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Nebraska Judicial Branch

Case Summary

In the District Court of Sarpy County
 The Case ID is CI 17 0000039
 County of Sarpy v. SWN Investments, LLC
 The Honorable Stefanie Martinez, presiding.
 Classification: Contract Disputes
 Filed on 01/06/2017
 This case is Closed as of 02/06/2017
 It was disposed as Settled/Dismissed by Party

Parties/Attorneys to the Case

Party
 Plaintiff ACTIVE
 County of Sarpy

Attorney

Bonnie N Moore
 1210 Golden Gate Drive
 Papillion NE 68046
 402-593-2230

Defendant ACTIVE
 SWN Investments, LLC
 % Clay M. Rogers
 8712 West Dodge Road, Suite 400
 Omaha NE 68114

Court Costs Information

Incurred By	Account	Date	Amount
Plaintiff	Petition	01/06/2017	\$35.00
Plaintiff	Filing Fee - State	01/06/2017	\$3.00
Plaintiff	Automation Fee	01/06/2017	\$8.00
Plaintiff	NSC Education Fee	01/06/2017	\$1.00
Plaintiff	Dispute Resolution Fee	01/06/2017	\$0.75
Plaintiff	Indigent Defense Fee	01/06/2017	\$3.00
Plaintiff	Uniform Data Analysis Fee	01/06/2017	\$1.00
Plaintiff	J.R.F.	01/06/2017	\$6.00
Plaintiff	Filing Fee-JRF	01/06/2017	\$4.00
Plaintiff	Legal Aid/Services Fund	01/06/2017	\$6.25
Plaintiff	Complete Record	01/06/2017	\$15.00

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
424883	Check	01/09/2017	County of Sarpy	\$83.00
			Petition	\$35.00
			Filing Fee - State	\$3.00
			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	\$4.00
			Legal Aid/Services Fun	\$6.25
			Complete Record	\$15.00

Register of Actions

02/06/2017 Order-Dismissal
This action initiated by Paul W Korslund
Order of dismissal with prejudice/ Each party to pay its own costs eNotic
e Certificate Attached
Image ID 000533928D59

02/03/2017 Motion-Dismiss
This action initiated by party County of Sarpy
Motion to Dismiss with Prejudice
Image ID 000533941D59

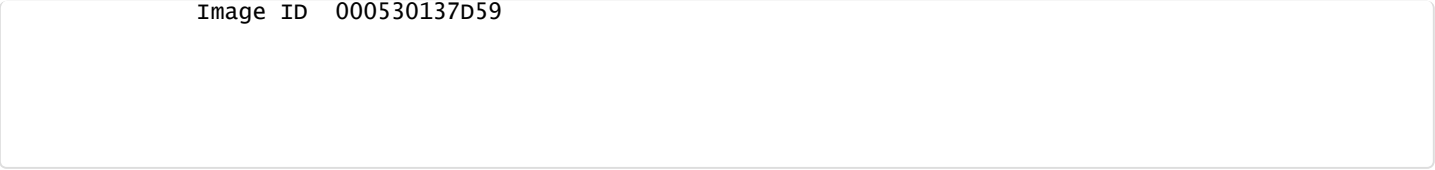
01/09/2017 Summons Issued on SWN Investments, LLC
The document number is 00145783
E-MAILED: attynotice@sarpy.com
Image ID D00145783D59

01/06/2017 Praecipe-Summons/Alias
This action initiated by party County of Sarpy
Issue Summons upon SWN Investments, LLC % Clay M. Rogers, 8712 West Dodge
Road, Suite 400, Omaha by Cert Mail
Image ID 000530118D59

01/06/2017 Demand for Jury Trial
THIS IS NOT A PLEADING

01/06/2017 Complaint-Praecipe
This action initiated by party County of Sarpy

Image ID 000530137D59



IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

COUNTY OF SARPY,
a Political Subdivision of the State of
Nebraska

Plaintiff,)

v.)

SWN Investments, LLC

Defendant)

DOC. No. CI 17-39

COMPLAINT

FILED
SARPY COUNTY
DISTRICT COURT
2017 JAN -6 PM 4:34
Clerk of District Court

Comes now the Plaintiff and for its cause of action against the Defendant states and
alleges as follows:

1. That the Plaintiff is a political subdivision of the State of Nebraska.
2. That the Defendant is a Limited Liability Company, located in Omaha, Nebraska.
3. Bruce Fountain ("Fountain") is the Sarpy County Planning and Building Director.
4. Donna Lynam ("Lynam") is the Assistant Sarpy County Planning and Building Director.
5. On or about November 14, 2012, the Defendant submitted to the Sarpy County Planning and Building Department an application for a Preliminary and Final Plat for an area known as "Zapata, Lots 1 and 2" generally located at the northeast corner of Sapp Brothers Drive and 156th Street.
6. Sarpy County's Building and Planning Department Sewer Connection Fee Regulations ("Regulations") require the payment of sewer fees as a condition of connection to the Sarpy County Interceptor Sewer.
7. Those Regulations require a \$5,500 per acre Sewer Fee for commercial, industrial, and institutional development at time of final plat as well as an additional \$5,500 per acre for those same developments at the time of the building permit application.



