

**Crockford, Konrad S.**

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**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	
<b>Court</b>	Pierce County - Northeast District
<b>Case Number</b>	35-2018-CV-00088
<b>Case Style</b>	Public Service Commission vs. Hunter Hanson d/b/a NoDak Grain, et al.
<b>Date/Time Submitted</b>	11/1/2019 9:03 AM CST
<b>Date/Time Accepted</b>	11/1/2019 9:55 AM CST
<b>Accepted Comments</b>	
<b>Filing Type</b>	Exhibit
<b>Filing Description</b>	37 - James Walsh
<b>Activity Requested</b>	EFileAndServe
<b>Filed By</b>	Mitchell Armstrong
<b>Filing Attorney</b>	Mitchell Armstrong

Document Details	
<b>Lead Document</b>	Exhibit 37 to Aff of AJS.pdf
<b>Lead Document Page Count</b>	4
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North Dakota Court's Information Technology Department 701-328-4218  
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**Claimant Name & Address**  
 James Walsh (Lloyd Walsh addtl.)  
 2800 42nd St NE  
 Minot ND 58703  
 Ph: 701-263-1261  
 Legal representation:  
 Attorney: Erich M. Grant  
 Ph: 701-852-2544  
[egrant@mcgeelaw.com](mailto:egrant@mcgeelaw.com)

Date Claim Filed	March 29, 2019
Date Payment Demand Made	None Made

PSC Calculated value total	\$	76,600.46
Less other payments		
James Walsh 33.34% portion	\$	25,538.59
Lloyd Walsh 66.66% portion	\$	51,061.87
	\$	<b>76,600.46</b>

**Total cash claim**

	Settlement #	Date	date	Date	date
	261				
ECGM Trade Confirmation #	21231	4/3/2018			
Seller Contract #	NA				
Midwest Contract #	187264	8/1/2018			

Claim applied against:	Cash				
Commodity	Yellow Peas				
Contracted Price Per Bushel	\$	6.90			
Contracted Bushels		14,400.00			
Delivered bushels*		11,213.65	-		-
Gross Amount Due*	\$	77,374.19	\$	-	\$
Less Total Fees & assessments*	\$	773.73	\$	-	\$
PSC calculated value*	\$	76,600.46	\$	-	\$
<b>Estimated Value per Midwest</b>					
<b>Claimant calculated claim</b>	\$	78,843.54			



**Comments:**

Claim has two interested parties in the claim. The breakdown is as follows:

Claimant - James Walsh share 33.34%

Partner - Lloyd Walsh share 66.66%

**Differences in total values explained:**

1. The claimant did not deduct the appropriate checkoff fee amount that would have been deducted prior to final settlement per standard grain settlement practices.
2. For the calculation of the total bushels delivered the claimant used the bushel amounts from BOL's from the company that hauled the grain. Those BOL's reflected the GROSS BU. instead of the NET BU. that ultimately the claimant would have been paid for in a normal transaction.
3. Explanation on how PSC calculated NET bushels:
  - a. Per ECGM Trade Agreement #21231 destination discount schedule was to be used.
  - b. The only difference between the destination discount schedule and the agreed terms of ECGM Trade Confirmation #21231 was that the destination deducted for splits from the gross CWT.
    - i. Per ECGM Trade Confirmation #21231 splits were to be paid in full.
    - ii. Therefore the volume of splits deducted on the destination scale ticket were added to the net volume of grain listed on the destination scale ticket.
  - c. Destination scale tickets use hundred weight (CWT), not bu. as their units of measure.
    - i. For hundred weight (CWT) it is 100 pounds (lbs.) per one CWT.
    - ii. For yellow peas it is a standard 60lbs. per bushel.
  - d. PSC used the following formula to calculate Net bushels:
    - i.  $\text{Net Bu.} = (100 * ((\text{destination net CWT}) + (\text{destination splits CWT}))) / 60$ 
      1. The NET bushel calculation was rounded to two decimal places.

