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EST. 1932

LICENSED TO PRACTICE IN NORTH DAKOTA AND MINNESOTA

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National Board of Legal Specialty
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OFFICE MANAGER

Down Ostenson
RECEIVED

* *Licensed in ND only*

March 23, 2011

MAR 25 2011

PUBLIC SERVICE COMMISSION

Mark Gruman
Special Assistant Attorneys General
State Capitol – 12th Floor
600 E Boulevard Ave – Dept 408
Bismarck, ND 58505-0480

Re: Public Service Commission vs. Grabanski Grain, LLC., and Platte River Insurance Company
Our file no. 4531

Dear Mr. Gruman:

Enclosed please find an Order signed by Judge Geiger scheduling a hearing. The judge did this before we talked and agreed the funds could stay with the Platte River Insurance Company, subject to you doing some checking on them. Since I have heard nothing I assume that everything checked out okay so the bond funds would remain with the Platte River Insurance Company pending the evaluation and determination of the validity of the potential receiptholders claims.

A Stipulation to that effect is enclosed which includes cancellation of the hearing scheduled for April 21, 2011.

Very Truly Yours,

Gordon W. Myerchin

GWM/hns

PC: Platte River Insurance Company (email only)

Enclosure: Order of Judge Richard Geiger and Notice of Order

31 **GE-10-498** Filed: 3/25/2011 Pages: 7
Executed Order, Notice of Entry of Order, Draft
Stipulation

Grabanski Grain, LLC

Gordon Myerchin, ChmrudMaddockOlson

It is also stipulated and agreed by the Public Service Commission and Platte River Insurance Company that the hearing on the Motion of the Public Service Commission scheduled for April 21, 2011 related to the matter of deposit of the Bond amount with the Bank of North Dakota may be cancelled.

DATED this _____ day of March, 2011.

Sue Richter
North Dakota Public Service Commission

Mark Gruman
Special Assistant Attorneys General
State Capitol – 12th Floor
600 E Boulevard Ave – Dept 408
Bismarck, ND 58505-0480

DATED this _____ day of March, 2011.

Gary Horst
Platte River Insurance Company

DATED this _____ day of March, 2011.

Gordon W. Myerchin
Attorney for Platte River Insurance
Company

DATED this _____ day of March, 2011.

Thomas Grabanski
Grabanski Grain LLC.

DATED this _____ day of March, 2011.

Dewayne Johnston
Attorney for Grabanski Grain LLC.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WALSH

NORTHEAST JUDICIAL DISTRICT

Public Service Commission,

Petitioner,

vs.

Grabanski Grain LLC

and

Platte River Insurance Company,

Respondents.

Civil No.: 50-2011-CV-00029

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE:

That the attached Order was filed in the Office of the Clerk of the District Court in and for the County of Walsh, State of North Dakota, on the 16th day of March, 2011..

DATED this 23rd day of March, 2011.



GORDON W. MYERCHIN, ND ID # 03264
FOR: Camrud, Maddock, Olson & Larson, Ltd.
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Attorneys for Respondent
Platte River Insurance Company



STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WALSH

NORTHEAST JUDICIAL DISTRICT

Public Service Commission,

Petitioner,

vs.

Grabanski Grain LLC

and

Platte River Insurance Company,

Respondents.

PSC Case No. GE-10-498

Civil No. 50-2011-CV-00029

ORDER

The above entitled matter came before the Court for consideration of the APPLICATION FOR APPOINTMENT AS TRUSTEE AND MOTION TO JOIN SURETY AS PARTY AND FOR DEPOSIT OF BOND PROCEEDS of Respondent Public Service Commission.

Respondent Platte River Insurance Company has filed a response to that APPLICATION. In its response Respondent Platt River agrees to the appointment of the Public Service Commission as Trustee as requested by the Public Service Commission, agrees that it can be joined as a party to this lawsuit but resists the Public Services Commission's request that it deposit the amount of bond # 41134564 with the Public Service Commission and requests instead that the bond remain with Respondent Platte River pending presentation and determination of any obligation it may have on claims of non-party receiptholders. Petitioner Public Service Commission had asked that its motion be considered as a Rule 3.2 motion. Respondent Platt River Insurance Company has made a timely request for a hearing on the matter of the Public Service Commission's request for deposit of the bond amount.

Respondent Grabanski Grain LLC. has filed for bankruptcy. The Public Service Commission has sought and received an Order from the Bankruptcy Court granting it relief from the bankruptcy in Case #10-30924 to pursue this matter. Relief was granted by order dated January 24, 2011. No response has been received from Grabanski Grain LLC. and it appears to the Court the Grabanski Grain LLC is properly joined as a party to this matter.

It is hereby ORDERED:

1. That the Public Service Commission is hereby appointed to act as trustee of a trust fund to be established and administered in accordance with North Dakota Century Code Chapter 60-04.
2. That Grabanski Grain LLC. and Platte River Insurance Company are proper parties to this action and are hereby joined as parties.
3. That a hearing shall be held on that portion of the motion of the Public Service Commission asking that Platte River Insurance Company be required to deposit bond # 41134564 with the Public Service Commission as trustee on the 20th day of APRIL, 2011 at 1:15 o'clock P.m. before the Honorable Mr. RICHARD GIBBEL. Said hearing to be held at the Walsh County Courthouse in Grafton, North Dakota.

Dated this 16 day of March, 2011.



Judge of the District Court

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WALSH

NORTHEAST JUDICIAL DISTRICT

Public Service Commission,

Petitioner,

vs.

Grabanski Grain LLC

and

Platte River Insurance Company,

Respondents.

Civil No.: 50-2011-CV-00029

**AFFIDAVIT OF SERVICE
BY U.S. MAIL**

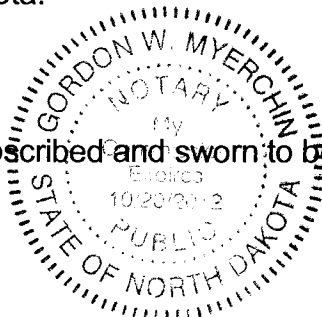
STATE OF NORTH DAKOTA)
) ss
COUNTY OF GRAND FORKS)

Heidi Sundquist, being first duly sworn, deposes and says that she is of legal age, not a party to nor interested in the above entitled action, and that on the 23rd day of March, 2011, she served the attached **Notice of Entry of Order and Order** upon Illona A. Jeffcoat-Sacco, Mark Gruman and Dewayne Johnston by placing a true and correct copy in an envelope addressed as follows:

**Illona A. Jeffcoat-Sacco
Mark Gruman
Special Assistant Attorneys General
State Capitol – 12th Floor
600 E Boulevard Ave – Dept 408
Bismarck, ND 58505-0480**

**DeWayne Johntson
219 S. 4th St.
Grand Forks, ND 58201**

and depositing the same, with postage prepaid, in the United States mail at Grand Forks, North Dakota.



Subscribed and sworn to before me this 23rd day of March, 2011.

Sue Schaumburg

Sue Schaumburg

Gordon W. Myerchin

NOTARY PUBLIC