

District Court, Dodge County, Nebraska

Rick Goebel,

Plaintiff,

v.

**Arps Red-E-Mix, Inc., a Nebraska
Corporation,**

Defendant.

**Case No. CI 15-507
Hon. Geoffrey C. Hall**

**Plaintiff's Motion for
Summary Judgment**

(September 2019)

District Court, Dodge County, Nebraska

**Kerrie Williams, individually and as
natural guardian and next friend of
Tyler Mallett, Dylan Mallett, and Ashley
Mallett,**

Plaintiff,

v.

**Arps Red-E-Mix, Inc., a Nebraska
Corporation,**

Defendant.

**Case No. CI 15-531
Hon. Geoffrey Hall**

**Plaintiff's Motion for
Summary Judgment**

(September 2019)

District Court, Dodge County, Nebraska

**Leonel Pizano, and Celina Lopez Pizano,
Individually and as natural guardians
and next friends of Isaac Pizano, Ivan
Pizano, and Kimberly Pizano.**

Plaintiffs,

v.

Case No. CI 16-001

Plaintiffs' Motion for

Arps Red-E-Mix, Inc., a Nebraska Corporation,

Defendant

Summary Judgment

(September 2019)

District Court, Dodge County, Nebraska

James Porter, and Anna Porter, Individually and as natural guardians and next friends of Jasmine Marie Porter; Terry Lee Porter, individually.

Plaintiffs,

v.

Arps Red-E-Mix, Inc., a Nebraska Corporation,

Defendant

Case No. CI 16-31

Plaintiffs' Motion for Summary Judgment

(September 2019)

District Court, Dodge County, Nebraska

Ismael Estrada and Iris Estrada, Husband and Wife, individually and next friend of Brandon Estrada, Orlando Estrada, and Ismael Estrada,

Plaintiffs,

v.

Arps Red-E-Mix, Inc., a Nebraska Corporation,

Defendant.

**Case No. CI 16-502
Hon. Geoffrey C. Hall**

Plaintiffs' Motion for Summary Judgment

(September 2019)

1. Pursuant to *Neb Rev Stat* § 25-1330, and 1332, the Court is asked to determine, as a matter of law, that Defendant's alleged prescriptive easement and affirmative defenses of Plaintiffs knowingly coming to the nuisance, equitable estoppel, doctrines of laches and unclean hands are without merit. Thus, judgment should be granted in favor of Plaintiffs.

2. The evidence establishes all legal elements of Plaintiffs' claims against Defendant but do not support Defendant's alleged counterclaim or affirmative defenses. Because there are issues of material fact as to Plaintiffs' claims and no issues of material fact regarding Defendant's counterclaim and affirmative defenses, Plaintiffs are entitled to judgment as a matter of law.

Request for Relief

3. Plaintiffs request this Court sustain their Motion for Summary Judgment and rule in Plaintiffs' favor on Defendant's counterclaim and affirmative defenses.

Notice of Hearing

4. Notice is hereby given that the above Motion for Summary Judgment will be called for hearing before the Honorable Geoffrey C. Hall on December 10, 2019, at 9:30 a.m. at Dodge County District Court, Fremont, Nebraska.

September 30, 2019.

Rick Goebel, Plaintiff,

Kerrie Williams, individually and as natural guardian and next friend of Tyler Mallett, Dylan Mallett, and Ashley Mallett, Plaintiffs,

Leonel Pizano and Celina Lopez Pizano, Plaintiff, Individually as Guardians of Isaac Pizano and Ivan Pizano, and Kimberly Pizano, Plaintiffs,

James Porter, and Anna Porter, Individually and as natural guardians and

next friends of Jasmine Marie Porter;
Terry Lee Porter, individually, Plaintiffs,

Ismael Estrada and Iris Estrada, Husband
and Wife, individually and next friend of
Brandon Estrada, Orlando Estrada, and
Ismael Estrada, Plaintiffs,

By: /s/ S. Ryan Greenwood
David A. Domina, #11043
S. Ryan Greenwood, #25943
DOMINALAW Group pc llo
2425 S. 144th Street
Omaha, NE 68144
(402) 493-4100
ddomina@dominalaw.com
rgreenwood@dominalaw.com

Plaintiffs' Lawyers

Certificate of Service

On September 30, 2019, a true copy of the foregoing was delivered by email to:

Robert S. Keith, #21023
Kristina J. Kamler, #24082
1700 Farnam Street
1350 Woodmen Tower
Omaha, NE 68102
rkeith@ekoklaw.com
kkamler@ekoklaw.com

/s/ S. Ryan Greenwood
S. Ryan Greenwood, #25943

Certificate of Service

I hereby certify that on Monday, September 30, 2019 I provided a true and correct copy of the Motion-Summary Judgment to the following:

Pizano, Leonel, represented by Domina, David, A (Bar Number: 11043) service method: Electronic Service to ddomina@dominalaw.com

Arps Red-E-Mix, Inc. represented by Kristina J. Kamler (Bar Number: 24082) service method: Electronic Service to kkamler@ekoklaw.com

Pizano, Celia Lopez, represented by Domina, David, A (Bar Number: 11043) service method: Electronic Service to ddomina@dominalaw.com

Signature: /s/ Stephen Ryan Greenwood (Bar Number: 25943)