

Crockford, Konrad S.

From: efilinmail@tylerhost.net
Sent: Friday, November 01, 2019 09:56
To: Tiffany Knopik
Subject: Filing Accepted for Case: 35-2018-CV-00088; Public Service Commission vs. Hunter Hanson d/b/a NoDak Grain, et al.; Envelope Number: 3608004



**North Dakota
Court System**

Filing Accepted

Envelope Number: 3608004
Case Number: 35-2018-CV-00088
Case Style: Public Service Commission vs.
Hunter Hanson d/b/a NoDak Grain, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Pierce County - Northeast District
Case Number	35-2018-CV-00088
Case Style	Public Service Commission vs. Hunter Hanson d/b/a NoDak Grain, et al.
Date/Time Submitted	11/1/2019 9:03 AM CST
Date/Time Accepted	11/1/2019 9:55 AM CST
Accepted Comments	
Filing Type	Brief
Filing Description	Brief in Support of Motion to Approve Report and Recommendations of Trustee, Approve Payments, and Discharge Trustee
Activity Requested	EFileAndServe
Filed By	Mitchell Armstrong
Filing Attorney	Mitchell Armstrong

Document Details	
Lead Document	Brief in Support of Motion to Approve Report and Recommendations of Trustee, Approve Payments, and Discharge Trustee.pdf
Lead Document Page Count	3
File Stamped Copy	View Stamped Document

This link is active for 30 days. If the link above is not accessible, copy this URL into your browser's address bar to view the document:

<https://northdakota.tylerhost.net/ViewDocuments.aspx?FID=eafa4016-d7da-4d88-b673-daffc2a3ff86>

For technical assistance, contact your service provider or
North Dakota Court's Information Technology Department 701-328-4218
Please do not reply to this email. It was automatically generated.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF PIERCE

NORTHEAST JUDICIAL DISTRICT

Public Service Commission)
)
 Petitioner,)
)
 vs.)
)
 Hunter Hanson)
 d/b/a NoDak Grain)
)
 and)
)
 CorePointe Insurance Company)
)
 and)
)
 Philadelphia Indemnity Insurance Company)
)
 Respondents.)

CIVIL NOS.
 35-2018-CV-00088
 &
 35-2019-CV-00019

**BRIEF IN SUPPORT OF MOTION TO
 APPROVE REPORT AND
 RECOMMENDATIONS OF TRUSTEE,
 APPROVE PAYMENTS, AND
 DISCHARGE TRUSTEE**

Public Service Commission)
)
 Petitioner,)
)
 vs.)
)
 Hunter Hanson)
 d/b/a Midwest Grain Trading)
)
 and)
)
 State Farm Fire Casualty Company)
)
 Respondents.)

[¶ 1] The North Dakota Public Service Commission (Commission), as Trustee seeks an order approving the Report and Recommendation of Trustee, approving payment, and discharging trustee. The Commission has the authority to bring this Motion and the Court has the power to grant the relief requested under North Dakota Century Code chapters 60-04 and 60-02.1.

[¶ 2] The Commission has reviewed claims filed and a detailed determination regarding the validity of each claim is attached to and summarized in the Report and Recommendation of Trustee. The proceeds from the bonds are implicated by the Commission's Report and Recommendations, and the Commission will separately move for deposit of the bond proceeds in the event the bond proceeds are not deposited by agreement of the parties.


[¶ 3] The trust fund is made up of proceeds from the sale of grain and bond proceeds, and as further described in the *Report and Recommendations of Trustee*. Further, as described in the *Report and Recommendations of Trustee*, proceeds from the credit-sale contract indemnity fund will be needed to meet Hunter Hanson's obligations because there are valid credit-sale contracts.

[¶ 4] North Dakota Century Code §§ 60-02.1-37(5) and 60-04-09 provide in part:

Following hearing, the court shall approve or modify the report and issue an order directing payment of the necessary bond proceeds, distribution of the trust fund, and discharge of the commission from its trust.

[¶ 5] We respectfully request that the Court approve the *Report and Recommendation of Trustee*, approve payments, and following payment to claimants, discharge the Commission as Trustee.

Dated this 31st day of October 2019.


Mitchell D. Armstrong (ND ID No.: 05892)
marmstrong@smithporsborg.com
Brian D. Schmidt (ND ID # 07498) ✓
bschmidt@smithporsborg.com
Special Assistant Attorneys General
122 East Broadway Avenue
PO Box 460
Bismarck, ND 58502-0460
701-258-0630

and

John M. Schuh (ND ID No.: 08138)
jschuh@nd.gov
Special Assistant Attorney General
State Capitol – 12th Floor
600 East Boulevard Avenue – Department 408
Bismarck, ND 58505-0480
701-328-2400

Attorneys for the Public Service Commission