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CLOSED,PROTECTIVEORDER,TRIAL-OMAHA

U.S. District Court
District of Nebraska (8 Omaha)
CIVIL DOCKET FOR CASE #: 8:15-cv-00340-JMG-FG3

Buck's, Inc. v. QuikTrip Corporation
Assigned to: Chief Judge John M. Gerrard
Referred to: Magistrate Judge F.A. Gossett
Case in other court: Sarpy County District Court, CI 15-01295
Cause: 28:1332 Diversity-Petition for Removal

Date Filed: 09/15/2015
Date Terminated: 03/13/2017
Jury Demand: Defendant
Nature of Suit: 240 Torts to Land
Jurisdiction: Diversity

Plaintiff

Buck's, Inc.
a Nebraska Corporation

represented by **Kristopher J. Covi**
MCGRATH, NORTH LAW FIRM
1601 Dodge Street
Suite 3700, First National Tower
Omaha, NE 68102-1627
(402) 341-3070
Fax: (402) 341-0216
Email: kcovi@mcgrathnorth.com
ATTORNEY TO BE NOTICED

V.

Defendant

QuikTrip Corporation
an Oklahoma Corporation

represented by **Amy L. Van Horne**
KUTAK, ROCK LAW FIRM - OMAHA
1650 Farnam Street
Omaha, NE 68102-2186
(402) 346-6000
Fax: (402) 346-1148
Email: amy.vanhorne@kutakrock.com
ATTORNEY TO BE NOTICED

Robert M. Slovek
KUTAK, ROCK LAW FIRM - OMAHA
1650 Farnam Street
Omaha, NE 68102-2186
(402) 346-6000
Fax: (402) 346-1148
Email: robert.slovek@kutakrock.com
ATTORNEY TO BE NOTICED

Counter Claimant

represented by

QuikTrip Corporation
an Oklahoma Corporation

Amy L. Van Horne
 (See above for address)
ATTORNEY TO BE NOTICED

Robert M. Slovek
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

QuikTrip Corporation
an Oklahoma Corporation

represented by **Amy L. Van Horne**
 (See above for address)
ATTORNEY TO BE NOTICED

Robert M. Slovek
 (See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 09/15/2015 | <u>1</u> | NOTICE OF REMOVAL with jury demand against QuikTrip Corporation from Sarpy County District, Case number 15-1295 (Filing fee \$ 400, receipt number 0867-3034765) with attached state court pleadingsQuikTrip Corporation (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Slovek, Robert) (Entered: 09/15/2015) |
| 09/15/2015 | 2 | TEXT NOTICE OF JUDGES ASSIGNED: Chief Judge Laurie Smith Camp and Magistrate Judge F.A. Gossett assigned. (KLF) (Entered: 09/16/2015) |
| 09/15/2015 | 3 | TEXT NOTICE REGARDING CORPORATE DISCLOSURE STATEMENT by Deputy Clerk as to Plaintiff Buck's, Inc. and Defendant QuikTrip Corporation. Pursuant to Fed. R. Civ. P. 7.1, non-governmental corporate parties are required to file Corporate Disclosure Statements (Statements). The parties shall use the form Corporate Disclosure Statement, available on the Web site of the court at http://www.ned.uscourts.gov/forms/ . If you have not filed your Statement, you must do so within 15 days of the date of this notice. If you have already filed your Statement in this case, you are reminded to file a Supplemental Statement within a reasonable time of any change in the information that the statement requires. (KLF) (Entered: 09/16/2015) |
| 09/22/2015 | <u>4</u> | ANSWER to Complaint with with jury demand , COUNTERCLAIM with jury demand against QuikTrip Corporation regarding Notice of Removal Attorney - Complaint, <u>1</u> filed by QuikTrip Corporation by QuikTrip Corporation (Slovek, Robert) (Entered: 09/22/2015) |
| 09/24/2015 | <u>5</u> | SCHEDULING LETTER setting the Rule 26 Meeting Report Deadline for 10/23/2015. Please use the revised "Form 35 (Rule 26(f)) Report" available on the court's website, www.ned.uscourts.gov . Ordered by Magistrate Judge F.A. Gossett. (ARL,) (Entered: 09/24/2015) |

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| 10/01/2015 | 6 | CORPORATE DISCLOSURE STATEMENT pursuant to Fed. R. Civ. P. 7.1 by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc..(Covi, Kristopher) (Entered: 10/01/2015) |
| 10/02/2015 | 7 | CORPORATE DISCLOSURE STATEMENT pursuant to Fed. R. Civ. P. 7.1 identifying Corporate Parent QuikTrip Corporation for QuikTrip Corporation. by Attorney Amy L. Van Horne on behalf of Defendants QuikTrip Corporation, QuikTrip Corporation.(Van Horne, Amy) (Entered: 10/02/2015) |
| 10/13/2015 | 8 | REPLY to Counterclaim by Buck's, Inc. (Covi, Kristopher) (Entered: 10/13/2015) |
| 10/23/2015 | 9 | REPORT of Rule 26(f) Planning Meeting by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 10/23/2015) |
| 10/26/2015 | 10 | ORDER SETTING SCHEDULE FOR INITIAL PROGRESSION OF CASE - Counsel shall notify the undersigned magistrate judge by joint or separate letters by 12/28/2015 addressing mediation requirements. Planning Conference set for 1/25/2016 at 09:30 AM by Telephone before Magistrate Judge F.A. Gossett. Counsel for plaintiff shall initiate the planning conference call to the court at 402-661-7340 on 1/25/2016. Ordered by Magistrate Judge F.A. Gossett. (ARL,) (Entered: 10/26/2015) |
| 11/16/2015 | 11 | Certificate of Service of Rule 26(a)(1) Initial Disclosures by Attorney Amy L. Van Horne on behalf of Defendant QuikTrip Corporation.(Van Horne, Amy) (Entered: 11/16/2015) |
| 11/16/2015 | 12 | Certificate of Service re: Rule 26(a)(1) Initial Disclosures by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc..(Covi, Kristopher) (Entered: 11/16/2015) |
| 01/25/2016 | 13 | ORDER SETTING FINAL SCHEDULE FOR PROGRESSION OF CASE - Depositions due 7/15/2016. Pretrial Conference set for 10/20/2016 at 10:00 AM in Chambers before Magistrate Judge F.A. Gossett. Jury Trial set for 11/15/2016 at 08:30 AM in Courtroom 2, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Chief Judge Laurie Smith Camp. Ordered by Magistrate Judge F.A. Gossett. (ARL,) (Entered: 01/25/2016) |
| 01/28/2016 | 14 | NOTIFICATION of Request for Video Recording by Clerk.(MLF,) (Entered: 01/28/2016) |
| 02/19/2016 | 15 | STIPULATION for Protective Order by Attorney Robert M. Slovek on behalf of Counter Claimant QuikTrip Corporation, Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 02/19/2016) |
| 02/22/2016 | 16 | PROTECTIVE ORDER granting 15 Stipulation for Protective Order. Ordered by Magistrate Judge F.A. Gossett. (JSF) (Entered: 02/22/2016) |
| 02/22/2016 | 17 | Certificate of Service by Attorney Robert M. Slovek on behalf of Counter Claimant QuikTrip Corporation, Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 02/22/2016) |
| 04/18/2016 | 18 | MOTION for Summary Judgment by Attorney Robert M. Slovek on behalf of Counter Claimant QuikTrip Corporation, Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 04/18/2016) |
| 04/18/2016 | 19 | |

