

**PEARSON  
CHRISTENSEN  
& CLAPP, PLLP**  
The Legal Advantage



24 North 4th Street  
P.O. Box 5758  
Grand Forks, ND 58206-5758

PHONE: (701) 775-0521  
FAX: (701) 775-0524

Jon J. Jensen  
jjensen@grandforkslaw.com

July 23, 2012

Gary R. Leistico  
Rinke Noonan  
U.S. Bank Plaza, Suite 300  
P.O. Box 1497  
St. Cloud, MN 56302-1497

Re: Public Service Commission v. Anderson Seed Co., Inc.; Civil No.: 09-2012-CV-00693  
PSC Case No.: GE-12-78; Our File No.: 10369.001

Dear Mr. Leistico:

Our office has been retained to assist the Public Service Commission in proceedings involving your client Anderson Seed Co., Inc. On several occasions representatives of the Public Service Commission have contacted you for the purpose of obtaining relevant books and records of Anderson Seed Co., Inc. to assist in the valuation of unpaid grain claims. Those requests were made during both telephone conversations and in writing.

The district court has previously determined that Anderson Seed Co., Inc. is insolvent and ordered the Public Service Commission to act as trustee/receiver. Under North Dakota law, the Public Service Commission has a right to possession and control over all of the property of Anderson Seed Co., Inc., including its books and records. We have provided the Public Service Commission with our opinion that the delay in providing records has been unreasonable.

My office is in the process of drafting a motion to compel the production of the documents and records requested in the May 18, 2012 correspondence to you. Once that motion has been completed it will be filed with the district court. If we are required to file a motion, we will be requesting sanctions in the form of a recovery of attorney fees incurred by the Public Service Commission that are associated with the motion.

The Public Service Commission desires to continue to work with Anderson Seed Co., Inc. in an amicable fashion. However, review of the relevant documents and records cannot be delayed any longer. If the records are produced by Anderson Seed Co., Inc. this week we will be able to forego the motion to compel.

If you have any question regarding this letter, please feel free to contact my office. Again, the Public Service Commission has a desire to work amicably with Anderson Seed Co., Inc.

Sincerely,

PEARSON CHRISTENSEN & CLAPP, PLLP



Jon J. Jensen

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Letter to Gary Leistico requesting documents

Jon Jensen, SAAG - Pearson Christensen & Clapp, PLLP

JJJ/maa

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