

STATE OF NORTH DAKOTA

MAR 18 2011

IN DISTRICT COURT

COUNTY OF WALSH

BEV DEMERS, CLERK

NORTHEAST JUDICIAL DISTRICT

BY TM Deputy

Public Service Commission,

Petitioner,

vs.

Grabanski Grain LLC

and

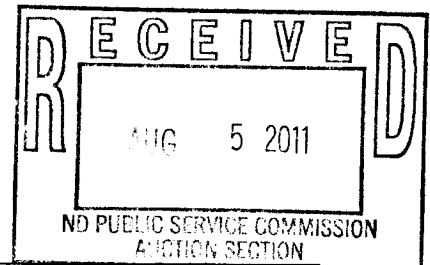
Platte River Insurance Company,

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 M. RICHARD GEIBEL. 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

Copies to:

S/A ___ Plaintiff ___ Defendant ___ Sheriff ___ Def Atty ___
Pl Atty Probation ___ IV-D ___ Other Both Atty's
I certify that this document was mailed/hand delivered/
Faxed to the above parties on 3/18/11
By: CMC