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| | | BRIEF in support of <i>Motion for Summary Judgment</i> by Attorney Robert M. Slovek on behalf of Counter Claimant QuikTrip Corporation, Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 04/18/2016) |
| 04/18/2016 | 20 | INDEX in support of MOTION for Summary Judgment 18 by Attorney Robert M. Slovek on behalf of Counter Claimant QuikTrip Corporation, Defendant QuikTrip Corporation. (Attachments: # 1 Affidavit Michael Talcott, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Affidavit Robert M. Slovek, # 7 Exhibit 1, # 8 Exhibit 2, # 9 Exhibit 3, # 10 Exhibit 4, # 11 Exhibit 5, # 12 Exhibit 6, # 13 Exhibit 7, # 14 Exhibit 8, # 15 Exhibit 9, # 16 Exhibit 10, # 17 Exhibit 11, # 18 Exhibit 12, # 19 Exhibit 13, # 20 Exhibit 14)(Slovek, Robert) (Entered: 04/18/2016) |
| 05/12/2016 | 21 | BRIEF in opposition to MOTION for Summary Judgment 18 and <i>Statement of Facts</i> by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc..(Covi, Kristopher) (Entered: 05/12/2016) |
| 05/12/2016 | 22 | INDEX in support of Brief 21 in opposition to <i>Defendant's Motion for Summary Judgment</i> by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc.. (Attachments: # 1 Exhibit A - Declaration of Steven Buchanan, # 2 Exhibit B - Declaration of Nichole Mallett, # 3 Exhibit C - Declaration of Kristopher J. Covi, # 4 Exhibit 1 - 11/26/14 Email, # 5 Exhibit 2 - 12/1/14 Email, # 6 Exhibit 3 - Buchanan depo excerpts, # 7 Exhibit 4 - 12/5/14 Email, # 8 Exhibit 5 - 12/5/14 Email, # 9 Exhibit 6 - 12/5/14 Email, # 10 Exhibit 7 - Notice of Equitable Lien, # 11 Exhibit 8 - 12/22/14 Email, # 12 Exhibit 9 - 1/9/15 Letter from Seller's counsel, # 13 Exhibit 10 - 1/26/15 Email, # 14 Exhibit 11 - Sarpy County Complaint, # 15 Exhibit 12 - 1/28/14 Email)(Covi, Kristopher) (Entered: 05/12/2016) |
| 05/19/2016 | 23 | |

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| | | REPLY BRIEF in support of MOTION for Summary Judgment 18 by Attorney Amy L. Van Horne on behalf of Defendant QuikTrip Corporation.(Van Horne, Amy) (Entered: 05/19/2016) |
| 05/24/2016 | 24 | REASSIGNMENT ORDER - IT IS ORDERED that, in the interest of judicial economy, this case is reassigned to Senior Judge Lyle E. Strom for disposition and remains with Magistrate Judge F.A. Gossett. Ordered by Chief Judge Laurie Smith Camp. (LAC) (Entered: 05/24/2016) |
| 06/15/2016 | 25 | JOINT MOTION to Extend <i>Deadlines</i> by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 06/15/2016) |
| 06/17/2016 | 26 | AMENDED ORDER SETTING FINAL PROGRESSION OF A CIVIL CASE - Depositions due October 15, 2016. Jury Trial set for 11/28/2016 at 09:00 AM in Courtroom 5, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Senior Judge Lyle E. Strom. Pretrial Conference set for 10/20/2016 at 10:00 AM in Chambers before Magistrate Judge F.A. Gossett. Ordered by Senior Judge Lyle E. Strom. (MKR) (Entered: 06/17/2016) |
| 08/17/2016 | 27 | NOTICE to Take Deposition of James Murray by Attorney Amy L. Van Horne on behalf of Defendant QuikTrip Corporation (Van Horne, Amy) (Entered: 08/17/2016) |
| 08/23/2016 | 28 | NOTICE of <i>Intent to Issue Subpoena Duces Tecum upon James Murray</i> by Attorney Robert M. Slovek on behalf of Counter Claimant QuikTrip Corporation, Defendant QuikTrip Corporation (Slovek, Robert) (Entered: 08/23/2016) |
| 08/31/2016 | 29 | NOTICE of <i>Service (Discovery to Plaintiff)</i> by Attorney Amy L. Van Horne on behalf of Defendant QuikTrip Corporation (Van Horne, Amy) (Entered: 08/31/2016) |
| 09/29/2016 | 30 | UNOPPOSED MOTION to Compel <i>Production of Documents Pursuant to Subpoena Duces Tecum Directed to James Murray</i> by Attorney Amy L. Van Horne on behalf of Defendant QuikTrip Corporation.(Van Horne, Amy) (Entered: 09/29/2016) |
| 09/29/2016 | 31 | BRIEF in support of UNOPPOSED MOTION to Compel <i>Production of Documents Pursuant to Subpoena Duces Tecum Directed to James Murray</i> 30 by Attorney Amy L. Van Horne on behalf of Defendant QuikTrip Corporation. (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Exhibit 2)(Van Horne, Amy) (Entered: 09/29/2016) |
| 09/30/2016 | 32 | LETTER to the parties regarding the 10/20/2016 Pretrial Conference with Magistrate Judge F.A. Gossett. (ARL,) (Entered: 09/30/2016) |
| 10/04/2016 | 33 | MEMORANDUM AND ORDER that James Murray shall produce the information requested by the subpoena duces tecum served on him on September 19, 2016. The materials requested by the subpoena duces tecum shall be produced by Murray no later than Friday, October 7, 2016. Ordered by Senior Judge Lyle E. Strom. (LAC) (Entered: 10/04/2016) |
| 10/05/2016 | 34 | PROPOSED EXHIBIT LIST by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc.. (Covi, Kristopher) (Entered: 10/05/2016) |
| 10/05/2016 | 35 | PROPOSED WITNESS LIST by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc.. (Covi, Kristopher) (Entered: 10/05/2016) |

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| 10/05/2016 | 36 | PROPOSED WITNESS LIST by Attorney Amy L. Van Horne on behalf of Defendant QuikTrip Corporation. (Van Horne, Amy) (Entered: 10/05/2016) |
| 10/05/2016 | 37 | PROPOSED EXHIBIT LIST by Attorney Amy L. Van Horne on behalf of Defendant QuikTrip Corporation. (Van Horne, Amy) (Entered: 10/05/2016) |
| 10/14/2016 | 38 | MOTION in Limine by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 10/14/2016) |
| 10/14/2016 | 39 | BRIEF in support of <i>Motion in Limine</i> by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 10/14/2016) |
| 10/14/2016 | 40 | INDEX in support of MOTION in Limine 38 by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation. (Attachments: # 1 Affidavit Affidavit of Robert M. Slovek, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5)(Slovek, Robert) (Entered: 10/14/2016) |
| 10/17/2016 | 41 | MEMORANDUM AND ORDER that the Defendant's motion for summary judgement with respect to plaintiff's tortious interference claim is denied. Defendant's motion for summary judgment with respect to the plaintiff's constructive trust claim is denied. Defendant's motion for summary judgment with respect to defendant's quiet title claim is denied. Ordered by Senior Judge Lyle E. Strom. (LAC) (Entered: 10/17/2016) |
| 10/18/2016 | 42 | PROPOSED EXHIBIT LIST (<i>Supplemental</i>) by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc.. (Covi, Kristopher) (Entered: 10/18/2016) |
| 10/19/2016 | 43 | REASSIGNMENT ORDER that, in the interest of judicial economy, this case is reassigned to District Judge John M. Gerrard for disposition and remains assigned to Magistrate Judge F.A. Gossett for judicial supervision and processing of all pretrial matters. Ordered by Chief Judge Laurie Smith Camp. (LAC) (Entered: 10/19/2016) |
| 10/20/2016 | 44 | TEXT ORAL MOTION - by plaintiff's counsel to extend the deadline to file motions in limine. (SMN) (Entered: 10/20/2016) |
| 10/20/2016 | 45 | TEXT ORDER granting 44 Oral Motion. Following discussion with counsel for both parties, the deadline to file motions in limine is extended to November 7, 2016 . Ordered by Magistrate Judge F.A. Gossett. (SMN) (Entered: 10/20/2016) |
| 10/20/2016 | 46 | ORDER ON FINAL PRETRIALCONFERENCE - estimated length of trial is 7 days; Jury Trial set for 1/9/2017 at 09:00 AM Courtroom 1 (Special Proceedings), Roman L. Hruska Federal Courthouse, 111 South 18th Plz, Omaha, NE before Judge John M. Gerrard. Ordered by Magistrate Judge F.A. Gossett. (LAC) (Entered: 10/20/2016) |
| 10/26/2016 | 47 | MOTION for Reconsideration of <i>Order Denying Summary Judgment</i> by Attorney Amy L. Van Horne on behalf of Defendant QuikTrip Corporation.(Van Horne, Amy) (Entered: 10/26/2016) |
| 10/26/2016 | 48 | |

