

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.

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	Exhibit
Filing Description	32 - David St. Croix
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Filed By	Mitchell Armstrong
Filing Attorney	Mitchell Armstrong

Document Details	
Lead Document	Exhibit 32 of Aff of AJS.pdf
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North Dakota Court's Information Technology Department 701-328-4218
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Claimant Name & Address
David St. Croix (Joe Steininger addtl.) 47900 506th St. NW Kenmare, ND 58746 701-835-2060 or 701-467-3266 davesmopars@sestel.net Attorney: Eric M. Grant 701-852-2544 egrant@mcgeelaw.com

Date Claim Filed	March 29, 2018
Date Payment Demand Made	none

PSC Calculated value total	\$ 118,011.30
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Claimant/addtl party	ECGM #	Portion %	Dollar Value
David St. Croix	21397	100%	\$ 80,975.18
David St. Croix	21401	75%	\$ 27,777.09
Joe Steininger	21401	25%	\$ 9,259.03

Total cash claim \$ 118,011.30

	Settlement #	Date	date	Date	date
	na				
ECGM Trade Confirmation #	21397	6/12/2018	21401	6/12/2018	
Seller Contract #	na		na		
Midwest Contract #	na		na		
Claim applied against:					
Commodity		Cash		Cash	
		Durum		Durum	
Contracted Price Per Bushel	\$	6.70	\$	6.70	
Contracted Bushels	11,000 (Bin contents)			5,500.00	
Delivered bushels*	12,423.33			5,602.03	
Gross Amount Due*	\$	81,161.55	\$	37,120.15	\$ -
Less Total Fees & assessments*	\$	186.37	\$	84.03	\$ -
					\$ -
					\$ -
					\$ -
Estimated Value per Midwest					
Claimant calculated claim				\$121,561.58	



Comments:

1. Summary

- a. Claim form submitted by claimant received by the PSC on March 21, 2019
 - i. Claim is for 18,143.52 bushels of durum priced at \$6.70 per bushel for a value of \$121,561.58.
 - ii. Claimant also lists an additional interested party of Joe Steiningger.
 - 1. Joe's portion is 25% of grain value delivered against ECGM trade confirmation #21401.
 - a. Per claimant's notes grain from Bin D-11, 13 are to be applied to this contract.
- b. Claim form and supporting documents submitted by claimant's legal counsel received by the PSC March 29, 2019
 - i. Claim documents include Grain Claim Form, summary table of claim calculation and claimed bushels, list of how grain was to be split (lessor portion), some destination scale tickets, a freight invoice listing some of the claimed grain, and ECGM trade confirmations.

2. Differences in claim calculations explained:

- a. PSC used net bushels for all loads included in claim, claimant used net bushels for scale tickets they had copies of while the rest used the gross bushels on the freight invoice.
- b. Claimant did not take into account the "Viterra Scale of Discounts" that were to apply per both ECGM trade confirmations (#21397 & # 21401).
- c. Claimant did not account for the commodity checkoff fee that would be deducted prior to final settlement per industry standard practice

3. Explanation of why contracts not filled evenly:

- a. For ECGM #21397
 - i. Contract is for 11,000 bushels with a "Contents of Bin" remark.
 - 1. Per the claimant's notes grain applied to this contract was out of two bins.
 - ii. PSC calculations reflect applying the total bushels as indicated by the claimant to this contract.
- b. For ECGM #21401
 - i. Contract is for 5,500 bushels
 - ii. Claimant indicated which loads were to apply to this contract as the grain loaded out of this bin had the additional interested party (Joe).

