

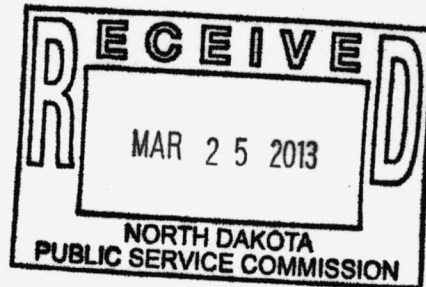
# ANDERSON, BOTTRELL, SANDEN & THOMPSON

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March 22, 2013



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Illona A. Jeffcoat-Sacco  
Public Service Commission  
600 E. Boulevard Avenue, Dept 408  
Bismarck, ND 58505-0480

Re: Falkirk Farmers Elevator

Dear Illona:

Please find enclosed for your review a Summons and Complaint which will be served upon Falkirk Farmers Elevator Co. by St. Hilaire. As Falkirk is no longer operating and simply has no funds to pay for a defense or a judgment it is more likely than not that St. Hilaire will obtain judgment via default judgment. However, I send this material to you as St. Hilaire makes certain admissions that it owes hundreds of thousands of dollars to Falkirk based upon grain sales. St. Hilaire, however, is seeking to setoff these debts. I will let you decide if the PSC wants to become involved but I wanted to let you know of these admissions in a timely manner so that you may react if desired.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Gust".

Michael L. Gust

MLG  
cc: Art Perdue  
Enclosures  
f:\7429\c\Jeffcoat-Sacco ltr 3-22-13

41 GE-12-769 Filed: 3/25/2013 Pages: 66  
Letter re Summons & Complaint filed in US Dist.  
Court

Falkirk Farmers Elevator Co

Michael Gust

UNITED STATES DISTRICT COURT

for the

District of North Dakota

St. Hilaire Seed Company, Inc.,  
a Minnesota corporation

Plaintiff

v.

Falkirk Farmers Elevator Co., a North Dakota  
cooperative association, and Ronald J. Hefta,  
an individual

Defendant

Civil Action No. 1:13-cv-28

SUMMONS IN A CIVIL ACTION

To: Above Named Defendant(s)

Falkirk Farmers Elevator Co., a North Dakota cooperative association,  
and Ronald J. Hefta, an individual

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Marc A. Al  
Stoel Rives LLP  
33 South Sixth Street, Suite 4200  
Minneapolis, MN 55402

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: March 15, 2013



ROBERT ANSLEY, CLERK OF COURT

s Roxanne Muffenbier, Deputy Clerk

Signature of Clerk or Deputy Clerk

Civil Action No. 1:13-cv-28

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ : or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_

I declare under penalty of perjury that this information is true.

Date:

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: