



Public Service Commission

State of North Dakota

COMMISSIONERS

Tony Clark
Brian P. Kalk
Kevin Cramer

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

August 9, 2011

Ms. Beverly Demers
Clerk of the District Court
Walsh County Courthouse
600 Cooper Avenue
Grafton, ND 58237-1542

RE: Public Service Commission vs. Grabanski Grain LLC
CIVIL NO. 50-2011-CV-00029

PSC Case No. GE-10-498

Dear Ms. Demers:

Enclosed for filing in the above proceeding please find the originals of the following documents:

1. Notice of Entry of Orders with copies of executed orders
2. Notice of Appointment as Trustee and Notice to File Claims
3. Affidavit of Service by Regular Mail

If you have any questions, please do not hesitate to contact us. Thank you for your assistance in this matter.

Sincerely,

Illona A. Jeffcoat-Sacco (ID#03315)
Special Assistant Attorney General

Enclosures

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WALSH

NORTHEAST JUDICIAL DISTRICT

Public Service Commission,)

CIVIL NO. 50-2011-CV-00029

Petitioner,)

vs.)

**NOTICE OF ENTRY
OF ORDERS**

Grabanski Grain LLC)

and)

Platte River Insurance Company)

Respondents.)

PSC Case No. GE-10-498)

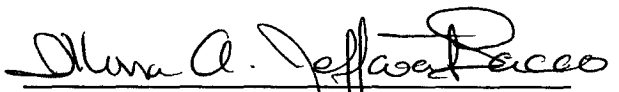
PLEASE TAKE NOTICE that an Order was executed by the Court on March 16, 2011, and was duly filed in the above proceeding on March 18, 2011, appointing the Public Service Commission to act as trustee of a trust fund to be established and administered in accordance with North Dakota Century Code Chapter 60-04, joining Grabanski Grain LLC and Platte River Insurance Company as parties, and setting a hearing on the portion of the Commission's motion asking that Platte River Insurance Company be required to deposit the bond proceeds with the Commission.

FURTHER, PLEASE TAKE NOTICE that an Order Approving Stipulation and Staying Deposit of Bond Proceeds was executed by the Court on July 19, 2011, and was duly filed in the above proceeding on July 19, 2011, ordering that subject to further evidence in this matter Grabanski Grain LLC is insolvent within the meaning of North

Dakota Century Code Chapter 60-04, establishing the date of insolvency as July 23, 2010, and staying the portion of the Commission's motion that requests the Court order Platte River Insurance Company to deposit the penal sum of the bond in the trustee's trust account.

A copy of each Order is attached hereto and by reference made a part hereof.

Bismarck, North Dakota, this **9th day of August 2011**.

By: 
Ilona A. Jeffcoat-Sacco (ID No. 03315)
Mark Gruman (ID No. 06019)
Special Assistant Attorneys General
State Capitol – 12th Floor
600 East Boulevard Ave – Dept 408
Bismarck, North Dakota 58505-0480
Telephone (701) 328-2400
Facsimile (701) 328-2410

Attorneys for the Public Service Commission

FILED IN THE OFFICE OF
CLERK OF DISTRICT COURT
WALSH COUNTY, ND ON

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,

Civil No. 50-2011-CV-00029

vs.

Grabanski Grain LLC

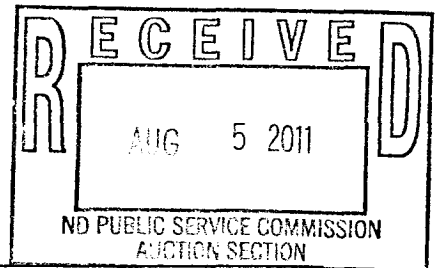
and

Platte River Insurance Company,

Respondents.

ORDER

PSC Case No. GE-10-498



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 DR. RICHARD GIEBEL. 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 Def Atty's
I certify that this document was mailed/hand delivered/
Faxed to the above parties on 3/18/11
By: SMC

JUL 19 2011

STATE OF NORTH DAKOTA
COUNTY OF WALSH

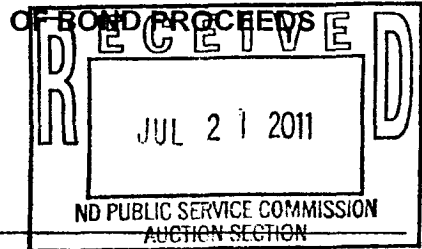
BEV DEMERS, CLERK
BY Th

IN DISTRICT COURT
NORTHEAST JUDICIAL DISTRICT

Public Service Commission,
Petitioner,
vs.
Grabanski Grain LLC,
and
Platte River Insurance Company,
Respondents.

Civil No. 50-2011-CV-00029

ORDER APPROVING
STIPULATION
AND
STAYING DEPOSIT



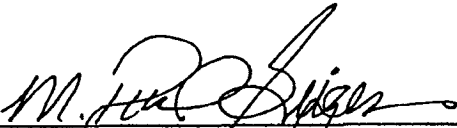
Upon consideration of the Stipulation agreeing to stay the hearing on the motion for Deposit of Bond Proceeds, which is executed by petitioner North Dakota Public Service Commission, respondent Platte River Insurance Company, and respondent Grabanski Grain LLC.; IT IS HEREBY ORDERED:

1. Subject to the receipt of further evidence in this matter it appears to the Court that Grabanski Grain LLC is insolvent within the meaning of North Dakota Century Code Chapter 60-04 and establishes the date of insolvency as July 23, 2010, the date that the first claim for collection of outstanding funds owed was filed.
2. The Court stays consideration of that portion of Public Service Commission's "Application for Appointment as Trustee and Motion to Join Surety as Party and for Deposit of Bond Proceeds" that requests "the Court order Platte River Insurance Company, as surety, to deposit the penal sum of the bond in the amount of \$340,000 in the trustee's trust account for payment of valid cash claims."
3. The Public Service Commission may renew its request by motion that Platte River Insurance be ordered to deposit the penal sum of its penal bond, or so much thereof as may be deemed necessary, into the trust account, through motion and notice of the motion to Platte River Insurance and Grabanski Grain LLC.

4. The Court's stay of its consideration of the Public Service Commission's request for deposit of the penal sum of the bond shall not be construed as a waiver of the rights of any of the parties with respect to the determination of the matter.

5. The hearing scheduled for July 20, 2011, is cancelled.

Dated this 19th day of July, 2011.



Honorable M. Richard Geiger
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.)
 _____)
)
 PSC Case No. GE-10-498)
)
 _____)

CIVIL NO. 50-2011-CV-00029

NOTICE OF APPOINTMENT AS TRUSTEE AND NOTICE TO FILE CLAIMS

PLEASE TAKE NOTICE that on March 16, 2011, the NORTHEAST JUDICIAL DISTRICT executed an Order that was duly filed in the above proceeding on March 18, 2011, appointing the Public Service Commission to act as trustee of a trust fund to be established and administered in accordance with North Dakota Century Code Chapter 60-04, joining Grabanski Grain LLC and Platte River Insurance Company as parties, and setting a hearing on the portion of the Commission’s motion asking that Platte River Insurance Company be required to deposit the bond proceeds with the Commission.


FURTHER, PLEASE TAKE NOTICE that an Order Approving Stipulation and Staying Deposit of Bond Proceeds was executed by the Court and duly filed in the above proceeding on July 19, 2011, ordering that, subject to further evidence in this matter Grabanski Grain LLC is insolvent within the meaning of North Dakota Century Code Chapter 60-04, establishing the date of insolvency as July 23, 2010, and staying

the portion of the Commission's motion that requests the Court order Platte River Insurance Company to deposit the penal sum of the bond in the trustee's trust account.

FURTHER, PLEASE TAKE NOTICE THAT:

1. Any person having a claim against Grabanski Grain LLC for the non-payment of grain purchased or marketed by Grabanski Grain LLC in North Dakota, shall file the claim with the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480.
2. Claims must be filed within forty-five (45) days after the last publication of this notice.
3. Any person filing a claim with the Public Service Commission shall include receipts or other sufficient documentation to enable the Commission to determine the validity of the claim. This could include unsatisfied grain warehouse receipts, scale tickets, checks, or other memoranda given by the public warehouseman for, or evidence of, the receipt, storage, or sale of grain, or any related contracts.
4. Unless a claim is filed with the Public Service Commission within the time specified, the claimant may be barred from participation in the trust fund.

Bismarck, North Dakota, this **9th day of August 2011**.

By: 
Illona A. Jeffcoat-Sacco (ID No. 03315)
Mark Gruman (ID No. 06019)
Special Assistant Attorneys General
State Capitol – 12th Floor
600 East Boulevard Ave – Dept 408
Bismarck, North Dakota 58505-0480
Telephone (701) 328-2400
Facsimile (701) 328-2410

Attorneys for the Public Service Commission

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

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA)
)ss
 COUNTY OF BURLEIGH)

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and on the **9th day of August, 2011**, she deposited in the United States Mail, Bismarck, North Dakota, **36 envelopes** with postage fully prepaid, securely sealed and each containing a photocopy of:

1. Notice of Entry of Orders with a copy of each executed Order attached.
2. Notice of Appointment as Trustee and Notice to File Claims.
3. Affidavit of Service by Regular Mail.

The envelopes were addressed as follows:

Thomas M. Grabanski
 223 W. 17th Street
 PO Box 148
 Grafton, ND 58237

Mari K. Grabanski
 223 W. 17th Street
 PO Box 148
 Grafton, ND 58237

Thomas M. Grabanski
 PO Box 621
 Blossom, TX 75416

Mari K. Grabanski
 PO Box 621
 Blossom, TX 75416

Ginny Spencer
Platte River Insurance Company
PO Box 5900
Madison, WI 53705-0900

Andy Anderson, Manager
Bond Claims Department
Platte River Insurance Company
1600 Aspen Commons
Middleton, WI 53562

DeWayne Johnston
Johnston Law Office
Attorney for Grabanski Grain LLC
221 South 4th Street
Grand Forks ND 58201

Gordon W. Myerchin, Attorney for
Platte River Insurance Company
Camrud, Maddock, Olson & Larson, Ltd.
PO Box 5849
Grand Forks, ND 58201

Michael Suda
Suda Group, a North Dakota partnership
6609 County Road Eight
Grafton, ND 58237

Lance Lenton
1821 125th Street SE
Minot, ND 58701

Eldon Troftgruben
Troftgruben Farm
12341 77th Street NE
Edinburg, ND 58227

Paul Sproule Managing Partner
Sproule Farms
PO Box 14867
Grand Forks, ND 58208

Russell Edgar
15301 100th St. NE
Bathgate, ND 58216

Field Brothers
38177 390th St. NW
Stephen, MN 56757

Merlyn Grabanski
15759 65th St. NE
Grafton, ND 58237

Paul Grzadzielewski
1308 Western Avenue
Manvel, ND 58256

Dave Hankey
13828 69th St. NE
Park River, ND 58270

John & Tom Holmes
13266 76th St. NE
Hoople, ND 58243-9466

JP Farms
PO Box 148
Grafton, ND 58237-0148

Wayne Knudson
2077 35th St. NE
Larimore, ND 58251

Dan Wilde
32317 440th Street
Fosston, MN 56542

Dean Lizakowski
15408 60th St. NE
Minto, ND 58261

Martinson JV, Mark & Lori
3907 Highway 66
Rolette, ND 58366-9001

Richard & Diane McDonald
3540 35th St. NE
Inkster, ND 58244

Dennis McGeary
30925 Center St. East
Oklee, MN 56742

Mark E. Novak
12634 County Road 15
Lankin, ND 58250

Cordel Pulkrabek
2133 5th Avenue NW
East Grand Forks, MN 56721

Russell/Grant Pulkrabek
34538 120th St. NW
Warren, MN 56762

S & G Farms
PO Box 148
Grafton, ND 58237-0148

S & G Farms
Louie Slominski
PO Box 207
Minto, ND 58261

John Schumacher
PO Box 344
Drayton, ND 58225

Donald & Wilene Schuster
15776 66th St. NE
Grafton, ND 58237

Donovan Schuster
15776 66th St. NE
Grafton, ND 58237



Joel Slominski
1965 36th Avenue NE
Ardoch, ND 58261

Louie Slominski Jr.
PO Box 207
Minto, ND 58261

Louie Slominski Sr.
118 Wilson Avenue
Minto, ND 58621

Each post office address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **9th day of August, 2011.**



Notary Public

SEAL