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| | | BRIEF in support of MOTION for Reconsideration of <i>Order Denying Summary Judgment 47</i> by Attorney Amy L. Van Horne on behalf of Defendant QuikTrip Corporation.(Van Horne, Amy) (Entered: 10/26/2016) |
| 10/26/2016 | 49 | INDEX in support of MOTION for Reconsideration of <i>Order Denying Summary Judgment 47</i> by Attorney Amy L. Van Horne on behalf of Defendant QuikTrip Corporation. (Attachments: # 1 Affidavit, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C)(Van Horne, Amy) (Entered: 10/26/2016) |
| 10/31/2016 | 50 | BRIEF in opposition to MOTION in Limine 38 by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc..(Covi, Kristopher) (Entered: 10/31/2016) |
| 10/31/2016 | 51 | RESTRICTED DOCUMENT <i>Plaintiff's Buck's Inc.'s Index of Evidence in Opposition to Defendant's Motion in Limine 50</i> Brief in Opposition to Defendant's Motion in Limine regarding MOTION in Limine 38 ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). - by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc.. (Attachments: # 1 Exhibit A-Declaration of Steven J. Buchanan, # 2 Exhibit B-Declaration of Kristopher J. Covi)(Covi, Kristopher) (Entered: 10/31/2016) |
| 11/03/2016 | 52 | MOTION to Extend <i>Deadline re: Motion in Limine</i> by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc..(Covi, Kristopher) (Entered: 11/03/2016) |
| 11/04/2016 | 53 | TEXT ORDER granting 52 Plaintiff's Motion for Extension of Deadline. The deadline to file motions in limine is extended to November 14, 2016 . Ordered by Magistrate Judge F.A. Gossett. (SMN) (Entered: 11/04/2016) |
| 11/08/2016 | 54 | REPLY BRIEF in support of MOTION in Limine 38 by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 11/08/2016) |
| 11/14/2016 | 55 | BRIEF in opposition to MOTION for Reconsideration of <i>Order Denying Summary Judgment 47</i> by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc.. (Covi, Kristopher) (Entered: 11/14/2016) |
| 11/14/2016 | 56 | INDEX in support of Brief 55 in opposition to Motion for Reconsideration by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc.. (Attachments: # 1 Exhibit A - Second Declaration of Kris Covi, # 2 Exhibit 1 - Email 11-26-14, # 3 Exhibit 2 - Counteroffer 12-1-14, # 4 Exhibit 3 - Buchanan Depo Excerpts, # 5 Exhibit 4 - Email 12-5-14, # 6 Exhibit 5 - Email 12-5-14, # 7 Exhibit 6 - Notice of Equitable Interest, # 8 Exhibit 7 - Letter 1-9-15, # 9 Exhibit 8 - Email 1-26-15, # 10 Exhibit 9 - Complaint - Sarpy County, # 11 Exhibit 10 - Murray Depo Excerpts, |

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| | | # 12 Exhibit 11 - Ehlers Depo Excerpts, # 13 Exhibit 12 - Email 12-29-14)(Covi, Kristopher) (Entered: 11/14/2016) |
| 11/14/2016 | 57 | MOTION in Limine (<i>Second Motion in Limine</i>) by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 11/14/2016) |
| 11/14/2016 | 58 | INDEX in support of MOTION in Limine (<i>Second Motion in Limine</i>) 57 by Attorney Robert M. Slovek on behalf of Counter Claimant QuikTrip Corporation. (Attachments: # 1 Affidavit, # 2 Exhibit, # 3 Exhibit)(Slovek, Robert) (Entered: 11/14/2016) |
| 11/14/2016 | 59 | BRIEF in support of MOTION in Limine (<i>Second Motion in Limine</i>) 57 by Attorney Robert M. Slovek on behalf of Counter Claimant QuikTrip Corporation. (Slovek, Robert) (Entered: 11/14/2016) |
| 11/14/2016 | 60 | MOTION in Limine by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc..(Covi, Kristopher) (Entered: 11/14/2016) |
| 11/14/2016 | 61 | BRIEF in support of MOTION in Limine 60 by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc..(Covi, Kristopher) (Entered: 11/14/2016) |
| 11/14/2016 | 62 | INDEX in support of Brief 61 <i>in support of Motion in Limine</i> by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc.. (Attachments: # 1 Exhibit A - Third Declaration of Kris Covi, # 2 Exhibit 1 - Email 11-26-14, # 3 Exhibit 2 - Counteroffer 12-1-14, # 4 Exhibit 3 - Email 12-5-14 Huber to Talcott, # 5 Exhibit 4 - Email 12-5-14 Talcott to Huber)(Covi, Kristopher) (Entered: 11/14/2016) |
| 11/21/2016 | 63 | REPLY BRIEF in support of MOTION for Reconsideration of <i>Order Denying Summary Judgment</i> 47 by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 11/21/2016) |
| 11/23/2016 | 64 | BRIEF in opposition to MOTION in Limine 60 of Plaintiff by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation. (Attachments: # 1 Affidavit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit)(Slovek, Robert) (Entered: 11/23/2016) |
| 12/01/2016 | 65 | BRIEF in opposition to MOTION in Limine (<i>Second Motion in Limine</i>) 57 by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc..(Covi, Kristopher) (Entered: 12/01/2016) |
| 12/01/2016 | 66 | INDEX in support of Brief 65 by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc.. (Attachments: # 1 Exhibit A - Fourth Declaration of Kristopher Covi, # 2 Exhibit 1 - Email 11-26-14, # 3 Exhibit 2 - Counteroffer 12-1-14, # 4 Exhibit 3 - Email 12-5-14 with alleged contract, # 5 Exhibit 4 - James Murray Depo Excerpts, # 6 Exhibit 5 - Sarpy County Complaint, |

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| | | # 7 Exhibit 6 - Letter 1-9-15, # 8 Exhibit 7 - Michael White Depo Excerpts)(Covi, Kristopher) (Entered: 12/01/2016) |
| 12/05/2016 | 67 | REPLY BRIEF in support of MOTION in Limine 60 by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc..(Covi, Kristopher) (Entered: 12/05/2016) |
| 12/07/2016 | 68 | REPLY BRIEF in support of MOTION in Limine (<i>Second Motion in Limine</i>) 57 by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 12/07/2016) |
| 12/07/2016 | 69 | INDEX in support of MOTION in Limine (<i>Second Motion in Limine</i>) 57 by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation. (Attachments: # 1 Affidavit of Robert M. Slovek, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G)(Slovek, Robert) (Entered: 12/07/2016) |
| 12/21/2016 | 70 | TEXT ORDER. A follow-up Pretrial Conference is set for 1/4/2017 at 11:00 AM before Magistrate Judge F.A. Gossett. The conference will be held by telephone call initiated by counsel for the plaintiff. Ordered by Magistrate Judge F.A. Gossett. (ARL,) (Entered: 12/21/2016) |
| 12/22/2016 | 71 | ORDER denying MOTION for Reconsideration of <i>Order Denying Summary Judgment</i> 47 filed by QuikTrip Corporation. Ordered by Judge John M. Gerrard. (CCB) (Entered: 12/22/2016) |
| 12/27/2016 | 72 | TRIAL ORDER - The trial in the above-captioned civil case currently set for January 9, 2017, is continued. This case is set for a jury trial before the undersigned judge in Courtroom 1 (Special Proceedings), Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, commencing at 9:15 a.m. on Monday, February 6, 2017, or as soon thereafter as the case may be called, for a duration of 5 or 6 trial days. A hearing on the parties' motions in limine is set for 9:30 a.m. on January 19, 2017, in Courtroom 1 (Special Proceedings), Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska. Ordered by Judge John M. Gerrard. (LAC) (Entered: 12/27/2016) |
| 12/29/2016 | 73 | TEXT ORDER. The 1/4/2017 follow-up Pretrial Conference is continued to 1/20/2017 at 10:00 AM before Magistrate Judge F.A. Gossett. The conference will be held by telephone call initiated by counsel for the plaintiff. Ordered by Magistrate Judge F.A. Gossett. (ARL,) (Entered: 12/29/2016) |
| 01/19/2017 | 74 | TEXT MINUTE ENTRY for proceedings held before Judge John M. Gerrard in Omaha, Special Proceedings Courtroom, regarding ruling on Motions in Limine 38 , 57 , 60 . Arguments by both parties heard. Order forthcoming. Appearance for Plaintiff: Kristopher J. Covi; Defendants: Robert Slovek and Amy VanHorne; Courtroom Deputy: Colleen Beran; Court Reporter: Brenda Fauber. Time Start: 9:34 a.m.; Time Stop: 10:30 a.m.; Time in Court: 26 Minutes. (CCB) (Entered: 01/19/2017) |

