



MUTUAL OF OMAHA BANK, as successor  
by merger to NEBRASKA STATE BANK OF  
OMAHA,

Plaintiff,

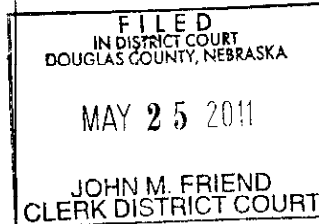
v.

SAM MURANTE, an individual,

Defendant.

DOC. 1114 PAGE 856  
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**MOTION FOR SUMMARY  
JUDGMENT**



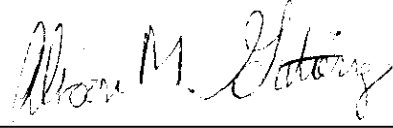
COMES NOW the Plaintiff, Mutual of Omaha Bank, as successor by merger to Nebraska State Bank of Omaha (“MOOB”), pursuant to NEB. REV. STAT. § 25-1330, and hereby moves the Court for an order granting summary judgment in its favor, and against Defendant Sam Murante, on the claim for relief set forth in Plaintiff’s Complaint.

In support of this Motion, MOOB submits that there is no genuine issue of material fact with regard to Plaintiff’s claim for breach of guaranty agreement and that MOOB is entitled to judgment as a matter of law. In further support of this Motion, MOOB intends to submit a brief and rely upon supporting affidavits, which it will serve no less than 10 days prior to the hearing in accordance with Neb. Rev. Stat. § 25-1332.

WHEREFORE, MOOB respectfully requests the Court grant its Motion for Summary Judgment and enter a judgment on its claim for relief against Sam Murante in the amount of \$3,292,839.33, plus accruing interest from and after January 1, 2011, and its costs and expenses of bringing this action and for such other and further relief as the Court deems proper.

Dated this 25<sup>th</sup> day of May, 2011.

MUTUAL OF OMAHA BANK, as successor by merger to NEBRASKA STATE BANK OF OMAHA, Plaintiff

By 

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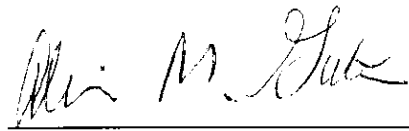
#### NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that the foregoing Motion for Summary Judgment will be heard in the District Court of Douglas County, Nebraska, 1701 Farnam Street, Omaha, Nebraska 68183, before The Honorable Gary B. Randall, in Courtroom Number 5, at 8:45 a.m. on July 21, 2011.

#### CERTIFICATE OF SERVICE

This certifies the undersigned attorney has caused service of the foregoing **MOTION FOR SUMMARY JUDGMENT** to be made pursuant to NEB. REV. STAT. § 25-534 (Reissue 1995) by mailing by ordinary first-class mail, postage prepaid, to the last-known address of the following attorneys representing parties to this action, on this 25<sup>th</sup> day of May, 2011:

Michael J. O'Bradovich  
7701 Pacific Street, Suite 205  
Omaha, NE 68114

  
Alison M. Gutierrez