

Nebraska Judicial Branch

Case Summary

In the County Court of Dodge County
 The Case ID is CI 19 0000687
 AACO A-1 Health Ca v. Celebrate Life, In
 The Honorable Kenneth Vampola, presiding.
 Classification: Contract-Unspecified
 Filed on 05/02/2019
 This case is Open as of 05/02/2019



Parties/Attorneys to the Case

| Party | Attorney |
|--|--|
| Plaintiff ACTIVE AACO A-1 Health Care Services, Inc PO Box 75111 Seattle WA 98175 | Colby M Lessmann Rossi, Bottaro & Boden PO Box 1557 Sioux City IA 51102 712-252-3226 |
| Defendant ACTIVE Celebrate Life, Inc 1120 Walnut Street North Bend NE 68649 Alias is Birchwood Manor of North Bend | |

Court Costs Information

| Incurring By | Account | Date | Amount |
|--------------|---------------------------|------------|---------|
| Plaintiff | Filing Fees | 05/02/2019 | \$14.00 |
| Plaintiff | NSC Education Fee | 05/02/2019 | \$1.00 |
| Plaintiff | Dispute Resolution Fee | 05/02/2019 | \$0.75 |
| Plaintiff | Indigent Defense Fee | 05/02/2019 | \$3.00 |
| Plaintiff | Uniform Data Analysis Fee | 05/02/2019 | \$1.00 |
| Plaintiff | J.R.F. | 05/02/2019 | \$6.00 |
| Plaintiff | Filing Fee/JRF | 05/02/2019 | \$6.00 |
| Plaintiff | Legal Aid/Services Fund | 05/02/2019 | \$6.25 |
| Plaintiff | Automation Fee | 05/02/2019 | \$8.00 |
| Plaintiff | Service Fee-Ppd | 05/17/2019 | \$36.91 |

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 |
|---------|------------------|------------|------------------------|---------|
| 289483 | Electronic Trans | 05/02/2019 | AACO A-1 Health Care S | \$46.00 |
| | | | Filing Fees | \$14.00 |
| | | | 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 |
| | | | Automation Fee | \$8.00 |

Register of Actions

05/17/2019 Return-Summons
The document number is 00353700
Served 05/15/2019, Dodge County Sheriff

Personal Service
Image ID D00355081C05

05/02/2019 Summons Issued on Celebrate Life, Inc
The document number is 00353700
Image ID D00353700C05

05/02/2019 Praecipe-Summons
This action initiated by party AACO A-1 Health Care Services, Inc
Image ID N19122VE2C05

05/02/2019 Complaint-Praecipe
This action initiated by party AACO A-1 Health Care Services, Inc
Image ID N19122VDQC05

IN THE COUNTY COURT IN AND FOR DODGE COUNTY, NEBRASKA

AACO A-1 HEALTH CARE SERVICES, INC, a Nebraska Foreign Corporation,

Plaintiff,

v.

CELEBRATE LIFE, INC., a Nebraska Corporation,

Defendant.

LAW NO. CI 19-____

COMPLAINT

COME NOW the Plaintiff, AACO A-1 HEALTH CARE SERVICES, INC., and for its cause of action against Defendant state as follows:

General Allegations

1. Plaintiff AACO A-1 HEALTH CARE SERVICES, INC (hereinafter "AACO") is and was at all times material hereto, a Nebraska Foreign Corporation, with its principal place of business located at 4100 194th Street SW, Suite 301, Lynnwood, Washington 98036.
2. Defendant CELEBRATE LIFE, INC. (hereinafter "Defendant") is and was at all times material hereto, a Nebraska Corporation, with its principal place of business located at 1120 Walnut Street, North Bend, Nebraska 68649, and its registered agent was Pamela Quinn, 1120 Walnut Street, North Bend, Nebraska 68649.
3. The amount in controversy is within the jurisdiction of the County Court of Dodge

County, Nebraska, pursuant to Neb. Rev. Stat. § 6-1462(A) (2019).

4. Venue is proper in Dodge County, Nebraska, pursuant to Nebraska Revised Statute § 25-403.01, as that is the County where the cause of action arose, as well as the County wherein the transaction or some part of the transaction occurred out of which the cause of action arose.

