

IN THE DISTRICT COURT OF JOHNSON COUNTY
STATE OF NEBRASKA

CHARLES W. HERBSTER,

Plaintiff/Counterclaim
Defendant,

v.

JULIE SLAMA,

Defendant/Counter-
claim Plaintiff.

Case No. CI 22-27

**AMENDED ANSWER,
AFFIRMATIVE DEFENSES,
COUNTERCLAIM,
AND JURY DEMAND**

Pursuant to Neb. Ct. R. Pldg. § 6-1115(a), Defendant Julie Slama (“Senator Slama”) hereby submits her First Amended Answer, Affirmative Defenses, Counterclaim, and Jury Demand. Senator Slama answers the Complaint filed April 22, 2022, by Plaintiff Charles W. Herbster (“Herbster”).

BACKGROUND AND GENERAL DENIAL

Notwithstanding the myriad defects in Herbster’s Complaint—*e.g.*, its failure to comply with this Court’s technical pleading requirements, its failure to allege necessary elements of a public libel claim under Nebraska law, and its purported pursuit of damages which are barred by the plain language of the defamation statutes—Senator Slama made the early strategic decision to voluntarily appear, answer, and lodge a sexual battery counterclaim against Herbster. At that time, Herbster had made no move to actually serve his filed lawsuit against Senator Slama, even as he heralded its existence using the massive media megaphone he possessed by virtue of his prior status as a candidate for Nebraska Governor. To eliminate the risk that Herbster had weaponized the judicial process against her by filing the Complaint but, by his half-stepping into Court and stopping short of service, would deprive her of the ability to hold Herbster accountable through civil discovery and rebut his pleading’s smears, Senator Slama exercised her procedural rights and undertook the steps above, mindful

that she had multiple (but time-consuming) pre-answer procedural remedies at her disposal.

With this amendment, Senator Slama submits several new and revised pleadings to define the scope of this case as it shifts from the pace necessitated by Herbster’s cynical tactic of filing it during the gubernatorial primary, to the more orderly schedule of non-emergent civil litigation. Senator Slama clarifies her procedural position and provides additional detail as to the sexual battery Herbster perpetrated against her. Further, Senator Slama adds a new false light invasion of privacy counterclaim against Herbster. This latter claim is necessary based on the nature of the media war Herbster waged against Senator Slama since her sexual assault report went public on April 14th. Herbster’s intensely public response departed from mere denials—which themselves are frivolous, as Herbster knows or should know—and instead accused Senator Slama of being the “manipulated” product of a conspiracy hatched by Nebraska’s Republican political leaders to deny Herbster the GOP nomination for Governor. To disparage a sexual assault survivor’s account in such fashion is highly offensive by any standard, and certainly to a reasonable person, thereby giving rise to the new cause of action set forth below.

With this background established, Senator Slama hereby denies each and every allegation contained in the Complaint except as expressly admitted herein. Senator Slama admits, denies, or otherwise avers as follows:

RESPONSES TO THE NUMBERED PARAGRAPHS

1. Paragraph 1 is denied.

Parties

2. Senator Slama is without knowledge or information sufficient to form a belief as to the truth of Herbster’s allegations regarding his place of residency and therefore denies Paragraph 2.

3. Paragraph 3 is denied. Senator Slama affirmatively alleges that she is a resident of Otoe County, Nebraska.

Jurisdiction and Venue

4. Paragraph 4 is a poorly constructed mix of allegations that purport to present multiple averments of both law and fact. Based on its compound nature, it fails to satisfy the pleading requirements of Neb. Ct. R. Pldg. § 6-1108(e). Senator Slama answers Paragraph 4's component parts as follows:

- a. To the extent Paragraph 4 attempts to factually allege that Senator Slama resides in Johnson County, such allegation is denied. Senator Slama affirmatively alleges that she is a resident of Otoe County, Nebraska.
- b. To the extent Paragraph 4 attempts to allege that Johnson County is the lawful venue for this action under Neb. Rev. Stat. § 25-403.01, such allegation states a legal conclusion to which no response is required. To the extent a response is deemed required, the allegation is denied. Notwithstanding such denial, Senator Slama consents to venue in this Court, as is her prerogative. To the extent Herbster failed to comprehend the effect of Senator Slama's earlier pleading, Senator Slama clarifies that she has not raised any venue objection and consents to venue in any appropriate court under the venue statute.
- c. To the extent Paragraph 4 attempts to allege that jurisdiction is proper in this Court, such allegation states a legal conclusion to which no response is required. To the extent a response is deemed required, the allegation is denied. Notwithstanding such denial, Senator Slama consents to this Court's jurisdiction.