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| 01/19/2017 | 75 | ORDER granting in part and denying in part 38 Motion in Limine; denying 57 Motion in Limine; granting in part and denying in part 60 Motion in Limine. Ordered by Judge John M. Gerrard. (DCD) (Entered: 01/19/2017) |
| 01/20/2017 | 76 | PROPOSED EXHIBIT LIST <i>Stipulation for Amendment and Amended Joint Exhibit List</i> by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation. (Attachments: # 1 Exhibit Amended Joint Exhibit List)(Slovek, Robert) (Entered: 01/20/2017) |
| 01/20/2017 | 77 | TEXT MINUTE ENTRY for in chambers proceedings held before Magistrate Judge F.A. Gossett on 1/20/2017. Counsel appeared by telephone. Kristopher Covi represented the plaintiff. Robert Slovek and Amy Van Horne represented the defendant. Updating the final pretrial order discussed. Amended pretrial order to be submitted. (ARL,) (Entered: 01/23/2017) |
| 01/25/2017 | 78 | PRETRIAL ORDER - estimated length of trial is 5-7 days. Jury Trial set for 2/6/2017 at 09:00 AM Courtroom 1 (Special Proceedings), Roman L. Hruska Federal Courthouse, 111 South 18th Plz, Omaha, NE before Judge John M. Gerrard. Ordered by Magistrate Judge F.A. Gossett. (GJG) (Entered: 01/25/2017) |
| 01/31/2017 | 79 | BRIEF in support of <i>QuikTrip Corporation's Trial Brief</i> by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 01/31/2017) |
| 01/31/2017 | 80 | PROPOSED JURY INSTRUCTIONS <i>Defendant's Proposed Jury Instructions</i> by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation.. (Slovek, Robert) (Entered: 01/31/2017) |
| 01/31/2017 | 81 | NOTICE of <i>Filed Witness and Exhibit Lists</i> by Attorney Robert M. Slovek on behalf of Defendant QuikTrip Corporation (Attachments: # 1 Exhibit)(Slovek, Robert) (Entered: 01/31/2017) |
| 02/01/2017 | 82 | NOTICE of Jury Pool Trial Report and Supplemental Questionnaires. Counsel should refrain from reproducing and/or distributing these documents. Counsel is required to permanently delete electronic copies and destroy paper copies of the supplemental questionnaires after voir dire. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). (BMH) (Entered: 02/01/2017) |
| 02/01/2017 | 83 | PROPOSED JURY INSTRUCTIONS by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc... (Covi, Kristopher) (Entered: 02/01/2017) |
| 02/01/2017 | 84 | BRIEF <i>Trial</i> by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc.. (Covi, Kristopher) (Entered: 02/01/2017) |
| 02/03/2017 | 85 | OBJECTION <i>Defendant's Opposition to Plaintiff's Proposed Jury Instructions</i> by Attorney Amy L. Van Horne on behalf of Defendant QuikTrip Corporation.(Van Horne, Amy) (Entered: 02/03/2017) |
| 02/06/2017 | 86 | OBJECTION to Proposed Jury Instructions 80 by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc..(Covi, Kristopher) (Entered: 02/06/2017) |
| 02/06/2017 | 87 | JURY PANEL RECORD. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO |

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| | | THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a).(LAC) (Entered: 02/06/2017) |
| 02/06/2017 | 88 | PRELIMINARY Jury Instructions. (LAC) (Entered: 02/06/2017) |
| 02/06/2017 | 89 | TEXT MINUTE ENTRY for jury trial proceedings held before Judge John M. Gerrard in Omaha on 2/6/17. Pretrial conference held. Jury selected. Opening statements made. Evidence by plaintiff and defendant. Trial not concluded, continued to 2/07/17 at 8:45 a.m. in Courtroom 1, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Judge John M. Gerrard. Appearance for Plaintiffs: Kristopher J. Covi; Defendants: Robert Slovek and Amy VanHorne; Courtroom Deputy: Colleen Beran; Court Reporter: Rogene Schroder. Time Start: 9:21 a.m.; Time Stop: 4:35 p.m.; Time in Court: 5 Hours 40 Minutes. (CCB) (Entered: 02/06/2017) |
| 02/07/2017 | 90 | TEXT MINUTE ENTRY for second day of jury trial proceedings held before Judge John M. Gerrard in Omaha on 2/7/17. Evidence by plaintiff and defendant. Trial not concluded, continued to 2/08/17 at 8:45 a.m. in Courtroom 1, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Judge John M. Gerrard. Appearance for Plaintiffs: Kristopher J. Covi; Defendants: Robert Slovek and Amy VanHorne; Courtroom Deputy: Colleen Beran; Court Reporter: Rogene Schroder. Time Start: 8:48 a.m.; Time Stop: 4:37 p.m.; Time in Court: 6 Hours 13 Minutes. (CCB) Modified on 2/9/2017 to reflect trial is in Omaha(CCB). (Entered: 02/07/2017) |
| 02/08/2017 | 91 | BRIEF in support of <i>Defendant's Memorandum of Points and Authorities in Support of Its Motion for Judgment as a Matter of Law</i> by Attorney Amy L. Van Horne on behalf of Defendant QuikTrip Corporation.(Van Horne, Amy) (Entered: 02/08/2017) |
| 02/08/2017 | 92 | TEXT MINUTE ENTRY for third day of jury trial proceedings held before Judge John M. Gerrard in Omaha on 2/8/17. Evidence by plaintiff. Plaintiff rests. Defendant's Rule 50 motion for a directed verdict made at the end of plaintiff's case is denied. Evidence by defendant. Trial not concluded, continued to 2/09/17 at 8:45 a.m. in Courtroom 1, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Judge John M. Gerrard. Appearance for Plaintiff: Kristopher J. Covi; Defendant: Robert Slovek and Amy VanHorne; Courtroom Deputy: Colleen Beran; Court Reporter: Rogene Schroder. Time Start: 9:09 a.m.; Time Stop: 4:33 p.m.; Time in Court: 5 Hours 26 Minutes. (CCB) Modified on 2/9/2017 to reflect trial held in Omaha (CCB). (Entered: 02/08/2017) |
| 02/09/2017 | 93 | TEXT MINUTE ENTRY for fourth day of jury trial proceedings held before Judge John M. Gerrard in Omaha on 2/9/17. Evidence by defendant. Defendant rests. Plaintiff's Rule 50 motion for judgment as a matter of law made at the close of defendant's case is denied. Defendant's renewed Rule 50 motion denied. Informal and formal jury instruction conference held outside the presence of the jury. Final Jury Instructions read and closing arguments made. Jury received case at 4:14 p.m. Jury returned at 4:35 p.m. without verdict. Trial not concluded. Jury instructed to report back at 8:30 a.m. on 2/10/17. Appearance for Plaintiffs: Kristopher J. Covi; Defendants: Robert Slovek and Amy VanHorne; Courtroom Deputy: Colleen Beran; Court Reporter: Rogene Schroder. Time Start: 8:56 a.m.; Time Stop: 4:16 p.m.; Time in Court: 5 Hours 15 Minutes. (CCB) (Entered: 02/09/2017) |
| 02/09/2017 | 94 | |

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| | | WITNESS LIST from jury trial held on 2/6/17 through 2/9/17.(CCB) (Entered: 02/09/2017) |
| 02/09/2017 | 95 | EXHIBIT LIST from jury trial held on 2/6/17 through 2/9/17.(CCB) (Entered: 02/09/2017) |
| 02/09/2017 | 96 | FINAL Jury Instructions. (CCB) (Entered: 02/09/2017) |
| 02/10/2017 | 97 | TEXT MINUTE ENTRY for fifth day of jury trial proceedings held before Judge John M. Gerrard in Omaha on 2/10/17. Jury returned at 8:30 a.m. to resume deliberations. Jurors' question and answer are addressed with counsel Robert Slovek present in courtroom and Counsel Kristopher Covi present by phone. Subsequent hearing was held with all counsel present in the courtroom outside the presence of the jury. Jury brought in and given a supplemental instruction. Verdict reached at 4:00 p.m. for Defendant. Jury trial ended. Clerk directed to file verdict. Judgment will be filed upon receipt of post-trial briefs on issues to be determined by the Court. Appearance for Plaintiff: Kristopher J. Covi; Defendant: Robert Slovek and Amy VanHorne; Courtroom Deputy: Colleen Beran; Court Reporter: Rogene Schroder. Time Start: 8:30 a.m.; Time Stop: 4:05 p.m.; Time in Court: 15 Minutes. (CCB) (Entered: 02/10/2017) |
| 02/10/2017 | 98 | JURY QUESTION to the Court and Court's Answer to the Jury with juror's signature redacted pursuant to the E-Government Act - PART 1 OF 2. (CCB) (Entered: 02/10/2017) |
| 02/10/2017 | 99 | PART 2 OF 2 - FOREPERSON'S SIGNATURE Page regarding Jury Questions/Answers 98 . ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 5.2(e). (CCB) (Entered: 02/10/2017) |
| 02/10/2017 | 100 | SUPPLEMENTAL JURY Instruction: Unanimous verdict not required. (CCB) (Entered: 02/10/2017) |
| 02/10/2017 | 101 | JURY VERDICT with foreperson's signature redacted pursuant to the E-Government Act in favor of Defendant QuikTrip Corporation. Type of case: Tortious Interference. Attorneys: Kristopher J. Covi for the plaintiff, Robert M. Slovek, Amy L. Van Horne for the defendant - PART 1 OF 2. (CCB) (Entered: 02/10/2017) |
| 02/10/2017 | 102 | PART 2 OF 2 - FOREPERSON'S SIGNATURE Page regarding Jury Verdict, 101 . ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 5.2(e). (CCB) (Entered: 02/10/2017) |
| 02/10/2017 | 103 | ORDER setting post-trial briefing schedule. Ordered by Judge John M. Gerrard. (CCB) (Entered: 02/10/2017) |
| 02/22/2017 | 104 | BRIEF in support of <i>Judgment on Claims Tried to the Court</i> by Attorney Robert M. Slovek on behalf of Counter Claimant QuikTrip Corporation, Defendant QuikTrip Corporation.(Slovek, Robert) (Entered: 02/22/2017) |
| 02/28/2017 | 105 | TRANSCRIPT (UNREDACTED) of Cross-Examination of Steven Buchanan before District Judge John M. Gerrard on February 7, 2017. Total Number of Pages: 45. In accordance with the transcript redaction procedure, available at |

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| | | <p>http://www.ned.uscourts.gov/internetDocs/pom/tran_redaction_procedure.pdf</p> <p>the transcript can only be viewed at the courts public terminal or purchased through Court Reporter Rogene S. Schroder at (402) 661-7383 or roschrod79@yahoo.com before the expiration of the Release of Transcript Restriction deadline. The parties have 5 business days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Redaction Request due 3/21/2017. Redacted Transcript Deadline set for 3/31/2017. Release of Transcript Restriction set for 5/30/2017. (RSS) Modified on 6/2/2017 to remove text regarding restricted access. (LAC). (Entered: 02/28/2017)</p> |
| 02/28/2017 | 106 | <p>TRANSCRIPT (UNREDACTED) of Cross-Examination of Jim L. Murray before District Judge John M. Gerrard on February 7, 2017. Total Number of Pages: 37. In accordance with the transcript redaction procedure, available at</p> <p>http://www.ned.uscourts.gov/internetDocs/pom/tran_redaction_procedure.pdf</p> <p>the transcript can only be viewed at the courts public terminal or purchased through Court Reporter Rogene S. Schroder at (402) 661-7383 or roschrod79@yahoo.com before the expiration of the Release of Transcript Restriction deadline. The parties have 5 business days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Redaction Request due 3/21/2017. Redacted Transcript Deadline set for 3/31/2017. Release of Transcript Restriction set for 5/30/2017. (RSS) Modified on 6/2/2017 to remove text regarding restricted access. (LAC). (Entered: 02/28/2017)</p> |
| 03/13/2017 | 107 | <p>ORDER - Pursuant to the Court's Order of February 10, 2017 (filing 103), IT IS ORDERED that the plaintiff's constructive trust claim is dismissed. Ordered by Judge John M. Gerrard. (JAB) (Entered: 03/13/2017)</p> |
| 03/13/2017 | 108 | <p>ORDER QUIETING TITLE - The Lis Pendens filed with the Sarpy County Register of Deeds is hereby cancelled and Buck's should immediately take all necessary steps to remove the Lis Pendens from the property records. QuikTrip owns the Property free and clear of all encumbrances and holds exclusive right to the use and benefit from the Property. Ordered by Judge John M. Gerrard. (JAB) (Entered: 03/13/2017)</p> |
| 03/13/2017 | 109 | <p>JUDGMENT regarding Orders 107 and 108 . Pursuant to the jury's verdict of February 10, 2017 (filing 101), and the accompanying orders, judgment is hereby entered in favor of the defendant and counterclaimant. Ordered by Judge John M. Gerrard. (JAB) (Entered: 03/13/2017)</p> |
| 04/10/2017 | 110 | <p>MOTION for New Trial by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc..(Covi, Kristopher) (Entered: 04/10/2017)</p> |
| 04/10/2017 | 111 | <p>BRIEF in support of MOTION for New Trial 110 by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc..(Covi, Kristopher) (Entered: 04/10/2017)</p> |
| 04/10/2017 | 112 | <p>INDEX in support of MOTION for New Trial 110 by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc.. (Attachments: # 1 Exhibit A - Declaration of Kristopher J. Covi, # 2 Exhibit Trial 10 - 11/26/14 Email from Huber to Talcott,</p> |

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| | | <p># 3 Exhibit Trial 13 - 12/4/14 Email from Earl to Ehlers, # 4 Exhibit Trial 15 - 12/5/14 Email from Earl to Buchanan, # 5 Exhibit Trial 16 - 12/5/14 Email from Talcott to Huber, # 6 Exhibit Trial 23 - 12/5/14 Contract, # 7 Exhibit Trial 39 - 12/22/14 Email from Murray to Talcott, # 8 Exhibit Trail 44 - 12/31/14 Email from Earl to Buchanan and Perlebach, # 9 Exhibit Trail 46 - Notice of Equitable Interest, # 10 Exhibit Trial 50 - 1/9/15 Letter from Murray to White, # 11 Exhibit Trial 57 - 1/26/15 Email from Waters to Van Horne, # 12 Exhibit Trial 58 - 1/27/15 Email from Earl to Mallott, Buchanan and Perlebach, # 13 Exhibit Trial 62 - 2/17/15 Contract, # 14 Exhibit Trial 75 - Contract dated December 1, 2014)(Covi, Kristopher) (Entered: 04/10/2017)</p> |
| 04/19/2017 | 113 | <p>TRANSCRIPT (UNREDACTED) of Direct and Redirect Examination of Steven Buchanan given before District Judge John M. Gerrard on February 6 and 7, 2017. Total Number of Billable Pages: 101. Total Number of Pages: 101. In accordance with the transcript redaction procedure, available at</p> <p>http://www.ned.uscourts.gov/internetDocs/pom/tran_redaction_procedure.pdf,</p> <p>the transcript can only be viewed at the courts public terminal or purchased through Court Reporter Rogene S. Schroder at (402) 661-7383 or roschrod79@yahoo.com before the expiration of the Release of Transcript Restriction deadline. The parties have 5 business days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Redaction Request due 5/10/2017. Redacted Transcript Deadline set for 5/22/2017. Release of Transcript Restriction set for 7/18/2017. (RSS) Modified on 7/18/2017 to remove text regarding restricted access. (LAC). (Entered: 04/19/2017)</p> |
| 04/19/2017 | 114 | <p>TRANSCRIPT (UNREDACTED) of Direct and Redirect Examination of James L. Murray given before District Judge John M. Gerrard on February 7, 2017. Total Number of Billable Pages: 77. Total Number of Pages: 77. In accordance with the transcript redaction procedure, available at</p> <p>http://www.ned.uscourts.gov/internetDocs/pom/tran_redaction_procedure.pdf,</p> <p>the transcript can only be viewed at the courts public terminal or purchased through Court Reporter Rogene S. Schroder at (402) 661-7383 or roschrod79@yahoo.com before the expiration of the Release of Transcript Restriction deadline. The parties have 5 business days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Redaction Request due 5/10/2017. Redacted Transcript Deadline set for 5/22/2017. Release of Transcript Restriction set for 7/18/2017. (RSS) Modified on 7/18/2017 to remove text regarding restricted access. (LAC). (Entered: 04/19/2017)</p> |
| 04/21/2017 | 115 | <p>BRIEF in opposition to <i>Plaintiff's Renewed Motion for Judgment as a Matter of Law and Motion for New Trial Under Fed. R. Civ. P. 50(B) and 59</i> by Attorney</p> |

