

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

|   |   |                      |
|---|---|----------------------|
| Petro-Hunt, L.L.C.,                             | ) |                      |
|   | ) |                      |
| Plaintiff,                                      | ) | <b>ORDER</b>         |
|   | ) |                      |
| vs.   | ) |                      |
|   | ) |                      |
| Teresa J. Norbeck, individually, as Personal    | ) |                      |
| Representative of the Estate of Phyllis A.      | ) |                      |
| Yesel, and as Trustee of the Phyllis A. Yesel   | ) |                      |
| Revocable Living Trust under agreement          | ) |                      |
| dated August 19, 2005;                          | ) |                      |
| Charlene F. Samuelson, individually, as         | ) |                      |
| Personal Representative of the Estate of        | ) |                      |
| Phyllis A. Yesel, and as Trustee of the Phyllis | ) |                      |
| A. Yesel Revocable Living Trust under           | ) |                      |
| agreement dated August 19, 2005; and            | ) |                      |
| Gloria Van Dyke,                                | ) | Case No. 1:16-cv-422 |
|   | ) |                      |
| Defendants.                                     | ) |                      |

On February 8, 2017, plaintiff filed a “Motion to Strike Request for Exemplary Damages.” On February 17, 2017, defendants filed a “Stipulated Motion to Amend Counterclaim.” Therein the parties agreed that: (1) defendants should be allowed to amend their counterclaim to remove the request for exemplary damages; and (2) plaintiff’s motion to strike should be deemed moot.

The court **GRANTS** the “Stipulated Motion to Amend Counterclaim” (Docket No. 26). Defendants shall have until February 27, 2017, to file their Amended Answer and Counterclaim. Plaintiff’s “Motion to Strike Request for Exemplary Damages” (Docket No. 23) is deemed **MOOT**.

**IT IS SO ORDERED.**

Dated this 21st day of February, 2017.

*/s/ Charles S. Miller, Jr.* \_\_\_\_\_  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court