Factual Allegations

5. That at all times material hereto, AACO was a staffing entity providing temporary employees, such as registered nurses, licensed practical nurses, and certified nurses aids, to Nursing Facilities.
6. That at all times material hereto, Defendant operated Birchwood Manor of North Bend, which is located at 1120 Walnut Street, North Bend, Nebraska 68649.
7. That on April 12, 2017, AACO and Defendant entered into a Standard Facility Contract, and a copy of said contract is attached hereto as Exhibit A.
8. Pursuant to the contract, AACO will lend to Birchwood Manor, and Birchwood Manor “will borrow, at mutually agreed times, various AACO employees for staff relief purposes, including Registered Nurses, Licenses Practical Nurses, and Certified Nurse Aids.” *Id.*
9. The contract further provided that AACO would bill “monthly for all services, and payments are due on the tenth day of the month following the day services are rendered.” *Id.*

10. Pursuant to the contract, AACO provided employees during the months of October-November 2018, and an invoice was provided to Defendant on October 31, 2018, in the amount of \$2,848.66. See attached Exhibit B.
11. Pursuant to the contract, AACO provided employees during the months of November-December 2018, and an invoice was provided to Defendant on November 30, 2018, in the amount of \$15,582.36. See attached Exhibit C.
12. Pursuant to the contract, AACO provided employees during the month of December 2018, and an invoice was provided to Defendant on December 31, 2018, in the amount of \$6,052.52. See attached Exhibit D.
13. The total amount owed by Defendant, as of December 31, 2018, is \$24,483.54.
14. AACO has demanded payment from Defendant on the amounts owed in the outstanding invoices, but Defendant has failed to and refused to pay the outstanding invoice balance.

COUNT 1 – BREACH OF CONTRACT

15. AACO restates and realleges paragraphs one (1) through fourteen (14) as if fully set forth herein.
16. AACO and Defendant had a valid contract entered into on April 12, 2017, for staffing services from AACO to Defendant.
17. Pursuant to the contract, AACO agreed to lend to Defendant, “various AACO employees for staff relief purposes, including Registered Nurses, Licenses Practical Nurses, and Certified Nurse Aids”.

18. In exchange for such services, Defendant agreed to pay AACO for the use of the AACO employees, and agreed that AACO would bill "monthly for all services, and payments are due on the tenth day of the month following the day services are rendered."
19. Defendant has breached the contract in that it refuses to pay AACO's invoices for the months of October, November and December 2018.
20. The breach of contract by Defendant is a proximate cause of damages to AACO.
21. AACO has been damaged in the amount of \$24,483.54, which is the amount of its outstanding October, November and December 2018 invoices.

WHEREFORE, Plaintiff, AACO, respectfully requests judgment be entered against the Defendant for a monetary amount sufficient to compensate Plaintiff for its damages, plus costs of this action and interest as by law provided.

Respectfully submitted this 2nd day of May, 2019.

VRIEZELAAR, TIGGES, EDGINGTON,
BOTTARO, BODEN & ROSS, LLP

By: /s/ COLBY M. LESSMANN
Colby M. Lessmann, NE# 22298

By: /s/ KENT VRIEZELAAR
Kent Vriezelaar, NE# 20330

613 Pierce Street
PO Box 1557
Sioux City, IA 51102-1557
Tel: (712) 252-3226
Fax: (712) 252-4873
Email: kvriezelaar@siouxcitylawyers.net
Email: clessmann@siouxcitylawyers.net
ATTORNEYS FOR PLAINTIFF

STANDARD FACILITY CONTRACT

This is an agreement between AACO-AI Health Care Services, Inc. (hereafter "AACO") and Birchwood Manor (hereafter "Facility").

AACO will lend to Facility and Facility will borrow, at mutually agreed times, various AACO employees for staff relief purposes, including Registered Nurses, Licensed Practical Nurses, and Certified Nurse Aides.

All employees borrowed by the Facility from AACO will work under the exclusive control and supervision of Facility supervisors, and will be exclusively responsible to and answerable to Facility supervisors and staff for all conduct, and for the professional and competent completion of all duties in the same manner as ordinary employees of Facility. Facility retains the right not to employ, or to send home, at any time, any borrowed employee who does not perform up to professional standards. Facility agrees to provide all borrowed employees with adequate supervision and briefing concerning Facility rules and conditions of work.

