

Image ID D00859137D01 Form 19-4	EX PARTE HARASSMENT PROTECTION ORDER	Case Number CI-23-4256 Document Number 859137
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IN THE DISTRICT COURT OF Douglas COUNTY, NEBRASKA

Mark A Pivarunas
Petitioner

**EX PARTE HARASSMENT
PROTECTION ORDER**

VS.
Ken Klabenes
Respondent

The protected party(ies) of this Order is/are:

- | | |
|----------------------------|----------|
| 1. <u>Mark A Pivarunas</u> | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

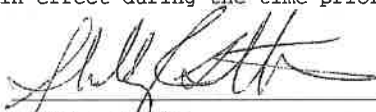
THE COURT, having received the Petition and Affidavit of the petitioner, finds that a harassment protection order pursuant to Neb. Rev. Stat. § 28-311.09 should be issued. **FURTHER**, it reasonably appears from the specific facts included in the affidavit that irreparable harm, loss or damage will result before this matter can be heard on notice, therefore, the court having jurisdiction of the parties finds that a harassment protection order should be issued without prior notice and hearing.

IT IS THEREFORE ORDERED, pursuant to Neb. Rev. Stat. § 28-311.09, unless otherwise dismissed or modified by order of the court, a harassment protection order against the respondent is granted for a period of one year from the date of this order and the petitioner is granted the following relief:

- ☒ 1. Respondent is enjoined from imposing any restraint upon the person or liberty of the protected party(ies).
- ☒ 2. Respondent is enjoined from harassing, threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the protected party(ies).
- ☒ 3. Respondent is enjoined from telephoning, contacting, or otherwise communicating with the protected party(ies).

If the respondent wishes to appear and show cause why this order should not remain in effect for a period of one year, he or she shall affix his or her current address, telephone number, and signature on the **Request for Hearing** form provided and return it to the clerk of the district court within ten (10) business days after service upon him or her. This order shall remain in effect during the time prior to the hearing. Costs are waived unless otherwise ordered by the court.

DATED on: June 1, 2023


JUDGE: Shelly R Stratman

NOTICE TO RESPONDENT

PURSUANT to 18 U.S.C.2265, this order is enforced in all fifty states, the District of Columbia, tribal lands, and U.S territories. Moreover, pursuant to 18 U.S.C.922 if a final order is entered against you after a hearing of which you had actual knowledge and an opportunity to participate, whether or not you actually participated, and if this court order restrains you from harassing, stalking, or threatening an intimate partner or child of such intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, you may be subject to a federal penalty for possessing, transporting, or accepting a firearm or ammunition.

State of Nebraska)
) SS
County of Douglas)

Printed on 6/01/2023 at 12:19 P.M.

I hereby certify that the above and foregoing is a true and correct copy as the same appears fully upon the records and files of the Court now in my charge

Clerk of the District Court of Douglas County, NE

FILED BY

CASE FILE COPY By: _____

Deputy Clerk of the Douglas District Court

06/01/2023

Date

6/1/23

**PROTECTION ORDER
INFORMATION -
HARASSMENT**

A harassment protection order is a court order issued to a victim who has been harassed, pursuant to Neb. Rev. Stat. § 28-311.09 et seq.

In order to qualify for a harassment protection order:

- the petition shall state the events and dates of acts constituting the alleged harassment. This must include the most recent and most severe incident(s).
- the petitioner must show that the respondent has engaged in a knowing and willful course of conduct directed at the petitioner which seriously terrifies, threatens, or intimidates the petitioner and which serves no legitimate purpose.
 - A course of conduct is defined as a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking, telephoning, contacting, or otherwise communicating with the petitioner.

A protection order may prohibit the respondent from:

- imposing any restraint upon the petitioner or family or household member, or liberty of the petitioner,
- harassing, threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner,
- telephoning, contacting, or otherwise communicating with the petitioner.

Once the protection order petition is granted, it may not be withdrawn except upon order of the court.