Facts

I. Herbster's Background

5. Senator Slama is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 and therefore denies them.

6. Senator Slama is without knowledge or information

sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 and therefore denies them.

7. Senator Slama is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 and therefore denies them.

8. Paragraph 8 is admitted to the extent it alleges that Herbster was previously a Republican candidate in Nebraska's gubernatorial primary election. Paragraph 8 is denied to the extent it alleges facts inconsistent with this statement.

9. Paragraph 9 is admitted to the extent it alleges that Governor Ricketts endorsed Jim Pillen in the 2022 gubernatorial primary election and opposed Herbster's candidacy for governor. Paragraph 9 is otherwise denied.

10. Senator Slama is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 and therefore denies them.

II. Defendant Senator Slama's Background

11. Senator Slama affirmatively alleges that in the 2018 gubernatorial campaign, Senator Slama served as communications director for the Governor Ricketts campaign. Paragraph 11 is denied to the extent it alleges facts inconsistent with this statement.

12. Paragraph 12 is admitted.

13. Paragraph 13 is admitted.

14. Paragraph 14 is so vague and unintelligible that Senator Slama is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies them.

15. Paragraph 15 is admitted.

16. Paragraph 16 is so vague and unintelligible that Senator Slama is without knowledge or information sufficient to form a belief

as to the truth of the allegations in this paragraph, and therefore denies them.

III. The 2019 Elephant Remembers Dinner (the “Dinner”)

17. Paragraph 17 is admitted.

18. Senator Slama is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 and therefore denies them.

19. Paragraph 19 is denied.

20. Paragraph 20 is denied. With regard to Paragraph 20’s allegation that “[i]n the approximately three years following the Dinner, no one came forward to accuse [Herbster] of any misconduct at the Dinner whatsoever,” Senator Slama affirmatively alleges that in addition to her own report of sexual battery by Herbster at the Dinner, at least one other woman—Elizabeth Todsens Clark—has publicly reported additional sexual misconduct by Herbster at the Dinner. *See* Aaron Sanderford, *A second woman steps forward by name to allege Charles Herbster groped her*, Nebraska Examiner (Apr. 30, 2022), <https://nebraskaexaminer.com/2022/04/30/a-second-woman-steps-forward-by-name-to-allege-charles-herbster-groped-her/>.

21. Paragraph 21 is denied.

IV. Defendant Senator Slama’s Continued Interactions with Herbster Following the Dinner

22. Paragraph 22 is denied.

23. Senator Slama affirmatively alleges and admits that Herbster contributed \$10,000 to her 2020 campaign for Legislature. Paragraph 23 is otherwise denied.

24. Paragraph 24 is admitted to the extent it alleges that, by virtue of Senator Slama’s and her husband’s political contributor lists having been used to generate wedding invitations, Herbster and numerous others were invited to Senator Slama’s wedding. The remaining allegations in Paragraph 24 are denied.

25. Paragraph 25 is admitted to the extent it alleges the January 22, 2022, text message was sent. This paragraph is denied to the extent it alleges that Senator Slama's January 22, 2022, text message to Herbster was "unsolicited."

26. Paragraph 26 is denied.

V. The April 14, 2022 Nebraska Examiner Article

27. Paragraph 27 is admitted to the extent it alleges on or about April 14, 2022, the reporter Aaron Sanderford and Nebraska Examiner published an article regarding, among other things, events that occurred at the spring 2019 Elephant Remembers Dinner. Paragraph 27 is specifically denied to the extent it alleges that statements made by Senator Slama were defamatory. The remainder of Paragraph 27 is denied.

28. Paragraph 28 is admitted.

29. Paragraph 29 is denied.

30. Paragraph 30 is admitted.

31. Paragraph 31 contains legal conclusions to which no response is required. Nebraska's statutory prohibitions on sexual assault speak for themselves.

