

**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)**

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**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)**

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**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)**

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**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)**

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**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  
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*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  
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[kkamler@ekoklaw.com](mailto: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:

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

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

Arps Red-E-Mix, Inc. represented by Keith,Robert,S. (Bar Number: 21023) service method:  
Electronic Service to rkeith@ekoklaw.com

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