



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Kevin Cramer
Bonny M. Fetch

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
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21 September 2012

Ms. Beverly Demers
Clerk of the District Court
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 Ms. Demers:

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

1. Notice of Entry of Judgment with copy of Judgment attached;
2. Affidavit of Service by Regular Mail.

Thank you for your assistance in this matter.

Sincerely,

Illona A. Jeffcoat-Sacco
Special Assistant Attorney General

skr
Enclosures

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 ENTRY
OF JUDGMENT**

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

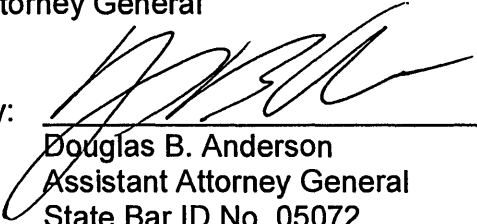
Gordon W. Myerchin, Attorney for Platte River Insurance Company, Camrud, Maddock, Olson & Larson, Ltd., PO Box 5849, Grand Forks, ND 58201.

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
Wayne Stenehjem
Attorney General

By: _____


Douglas B. Anderson
Assistant Attorney General
State Bar ID No. 05072
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509
Telephone (701) 328-3640
Facsimile (701) 328-4300

Ilona A. Jeffcoat-Sacco (ID No. 03315)
Special Assistant Attorney 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 North Dakota Public Service
Commission

e. Dennis McGeary	\$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

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 REGULAR MAIL

PSC Case No. GE-10-498

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

)
)ss
)

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and deposes and says that on the **21st day of September, 2012**, she deposited in the United States Mail, Bismarck, North Dakota, 37 envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of:

1. Notice of Entry of Judgment with copy of Judgment attached;
2. Affidavit of Service by Regular Mail.

The envelopes were addressed as follows:

Thomas M. Grabanski
PO Box 621
Blossom, TX 75416

Mari K. Grabanski
PO Box 621
Blossom, TX 75416

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

DeWayne Johnston
Johnston Law Office
Attorney for Claimant Objector
Louis Slominski, Jr.
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

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

Eldon Troftgruben
Troftgruben Farm
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Edinburg, ND 58227

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

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

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

Dan Wilde
32317 440th Street
Fosston, MN 56542

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

DeWayne Johnston
Johnston Law Office
Attorney for Claimant Objectors
Merlyn & Dolores Grabanski
221 South 4th Street
Grand Forks, ND 58201

Theodore Sandberg
Attorney for Field Brothers
Fisher, Olson & Juntunen, Ltd.
315 1st Avenue North
PO Box 5788
Grand Forks, ND 58206-5788

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

Michael Suda
Suda Group, a North Dakota Partnership
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Grafton, ND 58237

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

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

Paul Grzadzielewski
1308 Western Avenue
Manvel, ND 58256

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

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

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

Dennis McGeary
30925 Center St. East
Oklee, MN 56742

Cordel Pulkrabek
44437 130th St. SW
East Grand Forks, MN 56721

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

John Schumacher
PO Box 344
Drayton, ND 58225

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

Louie Slominski Jr.
PO Box 207
Minto, ND 58261

Lance Lenton
1821 125th Street SE
Minot, ND 58701

Ronald J & Maria V Pokrzywinski
6426 157th Avenue NE
Grafton, ND 58237-8831

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

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

S & G Farms
Louie Slominski
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Minto, ND 58261

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

Joel Slominski
1965 36th Avenue NE
Ardoch, ND 58261

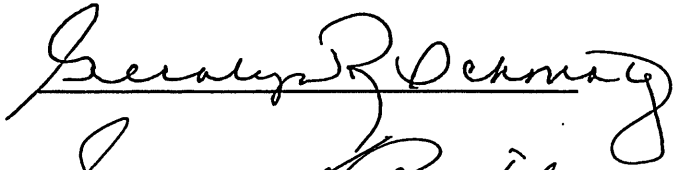

Louie Slominski Sr.
PO Box 177
Minto, ND 58261

Donald T. Campbell
Attorney for BP & Sons Grain & Storage Inc.
Leonard, Street and Deinard
150 South Fifth Street Suite 2300
Minneapolis, MN 55402

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

Subscribed and sworn to before me
this 21st day of September, 2012.

SEAL



Notary Public