

UNITED STATES DISTRICT COURT

for the

District of Utah

TFG-Michigan, L.P., a Utah limited partnership)
Plaintiff)
v.)
Boersen Farms Grain, et al)
Defendant)

Civil Action No. 2:17-cv-00231-TS

CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT

I certify that the attached judgment is a copy of a judgment entered by this court on (date) 10/17/2017 .

I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court, the time for appeal has expired, and no appeal has been filed or, if one was filed, it is no longer pending.

Date: 11/17/2017

D. MARK JONES
CLERK OF COURT

Handwritten signature of Nancy Jones

(By) Deputy Clerk

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Attorneys for Plaintiff TFG-Michigan, L.P.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH – CENTRAL DIVISION**

TFG-MICHIGAN, L.P., a Utah limited partnership,

Plaintiff,

v.

BOERSEN FARMS GRAIN, a Michigan partnership, BOERSEN FARMS PROPERTIES, LLC, a Michigan limited company, BOERSEN FARMS, INC., a Michigan corporation, BOERSEN TRANSPORT, INC., a Michigan corporation, BOERSEN FARMS AG, LLC, a Michigan limited liability company, BOERSEN LAND COMPANY, LLC, a Michigan limited liability company, DENNIS A. BOERSEN, a Michigan citizen, ROSS M. BOERSEN, a Michigan citizen, ARLAN J. BOERSEN, a Michigan citizen, and SANDRA BOERSEN, a Michigan citizen,

Defendants.

FINAL JUDGMENT

Civil No. 2:17-cv-231-TS

Judge Ted Stewart

Magistrate Judge Furse

I hereby certify that the annexed is a true and correct copy of a document or an electronic docket entry on file at the United States District court for the District of Utah.

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Date: 11/17/2017

D. MARK JONES, Clerk

By: *Nauey Jones*

Deputy Clerk

The Court, based upon the evidence submitted at the September 26, 2017 hearing (and having considered the evidence and testimony presented by the parties at that hearing), the Court's Memorandum Decision and Order Finding Contempt of Court dated September 28, 2017, the joint motion for entry of this judgment, and for good cause shown, HEREBY ENTERS JUDGMENT as follows:

1. JUDGMENT is entered in favor of TFG-Michigan, L.P. and against Defendants Boersen Farms Grain, Boersen Farms Properties, LLC, Boersen Farms, Inc., Boersen Transport Inc., Boersen Farms AG, LLC, Boersen Land Company LLC, Dennis A. Boersen, Ross M. Boersen, Arlan J. Boersen and Sandra Boersen, jointly and severally, in the amount of \$16,262,629.90 (calculated as follows: \$15,750,000.00 damages plus \$512,629.90 in interest) for their breach of contract and breach of the implied covenant of good faith and fair dealing as set forth in Counts 1 to 18 and the claim for conversion in Count 23, against Defendant Boersen Farms Grain only, of Plaintiff's First Amended Complaint. Post-judgment interest shall continue to accrue at 18% per annum from the date of this judgment until paid in full. The net proceeds actually received from the sale of the leased equipment, if any, will be applied to the amount owed under this judgment, net of all applicable taxes, costs, and expenses.
2. A DECLARATORY JUDGMENT is entered in favor of TFG-Michigan, L. P. that TFG-Michigan, L. P. is the owner of the equipment it leased to Defendant Boersen Farms Grain and that is the subject of this litigation.
3. On June 12, 2017, the Court ordered Defendants Boersen Farms Grain, Boersen Farms Properties, LLC, Boersen Farms, Inc., Boersen Transport Inc., Boersen Farms

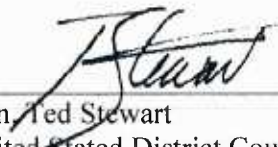
AG, LLC, Boersen Land Company LLC, Dennis A. Boersen, Ross M. Boersen, Arlan J. Boersen and Sandra Boersen to deliver Plaintiff's equipment to a site designated by Plaintiff, to deposit proceeds from the sale of Plaintiff's equipment equal to no less than \$477,500.00 into a trust account, and to not sell Plaintiff's equipment. On July 17, 2017, the Court ordered Defendants to return Plaintiff's equipment on a set schedule and ordered Defendants to cease use of Plaintiff's equipment. To the extent Defendants have not complied with these orders, they remain in full force and effect.

4. JUDGMENT is further entered in favor of TFG-Michigan, L.P. and against Defendants Boersen Farms Grain, Boersen Farms Properties, LLC, Boersen Farms, Inc., Boersen Transport Inc., Boersen Farms AG, LLC, Boersen Land Company LLC, Dennis A. Boersen, Ross M. Boersen, Arlan J. Boersen and Sandra Boersen, jointly and severally, for an additional amount of \$2,668,000.00 for compensatory sanctions due to Defendants' contempt of court as set forth in this Court's September 28, 2017 Memorandum Decision and Order.
5. JUDGMENT is further entered in favor of TFG-Michigan, L.P. and against Defendants Boersen Farms Grain, Boersen Farms Properties, LLC, Boersen Farms, Inc., Boersen Transport Inc., Boersen Farms AG, LLC, Boersen Land Company LLC, Dennis A. Boersen, Ross M. Boersen, Arlan J. Boersen and Sandra Boersen, jointly and severally, for an additional amount of \$150,000.00 for attorney's fees, costs, and expenses incurred through date of this Judgement.

Pursuant to Federal Rule of Civil Procedure 54(b), this JUDGMENT is and shall be considered the FINAL JUDGMENT of this Court with respect to the causes of action set forth in

the First Amended Complaint filed in this case.

DATED this 17th day of October, 2017.



Hon. Ted Stewart
United States District Court Judge

CERTIFICATE OF SERVICE

THE UNDERSIGNED CERTIFIES that on this 11th day of October 2017, a true and correct copy of the foregoing was filed and served electronically upon the person(s) named below:

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