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Nebraska Judicial Branch

Case Summary

In the District Court of Douglas County
 The Case ID is CI 18 0008159
 Richard E Hartman v. Todd Barnhardt
 The Honorable James T Gleason, presiding.
 Classification: Miscellaneous Civil
 Filed on 09/17/2018
 This case is Closed as of 10/02/2018
 It was disposed as Tried to Court

Parties/Attorneys to the Case

Party	Attorney
Plaintiff ACTIVE Richard E Hartman 14224 W. Parada Drive Sun City West AZ 85375	Patrick T Vint 10250 Regency Circle, Ste 525 Omaha NE 68114 402-898-7400
Plaintiff ACTIVE Carole A Hartman 14224 W. Parada Drive Sun City West AZ 85375	Patrick T Vint 10250 Regency Circle, Ste 525 Omaha NE 68114 402-898-7400
Defendant ACTIVE Todd Barnhardt	
Defendant ACTIVE Little Minds Learning Center c/o Nousha Sabet 20020 Manderson Street Elkhorn NE 68118	

Court Costs Information

Incurred By	Account	Date	Amount
Plaintiff	Petition	09/17/2018	\$35.00
Plaintiff	Filing Fee - State	09/17/2018	\$1.00
Plaintiff	Automation Fee	09/17/2018	\$8.00
Plaintiff	NSC Education Fee	09/17/2018	\$1.00
Plaintiff	Dispute Resolution Fee	09/17/2018	\$0.75
Plaintiff	Indigent Defense Fee	09/17/2018	\$3.00
Plaintiff	Uniform Data Analysis Fee	09/17/2018	\$1.00
Plaintiff	J.R.F.	09/17/2018	\$6.00
Plaintiff	Filing Fee-JRF	09/17/2018	\$6.00
Plaintiff	Legal Aid/Services Fund	09/17/2018	\$6.25

Incurring By	Account	Date	Amount
Plaintiff	Complete Record	09/17/2018	\$15.00
Plaintiff	Service Fees	09/20/2018	\$20.15

Financial Activity

No trust money is held by the court
No fee money is held by the court

Payments Made to the Court

Receipt	Type	Date	For	Amount
310184	Electronic Trans	09/18/2018	Hartman, Richard, E., Tru	\$83.00
			Petition	\$35.00
			Filing Fee - State	\$1.00
			Automation Fee	\$8.00
			NSC Education Fee	\$1.00
			Dispute Resolution Fee	\$.75
			Indigent Defense Fee	\$3.00
			Uniform Data Analysis	\$1.00
			J.R.F.	\$6.00
			Filing Fee-JRF	\$6.00
			Legal Aid/Services Fun	\$6.25
			Complete Record	\$15.00

Register of Actions

01/25/2019 Order
This action initiated by James T Gleason
RE: Relief from Rule 4-10 GRANTED / RT eNotice Certificate Attached
Image ID 001805825D01

01/25/2019 Mail Returned by Post Office

Image ID 001820020D01

01/24/2019 Motion Filed
This action initiated by group Richard & Carole Hartman
Re: Relief from Rule 4-10 /mg
Image ID N1902481CD01

01/16/2019 Notice Issued
The document number is 00586980
Notice of Intent to Dismiss
Michael D Matejka mmatejka@woodsaitken.com
Image ID D00586980D01

01/16/2019 Notice Issued
The document number is 00586979
Notice of Intent to Dismiss

Little Minds Learning Center
Image ID D00586979D01

01/16/2019 Notice Issued
The document number is 00586978
Notice of Intent to Dismiss
Todd Barnhardt
Image ID D00586978D01

10/30/2018 Mail Returned by Post Office
Image ID 001729590D01

10/02/2018 Order
This action initiated by James T Gleason
RE: restitution eNotice Certificate Attached
Image ID 001739083D01

09/20/2018 Return Summons/Alias Summons
The document number is 00566861
RT
Served 09/20/2018
Personal Service
Served By S01
Image ID N18263L1UD01

09/19/2018 Summons Issued on Little Minds Learning Center
The document number is 00566861
Landlord Tenant/Forcible Entry & Detainer Summons
Image ID D00566861D01