Summary table of how value of each load calculated:

BOL Information			Destination Information - inbound					Pricing				Contracts		
BOL Date	BOL #	Bushels	Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	Estimate #	ECGM #	Seller Contract	Midwest Contract
11/4/2018	1261	1,159.00	Dakot Dry Bean - Crary	CRA001001942	11/5/2018	1,116.58	\$ 6.90	\$ 7,704.40	\$ 77.04	\$ 7,627.36	261	21231	NA	187264
11/5/2018	1246	1,133.00	Dakot Dry Bean - Crary	CRA001001943	11/5/2018	1,123.02	\$ 6.90	\$ 7,748.84	\$ 77.49	\$ 7,671.35	261	21231	NA	187264
11/4/2018	1262	1,145.70	Dakot Dry Bean - Crary	CRA001001948	11/6/2018	1,132.37	\$ 6.90	\$ 7,813.35	\$ 78.13	\$ 7,735.22	261	21231	NA	187264
11/6/2018	1263	1,213.30	Dakot Dry Bean - Crary	CRA001001952	11/6/2018	1,187.85	\$ 6.90	\$ 8,196.17	\$ 81.96	\$ 8,114.21	261	21231	NA	187264
11/7/2018	1369	1,106.00	Dakot Dry Bean - Crary	CRA001001958	11/7/2018	1,087.08	\$ 6.90	\$ 7,500.85	\$ 75.01	\$ 7,425.84	261	21231	NA	187264
11/7/2018	1264	1,000.00	Dakot Dry Bean - Crary	CRA001001960	11/7/2018	1,099.38	\$ 6.90	\$ 7,585.72	\$ 75.86	\$ 7,509.86	261	21231	NA	187264
11/7/2018	1265	1,000.00	Dakot Dry Bean - Crary	CRA001001964	11/8/2018	1,181.72	\$ 6.90	\$ 8,153.87	\$ 81.54	\$ 8,072.33	261	21231	NA	187264
11/8/2018	1266	1,141.30	Dakot Dry Bean - Crary	CRA001001971	11/8/2018	1,120.33	\$ 6.90	\$ 7,730.28	\$ 77.30	\$ 7,652.98	261	21231	NA	187264
11/6/2018	1368	1,076.00	Dakot Dry Bean - Crary	CRA001001972	11/6/2018	1,068.90	\$ 6.90	\$ 7,375.41	\$ 73.75	\$ 7,301.66	261	21231	NA	187264
11/9/2018	1267	1,125.30	Dakot Dry Bean - Crary	CRA001001980	11/9/2018	1,096.42	\$ 6.90	\$ 7,565.30	\$ 75.65	\$ 7,489.65	261	21231	NA	187264

Summary table of how net bushels calculated:

Elevator	Destination Information - inbound			adding splits back to net CWT			Scale ticket Grade Factors				Contracts			
	Scale Ticket #	Delivery Date	Net Bu	PSC Net CWT	Destination Net CWT	Destination splits CWT	MST	Drng	Splits	FM	Estimate #	ECGM #	Seller Contract	Midwest Contract
Dakot Dry Bean - Crary	CRA001001942	11/5/2018	1,116.58	669.95	667.52	2.43	11.9	0.98	0.70	2.680	261	21231	NA	187264
Dakot Dry Bean - Crary	CRA001001943	11/5/2018	1,123.02	673.81	671.02	2.79	11.6	0.51	0.82	0.370	261	21231	NA	187264
Dakot Dry Bean - Crary	CRA001001948	11/6/2018	1,132.37	679.42	677.08	2.34	11.7	0.89	0.68	0.270	261	21231	NA	187264
Dakot Dry Bean - Crary	CRA001001952	11/6/2018	1,187.85	712.71	707.61	5.10	11.9	1.20	1.40	0.900	261	21231	NA	187264
Dakot Dry Bean - Crary	CRA001001958	11/7/2018	1,087.08	652.25	648.70	3.55	11.6	1.14	1.07	0.570	261	21231	NA	187264
Dakot Dry Bean - Crary	CRA001001960	11/7/2018	1,099.38	659.63	656.02	3.61	11.6	1.67	1.07	0.520	261	21231	NA	187264
Dakot Dry Bean - Crary	CRA001001964	11/8/2018	1,181.72	709.03	706.50	2.53	11.8	1.21	0.70	0.560	261	21231	NA	187264
Dakot Dry Bean - Crary	CRA001001971	11/8/2018	1,120.33	672.20	669.84	2.36	11.8	1.33	0.69	0.510	261	21231	NA	187264
Dakot Dry Bean - Crary	CRA001001972	11/6/2018	1,068.90	641.34	638.98	2.36	10.2	0.60	0.73	0.067	261	21231	NA	187264
Dakot Dry Bean - Crary	CRA001001980	11/9/2018	1,096.42	657.85	648.43	9.42	12.0	1.33	2.79	1.240	261	21231	NA	187264