

Crockford, Konrad S.

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**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.

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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	Exhibit
Filing Description	7 - Dillon Dionne
Activity Requested	EFileAndServe
Filed By	Mitchell Armstrong
Filing Attorney	Mitchell Armstrong

Document Details	
Lead Document	Exhibit 7 to Aff of AJS.pdf
Lead Document Page Count	3
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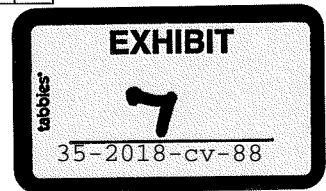
Claimant Name & Address
 Dillon Dionne
 8010 33rd Ave.
 Rolette, ND 58366
 Phone: 701-550-2260
 Email: dionnefarms.dd@gmail.com
 Represented by: Gibbens Law Office
 Bruce or Nathan Gibbens
 Office: 701-968-3342

Date Claim Filed	March 4, 2019
Date Payment Demand Made	None

PSC Calculated value total	\$	174,094.59
Less amounts from civil suit:		
-Awarded amount on May 3, 2019	\$	(112,125.90)
-Awarded amount on June 12, 2019	\$	(21,150.00)
	\$	40,818.69

Total cash claim

Settlement #	na	Date	date	Date	date
ECGM Trade Confirmation #	21895	10/5/2018	10/22/2018		
Seller Contract #	na				
Midwest Contract #	na				
Claim applied against:	Cash				
Commodity	Spring Wheat				
Contracted Price Per Bushel	\$	5.45	\$	5.34	
Contracted Bushels		20,000.00		15,000.00	
Delivered bushels*		20,000.00		11,997.54	-
Gross Amount Due*	\$	109,784.98	\$	64,789.56	\$
Less Total Fees & assessments*	\$	299.99	\$	179.96	\$
PSC calculated value*	\$	109,484.99	\$	64,609.60	\$
Estimated Value per Midwest					
Claimant calculated claim					



Comments:

1. Summary

- a. Claim was received by the PSC on March 4, 2019
 - b. Claim documents included claim form and documents submitted in claimant's civil suit vs. Hunter Hanson
 - i. Complaint that outlines the details of the claim, table listing scale tickets, two ECGM trade confirmations, and correlating scale tickets.
 1. Claim was for 22 loads of spring wheat totaling 24,993.70 bushels.
 - a. Claimant had copies of 21 scale tickets totaling 23,943.70 bushels with the 22nd load estimated at 1,050 bushels
 - b. 20,000 bushels applied to ECGM #21895 and priced at \$5.45 +/- protein premiums for a total value of \$110,243.03
 - c. Remaining 3,943.70 bushels applied to ECGM #21961 and priced at \$5.34 +/- protein premiums for a total value of \$21,234.49
 - d. The load with no scale ticket (estimated 1,050 bushels) priced at \$5.34 for a value of \$5,607.00
 2. Total claimed amount for grain delivered and unpaid of \$137,084.52.
 - c. Claimant later sent notice that was received by the PSC on June 20, 2019 to reduce the claim to \$5,811.34 due to state civil judgement that resulted in the claimant recovering some of their losses.
2. Differences in Claim Calculations Explained:
- a. Claimant stated in the civil suit that he believed that 22 loads had been delivered and had 21 scale tickets associated with those deliveries with the 22nd load an estimated amount.
 - b. Based on all currently available records the PSC has, the documentation indicates a total of 28 loads of spring wheat were delivered that remained unpaid prior to the civil suit judgment.
 - i. Sources include freight invoices from trucking companies that hauled the grain (Leer Trucking, Brubaker Trucking, and High Hole Trucking) and various records obtained by the PSC.
 - ii. Based on the records and a phone conversation PSC staff and its legal counsel with Dillon on September 27, 2019 the PSC's claim calculations are based on all 28 scale tickets related to the claimant.
 - c. PSC applied bushels from the earliest delivered loads to the first contract to be applied to (ECGM #21895) based on delivery period, until filled evenly and applied the overage to the next contract (ECGM #21961).
 - d. Claimant did not account for the applicable commodity checkoff fees that would be deducted prior to final settlement per industry standard practice.
 - e. Claimant did not have all of the scale tickets
3. Explanation of Offsets to claim: The amounts satisfied from the civil suit judgment are used as offsets to the claim.

