IN THE DISTRICT COUR'. ...SKA

LACEE LEEDS A/K/A LACEE LEEDS-NAVARRO,	)	DOC. CI16-6409
Petitioner,	)	
vs.	)	
CHRISTINA NAVARRO,	)	
Respondent.	)	

#6 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
DEC 19 2016
JOHN M. FRIEND
CLERK DISTRICT COURT

UNDER ADVISEMENT RULING RE: JOURNAL ENTRY FOLLOWING SECOND DAY OF TRIAL; ORDER DENYING DOMESTIC ABUSE PROTECTION ORDER AND ORDER DENYING HARASSMENT PROTECTION ORDER

THIS CAUSE came on for trial before the Court on two (2) separate days and the testimony and evidence phase of the hearing was completed on December 8, 2016. The Court heard witnesses' testimony, reviewed the signed leases, all photographic and documentary and exhibits admitted into evidence, and heard initial arguments by learned counsel as is set forth below.

Upon the conclusion of the evidentiary phase of the hearing with each of the parties having formally rested, the Court heard closing oral arguments. The matter was taken under advisement and each counsel was advised that the Court would issue a written Order by mail.

After a full review of the evidence, multiple re-readings of the documents and records in evidence, consideration of the written arguments of counsel, the Court has considered the facts, read, studied and analyzed the law and applicable cases and with deference to the arguments of the parties after being thus fully advised.

DATES OF TRIAL: November 1, 2016 and December 8, 2016

DATE OF RENDITION: December 8, 2016

DATE OF ENTRY: See court clerk's file-stamp date. *See* Neb. Rev. Stat. § 25-1301(3)

APPEARANCES:
For the Petitioner: Steven Lefler, appeared personally as counsel of record for and on behalf of Lacee Leeds a/k/a Lacee Leeds-Navarro.
For the Respondent: Mallory N. Hughes appeared personally as counsel of record for and on behalf of Christina Navarro
Lacee Leeds a/k/a Lacee Leeds-Navarro appeared personally
Christina Navarro appeared personally

SUBJECT OF ORDER: Decision on the merits following trial to the court without a jury.

PROCEEDINGS ON DECEMBER 8, 2016:

1. On Thursday, December 8, 2016, with all counsel and parties present, the trial resumed.
2. Counsel for the Petitioner and counsel for the Respondent announced they were each ready to proceed.
3. Lacee Leeds a/k/a Lacee Leeds-Navarro was recalled to the witness stand, was reminded that she was still under oath and further testified. Counsel for the Respondent then cross-examined her.
4. Thereafter, the Petitioner rested.
5. Evidence was then adduced for the Respondent. Destiny Navarro was called to the witness stand, was sworn and testified under oath. Counsel for the Petitioner then cross-examined her.
6. Christina Navarro was then recalled to the witness stand, was reminded that she was still under oath and further testified. Counsel for the Petitioner then cross-examined her.
7. The Respondent then rested.
8. The Petitioner produced rebuttal evidence: Faith Navarro was called to the witness stand, was sworn and testified under oath. Counsel for the Petitioner then cross-examined her.
9. That at the close of all evidence, neither party submitted a Motion for a Directed Verdict.
10. Counsel for Petitioner presented closing argument. Counsel for the Respondent presented closing argument. Counsel for Petitioner presented rebuttal argument.
11. Each Counsel was excused thereafter.

RECORD BEFORE THE COURT:

The record before the Court consists of the following:

A. Judicial Notice- The Court takes judicial notice pleadings in the file and Court Orders to include the following, to-wit: **1.** Petition and Affidavit to Obtain Domestic Abuse Protection Order dated July 28, 2016 (file-stamped on July 28, 2016); **2.** Order to Show Cause Domestic Abuse Protection Order dated July 28, 2016 (file-stamped on July 28, 2016); **3.** Judge Vaughn's Order dated October 4, 2016 (file-stamped on October 4, 2016); and **4.** Journal Entry following First Day of Trial dated November 14, 2016 (file-stamped on November 14, 2016). Judicial notice takes the place of evidence. Proof is not required of facts of which the court takes judicial notice. **Board of Educational Lands & Funds v. Gillett**, 158 Neb. 558, 565, 64 N.W.2d 105, 110 (Neb. 1954); however, the Court does not take judicial notice of the truth of any matter stated in those pleadings. *See also* Neb.Rev.St. § 27-201.

B. Exhibits were Offered, Received or Not Received and Witnesses called, sworn and gave testimony to-wit:

1. This Court conducted a bench trial in this matter, hearing evidence and testimony on November 1, 2016 and December 8, 2016.
2. The parties presented four (4) witnesses for the Court's consideration. *See* Journal Entry following First Day of Trial dated November 14, 2016 and the findings set forth above.
3. The parties marked eight (8) exhibits for the Court's consideration. *See* Journal Entry following First Day of Trial dated November 14, 2016.

4. As a consequence of an agreement between counsel for the Petitioner and counsel for the Respondent, a stipulation was entered into for and on behalf of all the interested parties in this proceeding. The stipulation of the parties provides that: The Petitioner's **Exhibit #6** and the **Respondent's Exhibit #7** were offered and received into evidence without objection.
5. **Exhibit #5** was marked by the Petitioner for purpose of identification but it never offered into evidence. This Exhibit shall remained marked for identification only and kept in possession of the Court but is not received into or considered as evidence.
6. The Respondent marked **Exhibit #8** (Police Report dated July 27, 2016) which was offered into evidence. The Petitioner objected to its offer into evidence and the Court reserved ruling on their receipt. Arguments were made and the Court took the matter under advisement. Generally, **Exhibit #8** contained certain statements by the Petitioner which were inconsistent with statements made during the trial. Counsel for the Respondent asked that it be utilized for impeachment purposes. There was no claim that the statement was not otherwise voluntary and should be considered by the Court on Petitioner's credibility. As a matter of law, the purpose for which the statement is offered is crucial and the Nebraska Supreme Court holds that, "**Prior inconsistent statements are admissible as impeachment evidence, but they are not admissible as substantive evidence unless they are otherwise admissible under the Nebraska Evidence Rules** (citations omitted)." **State v. Ballew,** 291 Neb. 577, 594, 867 N.W.2d 571, 584 (Neb., 2015) (Emphasis added).
7. The Court has carefully reviewed the matter and finds that the Petitioner made a statement as to a material fact under oath which is contradictory and inconsistent with a prior statement which should be admitted for the purposes of impeachment. Therefore, the statements in the police report **(Exhibit #8)** are admissible for the purpose of impeachment.

C. **Motion for Directed Verdict, to-wit**:

Neither party during the course of trial made an oral Motion to Dismiss or in the alternative a Motion for a Directed Verdict.

After reviewing the pleadings contained in the court file, considering the parties' evidence, reviewing the applicable law and the parties' written arguments, the Court enters the following ruling.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Trial Court makes the following Findings of Fact and Conclusions of Law. Any Finding of Fact may be considered a Conclusion of Law, and any Conclusion of Law may be considered a Finding of Fact; consequently, the Court finds, concludes and rules as follows:

A. PROCEDURAL HISTORY OF THE CASE:

1. **Jurisdiction.** That all facts and supporting documentation are deemed true and include all of the facts necessary to give the Court jurisdiction over this matter.
2. This matter was initially brought to the attention of the Court upon the filing of a Petition and Affidavit to obtain domestic Abuse Protection Order by the Petitioner, Lacee Leeds a/k/a Lacee Leeds-Navarro on July 28, 2016.
3. The undersigned Judge reviewed the Affidavit and based on the allegations set forth therein under oath entered an Order to Show Cause Domestic Abuse which scheduled a hearing and further required the Respondent to appear and show why a domestic abuse protection order should not be issued as requested by the Petitioner.