32. Paragraph 32 is admitted.

33. Paragraph 33 is admitted to the extent it alleges Senator Slama participated in an in-studio interview with KFAB's Ian Swanson on or about April 15, 2022, and reiterated the events that occurred at the Dinner. Paragraph 33 is further admitted to the extent it alleges that Senator Slama stated:

As I was going in, walking to my table I felt a hand reach up my skirt, up my dress and the hand was Charles Herbster's. I was in shock. I was mortified. It's one of the most traumatizing things I've ever been through.

Paragraph 33 is denied to the extent it alleges that Senator Slama's

allegations were false. The remainder of Paragraph 33 is denied.

34. Paragraph 34 is admitted.

VI. Damage to Herbster's Reputation

35. Paragraph 35 is denied.

36. Paragraph 36 is denied.

Count I: Defamation (Slander Per Se)

37. Senator Slama realleges and incorporates by reference each of the answers contained in the foregoing paragraphs as though fully set forth herein.

38. Paragraph 38 is denied.

39. Paragraph 39 is denied.

40. Paragraph 40 is denied.

41. Paragraph 41 is denied.

42. Paragraph 42 is denied.

43. Paragraph 43 is denied.

Prayer for Relief

This section consists of Herbster's requests for relief, to which no response is required. To the extent a response is deemed required, Senator Slama denies Herbster is entitled to the requested relief or to any relief whatsoever and requests that his Complaint be dismissed with prejudice.

AFFIRMATIVE AND OTHER DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted.
2. The Complaint fails to plead special damages as required for

a public libel claim under *Moats v. Republican Party of Neb.*, 281 Neb. 411, 796 N.W.2d 584 (2011).

3. Senator Slama affirmatively alleges and pleads that Herbster failed to make any demand for retraction of the allegedly defamatory statements and therefore may not recover more than such damages as Herbster alleges and proves were suffered in respect to his property, business, trade, profession, or occupation as the direct and proximate result of Senator Slama's alleged publication. Neb. Rev. Stat. § 25-840.01.
4. Senator Slama affirmatively alleges and pleads that the allegedly defamatory statements in question were true or substantially true, and therefore cannot be the basis for a defamation or public libel action.
5. Senator Slama's statements in question are entitled to conditional or qualified privilege.
6. At all relevant times, Herbster was a public figure and the allegedly defamatory statements were on a matter of public concern. Thus, the rules for public libel claims apply, which rules Herbster cannot satisfy.
7. Herbster and his counsel know, or should know, that Senator Slama's statements in question are true or substantially true. Therefore, the Complaint is frivolous and made in bad faith. Pursuant to Neb. Rev. Stat. § 25-824, the Complaint should be stricken and reasonable attorney fees and costs incurred in defending this action should be awarded to Senator Slama. As provided by that statute, such fees and costs should be allocated to Herbster and his attorneys as the Court deems appropriate.

WHEREFORE, Senator Slama respectfully requests that Herbster's Complaint be dismissed with prejudice, that Herbster be denied all relief requested, that Senator Slama be awarded reasonable attorneys' fees and costs under Neb. Rev. Stat. § 25-824 and any other applicable law, and for such further relief as the Court deems

appropriate.

COUNTERCLAIMS

Senator Slama, pursuant to Neb. Ct. R. Pldg. § 6-1113, for her counterclaims, states and alleges as follows.

1. Senator Slama hereby incorporates by reference all allegations, denials, and other averments in the foregoing Amended Answer to Herbster's Complaint, including the Background and General Denial section.

FACTUAL ALLEGATIONS

Spring 2019 Elephant Remembers Dinner

2. In December 2018 Senator Slama was appointed as a state senator to fill a vacancy in the First Legislative District.

3. In the Spring of 2019 Senator Slama attended the Elephant Remembers Dinner (the "Dinner").

4. Senator Slama was 22 years old when she attended the Dinner.

5. As guests at the Dinner were called to their tables, Senator Slama proceeded to go to her table. As she was moving towards her assigned table, she felt Herbster's hand reach up her dress and inappropriately touch her.

6. Specifically, Senator Slama felt a hand reach up her dress from behind and first touch and grope her genital area on the outside of her underwear. She then felt the hand move up and grope and squeeze her right bare buttocks. As she turned, startled by the contact, she saw Charles Herbster as he was removing his hand from under her dress. Herbster did not make eye contact with Senator Slama but she observed a smirk on his face as he walked away.