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8. On or about December 7, 2012, Lynam sent a letter to the Engineer for the Preliminary and Final Plats, Dean Jeager ("Jeager") of Thompspon, Dreessen, and Dorner, Inc., stating, in part, that applicable fees due prior to the release of the final plat include the Sarpy County Sewer Fees ("Sewer Fees").
 9. On or about December 10, 2012, Lynam sent an amended letter to Jeager which again stated in part that the applicable fees due prior to the release of the final plat include the Sewer Fees.
 10. The Sarpy County Board of Commissioners approved the Final Plat on January 8, 2013 for "Zapata, Lots 1 and 2."
 11. The Final Plat referenced in paragraph 10, consisted of approximately 20.9 acres. Thus, for 20.9 acres, the Sewer Fee of \$5,500 per acre totaled \$114,950.00.
 12. On or about February 14, 2013, Zapata Lots 1 and 2 were administratively replatted by the Sarpy County Planning and Building Department. As a result of the replatting, the land described in paragraph 5, is known now as "Zapata Replat 1, Lots 1, and 2."
 13. The Sewer Fees in the amount of \$114,950.00 were due to the Sarpy County Planning Department by the Defendant upon approval of the Final Plat on January 8, 2013 by the Sarpy County Board of Commissioners.
 14. Lynam sent the Defendant a letter dated July 17, 2013 stating that after the file was reviewed, it was determined that there was no record of the Sewer Fees being paid at the time of final plat and therefore, the Sewer Fees were due upon receipt of the invoice. An invoice in the amount of \$114,950.00 for unpaid Sewer Fees was included in the letter.
 15. The Defendant did not pay the July 17, 2013 invoice.
-

16. Lynam sent the Defendant a second notice dated January 29, 2014, again requesting payment of the \$114,950.00 in Sewer Fees.
17. The Defendant did not pay the January 29, 2014 second invoice from Lynam.
18. A representative of the Defendant, specifically Lee Sapp Jr., and Jeager met with Fountain, and Lynam on or about July 15, 2014.
19. At the meeting referenced in paragraph 18, the Defendant, through Lee Sapp Jr. was again made aware of the Sewer Fees that were owed to the County.
20. The Defendant, via his attorney, was sent a final invoice on January 6, 2017 again requesting payment for the unpaid Sewer Fees.
21. As of the date and time of this Complaint, the Defendant has not yet paid the Sewer Fees.
22. Non-payment of the Sewer Fees is an ongoing violation of the Sarpy County Building and Planning Department Sewer Connection Fee Regulations.
23. No sewer connections from Zapata Replat 1, Lots 1 and 2, will be allowed until the outstanding Sewer Fees are paid.

WHEREFORE, Plaintiff demands judgment against the Defendant in the sum of at least \$114,950.00 plus any costs incurred from this action.

Dated this 6th day of January, 2017.

By: _____


Bonnie N. Moore # 24707
Deputy Sarpy County Attorney
1210 Golden Gate Drive
Papillion, Nebraska 68046
(402)-593-2230
Attorney for Plaintiff

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

COUNTY OF SARPY,
A Political Subdivision of the
State of Nebraska,

Plaintiff,

vs.

SWN INVESTMENTS,
a Nebraska limited liability company,

Defendant.

CASE NO. CI17-39

MOTION TO DISMISS
WITH PREJUDICE

Carol Hansen
CLERK DISTRICT COURT

2017 FEB -3 AM 11:06

FILED
SARPY COUNTY
DISTRICT COURT

COMES NOW Plaintiff, COUNTY OF SARPY, and moves the Court for an Order dismissing its Complaint in the above-captioned matter with prejudice, each party to pay its own costs. A Stipulation is submitted with this Motion.

DATED: February 2, 2017.

COUNTY OF SARPY, a Political Subdivision of
the State of Nebraska.

By: *B. Moore*

Bonnie N. Moore # 24707
Deputy Sarpy County Attorney
1210 Golden Gate Drive
Papillion, Nebraska 68046
(402) 593-2230
Attorney for Plaintiff



000533941D59

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

COUNTY OF SARPY, a Political Subdivision of the State of Nebraska, Plaintiff, vs. SWN Investments, a Nebraska limited liability company Defendant,	CASE NO: CI 17-39 STIPULATION FOR EXTENSION OF DATE FOR DEFENDANT TO ANSWER OR OTHERWISE PLEAD OR IN THE ALTERNATIVE FOR PAYMENT AND DISMISSAL
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COMES NOW, the Plaintiff, County of Sarpy (hereinafter "Sarpy County") and the Defendant, SWN Investments, LLC ("SWN") and stipulate and agree as follows:

1. Plaintiff and Defendant agree that the date for Defendant to answer or otherwise respond to Plaintiff's Complaint is extended until February 28, 2017.

2. The Defendant stipulates and agrees that the Plaintiff is owed \$114,950.00.

3. On or before February 28, 2017 Defendant shall cause the Plaintiff to be paid the sum of \$114,950.00 in good funds for application to the amount due Plaintiff as provided for in paragraph 2 above.

4. All payments due herein shall be made payable to the "Sarpy County Treasurer" and delivered to Plaintiff's counsel for application on the amounts due Plaintiff.

5. Provided the Defendant shall promptly pay all payments to Plaintiff as required hereinabove then in that event Plaintiff agrees, that within five (5) business days of receipt of the payment due Plaintiff, that counsel for Plaintiff shall take such action as may be necessary to cause the above captioned matter to be dismissed with prejudice.

Dated this 26 day of January, 2017.

County of Sarpy,
Plaintiff

By: B. Moore

Bonnie N. Moore, #24707
Deputy Sarpy County Attorney
1210 Golden Gate Dr.
Papillion, NE 68046
402.593.2230
Attorney for Plaintiff

SWN Investments, LLC
Defendant

By: Shaun James

Shaun James #21492 for:
Clay M. Rogers #13559
Aaron Smeall, #22756
SMITH SLUSKY POHREN & ROGERS LLP
8712 West Dodge Rd., Suite 400
Omaha, NE 68114
402.392.0101
Attorneys for Defendant

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

COUNTY OF SARPY,
A Political Subdivision of the
State of Nebraska,

Plaintiff,

vs.

SWN INVESTMENTS,
a Nebraska limited liability company,

Defendant.

CASE NO. CI17-39

ORDER OF DISMISSAL
WITH PREJUDICE

THIS MATTER COMES BEFORE THE COURT on the Motion of COUNTY OF
SARPY, Plaintiff, and the Stipulation of the County of Sarpy, Nebraska and SWN Investments,
LLC.


IT IS ORDERED that this matter is dismissed with prejudice, each party to pay its own
costs.

DATED this 6th day of February, 2017.

BY THE COURT:

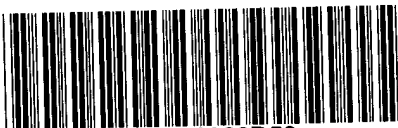

District Court Judge

Prepared and Submitted by:


Bonnie N. Moore, #24707
Deputy Sarpy County Attorney
1210 Golden Gate Dr., Box 1420
Papillion, NE 68046
(402) 593-2230
bmoore@sarpy.com
Attorney for Plaintiff

FILED
SARPY COUNTY
DISTRICT COURT
2017 FEB -6 PM 3:02

CLERK DISTRICT COURT



Trial Docket

Page 1

No. 89TD-S-REDFIELD & COMPANY, INC. OMAHA

CASE SUMMARY

DISTRICT COURT - SARPY COUNTY NEBRASKA

CASE NUMBER

DOC. CI 17 PAGE 39

PLAINTIFF-PETITIONER

COUNTY OF SARPY,
A POLITICAL SUBDIVISION OF THE STATE
OF NEBRASKA

DEFENDANT-RESPONDENT

v. SWN INVESTMENTS, LLC

ATTORNEYS

BONNIE N MOORE

INITIAL INFORMATION

DATE FILED

January 6, 2017

JUDGE ASSIGNED

Arterburn

TYPE OF CASE

CONTRACT DISPUTES

PROGRESSION SUMMARY

ANSWER DAY - DEFENDANT

INITIAL CONFERENCE

DISCOVERY TO BE COMPLETED

PRETRIAL CONFERENCE

READY FOR TRIAL

TRIAL DATE

SUBMITTED TO COURT

FINAL DECISION

JAN 11 2017

2/6/2017

Motion to dismiss received. Order of dismissal signed and entered.

PWN, Judge

CERTIFICATE OF SERVICE

I, the undersigned, certify that on February 6, 2017, 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:

SWN Investments, LLC
% Clay M. Rogers
8712 West Dodge Road, Suite 400
Omaha, NE 68114

Bonnie N Moore
attynotice@sarpy.com

Date: February 6, 2017

BY THE COURT:

Carol Kieny

CLERK