4. A hearing was scheduled for September 8, 2016 at 10:30 a.m. but due to a conflict of interest in a case pending before Judge Derek Vaughn, Judge Harmon heard Judge Vaughn's case and he in turn heard this case.
5. At the outset, counsel for the Petitioner moved the Court for a Continuance and counsel for the Respondent filed a Motion to Dismiss.
6. Judge Vaughn heard the arguments of each counsel and took the matter under advisement.
7. Thereafter, Judge Vaughn issued a written opinion whereby he denied the Respondent's Motion to Dismiss pending trial and granted the Petitioner's Motion to Continue. (*See* Order dated October 4, 2016).
8. By separate Order, the trial of all issues was re-scheduled for further hearing on November 1, 2016 at 1:30 p.m. in Courtroom #225 to be heard before Judge Vaughn.
9. On November 1, 2016, each counsel and his or her client appeared for trial and he, she or they were advised that due to a family emergency, Judge Vaughn was unable to preside at the trial.
10. Judge Harmon agreed to hear the case in the absence of Judge Vaughn but gave counsel the opportunity to either proceed to trial on that date or to continue the matter until Judge Vaughn would be available to hear the case.
11. That counsel represented to the Court that he or she had consulted with his, her or their respective clients and that the parties stipulated and agreed on the record that Judge Harmon should proceed to hear testimony and take evidence in the case.
12. The matter was heard and then submitted for decision on December 8, 2016.

B. **FACTUAL BACKGROUND ESTABLISHED BY THE EVIDENCE:**

1. This case has a lengthy and somewhat complicated history and is a part of an ongoing dispute between Lacee Leeds a/k/a Lacee Leeds-Navarro (hereinafter referred to as the "Petitioner") and Christina Navarro (hereinafter referred to as the "Respondent").
2. By way of background, the Respondent is married to Gilbert Navarro and the Petitioner has a relationship with his brother, John Navarro with whom she has two (2) children, i.e., Faith Navarro and Natalee Navarro.
3. There is no relationship by and between the Petitioner and the Respondent but there appears to be a long history not only between the parties herein but a business relationship gone bad between the brothers which has led to the incarceration of Gilbert.
4. Any decision in this case requires the Court to determine the intent of the parties through the testimony and evidence presented.
5. This matter consists of an allegation that the Respondent threatened and harassed the Petition at a Menard's store located at 708 North 120th Street, Omaha, Nebraska, culminating in the request for a Domestic Abuse Protection Order.
6. In making any decision relating to issuance of a Protection Order, the credibility of the witnesses is crucial so that the Court could decide the intent of the parties; for that reason, it is the trier of fact's role in this bench trial to determine the credibility of the witnesses in relationship to the intent of the parties.
7. The evidence reveals that this incident was initiated by the Respondent who observed the Petitioner is in an adjacent check-out lane at the Menard's store.
8. Evidently, the Respondent called the Petitioner several vile names and the Petitioner responded in like terms.