09/19/2018 Summons Issued on Todd Barnhardt
The document number is 00566859

Landlord Tenant/Forcible Entry & Detainer Summons
EMAILED: mmatejka@woodsaitken.com
Image ID D00566859D01

09/18/2018 Praecipe-Summons/Alias
This action initiated by group Richard & Carole Hartman
MM
Image ID N182616XCD01

09/18/2018 Amended Complaint
This action initiated by group Richard & Carole Hartman
MM
Image ID N182616VSD01

09/17/2018 Complaint-Praecipe
This action initiated by group Richard & Carole Hartman

a1 no praecipe filed
Image ID N18260YOAD01

Judges Notes

01/25/2019

Gleason

Signed order allowing withdrawal of counsel.

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

RICHARD E. HARTMAN AND CAROLE ANN HARTMAN, TRUSTEES OF THE 1986 HARTMAN FAMILY REVOCABLE LIVING TRUST,

Case No. CI 18-8159

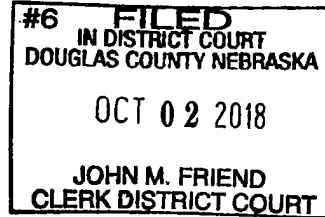
Plaintiff,

ORDER OF RESTITUTION

v.

LITTLE MINDS LEARNING CENTER OMAHA LLC, a Wisconsin limited liability company, and TODD BARNHARDT, an individual,

Defendants.



COMES NOW before the Court the Agreed Motion for Entry of Order of Restitution in the above captioned matter. Following review of the Agreed Motion and supporting documents, and being otherwise advised in the premises, the Court finds the Motion should be GRANTED.

BE IT ORDERED, ADJUDGED AND DECREED as follows:

- 1. The Agreed Motion for Entry of Order of Restitution is GRANTED.
2. This Order shall be held in abeyance and not enforced unless and until Defendants have breached the terms of the Stipulation and Agreement previously entered and failed to remedy such breach, pursuant to the terms of that Stipulation and Agreement.
3. In the event that Defendants breach the Stipulation and Agreement, this Order permits Plaintiff to present a Praecipe for Writ of Restitution to the Clerk of Court commanding the Constable or Sheriff of Douglas County to put it back in possession of the property in question without further order of this Court.

DATED this 1st day of October, 2018.

James J. Klean District Judge



Handwritten initials 'dth'

CERTIFICATE OF SERVICE

I, the undersigned, certify that on October 3, 2018 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Todd Barnhardt
P.O. Box 689
Hudson, WI 54016

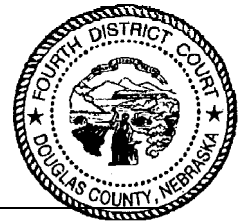
Little Minds Learning Center
c/o Nousha Sabet
20020 Manderson Street
Elkhorn, NE 68118

Michael D Matejka
mmatejka@woodsaitken.com

Date: October 3, 2018

BY THE COURT:

John M. Friend
CLERK



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

RICHARD E. HARTMAN AND CAROLE ANN HARTMAN, TRUSTEES OF THE 1986 HARTMAN FAMILY REVOCABLE LIVING TRUST,)	
)	Case No. CI 18-8159
)	
)	
)	
Plaintiffs,)	
v.)	MOTION FOR RELIEF
)	FROM RULE 4-10
LITTLE MINDS LEARNING CENTER – OMAHA LLC, a Wisconsin limited liability company, and TODD BARNHARDT, an individual,)	
)	
)	
Defendants.)	
)	

COMES NOW, Plaintiffs, Richard E. Hartman and Carole Ann Hartman, Trustees of the 1986 Hartman Family Revocable Living Trust, and for their motion for relief from District Court Rule 4-10, hereby state as follows:

1. On October 1, 2018, this Court entered an Order of Restitution in this matter. Pursuant to the terms of that Order, as agreed to by the Plaintiff and Defendant, the Order of Restitution was to be held in abeyance and not enforced until Defendants had breached the terms of a previously-entered Stipulation and Agreement and failed to remedy such breach.
2. In the event of a breach, Plaintiff is entitled to present a Praecipe for Writ of Restitution to the Clerk of Court.
3. On January 16, 2019 counsel for Plaintiffs received notice that a Proposed Scheduling Order (PSO) would be required in this matter within thirty days.
4. As the Order of Restitution has already been entered, there is no need for a Proposed Scheduling Order in this matter.
5. However, as the Stipulation and Agreement is not fully performed, this matter must not be dismissed, in the event that the Stipulation and Agreement is not fully performed by the Defendant and a Praecipe for Writ of Restitution is needed.