Summary table of how value of each load calculated:

Bin #	Destination Information - inbound			Pricing				Contracts					
	Elevator	Scale Ticket #	Delivery Date	Net Bu	Base Price per Bushel	Total Prem. & Disc. per bu	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	Estimate #	ECGM #	Sell Cont
K-6	Osnabrock FEC- Osnabrock	64647	9/25/2018	1,184.37	\$ 6.70	\$ (0.10)	\$ 6.60	\$ 7,816.84	\$ 17.77	\$ 7,799.07	na	21397	nc
K-6	Osnabrock FEC- Osnabrock	64656	9/25/2018	1,020.36	\$ 6.70	\$ (0.20)	\$ 6.50	\$ 6,632.34	\$ 15.31	\$ 6,617.03	na	21397	nc
K-6	Osnabrock FEC- Osnabrock	64665	9/25/2018	1,214.40	\$ 6.70	\$ (0.10)	\$ 6.60	\$ 8,015.04	\$ 18.22	\$ 7,996.82	na	21397	nc
K-6	Osnabrock FEC- Osnabrock	64676	9/26/2018	959.00	\$ 6.70	\$ (0.18)	\$ 6.52	\$ 6,252.68	\$ 14.39	\$ 6,238.29	na	21397	nc
K-6	Osnabrock FEC- Osnabrock	64683	9/26/2018	1,170.84	\$ 6.70	\$ -	\$ 6.70	\$ 7,844.63	\$ 17.56	\$ 7,827.07	na	21397	nc
K-11	Osnabrock FEC- Osnabrock	65092	11/8/2018	1,269.84	\$ 6.70	\$ (0.30)	\$ 6.40	\$ 8,126.98	\$ 19.05	\$ 8,107.93	na	21397	nc
K-11	Osnabrock FEC- Osnabrock	65093	11/8/2018	1,349.83	\$ 6.70	\$ (0.28)	\$ 6.42	\$ 8,665.91	\$ 20.25	\$ 8,645.66	na	21397	nc
K-11	Osnabrock FEC- Osnabrock	65094	11/8/2018	1,227.27	\$ 6.70	\$ (0.10)	\$ 6.60	\$ 8,099.98	\$ 18.41	\$ 8,081.57	na	21397	nc
K-11	Osnabrock FEC- Osnabrock	65096	11/8/2018	578.16	\$ 6.70	\$ (0.15)	\$ 6.55	\$ 3,786.95	\$ 8.67	\$ 3,778.28	na	21397	nc
K-11	Osnabrock FEC- Osnabrock	65132	11/9/2018	1,167.87	\$ 6.70	\$ (0.20)	\$ 6.50	\$ 7,591.16	\$ 17.52	\$ 7,573.64	na	21397	nc
K-11	Osnabrock FEC- Osnabrock	65133	11/9/2018	1,281.39	\$ 6.70	\$ (0.20)	\$ 6.50	\$ 8,329.04	\$ 19.22	\$ 8,309.82	na	21397	nc
D-11, 13	Osnabrock FEC- Osnabrock	65076	11/7/2018	1,141.56	\$ 6.70	\$ (0.06)	\$ 6.64	\$ 7,579.96	\$ 17.12	\$ 7,562.84	na	21401	nc
D-11, 13	Osnabrock FEC- Osnabrock	65079	11/8/2018	1,285.44	\$ 6.70	\$ (0.06)	\$ 6.64	\$ 8,535.32	\$ 19.28	\$ 8,516.04	na	21401	nc
D-11, 13	Osnabrock FEC- Osnabrock	65080	11/8/2018	1,316.59	\$ 6.70	\$ (0.06)	\$ 6.64	\$ 8,742.16	\$ 19.75	\$ 8,722.41	na	21401	nc
D-11, 13	Osnabrock FEC- Osnabrock	65081	11/8/2018	1,213.93	\$ 6.70	\$ (0.06)	\$ 6.64	\$ 8,060.50	\$ 18.21	\$ 8,042.29	na	21401	nc
D-11, 13	Osnabrock FEC- Osnabrock	65095	11/8/2018	644.51	\$ 6.70	\$ (0.18)	\$ 6.52	\$ 4,202.21	\$ 9.67	\$ 4,192.54	na	21401	nc

Summary table of how net price calculated:

Elevator	Destination Information - inbound			Pricing				Scale ticket Grade Factors				Contracts			
	Scale Ticket #	Delivery Date	Net Bu	Base Price per Bushel	Total Prem. & Disc. per bu	Discounts in \$/bu		Net Price per Bu	TW	MST	Dock	PRO	Estimate #	ECGM #	Sel Cont
						MST	Dockage	Protein							
Osnabrock FEC- Osnabrock	64647	9/25/2018	1,184.37	\$ 6.70	\$ (0.10)	\$ (0.05)	\$ -	\$ (0.05)	62.7	13.7	1.0	12.9	na	21397	n
Osnabrock FEC- Osnabrock	64656	9/25/2018	1,020.36	\$ 6.70	\$ (0.20)	\$ (0.05)	\$ -	\$ (0.15)	63.0	13.6	1.0	12.7	na	21397	n
Osnabrock FEC- Osnabrock	64665	9/25/2018	1,214.40	\$ 6.70	\$ (0.10)	\$ (0.05)	\$ -	\$ (0.05)	62.4	13.7	1.0	12.9	na	21397	n
Osnabrock FEC- Osnabrock	64676	9/26/2018	959.00	\$ 6.70	\$ (0.18)	\$ (0.05)	\$ (0.03)	\$ (0.10)	62.2	13.7	1.1	12.8	na	21397	n
Osnabrock FEC- Osnabrock	64683	9/26/2018	1,170.84	\$ 6.70	\$ -	\$ -	\$ -	\$ -	62.6	12.7	1.0	13.2	na	21397	n
Osnabrock FEC- Osnabrock	65092	11/8/2018	1,269.84	\$ 6.70	\$ (0.30)	\$ -	\$ -	\$ (0.30)	63.2	13.3	1.0	12.4	na	21397	n
Osnabrock FEC- Osnabrock	65093	11/8/2018	1,349.83	\$ 6.70	\$ (0.28)	\$ (0.05)	\$ (0.03)	\$ (0.20)	63.2	13.6	1.4	12.6	na	21397	n
Osnabrock FEC- Osnabrock	65094	11/8/2018	1,227.27	\$ 6.70	\$ (0.10)	\$ -	\$ -	\$ (0.10)	63.5	13.1	1.0	12.8	na	21397	n
Osnabrock FEC- Osnabrock	65096	11/8/2018	578.16	\$ 6.70	\$ (0.15)	\$ -	\$ -	\$ (0.15)	63.3	13.1	1.0	12.7	na	21397	n
Osnabrock FEC- Osnabrock	65132	11/9/2018	1,167.87	\$ 6.70	\$ (0.20)	\$ -	\$ -	\$ (0.20)	63.2	12.6	1.0	12.6	na	21397	n
Osnabrock FEC- Osnabrock	65133	11/9/2018	1,281.39	\$ 6.70	\$ (0.20)	\$ -	\$ -	\$ (0.20)	63.6	12.4	1.0	12.6	na	21397	n
Osnabrock FEC- Osnabrock	65076	11/7/2018	1,141.56	\$ 6.70	\$ (0.06)	\$ -	\$ (0.06)	\$ -	61.0	11.5	1.9	13.6	na	21401	n
Osnabrock FEC- Osnabrock	65079	11/8/2018	1,285.44	\$ 6.70	\$ (0.06)	\$ -	\$ (0.06)	\$ -	61.6	12.0	1.7	13.3	na	21401	n
Osnabrock FEC- Osnabrock	65080	11/8/2018	1,316.59	\$ 6.70	\$ (0.06)	\$ -	\$ (0.06)	\$ -	61.9	11.4	1.6	13.0	na	21401	n
Osnabrock FEC- Osnabrock	65081	11/8/2018	1,213.93	\$ 6.70	\$ (0.06)	\$ -	\$ (0.06)	\$ -	61.5	11.6	1.6	13.3	na	21401	n
Osnabrock FEC- Osnabrock	65095	11/8/2018	644.51	\$ 6.70	\$ (0.18)	\$ -	\$ (0.03)	\$ (0.15)	62.4	11.3	1.3	12.7	na	21401	n