Summary table of how value of each load calculated:

Destination Information - inbound				Pricing					Scale ticket Grade Factors					Contracts				
Elevator	Scale Ticket #	Delivery Date	Net Bu	Base Price per Bushel	Prem. & disc. per bu	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	TW	MST	Dock	Ergot	Protein	Estimate #	ECGM #	Seller Contract	Midwest Contract
Osnabrock FEC. - Nekoma	177438	10/17/2018	1,229.34	\$ 5.45	\$ 0.08	\$ 5.53	\$ 6,798.25	\$ 18.44	\$ 6,779.81	63.2	11.7	1.6		14.5	na	21895	na	na
Osnabrock FEC. - Nekoma	177514	10/18/2018	1,142.79	\$ 5.45	\$ -	\$ 5.45	\$ 6,228.21	\$ 17.14	\$ 6,211.07	64.1	11.8	1.0		14.1	na	21895	na	na
Osnabrock FEC. - Nekoma	177545	10/18/2018	1,157.97	\$ 5.45	\$ -	\$ 5.45	\$ 6,310.94	\$ 17.37	\$ 6,293.57	62.4	11.8	2.8		14.0	na	21895	na	na
Osnabrock FEC. - Nekoma	177557	10/18/2019	1,133.90	\$ 5.45	\$ -	\$ 5.45	\$ 6,179.76	\$ 17.01	\$ 6,162.75	63.1	11.6	1.4		14.0	na	21895	na	na
Osnabrock FEC. - Nekoma	177638	10/19/2018	1,271.40	\$ 5.45	\$ 0.08	\$ 5.53	\$ 7,030.84	\$ 19.07	\$ 7,011.77	62.4	12.2	2.1		14.4	na	21895	na	na
Osnabrock FEC. - Nekoma	177801	10/22/2018	1,144.85	\$ 5.45	\$ -	\$ 5.45	\$ 6,239.43	\$ 17.17	\$ 6,222.26	62.6	13.9	2.4	0.05	14.0	na	21895	na	na
Osnabrock FEC. - Nekoma	177805	10/22/2018	1,104.64	\$ 5.45	\$ -	\$ 5.45	\$ 6,020.29	\$ 16.57	\$ 6,003.72	62.0	14.0	2.1		14.1	na	21895	na	na
Osnabrock FEC. - Nekoma	177819	10/22/2018	1,009.80	\$ 5.45	\$ 0.04	\$ 5.49	\$ 5,543.80	\$ 15.15	\$ 5,528.65	62.4	13.8	1.0		14.2	na	21895	na	na
Osnabrock FEC. - Nekoma	177832	10/22/2018	1,127.57	\$ 5.45	\$ 0.08	\$ 5.53	\$ 6,235.46	\$ 16.91	\$ 6,218.55	62.2	13.6	2.6	0.05	14.4	na	21895	na	na
Osnabrock FEC. - Nekoma	177861	10/23/2018	1,122.16	\$ 5.45	\$ 0.08	\$ 5.53	\$ 6,205.54	\$ 16.83	\$ 6,188.71	61.7	13.5	2.9	0.05	14.4	na	21895	na	na
Osnabrock FEC. - Nekoma	177899	10/23/2018	1,138.83	\$ 5.45	\$ 0.04	\$ 5.49	\$ 6,252.18	\$ 17.08	\$ 6,235.10	62.5	13.5	1.4		14.3	na	21895	na	na
Osnabrock FEC. - Nekoma	177901	10/23/2018	1,177.17	\$ 5.45	\$ -	\$ 5.45	\$ 6,415.58	\$ 17.66	\$ 6,397.92	62.6	13.5	1.3		14.1	na	21895	na	na
Osnabrock FEC. - Nekoma	177926	10/23/2018	1,145.76	\$ 5.45	\$ 0.04	\$ 5.49	\$ 6,290.22	\$ 17.19	\$ 6,273.03	62.9	13.2	1.0		14.2	na	21895	na	na
