

**Administrative Order 8 - EMERGENCY EXTENSION OF DEADLINES AND CHANGE
IN LOCATION OF COURT**

A. Statement of Purpose

Due to flood damage to the Grand Forks County Courthouse and law offices within Grand Forks and East Grand Forks, an emergency exists requiring immediate adoption of this administrative order, which is intended to alleviate uncertainty and hardship by granting an emergency extension of deadlines and change in location of court.

B. Statement of Authority

Article VI, Section 3, of the North Dakota Constitution gives the Supreme Court authority to promulgate rules and issue orders of practice and procedure for the administration of justice in all civil and criminal actions, and for all proceedings in the courts of this state. Except as may be provided in D, this emergency order does not abridge, enlarge, or modify the substantive rights of any litigant.

C. Extension of Time

When by procedural statute or rule, or by notice given under a procedural statute or rule, or by order of a District Court, an act is required or allowed to be done at or within a specified time, the Supreme Court orders a 60-day extension of the deadlines occurring between April 19 and June 18, 1997, unless the deadline is imposed by substantive law or required by the Constitution of the United States or North Dakota. This extension applies 1) to cases venued in Grand Forks County, 2) to cases wherever venued in which one or more of the parties resides in Grand Forks County or in East Grand Forks, Minnesota, and 3) to cases wherever venued in which one or more of the parties is represented by an attorney residing in Grand Forks County or in East Grand Forks, Minnesota.

D. Statute of Limitation

Any deadline for commencing an action in a civil case between April 19 and June 18, 1997, is stayed for 60 days from the date a statute of limitation or repose would otherwise bar the claim. This extension applies: 1) to cases which will be venued in Grand Forks County, 2) to cases wherever they will be venued in which one or more of the parties resides in Grand Forks County or in East Grand Forks, Minnesota, and 3) to cases wherever they will be venued in which one or more of the parties is represented by an attorney residing in Grand Forks County or in East Grand Forks, Minnesota.

E. Change In Location

To ensure judicial services continue to be provided for Grand Forks County, and to promote the ends of justice, the Supreme Court orders cases venued in Grand Forks County now pending, or

to be filed, may be moved to or filed in the temporary clerk of court's office at Larimore, and heard in Lakota or elsewhere as directed by the presiding judge.

F. Effective Date

Under Section 6.1, NDRPR, this order is adopted on an emergency basis, effective immediately.

COMMENT

Sections 27-02-08 through 27-02-10, N.D.C.C., concern the relationship and interaction between procedural rules and statutes. Specifically, Section 27-02-09, N.D.C.C., provides: "All statutes relating to pleadings, practice, and procedure in civil or criminal actions, remedies, or proceedings, enacted by the legislative assembly, have force and effect only as rules of court and remain in effect unless and until amended or otherwise altered by rules promulgated by the supreme court."

Section 28-01-29, N.D.C.C., provides the time of a stay is not part of the time limited for commencement of an action by a statute of limitation. Section 28-04-07, N.D.C.C., and Rule 18, N.D.R.Crim.P., address venue.

Dated at Bismarck, North Dakota, April 23, 1997.

Gerald W. VandeWalle, Chief Justice
Herbert L. Meschke, Justice
William A. Neumann, Justice
Dale V. Sandstrom, Justice
Mary Muehlen Maring, Justice

ATTEST:
Penny Miller, Clerk