

STATE OF SOUTH DAKOTA
COUNTY OF KINGSBURY

IN CIRCUIT COURT
THIRD JUDICIAL CIRCUIT

IN THE MATTER OF RECEIVERSHIP OF
H & I GRAIN OF HETLAND, INC.

38 Civ. 18-000068

**CHS HEDGING, LLC'S
UNOPPOSED MOTION TO INTERVENE**

Comes now CHS Hedging, LLC (“CHS”), by and through its undersigned counsel and hereby moves for leave to intervene in this action pursuant to South Dakota Codified Laws (“SDCL”) § 15-6-24(a) or § 15-6-24(b). In support thereof, CHS states as follows:

1. This action was initiated on December 12, 2018, by the South Dakota Public Utilities Commission (“the Commission”) to seek appointment of a receiver over H & I Grain of Hetland, Inc. (“H & I Grain”). This is a successive receivership petition following this Court’s dismissal with prejudice of the Commission’s prior receivership petition—case number 38 Civ. 18-000056, filed on August 9, 2018—which was based on the same underlying facts.

2. CHS seeks intervenor status to file the attached Proposed Motion to Dismiss Petition to Appoint an Independent Receiver and also to be heard at any hearing conducted in this matter.

3. In case number 38 Civ. 18-000056, this Court ordered that CHS is permitted to intervene as of right on the facts of this case. CHS incorporates by reference this Court’s order in that case, attached as Exhibit 10 to the [Proposed] Motion to Dismiss Petition to Appoint an Independent Receiver. Counsel for CHS and the Commission have conferred. This motion is unopposed, and the propriety of CHS’s intervenor status is uncontested.

DATED: December 27, 2018

/s/ Jesse Linebaugh

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing at its attachment was served upon the following attorney by ordinary U.S. Mail and by email this 27th day of December, 2018.

Adam de Hueck
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/s/ Jesse Linebaugh