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| | | Amy L. Van Horne on behalf of Defendant QuikTrip Corporation.(Van Horne, Amy) (Entered: 04/21/2017) |
| 04/21/2017 | 116 | INDEX in support of Brief 115 <i>Opposing Plaintiff's Renewed Motion for Judgment as a Matter of Law and Motion for New Trial</i> by Attorney Amy L. Van Horne on behalf of Counter Claimant QuikTrip Corporation, Defendant QuikTrip Corporation. (Attachments: # 1 Affidavit Declaration of Amy L. Van Horne, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13, # 15 Exhibit 14, # 16 Exhibit 15)(Van Horne, Amy) (Entered: 04/21/2017) |
| 04/26/2017 | 117 | TRANSCRIPT (UNREDACTED) of Proceedings before District Judge John M. Gerrard held on February 9, 2017. Total Number of Pages: 10. In accordance with the transcript redaction procedure, available at http://www.ned.uscourts.gov/internetDocs/pom/tran_redaction_procedure.pdf , the transcript can only be viewed at the courts public terminal or purchased through Court Reporter Rogene S. Schroder at (402) 661-7383 or roschrod79@yahoo.com before the expiration of the Release of Transcript Restriction deadline. The parties have 5 business days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Redaction Request due 5/17/2017. Redacted Transcript Deadline set for 5/30/2017. Release of Transcript Restriction set for 7/25/2017. (RSS) Modified on 7/26/2017 to remove text regarding restricted access. (LAC). (Entered: 04/26/2017) |
| 04/27/2017 | 118 | SUPPLEMENT regarding Index,,,, 112 by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc.. (Attachments: # 1 Exhibit Filing No. 114 - Transcript of Direct and Redirect Examination of James Murray)(Covi, Kristopher) (Entered: 04/27/2017) |
| 04/27/2017 | 119 | REPLY BRIEF in support of MOTION for New Trial 110 by Attorney Kristopher J. Covi on behalf of Plaintiff Buck's, Inc..(Covi, Kristopher) (Entered: 04/27/2017) |
| 05/10/2017 | 120 | ORDER that Buck's, Inc.'s motion for a new trial pursuant to Fed. R. Civ. P. 50(b) and Fed. R. Civ. P. 59 (filing 110) is denied. Ordered by Judge John M. Gerrard. (LAC) (Entered: 05/10/2017) |

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| Billable Pages: | 12 | Cost: | 1.20 |

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BUCK'S, INC.,

Plaintiff,

v.

QUIKTRIP CORPORATION, an Oklahoma
Corporation

Defendant.

Case No. _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant QuikTrip Corporation (hereinafter, "QuikTrip"), hereby removes this case from the District Court of Sarpy County, Nebraska, to the United States District Court for the District of Nebraska. As grounds for removal, and for no other purpose, QuikTrip states as follows:

1. On August 28, 2015, Buck's, Inc. ("Buck's") filed a Complaint against QuikTrip in the District Court of Sarpy County, Nebraska, captioned *Buck's Inc. v. QuikTrip Corporation.*, Case No. CI 15-1295.

2. On September 3, 2015, Buck's served QuikTrip with Summons and a copy of the Complaint via certified mail addressed to QuikTrip Corp c/o CT Corp, 5601 S. 59th Street, Lincoln, NE 68516. .

3. QuikTrip's Registered Agent, CT Corporation System forwarded the Summons and a copy of the Complaint to QuikTrip. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Summons and Complaint received by QuikTrip from CT Corporation System are attached as Exhibit A. No further proceedings have taken place in the District Court of Sarpy County, Nebraska action.

4. As alleged in Paragraph 1 of the Complaint, Buck's is a corporation organized

and existing under the laws of the State of Nebraska with its principal place of business in Omaha, Douglas County, Nebraska.

5. As alleged in Paragraph 2 of the Complaint, QuikTrip is a corporation organized and existing under the laws of the State of Oklahoma with its principal place of business in Tulsa, Oklahoma.

6. The Complaint seeks, among other damages, “a constructive trust over the Property and its profits,” an amount, based on Defendant’s knowledge and information, that is over the jurisdictional limits of this Court. When a defendant removes a case, the “defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating v. Owens*, 135 S. Ct. 547, 554 (2014). As a result, a defendant is not required to provide “evidence” that the case exceeds the jurisdictional threshold, but rather needs to provide such evidence “only when the plaintiff contests, or the court questions, the defendant’s allegation.” *Id.*

7. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(1) because complete diversity of citizenship exists between Buck’s and QuikTrip and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

8. This notice of removal is timely under 28 U.S.C. § 1446(b)(1) because it is being filed within thirty (30) days after QuikTrip received a copy of the Complaint. QuikTrip’s time within which to answer or otherwise respond to Buck’s Complaint has not expired.

9. This Court is the district court of the United States for the judicial district embracing the place where the state court action is pending. Venue is proper in this Court because the actions complained of are alleged to have occurred within the State of Nebraska and within this District. *See* 28 U.S.C. § 1391.

10. Pursuant to 28 U.S.C. § 1446(d), written notice of this Notice of Removal will be given to Buck's and a copy of this Notice of Removal will be filed with the Clerk of the District Court of Sarpy County, Nebraska. A copy of the Notice of Filing Notice of Removal to be filed in the District Court of Sarpy County, Nebraska is attached hereto as Exhibit B.

WHEREFORE, QuikTrip respectfully removes this action from the District Court of Sarpy County, Nebraska to the United States District Court for the District of Nebraska.

QuikTrip requests a jury trial with the place of trial to be in Omaha, Nebraska.

Dated this 15th day of September, 2013.

QUIKTRIP CORPORATION, Defendant


By: 

Robert M. Slovek #17798
Amy L. Van Horne, #22520
KUTAK ROCK LLP
The Omaha Building
1650 Farnam Street
Omaha, Nebraska 68102-2186
Telephone: (402) 346-6000
Facsimile: (402) 346-1148
robert.slovek@kutakrock.com
amy.vanhorne@kutakrock.com

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2015, I electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of the court using the CM/ECF system and mailed the foregoing by regular first-class mail to the following non CM/ECF participant(s):

Kristopher J. Covi
McGrath North Mullin & Kratz, PC LLO
First National Tower, Suite 3700
1601 Dodge Street
Omaha, NE 68102

By: 
Robert M. Slovek

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

| | | |
|---------------------------------------|---|-------------------------|
| BUCK’S, INC., a Nebraska Corporation, |) | CASE NO. _____ |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>COMPLAINT</u> |
| |) | |
| QUIKTRIP CORPORATION, an Oklahoma |) | |
| Corporation, |) | |
| |) | |
| Defendant. |) | |

COMES NOW the Plaintiff, Buck’s, Inc., and for its cause of action against Defendant, QuikTrip Corporation, states and alleges as follows:

1. Buck’s, Inc. (“Buck’s”) is a Nebraska corporation with its principal place of business in Omaha, Douglas County, Nebraska.
2. QuikTrip Corporation (“QuikTrip”) is an Oklahoma corporation with its principal place of business in Tulsa, Tulsa County, Oklahoma and registered to do business in the State of Nebraska.

JURISDICTION AND VENUE

3. Jurisdiction is proper in this Court pursuant to Neb. Rev. Stat. §§ 24-302, 25-535, 25-536, and 25-539.
4. Venue is proper in this county pursuant to Neb. Rev. Stat. § 25-403.01(2), (3) and (4), as the offense giving rise to these claims occurred in this county, and QuikTrip is not a resident of Nebraska.

EXHIBIT A

FACTUAL BACKGROUND

5. On or about September, 2013 Buck's began negotiating with Murray Fields Sapp, LLC, the owner of real property located in Sarpy County, Nebraska which is commonly known as 11105 Sapp Brothers Drive, Omaha, Sarpy County, Nebraska 68138 (the "Property").

6. Thereafter, Murray Fields began negotiations with QuikTrip for the sale of the same parcel. At no point during this timeframe from September, 2013 to January, 2015 did QuikTrip and Murray Fields ever have a valid contract for the sale of the Property. Buck's continued to negotiate in December, 2014 and January, 2015 and expended money on due diligence in reliance and in expectation of completing the purchase.

7. Murray Fields was agreeable to a sale to Buck's and was finalizing a contract to sell the Property to Buck's, Inc. for a purchase price of \$2,500,000. The parties agreed on the purchase price and were finalizing the fine details of the purchase agreement in December, 2014.

8. Prior to Murray Fields executing the contract with Buck's, QuikTrip tortiously and without legal right filed a "Notice of Equitable Interest" on December 30, 2014 with the Sarpy County Register of Deeds which acted as a lien or otherwise clouded the title and prevented Murray Fields from transferring good title to Buck's.

