

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 JUDGMENT**

PSC Case No. GE-10-498

TO: DeWayne Johnston, Attorney for Grabanski Grain LLC, Johnston Law Office, 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.

PLEASE TAKE NOTICE that a Judgment was entered in the above-captioned action on the 17th day of September 2012, in favor of the Petitioner and against Respondents Grabanski Grain LLC and Platte River Insurance Company. A true and correct copy of the Judgment is attached to this Notice.

Dated this 21st day of September 2012.

State of North Dakota
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By: 

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Attorneys for the North Dakota Public Service
Commission

e. Dennis McGear	\$18,756.98
f. Louis Slominski, Sr., Farms	\$34,023.45
g. Michael Suda, Suda Group	<u>\$9,411.54</u>

The total amount for which Platte River Insurance Company is Obligated: \$184,964.03

It must pay these obligations through its bond and with interest from the date of insolvency at the weighted average prime rate charged by the Bank of North Dakota, said interest rate being 3.25 percent per annum.

4. That as a matter of law, the Public Service Commission is entitled to reimbursement from the bond of Platte River Insurance Company for the expenses incurred in the proceeding;

5. That the following individuals have valid claims as credit-sale contracts. Consequently, they are entitled to 80% of those claims from the Indemnity Fund established through N.D.C.C. Chapter 60-10. Those sums awarded and representing 80% of the valid credit-sales claims are:

a. Dean Lizakowski	\$17,757.59
b. Richard & Diane McDonald	\$4,574.58
c. Donald & Willene Schuster	\$3,712.42
d. Donovan Schuster	\$20,058.13
e. Sproule Farms	\$257,141.15
f. Merlyn and Delores Grabanski	\$14,358.02
g. John Schumacher	\$9,600.03;

6. That the following claims are denied for the reasons set forth in the findings:

a. Troftgruben Farms

- b. Louis Slominski, Jr.
- c. BP & Sons Grain and Storage, Inc.
- d. Ronald J. and Mary Kay Pokrzywinski
- e. Field Brothers Farms, Inc.;

7. That taking into account the obligations owed under the Bond by Platte River Insurance Company of Madison Wisconsin, which includes the payment of the approved claims, interest on those claims and the yet-undetermined expenses for which reimbursement to the Public Service Commission is required as a matter of law, it is appropriate to require them to deposit a sum of \$230,000.00 with the Trustee;

8. That judgment be entered for the Petitioner Trustee to recover from Platte River Insurance Company the amount of \$230,000.00 of its bond proceeds for payment of the approved valid noncredit-sale claims totaling \$184,964.03, together with interest of 3.25 percent from the date of insolvency of Grabanski Grain, LLC, as well as the expenses incurred by the Public Service Commission in the administration of N.D.C.C. Chapter 60-04 that are related to this proceeding;

9. That the Trustee is authorized to make payment from these trust fund proceeds as follows:

a. Paul Grzadzielewski	\$37,634.41
b. Wayne Knudson	\$25,254.82
c. Lance Lenton	\$50,580.15
d. Mark and Lori Martinson, JV	\$9,302.68

- e. Dennis McGeary \$18,756.98
- f. Louis Slominski, Sr., Farms \$34,023.45
- g. Michael Suda, Suda Group \$9,411.54

10. That the Trustee is authorized to make payment to the Public Service Commission to reimburse it for the expenses incurred in the administration of N.D.C.C. Chapter 60-04 that are related to this proceeding;

11. That the Trustee is authorized to make payment from the Indemnity Fund established under N.C.C.C. Chapter 60-10 in the following amounts to these individuals/claimants and representing 80% of their valid credit-sale claims:

- a. Dean Lizakowski \$17,757.59
- b. Richard & Diane McDonald \$4,574.58
- c. Donald & Willene Schuster \$3,712.42
- d. Donovan Schuster \$20,058.13
- e. Sproule Farms \$257,141.15
- f. Merlyn and Delores Grabanski \$14,358.02
- g. John Schumacher \$9,600.03;

12. That the claims submitted by Troftgruben Farms, Louis Slominski, Jr., BP & Sons Grain and Storage, Inc., Ronald J. and Mary Kay Pokrzywinski, and Field Brothers Farms, Inc., are denied;

13. Upon disbursing the bond proceeds of Platt River Insurance Company as herein directed, any excess amounts may be returned to Platte River Insurance Company.

Let judgment be entered accordingly.

Dated at Grafton, North Dakota, this 17 day of September 2012.

By: Beverly Demers
Beverly Demers
Clerk of Court

By: Jami Meckam, Deputy