Facility agrees to provide AACO with at least 24 hours notice of any cancellation of a scheduled shift. A fee equal to four hours of labor charges will apply if such notice is not given. The employee may be booked for a full shift only. Late calls will be charged as a full shift to the facility even if employee arrives after the shift has started.

Time and one-half shall be charged for overtime when employee works more than 40 hours per week at the Facility, and for any shift that BEGINS on the day of a Federal Holiday. Facility shall be charged a \$69 travel fee per day per employee for employees brought in from out of town. AACO bills monthly for all services, and payments are due on the tenth day of the month following the day services are rendered.

Facility agrees that it will not hire any persons sent to the facility as borrowed AACO employees, nor contract for the services of any such employee through another agency, except upon consent of AACO and payment of a reasonable finder's fee to AACO in the amount of \$7500. This obligation does not apply with respect to any former AACO employee who has not been employed by AACO for at least nine months from the date of hiring by Facility.

Facility Representative hereby certifies that he/she is authorized to sign on behalf of facility owners.

Date: 4-12-17

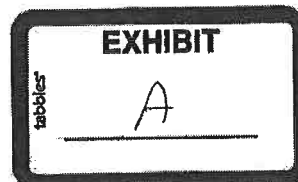
Felicia Gates
AACO Representative (print name)

Felicia Gates
AACO Representative's Signature

Date: 4/12/2017

Lisa Erickson, Director of Operations
Facility Representative (print name/title)

Lisa Erickson
Facility Representative Signature



AACO A-1 Health Care Services Inc.

PO Box 75111
SEATTLE, WA 98175

1-800-656-4414

Bill To
Birchwood Manor
1120 Walnut Street
North Bend, NE 68649

| Invoice | |
|----------------|-------------|
| Date | 10/31/2018 |
| Invoice # | BIRCH829--7 |

Terms: Net 10

| Item | Date | Shift | Hours | Amount |
|-------------------------------|------------|----------------------------|--------------|-------------------|
| NE NAC REG | 10/21/2018 | ANGELA NOLASCO 6PM-7AM | 12.5 | 479.40 |
| NE Out Of Town | 10/21/2018 | ANGELA NOLASCO | 1 | 89.00 |
| NE NAC REG | 10/22/2018 | MICHAEL HOWARD 6PM-6AM | 11.5 | 459.43 |
| NE Out Of Town | 10/22/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE NAC REG | 10/23/2018 | MICHAEL HOWARD 6PM-630AM | 12 | 479.40 |
| NE Out Of Town | 10/23/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE NAC REG | 11/2/2018 | MICHAEL HOWARD 6AM-640PM | 12.17 | 486.06 |
| NE Out Of Town | 11/2/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE NAC REG | 11/4/2018 | MICHAEL HOWARD 550AM-650PM | 12.5 | 499.37 |
| NE Out Of Town | 11/4/2018 | MICHAEL HOWARD | 1 | 89.00 |
| Thank you for your patronage. | | | Total | \$2,848.66 |

EXHIBIT
B

AACO A-1 Health Care Services Inc.

PO Box 75111
SEATTLE, WA 98175

1-800-656-4414

Bill To
Birchwood Manor
1120 Walnut Street
North Bend, NE 68649

| Invoice | |
|-----------|-------------|
| Date | 11/30/2018 |
| Invoice # | BIRCH1522-5 |

Terms: Net 10

| Item | Date | Shift | Hours | Amount |
|----------------|------------|----------------------------|-------|--------|
| NE NAC REG | 11/8/2018 | ANGELA NOLASCO 6PM-6AM | 11.5 | 459.43 |
| NE Out Of Town | 11/8/2018 | ANGELA NOLASCO | 1 | 89.00 |
| NE NAC REG | 11/9/2018 | MICHAEL HOWARD 6AM-630PM | 12 | 479.40 |
| NE Out Of Town | 11/9/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE NAC REG | 11/11/2018 | MICHAEL HOWARD 6AM-635PM | 12.08 | 482.60 |
| NE Out Of Town | 11/11/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE NAC REG | 11/12/2018 | MICHAEL HOWARD 550AM-650PM | 12.5 | 499.38 |
| NE Out Of Town | 11/12/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE NAC REG | 11/13/2018 | SHAVONNE DOUMASSY 6PM-6AM | 11.5 | 459.43 |
| NE Out Of Town | 11/13/2018 | SHAVONNE DOUMASSY | 1 | 89.00 |
| NE NAC REG | 11/14/2018 | MICHAEL HOWARD 550AM-650PM | 12.5 | 499.38 |
| NE Out Of Town | 11/14/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE NAC REG | 11/15/2018 | MICHAEL HOWARD 6AM-855AM | 2.92 | 116.15 |
| NE NAC OT | 11/15/2018 | MICHAEL HOWARD 855AM-630PM | 9.1 | 545.22 |
| NE Out Of Town | 11/15/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE NAC REG | 11/18/2018 | MICHAEL HOWARD 550AM-650PM | 12.5 | 499.38 |
| NE Out Of Town | 11/18/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE NAC REG | 11/19/2018 | MICHAEL HOWARD 550AM-950PM | 15 | 599.25 |
| NE Out Of Town | 11/19/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE LPN REG | 11/20/2018 | KELLY RASMUSSEN 8PM-630AM | 12 | 719.40 |
| NE Out Of Town | 11/20/2018 | KELLY RASMUSSEN | 1 | 89.00 |
| NE NAC REG | 11/21/2018 | STEFANI GARCIA 630PM-630AM | 11.5 | 459.43 |
| NE Out Of Town | 11/21/2018 | STEFANI GARCIA | 1 | 89.00 |
| NE NAC REG | 11/21/2018 | MICHAEL HOWARD 6AM-630PM | 12 | 479.40 |
| NE Out Of Town | 11/21/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE LPN REG | 11/21/2018 | KELLY RASMUSSEN 2PM-1230AM | 10 | 599.50 |
| NE Out Of Town | 11/21/2018 | KELLY RASMUSSEN | 1 | 89.00 |
| NE NAC HOL | 11/22/2018 | STEFANI GARCIA 6PM-6AM | 11.5 | 689.14 |
| NE Out Of Town | 11/22/2018 | STEFANI GARCIA | 1 | 89.00 |
| NE LPN HOL | 11/22/2018 | KELLY RASMUSSEN 2PM-1030PM | 8 | 719.40 |
| NE Out Of Town | 11/22/2018 | KELLY RASMUSSEN | 1 | 89.00 |

Thank you for your patronage. **Total**

EXHIBIT
C

AACO A-1 Health Care Services Inc.

PO Box 75111
SEATTLE, WA 98175

1-800-656-4414

Bill To

Birchwood Manor
1120 Walnut Street
North Bend, NE 68649

Invoice

Date 4/3/2019

Invoice # BIRCH1522-5

Terms: Net 10

| Item | Date | Shift | Hours | Amount |
|----------------|------------|---------------------------|-------|--------|
| NE NAC REG | 11/23/2018 | STEFANI GARCIA 6PM-6AM | 11.5 | 459.43 |
| NE Out Of Town | 11/23/2018 | STEFANI GARCIA | 1 | 89.00 |
| NE NAC REG | 11/23/2018 | SALYN WELTER 550AM-10AM | 4.17 | 166.56 |
| NE Out Of Town | 11/23/2018 | SALYN WELTER | 1 | 89.00 |
| NE NAC REG | 11/24/2018 | SALYN WELTER 640AM-640PM | 11.5 | 459.43 |
| NE Out Of Town | 11/24/2018 | SALYN WELTER | 1 | 89.00 |
| NE NAC REG | 11/25/2018 | SALYN WELTER 540AM-630PM | 12.33 | 492.58 |
| NE Out Of Town | 11/25/2018 | SALYN WELTER | 1 | 89.00 |
| NE NAC REG | 11/27/2018 | SONIA CENTENO 545AM-615PM | 12 | 479.40 |
| NE Out Of Town | 11/27/2018 | SONIA CENTENO | 1 | 89.00 |
| NE NAC REG | 11/27/2018 | SALYN WELTER 550PM-620AM | 12 | 479.40 |
| NE Out Of Town | 11/27/2018 | SALYN WELTER | 1 | 89.00 |
| NE NAC REG | 11/28/2018 | SONIA CENTENO 545AM-615PM | 12 | 479.40 |
| NE Out Of Town | 11/28/2018 | SONIA CENTENO | 1 | 89.00 |
| NE NAC REG | 11/28/2018 | EVELYN GARCIA 6AM-615PM | 11.75 | 469.41 |
| NE Out Of Town | 11/28/2018 | EVELYN GARCIA | 1 | 89.00 |
| NE NAC REG | 11/28/2018 | SALYN WELTER 6PM-820PM | 2.33 | 93.08 |
| NE Out Of Town | 11/28/2018 | SALYN WELTER | 1 | 89.00 |
| NE NAC REG | 11/29/2018 | SONIA CENTENO 6AM-2PM | 7.5 | 299.63 |
| NE Out Of Town | 11/29/2018 | SONIA CENTENO | 1 | 89.00 |
| NE NAC REG | 12/1/2018 | MICHAEL HOWARD 6AM- 705PM | 12.58 | 502.57 |
| NE Out Of Town | 12/1/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE NAC REG | 12/2/2018 | MICHAEL HOWARD 6AM-650PM | 12.33 | 492.58 |
| NE Out Of Town | 12/2/2018 | MICHAEL HOWARD | 1 | 89.00 |

