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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: Brief

Filing Desc: Reply Brief of Ronald Adams, Nicholas Adams, Chuck Nelson, and WJS Nelson to Respondent Auto Owner's Motions

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IN DISTRICT COURT, GRAND FORKS COUNTY, STATE OF NORTH DAKOTA

Public Service Commission,	)	
	)	
Petitioner,	)	
	)	
vs.	)	CIVILNO. 18-2015-cv-00240
	)	
Grand Forks Bean Company, Inc.,	)	
Auto-Owner Insurance Company,	)	REPLY BRIEF OF
	)	RONALD ADAMS, NICHOLAS
Respondents.	)	ADAMS, CHUCK NELSON,
	)	AND WJS NELSON TO RESPONDENT
vs.	)	AUTO OWNER'S MOTIONS FOR POST-
	)	JUDGMENT RELIEF
Bremer Bank, National Association,	)	
	)	
Applicant for Intervention,	)	

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PSC Case No. GE-15-36

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[¶1] Auto-Owners has requested post-judgment relief under Rules 52(b), 59(j) and 60(b), N.D.R.Civ.P., including an amendment to the findings of fact and an amended judgment. Ronald Adams, Nicholas Adams, Chuck Nelson, and WJS Nelson oppose Auto-Owner's Motion.

[¶2] Auto-Owners asks this Court to re-evaluate this case based on its argument that N.D.C.C. §60-02-41 (voluntary insolvency) is the applicable statute for determining the date of insolvency in this case. There was a great deal of discussion at trial about which statutory framework controls. There are no new facts and no new evidence being submitted by Respondent Auto-Owners.

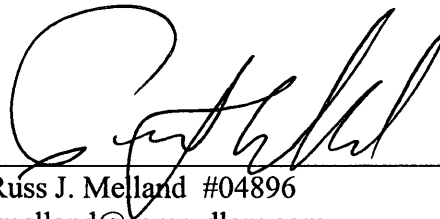
[¶3] A review of statutes §60-02-41 and N.D.C.C. §60-04-02 reveals that the one main difference between them is whether the insolvency is voluntary or involuntary. Grand Forks

Bean's insolvency was involuntary. Therefore, Section 60-04-02 applies and the Court's determination of an insolvency date is correct.

[¶4] In paragraph 4 of Auto-Owner's brief it alleges that the Court's Order is incorrect because not all parties agreed that the determination of the insolvency date was governed by N.D.C.C. §60-04-02. Although Auto-Owner's may not agree that N.D.C.C. §60-04-02 controls the insolvency date, nothing was presented at trial inconsistent with a determination that the insolvency was involuntary and that it came about by the actions of third parties.

[¶5] Auto Owner's post-judgment relief should be limited to removing the expression of unanimity as to application of N.D.C.C. §60-04-02.

Respectfully submitted and dated this 7<sup>th</sup> day of September, 2016.



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