9. At the time QuikTrip filed its Notice of Equitable Interest it knew that it did not have a valid contract or other interest in the Property.

10. The sole motivation for filing the Notice of Equitable Interest was to cloud the title and interfere with the business relationship and expectancy that had formed between Buck's and Murray Fields and to otherwise obtain leverage in its negotiations with Murray Fields.

11. Due to the filing of the Notice of Equitable Interest and QuikTrip's refusal to remove that instrument from the title, Murray Fields filed a lawsuit against QuikTrip on or about January 27, 2015, entitled Murray Fields Sapp, LLC v. QuikTrip Corporation, Sarpy County

District Court, Case No. D59-CI150000117, asserting claims of slander of title and for declaratory judgment.

12. But for QuikTrip's tortious slander of title, Murray Fields was prepared to enter into the Buck's contract and close on the Property, transferring clear title to Buck's, Inc.

13. Instead, and as a result of the tortious conduct of QuikTrip, Murray Fields entered into a contract to sell the Property to QuikTrip.

14. QuikTrip's conduct was unjustified and motivated solely by an attempt to thwart the legal business expectancy that Buck's had to purchase the Property and operate a truck stop.

15. At the time it filed its meritless Notice of Equitable Interest QuikTrip knew that Buck's was entering into a contract to purchase the Property with the intent to build a truck stop.

16. Buck's has been damaged by its inability to purchase the Property and receive the profits from its future operation.

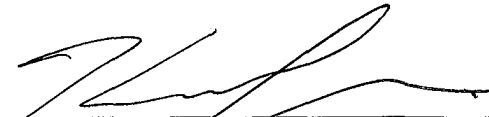
17. In the event QuikTrip closes on its contract to purchase the Property, it will unfairly receive the benefit of its tortious conduct and be unjustly enriched by the profits in the future operation of the Property.

18. In the event QuikTrip closes on its contract to purchase the Property, a constructive trust for the benefit of Plaintiff should be imposed upon the Property and the profits from its operation.

WHEREFORE, Buck's, Inc. prays for (a) a constructive trust over the Property and its profits for the benefit of Buck's; or, in the alternative, (b) an order of judgment against QuikTrip for damages to be proved at trial and costs, and (c) any other equitable relief deemed appropriate by the Court.

BUCK'S, INC., a Nebraska Corporation,
Plaintiff.

By: _____



Kristopher J. Coyi (#21462)
McGrath North Mullin & Kratz, PC LLO
First National Tower, Suite 3700
1601 Dodge Street
Omaha, Nebraska 68102
(402) 341-3070
(402) 341-0216 fax
kcovi@mcgrathnorth.com

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

BUCK'S INC., a Nebraska Corporation

Plaintiff

vs.

QUIKTRIP CORPORATION,
An Oklahoma Corporation

Defendant

Case No. CI 15 1295

**NOTICE OF FILING
NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that, on September 15, 2015, Defendant QuikTrip Corporation ("QuikTrip"), filed a Notice of Removal to remove this suit from the District Court of Sarpy County, Nebraska to the United States District Court for District of Nebraska.

By filing this Notice of Removal, QuikTrip does not waive any otherwise valid defense, right or challenge, and QuikTrip expressly reserves the right to assert the defense of lack of jurisdiction over the parties if this case for any reason is remanded to this Court.

A file-stamped copy of the Notice of Removal that QuikTrip filed with the United States District Court for the District of Nebraska is attached hereto as Exhibit A

Dated: September 15, 2015

QUIKTRIP CORPORATION, Defendant

By: _____

Robert M. Slovek #17798
Amy L. Van Horne, #22520
KUTAK ROCK LLP
The Omaha Building
1650 Farnam Street
Omaha, Nebraska 68102-2186
Telephone: (402) 346-6000
Facsimile: (402) 346-1148
robert.slovek@kutakrock.com
amy.vanhorne@kutakrock.com

CERTIFICATE OF SERVICE

This certifies the undersigned attorney has caused service of the foregoing **NOTICE OF REMOVAL** to be made 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 15th day of September, 2015

Kristopher J. Covi
McGrath North Mullin & Kratz, PC LLO
First National Tower, Suite 3700
1601 Dodge Street
Omaha, NE 68102

By: _____
Amy L. Van Horne

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BUCK'S, INC.,

Plaintiff,

v.

QUIKTRIP CORPORATION, an Oklahoma
Corporation

Defendant.

Case No. 8:15-cv-00340-LSC-FG3

ANSWER AND COUNTERCLAIM
Jury Trial Requested

COMES NOW the Defendant, QuikTrip Corporation (“QuikTrip”), and for its Answer to Plaintiff’s Complaint, states and alleges as follows:

1. QuikTrip admits the allegations contained in paragraph 1.
2. QuikTrip admits the allegations contained in paragraph 2.

JURISDICTION AND VENUE

3. QuikTrip admits the allegations contained in paragraph 3.
4. QuikTrip admits the allegations contained in paragraph 4.

FACTUAL BACKGROUND

5. QuikTrip denies the allegations contained in paragraph 5 for lack of knowledge.

6. QuikTrip admits that it was in negotiations for the sale of the property commonly known as 11105 Sapp Truck Brothers Drive, Omaha, Nebraska, for a long period of time prior to the final purchase of the property but denies the remaining allegations contained in paragraph 6.

7. QuikTrip denies the allegations contained in paragraph 7.
8. QuikTrip denies the allegations contained in paragraph 8.
9. QuikTrip denies the allegations contained in paragraph 9.

10. QuikTrip denies the allegations contained in paragraph 10.

11. QuikTrip denies the allegations contained in paragraph 11, and further states that the pleadings in the referenced litigation speak for themselves.

12. QuikTrip denies the allegations contained in paragraph 12.

13. QuikTrip denies the allegations contained in paragraph 13.

14. QuikTrip denies the allegations contained in paragraph 14.

15. QuikTrip denies the allegations contained in paragraph 15.

16. QuikTrip denies the allegations contained in paragraph 16.

17. QuikTrip denies the allegations contained in paragraph 17.

18. QuikTrip denies the allegations contained in paragraph 18.

19. QuikTrip denies each and every remaining allegation set forth in Plaintiff's Complaint, except those allegations that constitute admissions against Plaintiff's interest.

20. QuikTrip requests a trial by jury.

AFFIRMATIVE DEFENSES

1. Affirmatively answering, QuikTrip states that Plaintiff's Complaint fails to state a claim against QuikTrip for which relief can be granted.

2. Affirmatively answering, QuikTrip states that the actions of QuikTrip in negotiating for the purchase of the subject property constituted valid competition between competitors which cannot be the subject of a claim for tortious interference.

3. Affirmatively answering, QuikTrip states that its actions were not unjustified.

4. Affirmatively answering, QuikTrip states that its actions in negotiating for the purchase of subject property were not a proximate cause of any damage to the Plaintiff.

5. Affirmatively answering, QuikTrip states that its actions in negotiating for the

purchase of the subject property were to advance its own interests for a lawful business purpose.

6. Affirmatively answering, QuikTrip states that Plaintiff lacks standing to pursue certain claims set forth in the Complaint.

7. Affirmatively answering, QuikTrip states that it is not liable to Plaintiff because QuikTrip supplied truthful information at all times.

8. Further affirmatively answering, QuikTrip states that it did not obtain title to the property by fraud, misrepresentation or an abuse of influential or confidential relationships such that a constructive trust is warranted.

9. QuikTrip reserves the right to amend its Answer to add other affirmative defenses as such become known in discovery.

WHEREFORE, QuikTrip prays the Court dismiss the Complaint with prejudice and for such other and further relief, including reasonable attorney fees and costs to the extent allowed by law, or such other and further relief the Court finds just or equitable or allowed by the pleadings or at law.

COUNTERCLAIM

COMES NOW Counterclaim-Plaintiff, QuikTrip Corporation (“QuikTrip”), pursuant to Fed. R. Civ. P. 8, and for its claim for relief against Counterclaim-Defendant Buck’s, Inc. (“Buck’s”), states and alleges as follows:

THE PARTIES

1. QuikTrip is a corporation organized and existing under the laws of the State of Oklahoma with its principal place of business in Tulsa, Oklahoma.

2. Buck’s is a corporation organized and existing under the laws of the State of Nebraska with its principal place of business in Omaha, Douglas County, Nebraska.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 for the reason it is an action between citizens of different states and the amount in controversy, exclusive of interest and cost, exceeds the sum of \$75,000.00.

