

**IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA**

<b>DSL HOSPITALITY, LLC</b>	)	
	)	<b>Case No. CI 19-8449</b>
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>ANSWER TO COUNTERCLAIM</b>
	)	<b>OF FOREST CITY GROUP LLC,</b>
<b>RONCO CONSTRUCTION CO., INC.</b>	)	<b>THIRD PARTY DEFENDANT</b>
	)	
<b>Defendant and</b>	)	
<b>Third Party Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>FOREST CITY GROUP LLC d/b/a</b>	)	
<b>HURST MASONRY,</b>	)	
	)	
<b>Third Party Defendant.</b>	)	
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COMES NOW, Ronco Construction Co., Inc., (“Ronco”) and as and for its answer to the counterclaim of Forest City Group LLC d/b/a Hurst Masonry (“Forest City”):

1. Ronco admits the allegations contained in paragraph 1 of Forest City’s complaint.
2. Ronco admits the allegations contained in paragraph 2 of Forest City’s complaint.
3. Ronco admits the allegations contained in paragraph 3 of Forest City’s complaint.
4. Ronco admits the allegations contained in paragraph 4 of Forest City’s complaint.
5. Ronco denies the allegations contained in paragraph 5 of Forest City’s complaint.
6. Ronco denies the allegations contained in paragraph 6 of Forest City’s complaint.

**AFFIRMATIVE DEFENSES**

7. Forest City’s complaint fails to state a claim upon which relief can be granted.
8. Forest City has not completed all work to be performed under the agreement in accordance with the contract.
9. Forest City has failed to mitigate its damages.

WHEREFORE, Ronco requests relief as follows:

- A. An adjudication of the amount remaining due, if any, to Forest City;
- B. All relief sought in Ronco's Counterclaim against DSL Hospitality LLC;
- C. A determination of the priority of the liens filed on the property commonly known as 4440 Douglas Street, Omaha, Nebraska and a judgment of foreclosure on the property; and
- D. Such other and further relief that may be appropriate under the circumstances.

Dated this 31<sup>st</sup> day of December, 2019.

RONCO CONSTRUCTION CO., INC.

By: /s/ Diana J. Vogt  
Diana J. Vogt, NE #19387  
Sherrets Bruno & Vogt LLC  
260 Regency Parkway Drive, Suite 200  
Omaha, NE 68114  
Phone: (402) 390-1112  
Fax: (402) 390-1163  
[law@sherrets.com](mailto:law@sherrets.com)  
[dvogt@sherrets.com](mailto:dvogt@sherrets.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed on this 31<sup>st</sup> day of December, 2019, through the Nebraska Supreme Court's electronic filing system which will serve a copy on Forest City and that Ronco will undertake proper service of the Third Party Complaint on the Third Party Defendant.

/s/ Diana J. Vogt  
Diana J. Vogt

# Certificate of Service

I hereby certify that on Tuesday, December 31, 2019 I provided a true and correct copy of the Answer to Counterclaim to the following:

Forest City Group LLC represented by Jonathan M Brown (Bar Number: 25021) service method: Electronic Service to jbrown@womglaw.com

DSL Hospitality, LLC represented by Brady H Godbout (Bar Number: 26753) service method: No Service

DSL Hospitality, LLC represented by Scaglione,Greg, (Bar Number: 19368) service method: Electronic Service to greg.scaglione@koleyjessen.com

Ronco Construction Company, Inc. represented by Jared Olson (Bar Number: 25288) service method: Electronic Service to law@sherrets.com

Stephens & Smith Const. Co., Inc. represented by Brian Koerwitz (Bar Number: 23655) service method: Electronic Service to bkoerwitz@eptlawfirm.com

Signature: /s/ Vogt,Diana,J (Bar Number: 19387)