The protection order shall be effective for one year unless otherwise modified by the court.

A court, on its own motion or at the request of the petitioner, may treat a petition for a harassment protection order as a request for a sexual assault protection order or domestic abuse protection order, if it appears from the facts in the petition, affidavit and evidence presented at a show-cause hearing that such other protection order is more appropriate.

NOTICE TO PETITIONER

Fees to cover costs associated with the filing, issuance, or service of a protection order shall not be charged, except that a court may assess such fees and costs if the court finds that the statements contained in the application were false and that the protection order was sought in bad faith.

NOTICE TO RESPONDENT

If there has been an **Ex Parte** Protection Order served upon you and you wish to request a hearing to show cause why the order should not remain in effect, you must request a hearing on the provided "Request for Hearing" form by completing the form and returning it to the clerk of the district court at the address listed at the bottom of the form. You must return the form within ten (10) business days after you have been served. The court will schedule a hearing within thirty (30) days after reviewing our request and shall notify you and the petitioner of the hearing date.

If there is a hearing scheduled and you wish to defend against the claims set forth in the application for a protection order, you must appear at the hearing. You are warned that if you fail to appear, the case will proceed without you and a final order may be entered against you for the relief requested in the petition.

You are required to obey the terms of the protection order as soon as it is served upon you. If you disobey the terms of the protection order, you will be subject to the following **Nebraska Revised Statutes**.

Violation of a Protection Order: Any person convicted of violating the terms of a harassment protection order after being served shall be subject to either Neb. Rev. Stat. § 28-311.04 or § 28-311.09(4).

If a protection order has been issued against you, the following **United States Federal Statutes** apply to the issuance of a valid protection order.

Full Faith and Credit Provision: Pursuant to 18 U.S.C. § 2265, this order is enforceable in all fifty (50) states, the District of Columbia, tribal lands and U.S. territories. The penalties for violation of this order are determined by the existing penalty of the location in which the violation occurred. Nebraska's Harassment Full Faith and Credit provisions are found in Neb. Rev. Stat. § 28-311.10.

Interstate Domestic Violence/Violation of a Protection Order:

- If you travel across state or tribal borders with the intent to injure the petitioner and then intentionally commit a crime of violence causing bodily injury to the petitioner, you may be convicted of committing a federal offense under 18 U.S.C. § 2261(a)(1). You may also be convicted of committing a federal offense if you cause the petitioner to cross state or tribal borders for this purpose. 18 U.S.C. § 2262(a)(2).
- If you travel across state or tribal borders with the intent to violate the final protection order and subsequently violate such order, you may be convicted of committing a federal offense under 18 U.S.C. § 2261(a)(1).
- You may also be convicted of committing a federal offense if you cause the plaintiff to cross state or tribal borders for this purpose. 18 U.S.C. § 2262(a)(2).

**PETITION AND AFFIDAVIT TO
OBTAIN HARASSMENT
PROTECTION ORDER**



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

MARK A. PIVARUNAS

Petitioner,

Case No. CI 23-4256

Additional Petitioner/Minor Child(ren),

**PETITION AND AFFIDAVIT TO
OBTAIN HARASSMENT
PROTECTION ORDER**

Additional Petitioner/Minor Child(ren),

vs.

KEN KLABENES

Respondent.

ASSIGNED TO Stratman

1. I, MARK A. PIVARUNAS, am the petitioner in this case. I am petitioning for a harassment protection order pursuant to Neb. Rev. Stat. § 28-311.09.