4. Venue in this Court is proper pursuant to 28 U.S.C. § 1391 because at all times relevant to the Counterclaim, the actions complained of herein are alleged to have occurred within this judicial district.

FACTUAL BACKGROUND

5. QuikTrip is the owner of real property located in Sarpy County, Nebraska which is commonly known as 11105 Sapp Brothers Drive, Omaha, Sarpy County, Nebraska 68138 (the "Property"). QuikTrip acquired its ownership interest in the Property through lawful and appropriate means.

6. Buck's initiation of this action combined with Buck's contention that Buck's is entitled to a constructive trust over the Property and its profits for the benefit of Buck's and that QuikTrip's interest in the Property is somehow invalid or subject to Buck's interest in the Property, among other allegations in the Complaint and in separate legal filings, including a Notice of Lis Pendens regarding the Property filed with the Sarpy County Register of Deeds on September 4, 2015, casts a cloud over QuikTrip's ownership and use of the Property.

7. In its capacity as the owner of the Property, QuikTrip is entitled to good and clear title in the Property and should not be subjected to various future claims against that title and its use of the Property.

FIRST CLAIM FOR RELIEF (Quiet Title)

8. QuikTrip realleges Paragraphs 1 through 7 as though fully stated herein.

9. Buck's aforementioned actions cast a cloud over QuikTrip's rights in and use of the Property.

10. As the owner of the Property, QuikTrip is entitled to have title to the Property quieted in its favor and further entitled to a declaration from this Court that QuikTrip owns the Property free and clear of all encumbrances and that QuikTrip possesses the exclusive right to use and benefit from the Property.

**SECOND CLAIM FOR RELIEF
(Declaratory Relief – 28 U.S.C. § 2201)**

11. QuikTrip realleges Paragraphs 1 through 7 as though fully stated herein.

12. Buck's aforementioned actions have created doubt regarding QuikTrip's rights and other legal relations relative to the Property.

13. As the record owner of the Property, QuikTrip is entitled to a declaration from this Court that QuikTrip owns the Property free and clear of all encumbrances and that QuikTrip possesses the exclusive right to use and benefit from the Property.

WHEREFORE, Defendant/Counterclaimant, QuikTrip, prays the Court enter judgment in its favor and against Plaintiff/Counterdefendant, Buck's, by quieting title to the Property in QuikTrip's favor and/or declaring QuikTrip owns the Property free and clear of all encumbrances and that QuikTrip possesses the exclusive right to use and benefit from the Property.

Dated this 22nd day of September, 2015.

QUIKTRIP CORPORATION, Defendant

By: 

Robert M. Slovek #17798
Amy L. Van Horne, #22520
KUTAK ROCK LLP
The Omaha Building
1650 Farnam Street
Omaha, Nebraska 68102-2186
Telephone: (402) 346-6000
Facsimile: (402) 346-1148
robert.slovek@kutakrock.com
amy.vanhorne@kutakrock.com

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2015, I electronically filed the foregoing **ANSWER AND COUNTERCLAIM** with the Clerk of the court using the CM/ECF system and mailed the foregoing by regular first-class mail to the following non CM/ECF participant(s):

Kristopher J. Covi
McGrath North Mullin & Kratz, PC LLO
First National Tower, Suite 3700
1601 Dodge Street
Omaha, NE 68102

By: 
Robert M. Slovek

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BUCK'S, INC., A NEBRASKA
CORPORATION,

Plaintiff and
Counterclaim
Defendant,

vs.

QUIKTRIP CORPORATION, AN
OKLAHOMA CORPORATION,

Defendant and
Counterclaimant.

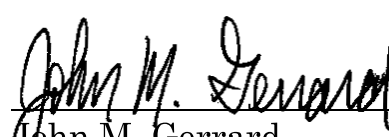
8:15-CV-340

ORDER

Pursuant to the Court's Order of February 10, 2017 ([filing 103](#)), IT IS ORDERED that the plaintiff's constructive trust claim is dismissed.

Dated this 13th day of March, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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CORPORATION,

Plaintiff and
Counterclaim
Defendant,

vs.

QUIKTRIP CORPORATION, AN
OKLAHOMA CORPORATION,

Defendant and
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8:15-CV-340

ORDER QUIETING TITLE

This matter is before the Court following trial on Buck's, Inc.'s claim for tortious interference with a business expectancy and for a constructive trust, and QuikTrip Corporation's counterclaim to quiet title. *See* [filing 78](#). A jury trial was had on Buck's tort claim, and Buck's constructive trust claim and QuikTrip's quiet title claim were tried to the Court. *See InCompass IT, Inc. v. XO Commc'ns Servs., Inc.*, 719 F.3d 891, 895–96 (8th Cir. 2013).

The litigation concerned property located at Interstate 80 and Highway 370 (the Property), legally described as follows:

The land referred to is situated in the State of Nebraska, County of Sarpy and is described as follows:

A tract of land located in part of the Southeast Quarter of the Southeast Quarter of Section 27, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows: Beginning at a point which is South 89 degrees 40'00" West, 1167.13 feet and North 0 degrees, 36'00", 87.72 feet from the Southeast corner of the Southeast Quarter of said Section 27, said point being the point of intersection of the North right of way line of Highway No. 370 and the East line of the frontage road; thence North 0 degrees 36'00" West, 215.31 feet; thence North 89 degrees 24'00" East, 202.50 feet; thence South 0 degrees 36'00" East, 215.52 feet to a point on the North

right of way line of Highway No. 370; thence South 89 degrees 27'30" West on said North right of way line 202.50 to the point of beginning. (The South line of said Southeast Quarter of Section 27 assumed South 89 degrees 40'00" West in direction.) (Also known as Tax Lot 6);

and

A tract of land located in part of the Southeast Quarter of the Southeast Quarter of Section 27, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows: Beginning at a point 965.22 feet South 89 degrees 40'00" West of and 88.50 feet North 0 degrees 20'00" West of the Southeast corner of the said SE $\frac{1}{4}$ of Section 27, said point being in the North R.O.W. line of State Highway #370; thence North 89 degrees 27'30" East along the said North R.O.W. line, 203.4 feet to a point on the Westerly R.O.W. line of Interstate Highway #80; thence North 29 degrees 27'30" East along said Westerly R.O.W. line, 107.95 feet to a point of curve; thence Northeasterly along the said Westerly R.O.W. line on a curve to the right (radius being 864.00) feet for an arc distance of 149.38 feet; thence South 89 degrees 24'00" West, 342.93 feet; thence South 0 degrees 36'00" East, 215.52 feet to the point of beginning. (The South line of said SE $\frac{1}{4}$ of Section 27 assumed South 89 degrees 40'00" West in direction.) (Also known as Tax Lots 4B & 5 and to be known as Tax Lot 14).

and

Lot 1, Murray Sapp, a subdivision in Sarpy County, Nebraska.

Nebraska Revised Statute § 25-21,112 governs actions to quiet title:

[a]n action may be brought and prosecuted to final decree, judgment or order, by any person . . . claiming title to, or an estate in real estate against any person or persons who claim . . . [an] interest therein, for the purpose of determining such estate, or interest, canceling unenforceable liens, or claims against, or which appear to be against said real estate, and quieting the title to real estate.

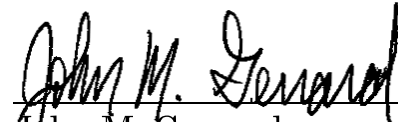
The jury returned a verdict in favor of QuikTrip on Buck's tort claim, and the Court has separately dismissed Buck's constructive trust claim. The Court now finds, consistent with the jury's verdict, that Buck's has no real or claimed interest in the Property as a matter of law. Pursuant to the Court's Order of February 10, 2017 ([filing 103](#)), the Court hereby quiets title to the Property in QuikTrip.

IT IS ORDERED:

1. The Lis Pendens filed with the Sarpy County Register of Deeds is hereby cancelled and Buck's should immediately take all necessary steps to remove the Lis Pendens from the property records.
2. QuikTrip owns the Property free and clear of all encumbrances and holds exclusive right to the use and benefit from the Property.

Dated this 13th day of March, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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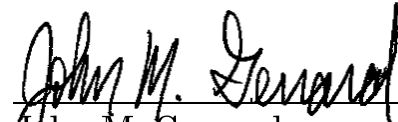
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United States District Judge