Osnabrock FEC. - Nekoma	177961	10/24/2018	1,119.45	\$ 5.45	\$ (0.04)	\$ 5.41	\$ 6,056.22	\$ 16.79	\$ 6,039.43	62.7	12.9	2.6	0.13	13.9	na	21895	na	na
Osnabrock FEC. - Nekoma	177996	10/24/2018	1,098.83	\$ 5.45	\$ 0.08	\$ 5.53	\$ 6,076.53	\$ 16.48	\$ 6,060.05	61.7	12.7	2.5	0.05	14.4	na	21895	na	na
Osnabrock FEC. - Nekoma	177997	10/24/2018	1,176.00	\$ 5.45	\$ 0.08	\$ 5.53	\$ 6,503.28	\$ 17.64	\$ 6,485.64	62.2	12.8	2.0		14.4	na	21895	na	na
Osnabrock FEC. - Nekoma	178059	10/25/2018	1,113.29	\$ 5.45	\$ 0.08	\$ 5.53	\$ 6,156.49	\$ 16.70	\$ 6,139.79	62.8	12.8	2.2		14.4	na	21895	na	na
Osnabrock FEC. - Nekoma	178073	10/25/2018	586.25	\$ 5.45	\$ 0.08	\$ 5.53	\$ 3,241.96	\$ 8.79	\$ 3,233.17	63.0	12.6	2.1		14.5	na	21895	na	na
Osnabrock FEC. - Nekoma	178073	10/25/2018	567.99	\$ 5.34	\$ 0.06	\$ 5.40	\$ 3,067.15	\$ 8.52	\$ 3,058.63	63.0	12.6	2.1		14.5	na	21961	na	na
Osnabrock FEC. - Nekoma	178075	10/25/2018	1,135.14	\$ 5.34	\$ 0.06	\$ 5.40	\$ 6,129.76	\$ 17.03	\$ 6,112.73	62.8	12.8	2.2	0.05	14.5	na	21961	na	na
Osnabrock FEC. - Nekoma	178097	10/25/2018	1,165.33	\$ 5.34	\$ 0.03	\$ 5.37	\$ 6,257.82	\$ 17.48	\$ 6,240.34	62.3	12.5	2.1	0.06	14.3	na	21961	na	na
Osnabrock FEC. - Nekoma	178191	10/29/2018	1,159.81	\$ 5.34	\$ 0.12	\$ 5.46	\$ 6,332.56	\$ 17.40	\$ 6,315.16	62.7	12.9	1.6		14.9	na	21961	na	na
Osnabrock FEC. - Nekoma	178295	10/31/2018	1,151.60	\$ 5.34	\$ 0.12	\$ 5.46	\$ 6,287.74	\$ 17.27	\$ 6,270.47	62.3	13.1	3.2		14.9	na	21961	na	na
Osnabrock FEC. - Nekoma	178341	11/1/2018	1,122.88	\$ 5.34	\$ 0.12	\$ 5.46	\$ 6,130.92	\$ 16.84	\$ 6,114.08	62.7	13.0	3.2	0.07	14.9	na	21961	na	na
Osnabrock FEC. - Nekoma	178357	11/2/2018	1,173.29	\$ 5.34	\$ 0.09	\$ 5.43	\$ 6,370.96	\$ 17.60	\$ 6,353.36	62.4	13.1	3.3		14.7	na	21961	na	na
Osnabrock FEC. - Nekoma	178371	11/2/2018	1,127.46	\$ 5.34	\$ 0.09	\$ 5.43	\$ 6,122.11	\$ 16.91	\$ 6,105.20	62.3	13.0	3.0	0.11	14.6	na	21961	na	na
Osnabrock FEC. - Nekoma	178388	11/5/2018	1,128.81	\$ 5.34	\$ (0.09)	\$ 5.25	\$ 5,926.25	\$ 16.93	\$ 5,909.32	62.5	12.7	3.3	0.08	13.5	na	21961	na	na
Osnabrock FEC. - Nekoma	178427	11/6/2018	1,115.08	\$ 5.34	\$ 0.03	\$ 5.37	\$ 5,987.98	\$ 16.73	\$ 5,971.25	60.9	12.7	3.9		14.2	na	21961	na	na
Osnabrock FEC. - Nekoma	178428	11/6/2018	1,150.15	\$ 5.34	\$ 0.03	\$ 5.37	\$ 6,176.31	\$ 17.25	\$ 6,159.06	62.0	13.1	1.5		14.2	na	21961	na	na