024	Order	Index # 24
	for Judgment	
01/30/2024	Judgment	Index # 25
02/01/2024	Notice	Index # 26
	of Motion for Relief from Judgment	
02/01/2024	Motion	Index # 27
	for Relief from Judgment	
02/01/2024	Brief	Index # 28
	on Motion for Relief from Judgment	
02/01/2024	Service Document	Index # 29
	Declaration of Service-ND Attorney General's Office, Andrew Moraghan; Walsh County Clerk of Court	
02/02/2024	Notice of Entry of Judgment	Index # 30
	Notice of Entry of Judgment	
02/02/2024	Service Document	Index # 31
	Certificate of Service - Mitchell Sanderson	
02/16/2024	Letter	Index # 32
	Letter to the Hon. Jay Knudson	
02/16/2024	Service Document	Index # 33
	Certificate of Service - Mitchell Sanderson	
02/20/2024	Notice	Index # 34
	Notice of Motion for Extension	
02/20/2024	Motion	Index # 35
	Motion for Extension	
02/20/2024	Brief	Index # 36
	Brief in Support of Motion for Extension	
02/20/2024	Exhibit	Index # 37
	Exhibit 1 - Sanderson Email to Supreme Court 02-12-24	
02/20/2024	Exhibit	Index # 38
	Exhibit 2 - Notice of Appeal	
02/20/2024	Exhibit	Index # 39
	Exhibit 3 - Declaration of Service	
02/20/2024	Exhibit	Index # 40
	Exhibit 4 - Service Related Document	
02/20/2024	Exhibit	Index # 41
	Exhibit 5 - Clerk of Supreme Court Email 02-14-24	
02/20/2024	Exhibit	Index # 42
	Exhibit 6 - Notice of Appeal Filed	
02/20/2024	Exhibit	Index # 43
	Exhibit 7 - Unsworn Declaration of Service	
02/20/2024	Proposed Order	Index # 44
	Proposed Order Granting Motion for Extension-Moraghan	
02/20/2024	Service Document	Index # 45
	Certificate of Service - Mitchell Sanderson	
02/20/2024	Notice	Index # 46
	Notice of Appeal	
02/20/2024	Notice of Filing the Notice of Appeal	Index # 47
	Notice of Filing Notice of Appeal	
02/20/2024	Service Document	Index # 48
	Unsworn Declaration of Service	
03/11/2024	Clerk's Certificate on Appeal	Index # 49
03/15/2024	Supreme Court Order	Index # 50
	Supreme Court Order of Remand	
03/18/2024	Order	Index # 51
	Order Granting Motion for Extension	