I am filing this petition on behalf of:

- ☒ Myself. I have been harassed.
☐ Myself and additional petitioner(s) who have been harassed and whose name(s) is/are shown after mine in the caption of this petition. My relationship to the additional petitioner(s)/minor child(ren) is/are: ☐ custodial parent, ☐ guardian, ☐ other: _____
☐ Only on behalf of the additional petitioner(s) who have been harassed and whose name(s) is/are shown after mine in the caption of this petition. My relationship to the additional petitioner(s)/minor child(ren) is/are: ☐ custodial parent, ☐ guardian, ☐ other: _____

AND:

- ☒ I am 19 or older or legally emancipated OR ☐ I am a minor and _____ years of age.
☐ I do not speak English. The language that I speak is: _____

2. Check Only One:

- ☐ I have received address protection from the Secretary of State under the Address Confidentiality Program. (Service of any court process shall be made by mailing two copies of the process to the Office of Secretary of State, Address Confidentiality Program, Suite 2300, State Capitol Building, Lincoln, NE, 68509)
☐ I am living at a safe house or shelter for my own protection. Pursuant to Neb. Rev. Stat. § 29-4303, I cannot identify the name, address, location or phone number of the facility.
☐ My address is:

7745 MILITARY AVE OMAHA NE 68134

(Street or Route/Box)

(City)

(State)

(ZIP code)

Mailing address (if different):

(Street or Route/Box)

(City)

(State)

(ZIP code)

3. ☐ I do not agree to receive notification by e-mail.

☒ I agree to receive notification by e-mail.

e-mail address: micsec@aol.com

NOTE: By providing this e-mail address, I acknowledge that I am aware that this information will be public record. I also understand that I will only receive e-mail communications regarding this case from the court.

4. I am filing this petition against the respondent whose age is: _____ and who resides at:

85445 488th Ave O'NEILL NE 68763
(Street or Route/Box) (City) (State) (ZIP code)

Mailing address (if different)

(Street or Route/Box) (City) (State) (ZIP code)

(Phone number)

☐ The respondent does not speak English. The language that the respondent speaks is: _____

My relationship to the respondent is: FORMER CHURCH MEMBER

5. The respondent is a person who has willfully harassed me and has engaged in a knowing and willful course of conduct directed at me which seriously terrifies, threatens, or intimidates me and serves no legitimate purpose.

6. To my knowledge, The respondent and I ☒ have or ☐ have not been involved in past or current court cases together. (i.e., divorce, paternity, custody, juvenile, criminal or protection orders) If so: when, where, type of case, name of court(s), and case number(s).

PROTECTION ORDER DATED 1-22-19 Case No. C119-511

7. I hereby ask the court to enter a protection order (mark all that apply):

- ☒ prohibiting the respondent from imposing any restraint upon the person(s) seeking protection.
☒ prohibiting the respondent from harassing, threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the person(s) seeking protection.
☒ prohibiting the respondent from telephoning, contacting, or otherwise communicating with the person(s) seeking protection.

8. Pursuant to Neb. Rev. Stat. § 25-2740, I request to have a ☒ District Court Judge, or a ☐ County Court Judge preside over this proceeding. (I understand this request may not be granted.)

9. The dates or approximate dates and facts of the most recent series of acts and the most severe incident or incident(s) of harassment toward the person(s) seeking protection are (Please write a brief but detailed description.):

A. Date/Time: APRIL - MAY 2023

Description: _____

HE TELEPHONES ME FREQUENTLY IN THE MIDDLE OF THE NIGHT WITH HARASSING AND INSULTING MESSAGES
3 EXAMPLES MAY 28 3:12 AM MAY 29 3:16 AM 6:04 AM MAY 30 3:40 AM 4:13 AM 5:43 AM 4:17 AM 3:52 AM 5:49 AM 4:07 AM MAY 29 2:03 AM 2:52 AM 2:07 AM 5:15 AM 2:11 AM 5:17 AM 6:02 AM 2:13 AM 5:45 AM 2:47 AM 5:57 AM 6:37 AM 5:58 AM AM

B. Date/Time: _____ Description: _____

These phone calls have been going on for months but have increased in the last 2 months.

As with the 1st Protection Order granted 1-22-19, he is angry that his wife left him because he was abusive and he blames me that she left him.

In the past, If I blocked his phone number, he called from another number.