7. Senator Slama in no way consented to Herbster reaching up her dress or groping her or grabbing her bare buttocks under her dress.

8. Before the Dinner, Senator Slama had never met Herbster.

9. Other individuals attending the Dinner either witnessed Herbster inappropriately touch Senator Slama or were contemporaneously aware that it had occurred.

10. Specifically, immediately after Herbster groped her, Senator Slama, in shock, reported what happened to at least two individuals.

11. Only a few minutes after Herbster reached up Senator Slama's dress, Senator Slama witnessed Herbster grab the buttocks of another woman attending the event. Several other individuals at the dinner also witnessed Herbster grab the second woman's buttocks.

12. Senator Slama was shocked, mortified, and traumatized by Herbster's actions. Senator Slama was also frightened of retribution that could occur if she came forward because she knew Herbster was a multi-millionaire and a major donor for the Republican Party in Nebraska.

April 14, 2022, Nebraska Examiner Article and Subsequent Publicity by Charles Herbster.

13. On or about April 14, 2022, the Nebraska Examiner released an article regarding reports by Senator Slama and seven other women of sexual assault and harassment by Charles Herbster.

14. At the time the Nebraska Examiner was published, Senator Slama was the only woman who came forward by name.

A. April 14, 2022, Press Releases

15. Following the release of the April 14, 2022, Nebraska Examiner Article, Herbster, his campaign, and his employees or agents, made multiple statements attributing Senator Slama's account of sexual assault to manipulation or political tricks by Governor Pete Ricketts and Jim Pillen.

16. In a press release on or around April 14, 2022, Charles Herbster stated:

- a. “These libelous accusations are 100% false.”
- b. “It’s only after I’ve threatened the stranglehold the establishment has on this state do they stoop to lies this large. This story is ridiculous, unfounded dirty political trick being carried out by Pete Ricketts and Jim Pillen.”
- c. “For nearly a year now, Governor Ricketts’ and Jim Pillen’s campaign team have peddled this made-up story from one news outlet to another without any success. Now with time running out, they’ve turned to a leftists [sic] news outlet to pick up and repeat their garbage. The fake-news story is based upon shadowy, unnamed sources and one person who was appointed by Governor Ricketts and her family has benefited from Governor Ricketts’ patronage for years. This isn’t bad journalism—it’s libelous fake news.”

17. On or about April 14, 2022, Ellen Keast, Charles Herbster’s campaign manager, released an additional statement, stating, among other things:

- a. “This isn’t a credible news story, it’s a political hit piece that’s been rejected by credible news outlets for more than a year. Even the so-called ‘witnesses’ refuse to go on the record. And the specific accusation itself is absurd and incomprehensible. To claim this interaction occurred in a crowded ballroom with more than 500 people present—and Charles [sic] table was in the front row? It defies common sense.”

18. The April 14, 2022, press releases were accompanied by “Background Facts” and a screen shot of Charles Herbster’s RSVP to Senator Slama’s wedding.

19. The “Background Facts” recite that:

- a. “In December 2018, Governor Ricketts appointed Senator

Slama to LD1.”

- b. “A couple of years later, Governor Ricketts appointed Senator Slama’s twin sister to be Sarpy Election Commissioner.
- c. Senator Slama’s husband, Andrew also was appointed by Governor Ricketts to the legislature.”
- d. “Senator Slama alleges this incident took place in 2019. The allegation is absurd on its face. Charles was seated in the front row as a top sponsor of the event that thousands of people attended.”
- e. “One year later in 2020, she asked Charles W. Herbster for a \$10,000 donation to her campaign.”
- f. “The following year, in 2021, Senator Slama and her husband *personally* invited Charles to attend their private destination wedding in the Dominican Republic.”
- g. “On January 22 of this year, Senator Slama sent an unsolicited text sharing her personal address with Charles so he could send her a wedding present.”
- h. “Senator Slama joined Ricketts in publicly endorsing Jim Pillen for Governor.”
- i. “Senator Slama’s husband, Andrew LaGrone is recruited to launch a dark money PAC in the 2022 governor’s race.”

B. April 19, 2022, “War Room” Podcast with Steve Bannon

20. On or about April 19, 2022, Charles Herbster appeared on Steve Bannon’s podcast, “War Room,” to discuss the allegations against him in the April 14, 2022, Nebraska Examiner article.

