

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

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

Supreme Court No. 20160303
Civil No. 18-2015-CV-00240



*** **

**APPEAL FROM ORDER MODIFYING TRUSTEE'S REPORT AND
RECOMMENDATION, DATED MAY 3, 2016, ORDER CORRECTING CLERICAL
MISTAKE/OVERSIGHT, DATED MAY 5, 2016, ORDER RESOLVING POST-
HEARING ISSUES, DATED JULY 5, 2016, ORDER FOR JUDGMENT, DATED JULY
22, 2016, AND JUDGMENT, DATED JULY 22, 2016**

**THE DISTRICT COURT OF GRAND FORKS COUNTY, NORTH DAKOTA
NORTHEAST CENTRAL JUDICIAL DISCTRIC
THE HONORABLE JON J. JENSEN, PRESIDING**

NOTICE OF APPEAL AND CROSS-APPEAL

TO: THE ABOVE-NAMED PARTIES, ALL CLAIMANTS HEREIN, AND THEIR ATTORNEYS, AND CLERK OF SUPREME COURT:

[¶1] PLEASE TAKE NOTICE that the Public Service Commission hereby appeals and cross appeals to the North Dakota Supreme Court from the Judgment entered by the District Court for Grand Forks County on July 22, 2016. The Notice of Entry of Judgment was served July 25, 2016. The Judgment was entered pursuant to an *Order Modifying Trustee's Report and Recommendation* dated May 3, 2016; an *Order Correcting Clerical Mistake/Oversight* dated May 5, 2016; an *Order Resolving Post-hearing Issues* dated July 5, 2016, and an *Order for Judgment*

dated July 22, 2016. Bremer Bank, National Association filed its *Notice of Appeal* on September 2, 2016.

[¶2] Through its appeal and cross-appeal, the preliminary statement of issues that the Public Service Commission intends to take exception to the District Court's underlying orders are:

1. Whether the District Court erred in modifying the PSC's Report and Recommendations;
2. Whether the District Court erred in determining the insolvency date of Grand Forks Bean Company, Inc.;
3. Whether the District Court erred in determining the amount payable to the grower-claimants;
4. Whether the District Court erred by not determining the amount owing for Curt Amundson's claim; and
5. If Curt Amundson is a credit sale claimant, whether interest is awardable on his credit sale claim.

[¶3] The PSC anticipates it opposes Bremer Bank's position with regard to the issues specified in ¶¶ 9, 12, 13, and 14 of Bremer Bank's *Notice of Appeal*. The PSC may also oppose certain aspects of Bremer Bank's position with respect to the remaining issues identified in Bremer Bank's *Notice of Appeal*, which is dependent on the position taken by Bremer Bank on appeal.

Dated this 15th day of September, 2016.

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