C. Date/Time: _____ Description: _____

10. I request the court treat this Petition and Affidavit for a Harassment Protection Order as a request for a sexual assault protection order or a domestic abuse protection order if it appears to the court, based on facts contained in this Petition and Affidavit and the evidence presented at a show cause hearing, that another type of protection order is more appropriate in this case, and the court makes such findings.

11. Additional Petitioner(s) (if needed):

Petitioner 2 (Minor Child):

Name: _____ Age: _____ Relationship to the Respondent: _____

Residence: _____

☐ The address of this Petitioner is the same as my address above.

☐ This Petitioner's address is:

(Street or Route/Box)

(City)

(State)

(ZIP code)

Petitioner 3 (Minor Child):

Name: _____ Age: _____ Relationship to the Respondent: _____

Residence: _____

☐ The address of this Petitioner is the same as my address above.

☐ This Petitioner's address is:

(Street or Route/Box)

(City)

(State)

(ZIP code)

Petitioner 4 (Minor Child):

Name: _____

Age: _____

Relationship to the Respondent: _____

Residence: _____

☐ The address of this Petitioner is the same as my address above.

☐ This Petitioner's address is:

(Street or Route/Box)

(City)

(State)

(Zip)

Petitioner 5 (Minor Child):

Name: _____

Age: _____

Relationship to the Respondent: _____

Residence: _____

☐ The address of this Petitioner is the same as my address above.

☐ This Petitioner's address is:

(Street or Route/Box)

(City)

(State)

(Zip)

Petitioner 6 (Minor Child):

Name: _____

Age: _____

Relationship to the Respondent: _____

Residence: _____

☐ The address of this Petitioner is the same as my address above.

☐ This Petitioner's address is:

(Street or Route/Box)

(City)

(State)

(Zip)

I hereby swear, or affirm, under penalty of perjury, the foregoing affidavit is true.

Mark A. Pivarunas
Signature of Petitioner

MARK A. PIVARUNAS

(Name, Firm name, and Bar Number IF being completed by an attorney)

(do NOT sign UNTIL THE CLERK OF THE DISTRICT COURT OR A NOTARY IS PRESENT AND WITNESSES YOU SIGNING)

Subscribed and sworn before me on

May 31, 20 23

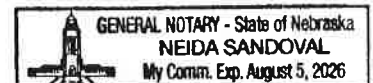
Neida Sandoval
Clerk of the Court/Notary Public

(Seal)

My Commission Expires: 8/5/26

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Petition and Affidavit to Obtain
Harassment Protection Order
DC 19:2 Rev. 01/20



**REQUEST FOR HEARING --
PROTECTION ORDER**

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

Mark A Pivarunas

Petitioner,

Case No. CI 23-4256Additional Petitioner/Minor Child(ren),Additional Petitioner/Minor Child(ren),

VS.

Ken Klabenes

Respondent.

**REQUEST FOR HEARING --
PROTECTION ORDER**

1. I wish to request a hearing on this protection order. I understand that notice of the time and place of the hearing shall be mailed to the address below.
2. ☒ I do not agree to receive notification by email.
☐ I agree to receive notification by email.
email address: _____

NOTE: By providing this email address, I acknowledge that I am aware that this information will be public record. I also understand that I will only receive email communications regarding this case from the court.

☐ I do not speak English. My language is _____

Kenneth Klabenes
Signature

Kenneth Klabenes
Name

Bar Number and Firm Name (attorneys only)

402-336-7093
Phone

Phone (Work)

Date 06-07-2023

85445 488th Ave
Street Address/P.O. Box

O'Neill, NE 68763
City/State/ZIP Code

Email Address

**YOU HAVE 10 BUSINESS DAYS TO RESPOND
FROM THE DATE OF SERVICE**

RETURN TO:

Clerk of the District Court

(Address:)

Protection Order OfficeHall of Justice, Room #300Omaha, NE 68183Fax 402-996-8493