21. During the “War Room” podcast, Herbster agreed that he was saying that: (1) the allegations were dirty politics; (2) the allegations were totally made up; and (3) none of the allegations by Senator Slama are true.

22. During the “War Room” podcast, Herbster further stated while discussing Senator Slama’s allegation, “there’s no question in my mind about it. [Governor Pete Ricketts] is in back of this. This has been circulating for a year. It came from him. There’s no question. This is part of the establishment; part of the control.”

23. When Bannon pressed Herbster as to whether what is hearing is that Herbster’s allegation is that “Pete Ricketts is in back of this [sic] allegations of this person against you, this kind of I guess sexually inappropriate touching—you’re saying that Pete Ricketts, who aspires to higher office, maybe even President of the United States, is in back of this?” Herbster replied, “That’s what you’re hearing . . . Part of controlling the establishment of Nebraska is what he wants to do to make sure he can continue further with a political career.”

C. April 20, 2022, Press Conference

24. On or about April 20, 2022, Charles Herbster hosted a Press Conference to discuss Senator Slama’s allegations.

25. Charles Herbster stated that Governor Ricketts and others “have been talking about [the allegations] for a long period of time, since I decided that I would run for Governor” and that they used rumors of the allegations to “try to scare [him] out of running for governor.”

26. Charles Herbster also referred Senator Slama’s allegations as a “revived Democratic playbook,” and referenced the sexual assault allegations that were made against Brett Kavanaugh, Donald Trump, and Clarence Thomas.

D. April 23, 2022, Kellyanne Conway Appearance on the “War Room” Podcast

27. On or about April 23, 2022, Kellyanne Conway, a paid consultant of Herbster’s campaign, appeared on “War Room” to discuss the sexual assault allegations against Charles Herbster and the Complaint filed in the above captioned matter.

28. Conway accused Governor Ricketts of having a “political vendetta” against Herbster and “having tried everything he could” to prevent the election of Herbster, that “nothing was working,” and “so they laid this down.” She went on to name Senator Slama and claimed Governor Ricketts “mentioned this Senator Slama woman” ten months

ago.

29. Conway also described Senator Slama as having a political “obsession” with Charles Herbster and asserted that, “they’ve been shopping this around for a long time.” She also claimed, without evidence, that invitations to Senator Slama’s wedding were limited to those closest to Slama and her fiancée, as alleging that this included Charles Herbster.

E. Charles Herbster Political Advertisement

30. In approximately the week following the filing of Charles Herbster’s Complaint in the above captioned matter, Herbster released a television advertisement—on information and belief, broadcast statewide and at a highly-publicized campaign endorsement event in Greenwood, NE, featuring former President Donald Trump—stating that Governor Ricketts and Jim Pillen were “stacking up lies” to ruin Charles Herbster. The ad goes on to discuss “Herbster’s accuser,” noting that she, her sister, and husband were “given jobs” by Governor Ricketts and that Herbster was invited to “her destination wedding in the Dominican Republic.”

COUNTERCLAIM COUNT I: BATTERY (SEXUAL)

31. Senator Slama reallages and incorporates by reference each of the foregoing Counterclaim paragraphs as though fully set forth herein.

32. Herbster intended to and in fact committed a harmful and offensive touching of Senator Slama’s person by reaching up her dress and groping, squeezing, and grabbing her genital area and bare buttocks during the Dinner, without Senator Slama’s consent.

33. Herbster’s actions constituted a battery of Senator Slama.

34. As a direct and proximate result of Herbster’s tortious actions against Senator Slama she sustained damages including:

Special Damages, Economic Losses:

- a. Damages to her personal reputation. These damages are

- accruing and their full extent is not known.
- b. Expenses to attempt to mitigate damages to her personal reputation. These special damages are accruing and their full extent is not known.
- c. Expenses for psychological care. These damages are accruing and their full extent is not known.

General, Non-Economic Damages:

- d. Physical illness.
- e. Emotional distress and sleep disturbance.
- f. Damage to Senator Slama's mental and emotional health including ongoing depression, anxiety, preoccupation, fixation, and fear of loss of reputation.
- g. General pain and suffering.

Senator Slama's damages are ongoing and still accruing. Her personal injury is believed to be permanent as the impact of Herbster's battery of Senator Slama can never be fully eradicated. Senator Slama requests leave to amend this Counterclaim to further state her damages at the pre-trial conference.

