



Public Service Commission
State of North Dakota

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10 August 2012

Honorable M. Richard Geiger
District Judge
Walsh County Courthouse
600 Cooper Ave.
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 Judge Geiger:

This is to advise the Court that the Stipulation resolving the claims filed by Merlyn and Dolores Grabanski and Louis Slominski, Jr. in the referenced matter has been drafted. To date, the Stipulation has been signed by Merlyn and Dolores Grabanski and the Public Service Commission; however, we are awaiting a signature from Louis Slominski, Jr., which is forthcoming.

We are submitting this partially executed Stipulation to the Court since today is the deadline to submit response briefs. We will obtain a signature from Louis Slominski Jr. as soon as possible, and will forward the fully executed Stipulation, also as soon as possible.

DeWayne Johnston has reviewed this letter and agrees to its content. We apologize for submitting a partially executed Stipulation. Thank you and should the Court need further information, please do not hesitate to contact Mr. Johnston or us.

Sincerely,

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

Enclosure

cc: DeWayne Johnston, Attorney for Grabanski Grain, LLC
DeWayne Johnston, Attorney for Claimant Objectors Merlyn & Dolores Grabanski
DeWayne Johnston, Attorney for Claimant Objector Louis Slominski, Jr.
Gordon W. Myerchin, Attorney for Platte River Insurance Company
R. Scott Stewart, Attorney for Claimant Objector John Schumacher

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WALSH

NORTHEAST JUDICIAL DISTRICT

_____)
Public Service Commission,)
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Petitioner,)
))
vs.)
))
Grabanski Grain LLC,)
))
and)
))
Platte River Insurance Company,)
))
Respondents.)
_____)
PSC Case No. GE-10-498)
))
_____)

Civil No. 50-2011-CV-00029

STIPULATION

Petitioner North Dakota Public Service Commission ("Commission"), and Claimants Merlyn and Dolores Grabanski and Louis Slominski, Jr. have resolved their differences regarding their claims. The parties have agreed and stipulate as follows:

AGREEMENT

1. In regard to the claims of Merlyn and Dolores Grabanski and Louis Slominski, Jr., the Commission in its Report and Recommendation recommended:
 - a. The \$87,163.20 unpaid grain claim filed for Merlyn and Dolores Grabanski be denied because it was an invalid credit-sale contract claim for \$87,163.20 due to unpaid drying charges in the amount of \$57,531 and a lack of evidence showing whether checks totaling \$61,000 from Grabanski Grain, LLC to

claimants were payments for grain sold or payments on a loan claimants made to Grabanski Grain, LLC.

- b. The \$5,619.80 unpaid grain claim filed for Louis Slominski, Jr. be denied because it was an invalid cash claim based on a claim of \$5,619.80 minus a deduction of \$18,713 for unpaid drying charges.
2. In an Objection to Report and Recommendation of Trustee filed on June 11, 2012 by DeWayne Johnston:
 - a. Claimant Merlyn and Dolores Grabanski asserted the Commission provided no documentation nor substantiation that the Grabanskis owed drying charges to Grabanski Grain, LLC or that payments made to the Grabanskis were for corn and not for loan repayments and therefore the Commission had insufficient basis to deny the claim.
 - b. Claimant Louie Slominski, Jr. asserted the Commission provided no documentation nor substantiation that Louis Slominski, Jr. owed drying charges to Grabanski Grain, LLC and therefore the Commission had insufficient basis to deny the claim.
 3. Based on the evidence presented at the hearing and discussion between the parties, the Public Service Commission and claimant, Merlyn and Dolores Grabanski stipulate that the claim of Merlyn and Dolores Grabanski is valid for \$17,947.53. The Commission and claimant, Merlyn and Dolores Grabanski further stipulate and agree to offsets for interest, an adjustment to correct errors for a deduction of corn promotion, \$54,531 in drying charges, and a \$6,000 advance. With 80% payment from the indemnity fund, the Commission and

Merlyn and Dolores Grabanski agree a payment is due to Merlyn and Dolores Grabanski of \$14,358.02 from the Credit-Sale Contract Indemnity Fund.


4. The Public Service Commission and claimant, Louis Slominski, Jr. stipulate that the claim of Louis Slominski, Jr. is valid for \$5,619.80. The Commission and claimant Louis Slominski, Jr. further stipulate and agree to an offset for \$18,713 in unpaid drying charges. The Commission and Louis Slominski, Jr. agree no payment is due to Louis Slominski, Jr.
5. The Commission agrees, upon approval of the Court, to amend its Report and Recommendation to indicate that Merlyn and Dolores Grabanski be paid 80% of the valid credit-sale claim of \$17,947.53, equaling a payment due of \$14,358.02.

Dated this 10th day of August, 2012.



Susan Richter, Licensing Div. Director
North Dakota Public Service Commission

Dated this 7 day of August, 2012.



Merlyn and Dolores Grabanski

Dated this _____ day of August, 2012.

Louis Slominski, Jr.