

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

Darrel Gustafson,)	
)	
Plaintiff,)	ORDER EXTENDING EX PARTE
)	TEMPORARY RESTRAINING ORDER
vs.)	
)	
Sandra Poitra, All Persons Unknown)	Case No. 4:09-cv-016
claiming any estate or interest in, or lien)	
or encumbrance former Belcourt Lumber)	
Yard adjacent to the One Stop Market,)	
Turtle Mountain Tribal Court, and Bureau)	
of Indian Affairs,)	
)	
Defendants.)	

On April 15, 2009, the Court granted the Plaintiff's request for a temporary restraining order against the Defendants. See Docket No. 7. Under Rule 65 of the Federal Rules of Civil Procedure, a temporary restraining order may not exceed ten days unless, within the time fixed, the order is extended for good cause shown. Fed. R. Civ. P. 65(b)(2). Upon a showing of good cause, a temporary restraining order may be extended an additional ten (10) days. Fed. R. Civ. P. 65(b)(2).

The Court granted the request for a temporary restraining order on April 15, 2009, and scheduled a show cause hearing for April 22, 2009, at 10:30 a.m. The Turtle Mountain Tribal Court and the Bureau of Indian Affairs were served on April 16, 2009. See Docket No. 10. The United States Attorney for the District of North Dakota was served on April 17, 2009. See Docket No. 11. Sandra Poitra was not served until the afternoon of April 21, 2009. See Docket No. 12. On the morning of April 22, 2009, Sandra Poitra faxed a letter to the Clerk of Court in which she requested a continuance of the show cause hearing because the late service did not give her enough time to

retain an attorney. The Plaintiff did not object to the continuance of the show cause hearing under the circumstances. Sandra Poitra was unable to appear in Court because of the late service.

The Court finds that “good cause” – the late service of Sandra Poitra and her inability to retain an attorney on such short notice – has been shown for extending the temporary restraining order. All of the parties have agreed that an extension of the temporary restraining order is warranted under the circumstances. As a result, the Court **ORDERS** that the temporary restraining order against the Defendants shall be extended until Wednesday, May 6, 2009. The Court **ORDERS** that the show cause hearing be re-scheduled for Tuesday, April 28, 2009, at 1:30 p.m.

The Court strongly urges the parties to meet in advance of the show cause hearing in an attempt to resolve this dispute. If the parties are unable or unwilling to resolve this dispute, the Court **ORDERS** the parties to take part in a settlement conference with Magistrate Judge Charles S. Miller, Jr. in Courtroom Two of the U.S. District Court for the District of North Dakota in Bismarck, North Dakota, on Tuesday, April 28, 2009, at 10:30 a.m. The Clerk of Court’s Office is **DIRECTED** to mail copies of the Court’s Order Granting Ex Parte Temporary Restraining Order (Docket No. 7) and this order to Sandra Poitra at P.O. Box 1497, Belcourt, ND 58316.

IT IS SO ORDERED.

Dated this 22nd day of April, 2009.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court