35. If a frivolous or bad faith defense is offered by Herbster, including, but not limited to, a denial of the allegations set forth above, Senator Slama seeks attorneys' fees, expenses, and costs pursuant to Neb. Rev. Stat. § 25-824. If no defense is offered and it is thereby revealed that Herbster acted in bad faith by filing a Complaint against Senator Slama for defamation, Senator Slama seeks attorneys' fees, expenses, and costs pursuant to Neb. Rev. Stat. § 25-824.

COUNTERCLAIM COUNT II: FALSE LIGHT INVASION OF PRIVACY (NEB. REV. STAT. § 20-204)

36. Senator Slama reallages and incorporates by reference each of the foregoing Counterclaim paragraphs as though fully set forth herein

37. Charles Herbster and his agents repeatedly publicized the false assertion, in local and national media, that Governor Pete Ricketts and Jim Pillen were "behind" Senator Slama's account of

Charles Herbster's sexual battery, that her account was false and the product of manipulation, and that her allegations were part of a political "playbook" to harm Charles Herbster's campaign.

38. Herbster and his agents communicated their false "manipulation" and "political playbook" accusations regarding Senator Slama to the public at large through the media relations and communications apparatus under Herbster's control by virtue of this prior status as a candidate for Nebraska Governor. Such communications were made to so many persons that his false accusations against Senator Slama must be regarded as substantially certain to become public knowledge.

39. The publications placed Senator Slama in a false light.

40. Charles Herbster had knowledge of or acted in reckless disregard as to the falsity of his and his agents' public accusations that Senator Slama's report of her sexual battery by Herbster was the product of political manipulation by Governor Ricketts, Jim Pillen, or others.

41. The false light in which Senator Slama was placed would be highly offensive to a reasonable person.

42. As a direct result of the publicity given by Charles Herbster placing Senator Slama in a false light, Senator Slama has sustained damages including:

Special Damages, Economic Losses:

- a. Damages to her personal reputation. These damages are accruing and their full extent is not known.
- b. Damaged to her professional reputation. These damages are accruing and their full extent is not known.
- c. Expenses to attempt to mitigate damages to her personal reputation. These special damages are accruing and their full extent is not known.
- d. Expenses for psychological care. These damages are accruing and their full extent is not known.

General, Non-Economic Damages:

- e. Physical illness.
- f. Emotional distress and sleep disturbance.
- g. Damage to Senator Slama's mental and emotional health including ongoing depression, anxiety, preoccupation, fixation, and fear of loss of reputation.
- h. General pain and suffering.

Senator Slama's damages are ongoing and still accruing. Senator Slama requests leave to amend this Counterclaim to further state her damages at the pre-trial conference.

43. If a frivolous or bad faith defense is offered by Herbster, including, but not limited to, any denial of his having baselessly asserted that Senator Slama's sexual battery report was the product of political "manipulation" by Governor Ricketts and/or Jim Pillen, Senator Slama seeks attorneys' fees, expenses, and costs pursuant to Neb. Rev. Stat. § 25-824.

REQUEST FOR RELIEF

WHEREFORE, Senator Slama requests judgment against Herbster for special damages to be stated at the final pretrial conference, general damages, prejudgment interest to the extent permitted by law, costs, including attorney's fees under Neb. Rev. Stat. § 25-824, and for further relief as the Court deems appropriate.

JURY DEMAND

Julie Slama hereby demands a trial by jury for this case.

Respectfully submitted May 16, 2022.

**JULIE SLAMA,
Defendant/Counterclaim Plaintiff.**

By: /s/Dave Lopez
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CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2022, I filed the foregoing document using the Nebraska Judicial System's E-Filing function, causing notice of such filing to be served electronically on all parties' counsel of record.

/s/ Dave Lopez

Certificate of Service

I hereby certify that on Monday, May 16, 2022 I provided a true and correct copy of the Amended Answer to the following:

Slama,Julie, represented by Marnie Jensen (Bar Number: 22380) service method:
Electronic Service to marnie.jensen@huschblackwell.com

Herbster,Charles,W represented by Theodore Boecker (Bar Number: 20346) service
method: Electronic Service to boeckerlaw@msn.com

Signature: /s/ David A. Lopez (Bar Number: 24947)