WHEREFORE Plaintiffs Richard E Hartman and Carole Ann Hartman, Trustees of the 1986 Hartman Family Revocable Trust, respectfully request this Court grant their Motion for Relief from District Court Rule 4-10, waive the filing of a trial scheduling order required by that rule, and prevent this matter from dismissal pursuant to that Rule, as well as all other relief which the Court deems necessary and proper.

DATED this 24th day of January, 2019.

RICHARD E. HARTMAN AND CAROLE
ANN HARTMAN, TRUSTEES OF THE
1986 HARTMAN FAMILY REVOCABLE
LIVING TRUST, Plaintiff

By: /s/ Patrick T. Vint
Michael D. Matejka, No. 17362
Patrick T. Vint, No. 26176
WOODS & AITKEN LLP
10250 Regency Circle, Suite 525
Omaha, NE 68114
Telephone: (402) 898-7400
mmatejka@woodsaitken.com
pvint@woodsaitken.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon each of the attorneys of record of all parties to the above-entitled cause herein at their respective addresses disclosed on the pleadings of record on the 24th day of January, 2019.

By **U.S. Mail** Fax
 Hand Delivery **Electronically through CM-ECF**
 Private Carrier Other: _____

Signature: /s/ Patrick T. Vint

Certificate of Service

I hereby certify that on Thursday, January 24, 2019 I provided a true and correct copy of the Motion Filed to the following:

Little Minds Learning Center service method: Email

Hartman,Carole,A.,Trustee, represented by Matejka,Michael, D. (Bar Number: 17362)
service method: Electronic Service to mmatejka@woodsaitken.com

Barnhardt,Todd, service method: Email

Hartman,Richard,E.,Trustee, represented by Matejka,Michael, D. (Bar Number: 17362)
service method: Electronic Service to mmatejka@woodsaitken.com

Signature: /s/ Patrick Thomas Vint (Bar Number: 26176)



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

RICHARD E. HARTMAN AND CAROLE)
ANN HARTMAN, TRUSTEES OF THE)
1986 HARTMAN FAMILY REVOCABLE)
LIVING TRUST,)

Case No. CI 18-8159

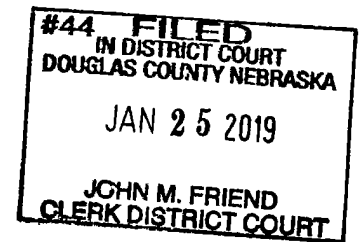
Plaintiffs,)

v.)

**ORDER GRANTING RELIEF
FROM RULE 4-10**

LITTLE MINDS LEARNING CENTER –)
OMAHA LLC, a Wisconsin limited liability)
company, and TODD BARNHARDT, an)
individual,)

Defendants.)

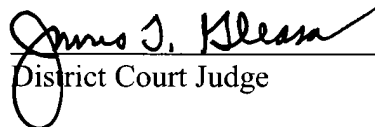


THE COURT, having reviewed Plaintiff's Motion for Relief from Rule 4-10, and otherwise being fully informed in the premises, finds that the Motion should be granted.

WHEREFORE, IT IS ORDERED that Plaintiff is granted relief from District Court Rule 4-10, the filing of a trial scheduling order required by the rule is waived and the matter will remain on the Court's docket

Dated this 25th day of January, 2019.

BY THE COURT:


District Court Judge

Prepared and Submitted by:
Patrick T. Vint, #26176
WOODS & AITKEN LLP
10250 Regency Circle, Ste. 525
Omaha, NE 68114
Telephone: (402) 898-7400
Facsimile: (402) 898-7401
pvint@woodsaitken.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that on January 28, 2019 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Little Minds Learning Center
c/o Nousha Sabet
20020 Manderson Street
Elkhorn, NE 68118

Patrick T Vint
pvint@woodsaitken.com

Date: January 28, 2019

BY THE COURT:

John M. Friend
CLERK

