

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Public Service Commission,)
)
 Petitioner,)
)
 vs.)
)
Grand Forks Bean Company, Inc.,)
Auto-Owners Insurance Company,)
)
 Respondents.)
)
PSC Case No.: GE-15-36)

Supreme Court No.: 20160303
District Court Civil No: 18-2015-cv-00240

NOTICE OF APPEAL

Appeal from Order Modifying Trustee’s Report & Recommendation Dated May 3, 2016, From Order Correcting Clerical Mistake/Oversight Dated May 5, 2016, From Order for Judgment Dated July 22, 2016, From Judgment Dated and Entered July 22, 2016, and From Order Denying Post-Judgment Relief-Motion Filed August 24, 2016, by Auto-Owners Insurance Company, Dated September 15, 2016.

**The District Court of Grand Forks County, North Dakota
Northeast Central Judicial District
The Honorable Jon J. Jensen, District Judge, Presiding**

TO: THE ABOVE-NAMED PARTIES, ALL CLAIMANTS HEREIN, THEIR ATTORNEYS OF RECORD AND THE CLERK OF THE SUPREME COURT – SUPCLERKOF COURT@NDCOURTS.GOV:

1. PLEASE TAKE NOTICE that the respondent Auto-Owners Insurance Company hereby appeals from the Grand Forks County District Court, Northeast Central Judicial District, to the Supreme Court of the State of North Dakota from the following Orders and Judgment entered by the District Court for the County of Grand Forks, State of North Dakota:

2. Appeal from Order Modifying Trustee’s Report & Recommendation, dated May 3, 2016, Order Correcting Clerical Mistake/Oversight dated May 5, 2016, Order for Judgment dated July 22, 2016, Judgment dated and entered July 22, 2016, and Order Denying Post-Judgment Relief-Motion filed August 24, 2016, by Auto-Owners Insurance Company, dated September 15, 2016.

3. Appellant Auto-Owners' preliminary statement of the issues is as follows:

4. Whether the District Court erred in modifying the Report and Recommendations of the Trustee, North Dakota Public Service Commission, in this action;

5. Whether the District Court erred in its determination of the insolvency date of Grand Forks Bean Company, Inc., in this action, because it failed to apply the correct North Dakota statute that governed and determined the appropriate date of insolvency of Grand Forks Bean Company, Inc., in this action, namely N.D.C.C. § 60-02-41;

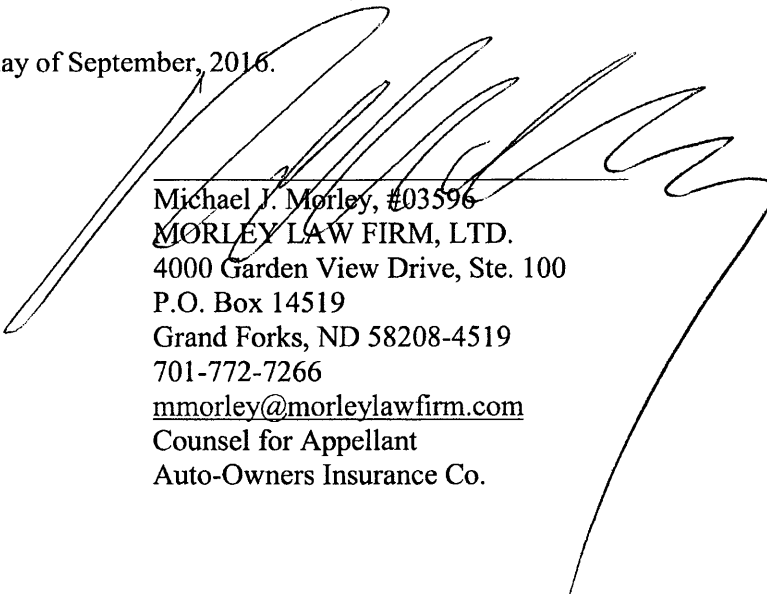
6. Whether the District Court erred in determining the amounts payable to the grower-claimants, whom the District Court determined were allowed to recover from the Grand Forks Bean Company Trust Fund involved in this action, because it failed to apply the correct North Dakota statute that governed both the insolvency date of Grand Forks Bean Co., Inc., and the appropriate market price the grower-claimants must accept for their outstanding unconverted scale tickets or warehouse receipts for their beans in this action due to the insolvency of Grand Forks Bean Company, Inc., namely N.D.C.C. § 60-02-41;

7. Whether the District Court's determinations of the insolvency date of Grand Forks Bean Co., Inc., and the market price the grower-claimants were entitled to recover from the Grand Forks Bean Co., Inc., Trust Fund involved in this action were against the greater weight of the evidence and unsupported by the greater weight of the evidence at trial;

8. Other issues as appropriate to the appeal of Auto-Owners Insurance Company in this action; and

9. The above statement of issues of Auto-Owners Insurance Company on this appeal are preliminary and Auto-Owners does not intend to waive any other appropriate and necessary issues regarding its appeal of the aforementioned Orders and Judgment of the District Court and reserves and preserves all other appropriate issues pertaining to the appeal of Auto-Owners in this action.

Respectfully submitted this 22nd day of September, 2016.



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