

# Midwest Renewable Energy, LLC v. B4 Grain, Inc.

**Case Number**

A-20-0245

**Court Number**

Buffalo

**Call Date**

November 9, 2020

**Case Time**

1:00 PM

**Case Summary**

A-20-0245, Midwest Renewable Energy, LLC (Appellant) v. B4 Grain, Inc. and B4 and After, Inc. (Cross-Appellants), and The Andersons, Inc.

District Court for Buffalo County, District Judge John H. Marsh

Attorneys for Appellant (MRE): Bradley D. Holbrook & Elizabeth J. Klingelhoefner (Jacobsen Orr Law Firm)

Attorneys for Appellee/Cross-Appellants (B4): Victor E. Covalt III (Covalt Law Firm) & Adam R. Little (Ballew Hazen Law Firm)

Attorneys for Appellee (Andersons): Trev E. Peterson & Carly L. Bahramzad (Knudsen Berkheimer Law Firm)

Civil Action: Breach of contract

Action taken by the Trial Court: The trial court denied MRE's motion for leave to amend its complaint at the close of trial. The trial court entered judgement in favor of B4 and Andersons on each of MRE's claims and in favor of MRE on B4's counterclaim. The trial court denied MRE's motion for new trial or, in the alternative, to alter or amend the judgment.

Assignments of Error on Appeal: Did the trial court err in finding that MRE's claims against B4 are barred by the statute of limitations? Did the trial court err in finding no evidence of a joint venture? Did the trial court err in failing to grant MRE leave to file an amended complaint? Did the trial court err in finding MRE failed to meet its burden of proving all essential contract terms? Did the trial court err in finding that the doctrine of accord and satisfaction discharged certain of MRE's claims? Did Andersons breached the implied covenant of good faith and fair dealing?

Assignments of Error on Cross-Appeal: Did the trial court err in finding that that an account stated should be treated as an oral contract because it did not include a payment term and thus B4's counterclaim was barred by the applicable statute of limitations? Did the trial court err in finding that the last acknowledgement of liability by MRE occurred on July 1, 2011?

**Case Location**

Kearney

**Court Type**

District Court

**Schedule Code**

A2

**Panel Text**

Pirtle, Chief Judge, Moore, and Riedmann, Judges

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