9. Both parties exited the store with the Petitioner leaving by the exit closest to the Garden Center.
10. The Petitioner asserts that she was returning her cart when she observed the Respondent's vehicle approaching her at a high rate of speed and asserting that the Respondent was attempting to run her over.
11. The Respondent denies this contention and states that she was simply attempting to leave the Menard's parking lot when the Petitioner approached her vehicle and began to call her names.
12. The Petitioner asserts that there was no reason for the Respondent to drive her vehicle to this location when the exit was in the opposite direction.
13. The evidence reveals that the conversation now became more heated to the degree that the Respondent was reaching in her purse to locate a canister of pepper spray.
14. Destiny Navarro, the fifteen (15) year old daughter of the Respondent, confirmed that the incident occurred in front of the Garden Center and that she further observed that the Petitioner waited outside and started yelling at her mother as she approached.
15. According to Destiny, the Respondent drove down to the Garden Center because the Petitioner was shouting at her but disputed the fact that the Respondent was attempting to run her over.
16. Destiny observed that the Petitioner stepped in front of the vehicle and then around to the side where the verbal exchange escalated to the degree that she witnessed her mother reaching the pepper spray.
17. As an additional consequence, Destiny stated that her younger brother was scared and pled with the Respondent to simply leave.
18. After observing the demeanor of Destiny Navarro and hearing her testimony, the Court finds that despite her age and relationship to the Respondent, to be a credible witness and that her testimony to be persuasive.
19. The Court has considered the testimony of each witness and has made judgments regarding the credibility of each witness and has accepted some of the testimony of each witness as credible and rejected other parts of the testimony of each witness as not credible.
20. The findings of fact and conclusions of law made by the Court in this Judgment are consistent with the Court's determination of the credibility of the evidence and the witnesses.

C. **PETITIONER'S REQUEST THAT THE COURT ENTER A DOMESTIC ABUSE PROTECTION ORDER:**

1. The Petitioner requested by her pleadings that the Court enter a Domestic Abuse Protection Order against the Respondent pursuant to Neb.Rev.St. § 42-924.
2. Under the Nebraska's Domestic Abuse Act, "abuse" is defined as the occurrence of one or more of the following acts between household members. *See* **Cloeter v. Cloeter**, 17 Neb. App. 741, 770 N.W.2d 660 (Neb.App., 2009).
3. As noted in the findings above, the Petitioner is in a relationship with John Navarro while the Respondent is married to his brother Gilbert.
4. As a matter of law, the Nebraska Legislature determined that, "there is a present and growing need to develop services which will lessen and reduce the trauma of domestic abuse. It is the intent of the Protection from Domestic Abuse Act to provide abused family and household members necessary services including shelter,

counseling, social services, and limited medical care and legal assistance." *See* Neb.Rev.St. § 42-902.

5. By definition, "(3) **Family or household members includes spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, other persons related by consanguinity or affinity, and persons who are presently involved in a dating relationship with each other or who have been involved in a dating relationship with each other.**" *See* Neb.Rev.St. § 42-903 (Emphasis added).
6. In the case at bar, the Petitioner seeks relief pursuant to Neb.Rev.St. § 42-924 and had requested a Domestic Abuse protection order.
7. The Respondent by and through counsel initially moved to dismiss this action based on the lack of relationship by and between the Petitioner and the Respondent.
8. Judge Vaughn heard argument and denied the Motion reasoning that, "the Court cannot make a factual finding that the petitioner lacks standing to bring this action against the respondent. The Petitioner indicated on her Petition and Affidavit that she is the sister-in-law of the Respondent . . . There is no admissible evidence offered in which explained the relationship among the parties. The Court is mindful of all arguments that counsel made in support of their positions; however, that is not evidence. The Court at this junction cannot say that the petitioner does not fall within the gambit of Neb.Rev.Stat. § 42-924." (See Judge Vaughn's Order dated October 4, 2016).
9. Based on the evidence adduced from both the Petitioner and the Respondent, clearly these parties do not fit in the definitions provided by statute in that they are not married, they do not co-habitate together, they are not family or household members, spouses, former spouses, children, they do not have a dating relationship and they have no child or children in common.
10. Consequently, the Court must look to that portion of the statute which discusses the terms "consanguinity or affinity"
11. For purposes of a definition, "**Affinity is the relationship which arises as a result of the marriage contract between one spouse and the blood relations of the other, in contradistinction from consanguinity or relationship by blood.**" **Zimmerer v. Prudential Ins. Co.**, 150 Neb. 351, 353, 34 N.W.2d 750, 751 (Neb. 1948) (Emphasis added). See also **In re Estate of Thompson**, 169 Neb. 311, 99 N.W.2d 245 (Neb. 1959) (Emphasis added).
12. Based on the facts of this case, the Petitioner and the Respondent are not related by consanguinity (blood relations, i.e., related by blood) nor are they related by "affinity" (family members related by marriage, i.e., the relationship that arises from marriage between husband and the blood relatives of the wife, and between the wife and the blood relatives of the husband).
13. Simply put, as a matter of law, the Petitioner and the Respondent are unconnected by affinity or consanguinity since they are not related by blood or marriage to each other.
14. For these reasons, there is insufficient evidence to establish that the necessary relationship exists between the Petitioner and the Respondent to establish that the Petitioner is entitled to a Domestic Abuse Protection Order as outlined per Neb.Rev.St. § 42-924.

