

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Public Service Commission, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 Mitchell Feeds, Inc., )  
 )  
 and )  
 )  
 Western Surety Company, )  
 )  
 Respondents, )  
 )  
 \_\_\_\_\_ )

Civil No. 08-2011-CV-917

PSC Case No. GE-11-51

Michael Aasen, Donald Ackerson, Sheldon )  
 Ackerson, Lana Anderson d/b/a Northland )  
 Farms, B&D Farms, Inc., Busch Farms, )  
 Inc., David Deslauriers, Scott Lazorenko, )  
 Manna Farms, Inc., Nathan Neameyer, )  
 Steve Neameyer, Mitch Preskey, Paul )  
 Rohde, James Routledge, Bart Savelkoul )  
 d/b/a Savelkoul Farms, Mike Schollmeyer, )  
 David Steeves, Robert Steeves, Paul Trout, )  
 Wurgler Farms, Kelly Wurgler, )  
 )  
 and )  
 )  
 American Federal Bank, )  
 )  
 Intervenor. )  
 \_\_\_\_\_ )

**MITCHELL FEEDS, INC.'S JOINDER TO AMERICAN FEDERAL BANK'S MOTION  
 FOR SUMMARY JUDGMENT FOR DISMISSAL WITH PREJUDICE OF  
 INTERVENOR FARMERS' COMPLAINT IN INTERVENTION**

Mitchell Feeds, Inc., files this Joinder to American Federal Bank's Motion for Summary Judgment for Dismissal with Prejudice of Intervenor Farmers' Complaint in Intervention. Mitchell

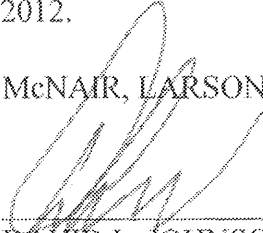
Feeds, Inc., alleges, adopts and incorporates by reference American Federal Bank's Brief in Support of Motion.

Mitchell Feeds, Inc., will not be making a separate argument at the hearing on the Motion scheduled for July 9, 2012, at 1:30 p.m., at the Morton County Courthouse in Mandan, North Dakota. Therefore, Mitchell Feeds, Inc., does not intend to appear at the hearing.

Respectfully submitted this 14<sup>th</sup> day of May, 2012.

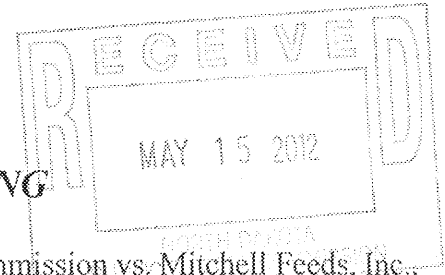
McNAIR, LARSON & CARLSON, LTD.

By:



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DAVID L. JOHNSON, ND ID #3484  
51 Broadway, Suite 600  
P.O. Box 2189  
Fargo, North Dakota 58108  
Telephone: (701) 293-9190  
Attorney for Mitchell Feeds, Inc.



**AFFIDAVIT OF SERVICE BY MAILING**

STATE OF NORTH DAKOTA )  
 ) SS:  
COUNTY OF CASS )

RE: Public Service Commission vs. Mitchell Feeds, Inc.,  
and Western Surety Company; Michael Aasen, et al  
vs. American Federal Bank  
Case No. 08-2011-CV-917  
PSC Case No. GE-11-51

Marlene Schumacher, being first duly sworn on oath deposes and says that she is a secretary in the office of McNair, Larson & Carlson, Ltd., Attorneys at Law, Post Office Box 2189, 51 Broadway, Dakota Center, Fargo, North Dakota; that on May 14, 2012, she served:

■ **MITCHELL FEEDS, INC.'S JOINDER TO AMERICAN FEDERAL BANK'S MOTION FOR SUMMARY JUDGMENT FOR DISMISSAL WITH PREJUDICE OF INTERVENOR FARMERS' COMPLAINT IN INTERVENTION**

on the following persons by placing a copy thereof in an envelope addressed to them as follows:

Illona A. Jeffcoat-Sacco  
Special Assistant Attorney General  
State Capitol - 12<sup>th</sup> Floor  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480

Sharon Sergeant, Claims Manager  
Senior Claims Counsel, Claim Dept.  
Western Surety Company  
101 South Phillips Avenue  
Sioux Falls, SD 57104-6703

Mark Gruman  
Special Assistant Attorney General  
State Capitol - 12<sup>th</sup> Floor  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480

Tracy Kennedy  
Attorney at Law  
3100 South Columbia Road  
P.O. Box 13417  
Grand Forks, ND 58208-3417

Derrick Braaten  
Attorney at Law  
222 North 4<sup>th</sup> Street  
Bismarck, ND 58501-4004

and the envelope with postage prepaid was deposited by her in the United States Mail at Fargo, North Dakota, for delivery by the United States Post Office Department as directed by said envelope.

MARDENE SCHUMACHER

Subscribed and sworn to before me this  
14<sup>th</sup> day of May, 2012.

DAVID L. JOHNSON, Notary Public  
Cass County, North Dakota  
G:\26213\AOS 5-14-12 (PSC).wpd

