

Filed 11/20/19 by Clerk of Supreme Court

IN THE SUPREME COURT STATE
OF NORTH DAKOTA

2019 ND 267

Terry Kemmet,

Plaintiff and Appellant

v.

Jeanne M. Steiner, Rosellen M. Sand,
Governor Doug Burgum, Attorney General
Wayne Stenehjem, WSI Director Brian
Klipfel, WSI Employee Barry Schumacher,
Others, unknown at present,

Defendants and Appellees

No. 20190189

Appeal from the District Court of Burleigh County, South Central Judicial
District, the Honorable Daniel James Borgen, Judge.

AFFIRMED.

Per Curiam.

Terry Kemmet, self-represented, Tappen, N.D., plaintiff and appellant.

David R. Phillips, Assistant Attorney General, Bismarck, N.D., for defendants
and appellees.

Kemmet v. Steiner
No. 20190189

Per Curiam.

[¶1] Terry Kemmet appeals from a district court judgment dismissing his complaint against several government defendants. The defendants moved to dismiss the complaint, arguing that the district court lacked subject matter jurisdiction because Kemmet failed to give timely notice of his claim to the director of the Office of Management and Budget, as required by N.D.C.C. § 32-12.2-04. The district court granted the defendants’ motion to dismiss on several grounds, including that it lacked subject matter jurisdiction because Kemmet’s notice of claim was untimely under N.D.C.C. § 32-12.2-04.

[¶2] We summarily affirm under N.D.R.App.P. 35.1(a)(7). *Moen v. State*, 2003 ND 17, ¶ 5, 656 N.W.2d 671 (“A court lacks subject matter jurisdiction to entertain a lawsuit in the absence of a timely filing of a notice of claim under N.D.C.C. § 32-12.2-04(1).”)

[¶3] Gerald W. VandeWalle, C.J.
Jerod E. Tufte
Daniel J. Crothers
Lisa Fair McEvers
Jon J. Jensen