D. **DOES THE EVIDENCE WARRANT ENTRY OF A HARASSMENT PROTECTION ORDER:**

1. Having determined that the Petitioner is ineligible for a Domestic Abuse Protection Order, the Court will determine if the testimony and evidence would support entry of a Harassment Protection order.
2. In 1992, the Nebraska Legislature introduced and adopted LB 1098 which authorized a Court to issue Harassment Protection Orders.
3. Specifically, Neb.Rev.St. § 28-311.09(1) provides in relevant part that, "**Any victim who has been harassed as defined by section 28-311.02 may file a petition and affidavit for a harassment protection order as provided in subsection (3) of this section.** Upon the filing of such a petition and affidavit in support thereof, **the court may issue a harassment protection order without bond enjoining the respondent from (a) imposing any restraint upon the person or liberty of the petitioner, (b) harassing, threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner, or (c) telephoning, contacting, or otherwise communicating with the petitioner.**"
4. By definition, harass means to, "engage in a knowing and willful course of conduct directed at a specific person **which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose.**" *See* Neb.Rev.St. § 28-311.02(2) (a) (Emphasis added).
5. In the case at bar, despite the entry of Judge Vaughn's prior Order, the only pleadings presented to the court reveal the Petitioner's request for entry of a Domestic Abuse Protection Order; however, given the evidence, testimony and argument made during these proceedings, the Court will consider whether or not it is appropriate to enter an Harassment Protection Order.
6. Generally speaking, the Nebraska Supreme Court recognized that, "**we adopted the liberalized rules of notice pleading . . . We have explained more recently in *Mahmood v. Mahmud*, 279 Neb. 390, 396, 778 N.W.2d 426, 431 (2010), how a trial court should consider a party's request for relief under liberalized pleading, and stated that '[p]laintiffs are not required to plead legal theories or cite appropriate statutes....' In *Mahmood*, the plaintiff sought a domestic abuse protection order, but the trial court issued a harassment protection order. In affirming the order, we recognized that the technical difference between a domestic abuse protection order and a harassment protection order was subtle, albeit similar, and that the thrust of the plaintiff's petition had nevertheless conveyed the plaintiff's claim** (citations omitted)."
State on behalf of B.M. v. Brian F., 288 Neb. 106, 119, 846 N.W.2d 257, 266–67 (Neb., 2014) (Emphasis added).
7. Similarly, the Nebraska Supreme Court found that, "We affirmed, **holding that the domestic abuse form petition was sufficient to put the ex-husband on notice that the ex-wife sought a harassment protection order and sought to enjoin the ex-husband from continuing to harass, threaten, telephone, communicate, or otherwise disturb the peace of the ex-wife.** We specifically held in Mahmood **that a county court or district court has the statutory authority to issue a harassment protection order, where the petition was instead for a domestic abuse protection order.** We further held that '[w]hile Nebraska's § 28–311.09(6) provides that the standard forms shall be the only ones used, this does not mean that

without the proper standard form, the court lacks authority to act.' **A trial court has discretion, authority, and jurisdiction to issue a harassment protection order, even though the petitioner had filed a petition for a domestic abuse protection order. But the legal theory supporting a domestic abuse protection order is significantly different from the theory underlying a harassment protection order. As we have already explained, the former requires proof of 'abuse' as specifically defined by the Legislature**. The only definition of that term which could conceivably apply to the facts of the present case is provided by § 42–903(1)(b): 'Placing, by means of credible threat, another person in fear of bodily injury.'(citations omitted)."

