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Subject: Notification of Service for Case No. 18-2015-CV-00240 (Public Service Commission, et al. vs. Grand Forks Bean Company, Inc.)

This is a service filing for Case No. 18-2015-CV-00240, Public Service Commission, et al. vs. Grand Forks Bean Company, Inc..

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Filing Code: Motion

Filing Desc: Motion for Amended Findings of Fact and for an Amended Judgment . . .

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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF GRAND FORKS

NORTHEAST CENTRAL JUDICIAL DISTRICT

Public Service Commission,)
)
 Petitioner,)
)
 vs.)
)
 Grand Forks Bean Company, Inc., and)
 Auto-Owners Insurance Company,)
)
 Respondents.)

Civil No.: 18-2015-cv-00240

RESPONDENT AUTO-OWNERS INSURANCE COMPANY'S MOTION FOR AMENDED FINDINGS OF FACT AND FOR AN AMENDED JUDGMENT PURSUANT TO RULE 52(b), N.D.R.Civ.P.; MOTION TO ALTER OR AMEND THE JUDGMENT PURSUANT TO RULE 59(j); AND FOR RELIEF FROM A FINAL JUDGMENT PURSUANT TO RULE 60(b), N.D.R.Civ.P.

1. COMES NOW the respondent, Auto-Owners Insurance Company, by its counsel, and pursuant to Rules 52(b), 59(j), and 60(b), N.D.R.Civ.P., respectfully requests that the Court amend its Findings of Fact in this action, alter or amend the Judgment entered in this action, and otherwise grant relief to Auto-Owners Insurance Company by amending its Findings and altering and amending the Judgment of the Court entered in this action on July 22, 2016, as will be detailed in the accompanying brief of Auto-Owners Insurance Company in support of these motions.

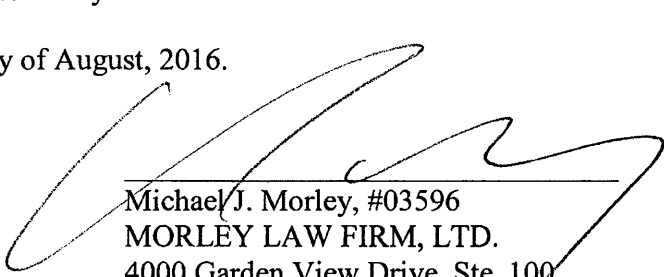
2. Auto-Owners' motions are made and based upon all of the pertinent records and files herein, upon the trial testimony in this action before the Court on March 14 and 15, 2016, upon the trial evidence and exhibits presented at the aforementioned trial of this action to the Court, upon the post-trial closing argument of respondent Auto-Owners Insurance Company, (Doc. Id. No.249), the post-trial reply closing argument of Auto-Owners Insurance Company,

(Doc. Id. No. 261), the attached brief in support of Auto-Owners' motions and upon any other argument presented to the Court at any hearing to be held hereon.

3. By this motion, Auto-Owners respectfully requests that the Court amend its Findings of Fact, alter and amend the Court's Judgment entered July 22, 2016, and afford relief to Auto-Owners from said Judgment, by applying N.D.C.C. § 60-02-41 to the issue of the date of insolvency of Grand Forks Bean in this action and the determination of the market price to be paid to claimants from the Trust Fund for their outstanding, unconverted scale tickets or warehouse receipts approved by the Court from the Trust Fund involved in this proceeding.

4. Applying this statute in this action would result in the Court's approval of the report and recommendation of the Public Service Commission, petitioner, without modification, as presented to the Court by the PSC and would result in the Surety Bond of Auto-Owners Insurance Company not being necessary to partially fund the Grand Forks Bean Trust Fund to pay approved claims and its part of the fees and costs of the PSC in this proceeding. Applying the said statute and granting this motion would thereby exonerate and discharge Auto-Owners Insurance Company, the Surety, from any obligations to the Grand Forks Bean Trust Fund, the Public Service Commission, and the unconverted scale tickets/warehouse receipt holder claimants in this proceeding that were approved by the Court.

Respectfully submitted this 24 day of August, 2016.



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