Thank you for your patronage.

Total

\$15,582.36

AACO A-1 Health Care Services Inc.

PO Box 75111
SEATTLE, WA 98175

1-800-656-4414

Bill To

Birchwood Manor
1120 Walnut Street
North Bend, NE 68649

Invoice

Date 12/31/2018

Invoice # BIRCH1550-2

Terms: Net 10

| Item | Date | Shift | Hours | Amount |
|----------------|-----------|--|-------|--------|
| NE NAC REG | 12/3/2018 | MICHAEL HOWARD 6AM-630PM | 12 | 479.40 |
| NE Out Of Town | 12/3/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE NAC REG | 12/4/2018 | JANNUANDARY ROSARIO-SANCHEZ 530AM-630PM | 12.5 | 499.38 |
| NE Out Of Town | 12/4/2018 | JANNUANDARY ROSARIO-SANCHEZ | 1 | 89.00 |
| NE NAC REG | 12/5/2018 | SONIA CENTIMO 545AM-215PM | 8 | 319.60 |
| NE Out Of Town | 12/5/2018 | SONIA CENTENO | 1 | 89.00 |
| NE NAC REG | 12/7/2018 | MICHAEL HOWARD 5AM-630PM | 12 | 479.40 |
| NE Out Of Town | 12/7/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE NAC REG | 12/8/2018 | HEATHER COOPER 2PM-10PM | 7.5 | 299.63 |
| NE Out Of Town | 12/8/2018 | HEATHER COOPER | 1 | 89.00 |
| NE NAC REG | 12/8/2018 | EVELYN GARCIA 6AM-630PM | 12 | 479.40 |
| NE Out Of Town | 12/8/2018 | EVELYN GARCIA | 1 | 89.00 |
| NE NAC REG | 12/8/2018 | STEFANI GARCIA 620AM-620PM | 11.5 | 459.43 |
| NE Out Of Town | 12/8/2018 | STEFANI GARCIA | 1 | 89.00 |
| NE NAC REG | 12/8/2018 | MICHAEL HOWARD 6AM- 940AM | 3.7 | 147.99 |
| NE NAC OT | 12/8/2018 | MICHAEL HOWARD 940AM-930PM | 10.8 | 647.39 |
| NE Out Of Town | 12/8/2018 | MICHAEL HOWARD | 1 | 89.00 |
| NE NAC REG | 12/9/2018 | HEATHER COOPER 2PM-10PM | 7.5 | 299.63 |
| NE Out Of Town | 12/9/2018 | HEATHER COOPER | 1 | 89.00 |
| NE NAC REG | 12/9/2018 | EVELYN GARCIA 6AM-635PM | 12.08 | 482.87 |
| NE Out Of Town | 12/9/2018 | EVELYN GARCIA | 1 | 89.00 |
| NE NAC REG | 12/9/2018 | MICHAEL HOWARD 6AM-630PM | 12 | 479.40 |
| NE Out Of Town | 12/9/2018 | MICHAEL HOWARD | 1 | 89.00 |

Thank you for your patronage.

Total \$6,052.52

EXHIBIT

D