Linda N. on behalf of Rebecca N. v. William N., 289 Neb. 607, 614–17, 856 N.W.2d 436, 443–45 (Neb., 2014) (Emphasis added).

8. In the same opinion, the Justices further state that, "Although the Court of Appeals' decision in Sherman v. Sherman authorizes a trial court to consider both a domestic abuse protection order and a harassment protection order, if the circumstances warrant, the Court of Appeals' opinion provides no support for changing theories at the appellate level . . . The Court of Appeals held: **'[W]hen presented with a situation in which an ex parte domestic abuse protection order has been entered, but at the hearing, it becomes apparent that the matter may more properly be considered as a harassment protection order, the judge should explain the requirements for both domestic abuse and harassment protection orders and allow the petitioner to choose which theory to pursue. If the petitioner chooses to pursue the alternative theory to the petition and affidavit filed, and the respondent objects, the court should inquire if the respondent is requesting a continuance, which should be granted, if so requested, while leaving the ex parte protection order temporarily in place**.' The key to the procedure approved by the Sherman court is that it occurs before the trial court, requires the petitioner to make an informed choice of legal theory, and protects the due process rights of both parties by trying the case only on the theory elected by the petitioner. **While the concept of due process defies precise definition, it embodies and requires fundamental fairness. Generally, procedural due process requires parties whose rights are to be affected by a proceeding to be given timely notice, which is reasonably calculated to inform the person concerning the subject and issues involved in the proceeding; a reasonable opportunity to refute or defend against a charge or accusation; a reasonable opportunity to confront and cross-examine adverse witnesses and present evidence on the charge or accusation; representation by counsel, when such representation is required by constitution or statute; and a hearing before an impartial decisionmaker** (citations omitted)."
Id. at 618–19, 856 N.W.2d at 445–46.
9. In the case at bar, Judge Vaughn clearly recognized these issues and by entry of his Order, **provided fair notice of the claim asserted which was sufficient to confer authority on the Court to issue the order** under the harassment statute. *See* **Mahmood v. Mahmud**, 279 Neb. 390, 778 N.W.2d 426 (Neb., 2010).
10. To assist the trier of fact, as a matter of law, the Nebraska Supreme Court has held that, "Application of the law governing harassment protection orders has been summarized as follows: **Nebraska's stalking and harassment statutes are given an objective construction and ... the victim's experience resulting from the**

perpetrator's conduct should be assessed on an objective basis . . . Thus, the inquiry is whether a reasonable [victim] would be seriously terrified, threatened, or intimidated by the perpetrator's conduct (citations omitted)." **Richards on behalf of Makayla C. v. McClure**, 290 Neb. 124, 130–33, 858 N.W.2d 841, 847–48 (Neb., 2015) (Emphasis added). *See also* **Glantz v. Daniel**, 21 Neb. App. 89, 837 N.W.2d 563 (Neb.App., 2013).

