

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

JACKSON CUENCA, a minor, by and)	CASE NO. CI 12-5413
through his Parents and Next Friends, John)	
and Emily Cuenca; EMILY CUENCA,)	
Individually; and JOHN CUENCA,)	
Individually,)	
)	
Plaintiffs,)	MOTION TO SET AMOUNT OF
)	SUPERSEDEAS BOND
vs.)	
)	
PHYSICIANS CLINIC, INC. and THE)	
NEBRASKA METHODIST HOSPITAL,)	
)	
Defendants.)	
)	

COME NOW the Defendants, Physicians Clinic, Inc. and The Nebraska Methodist Hospital, by and through their attorneys of record, and move the Court for an order setting and approving the amount of a supersedeas bond pursuant to Neb. Rev. Stat § 25-1916(1). In support of this Motion, Defendants state as follows:

1. On April 6, 2017, after a trial and jury verdict, the Court entered a Verdict Order and Judgment in favor of the Plaintiffs and against the Defendants in the following amounts:

\$1,750,000.00	in favor of Jackson Cuenca
\$500,000.00	in favor of Emily Cuenca
<u>\$250,000.00</u>	in favor of John Cuenca
\$2,500,000.00	TOTAL

2. On April 10, 2017, Defendants filed their Notice of Appeal of the judgment to the Nebraska Court of Appeals and/or the Supreme Court of the State of Nebraska and paid the statutory docket fee and cash bond.

3. Defendants request an order from this Court establishing an amount certain for Defendants to post as Supersedeas during the pendency of Defendants' appeal.

4. Defendants propose to post a supersedeas bond written by a corporate surety company authorized to do business within the State of Nebraska, the same to be held firmly bound

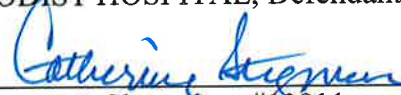
unto Plaintiffs in the sum and in the amount of Two Million Six Hundred Thirty-Two Thousand Fifty and 00/100 Dollars (\$2,632,050.00). Defendants will prosecute such post-trial proceedings and appeal without delay and pay all money and costs which may be found against them on the final determination of said cause by the Appellate Courts of the State of Nebraska.

5. The proposed amount of \$2,632,050.00 is calculated as based upon estimating a two-year term (730 days) until resolution of the appeal with interest on the Judgment at 2.641%, which is the rate in effect on the date of Judgment. Further, if the appeal takes longer than the estimated two years, the undersigned Defendants agree to deposit or post additional funds or bond as necessary and as ordered by this Court, on or before April 10, 2019.

WHEREFORE, Defendants pray that the Court establish an amount certain for a surety bond, and to approve and authorize said bond to stay execution and to operate as Supersedeas in this case.

PHYSICIANS CLINIC, INC. and THE NEBRASKA
METHODIST HOSPITAL, Defendants

By: /s/



Thomas J. Shomaker, #03811

Robert A. Mooney, #21304

Mary M. Schott, #21832

Catherine L. Stegman, #18868

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ATTORNEYS FOR DEFENDANTS

NOTICE OF HEARING

You are hereby notified that the foregoing Motion will be heard before the Honorable Marlon A. Polk, Douglas County District Court, Courtroom 506, on **April 24, 2017 at 9:30 A.M.** or, as soon thereafter as the parties may be heard.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 18, 2017, the foregoing Motion was filed with the Clerk of the Court using the JUSTICE online filing system and then a true and correct copy of same was sent either by electronic service or U.S. First-class mail, postage pre-paid, to the following:

Joseph Cullan
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1113 Harney Street
Omaha, NE 68102
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10306 Regency Parkway Drive
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/s/  _____

Certificate of Service

I hereby certify that on Tuesday, April 18, 2017 I provided a true and correct copy of the Motion Filed to the following:

Cuenca,John,,Individually & Parent represented by Joseph Cullan (Bar Number: 22145) service method: Electronic Service to jhendrix@cullanlaw.com

Kronberg,Kent,,M.D. service method: No Service

Westcott,Susan,,M.D. service method: No Service

Davlin,Michael,C, service method: No Service

Physicians Clinic Inc represented by Jeffrey Nix (Bar Number: 23842) service method: Electronic Service to jnix@pheblaw.com

Physicians Clinic Inc represented by John Weis (Bar Number: 19618) service method: Electronic Service to jweis@wolfesnowden.com

Nebraska Methodist Hospital represented by Jeffrey Nix (Bar Number: 23842) service method: Electronic Service to jnix@pheblaw.com

Nebraska Methodist Health System In represented by Robert A. Mooney (Bar Number: 21304) service method: Electronic Service to rmooney@sodorolaw.com

Kable-Kriha,Mary,,OTR service method: No Service

Nebraska Methodist Hospital represented by Robert A. Mooney (Bar Number: 21304) service method: Electronic Service to rmooney@sodorolaw.com

Cuenca,Jackson, represented by Patrick Cullan (Bar Number: 23576) service method: Electronic Service to jhendrix@cullanlaw.com

Cuenca,Emily,,Individually & Parent represented by Patrick Cullan (Bar Number: 23576) service method: Electronic Service to jhendrix@cullanlaw.com

Kader,Fred,,MD service method: No Service

The Harry A. Koch Co. represented by Lamson,William,M,Jr (Bar Number: 12374) service method: Electronic Service to wlamson@ldmlaw.com

Thomas,Mary,,RHIT, CPC service method: No Service

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Smith,Melissa,,SLP service method: No Service

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Weibel,Karina, service method: No Service

Puccioni,Mark,,MD service method: No Service

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Cuenca,John,,Individually & Parent represented by Patrick Cullan (Bar Number: 23576) service method: Electronic Service to jhendrix@cullanlaw.com

Physicians Clinic Inc represented by Robert A. Mooney (Bar Number: 21304) service method: Electronic Service to rmooney@sodorolaw.com

Marshall,John,,CRM ERMCP CIC AAI service method: No Service

Miller,Joseph,S,MD FAAFP service method: No Service

Wong,Lincoln,,MD service method: No Service

Nebraska Methodist Health System In represented by Jeffrey Nix (Bar Number: 23842)
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Hobelman,Stephanie,L,,CISR CIC service method: No Service

Naber,Amiee, service method: No Service

Range,Bruce,R,Director service method: No Service

Nebraska Methodist Hospital represented by John Weis (Bar Number: 19618) service
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Cuenca,Jackson, represented by Joseph Cullan (Bar Number: 22145) service method:
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Miller,Joseph,S,MD FAAFP service method: No Service

Meyer,Diana,,RN BSN Program Manager service method: No Service

Anderson,Beverly,J service method: No Service

Nebraska Methodist Hospital represented by Tom Shomaker (Bar Number: 13811) service
method: Electronic Service to tshomaker@sodorolaw.com

Signature: /s/ Catherine Stegman (Bar Number: 18868)