11. On the date in question, the Petitioner claims to have been harassed by the Respondent while she was located in the check-out lane at the Menard's Store.
12. The Petitioner further testified that she observed the Respondent in a nearby check-out lane, she was attempting to leave when the Respondent started yelling obscenities at her.
13. This incident was observed by the Respondent's nine (9) year old son and fifteen (15) year old daughter, Destiny.
14. Clearly the incident took place and it was of a verbally harassing quality but the Court also finds that it must be measured by the Petitioner's low personal tolerance for the Respondent in contemplation of what is either acceptable or may be reasonably expected in any civilized society.
15. The Court was presented with two (2) scenarios and has accepted some of the testimony of each witness as credible and rejected other parts of the testimony of each witness as not credible.
16. After listening to all of the witnesses, the Court reaches the following conclusions as to the most credible or likely version of the events.
17. Instead of simply leaving the area to avoid any further contact after the initial verbal onslaught by the Respondent, the Petitioner, according to one eye-witness, simply waited for the Respondent to exit the store.
18. Thereafter, the Petitioner became the aggressor by approaching Respondent's vehicle on the driver's side door uttering obscenities at her to the point that the Respondent reached into her purse to obtain a can of pepper spray.
19. This encounter was so upsetting that the Respondent's nine (9) year old son began to beg his mother to "please just drive away".
20. Given that scenario, all that this Court can do is that which the Court is intended and designed to do, i.e., determine the particular facts of a case fairly and seek to make just decisions based upon the evidence brought before it.
21. The Court finds that there were several occasions on July 27, 2016 wherein each side had opportunity to de-escalate the conflict but, for whatever reason, they did not do so.
22. The Court further finds that the Petitioner has failed to make an adequate showing that the Respondent engaged in a knowing and willful course of conduct directed at her which seriously terrified, threatened, or intimidated her for no legitimate purpose.
23. It is implausible to this Court to believe that the Petitioner was "terrified, threatened, or intimidated" especially when she approached the Respondent and then engaged in a further exchange of obscenities with her.
24. If the Petitioner was in fact either frightened or if she felt vulnerable based on the actions of the Respondent, why did she choose to approach her vehicle instead of simply proceeding to her vehicle and leaving the area?

25. For each reason set forth herein, the Court finds that the facts are insufficient to warrant entry of a harassment protection order under Neb.Rev.St. § 28-311.09 and this request must also be denied.

Based upon the above Findings of Fact and Conclusions of Law, and in accordance with the foregoing, the Court hereby enters the following:

ORDER: IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. The findings hereinabove made should be, and they are hereby made a part of the Order of this Court as fully as if set out at length herein.
2. That the Petition seeking a Domestic Abuse Protection Order by Petitioner, Lacee Leeds a/k/a Lacee Leeds-Navarro, is hereby **DENIED**.
3. In the alternative, based upon the reasoning set forth above, the request of the Petitioner, Lacee Leeds a/k/a Lacee Leeds-Navarro, for a Harassment Protection Order is also **DENIED**.
4. The Clerk shall mail notice of the entry of this Order to all counsel of record and interested parties at his, her or its address referenced specifically on the record.
5. The mailing or electronic mailing of a copy of this Order to either the parties or the attorneys of record shall constitute notice of its entry to the parties for all purposes.
6. This constitutes the ruling, **DECISION AND ORDER** of the Court.

Signed in at Omaha, Douglas County, Nebraska, on December 19th, 2016 and DEEMED ENTERED upon file stamp date by court clerk.

BY THE COURT:

HONORABLE THOMAS K. HARMON
DOUGLAS COUNTY COURT JUDGE

If checked, the court clerk/judicial clerk shall:
[X] Mail a copy of this order to all counsel of record and any pro se parties; or
[ ] Hand-delivery of a copy of this order to all counsel of record and any pro se parties:
Steven Lefler, Lefler & Kuehl, 209 South 19th Street, Suite #440, Omaha, Nebraska 68102
Mallory N. Hughes, Dornan, Lustgarten & Troia, P.C., L.L.O., 1403 Farnam Street, Suite 232, Omaha, Nebraska 68102
Done on Dec 19, 2016 by S.Simon.

CERTIFICATE OF SERVICE

I, the undersigned, certify that on December 20, 2016 , 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:

Steven J Lefler
leflerlaw@hotmail.com

Mallory N Hughes
mnh@dltlawyers.com

Date: December 20, 2016 BY THE COURT: John M. Friend
CLERK

FOURTH DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA