

**EX PARTE HARASSMENT
PROTECTION ORDER**

IN THE DISTRICT COURT OF Douglas COUNTY, NEBRASKA

MARK A. PIVARUNAS

Petitioner,

Additional Petitioner/Minor Child(ren),

Additional Petitioner/Minor Child(ren),

vs.

KEN KLABENES

Respondent.

Case No. CI 19-511

**EX PARTE HARASSMENT
PROTECTION ORDER**

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

- 1. _____
- 2. _____
- 3. _____

- 4. _____
- 5. _____
- 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 five (5) 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: 1-22-19 JUDGE _____



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.

Page 1 of 2

(Red Stamp)
 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 this Court and is my charge.
 JOHN M. FLEMING
 Clerk of the District Court of Douglas County, Nebr.
 By: UPSTW Deputy
 Date: 1-22-19



PETITION AND AFFIDAVIT TO OBTAIN HARASSMENT PROTECTION ORDER

DC19:2 Rev. 11/17

Neb. Rev. Stat. § 28-311.09

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

MARK A. PIVARUNAS

Petitioner,

Case No. CI 19-511

Additional Petitioner/Minor Child(ren),

PETITION AND AFFIDAVIT TO OBTAIN HARASSMENT PROTECTION ORDER

Additional Petitioner/Minor Child(ren),

vs.

KEN KLADENES

Respondent.

ASSIGNED TO Ostepka

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: _____

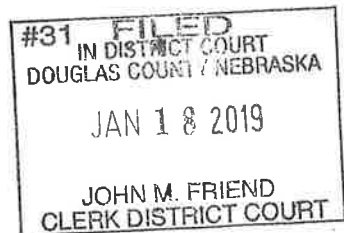
2. Check Only One:

- 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: miccsec@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: 62 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)

(402) 336 7093
(Phone number)

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

My relationship to the respondent is: HE WAS 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).

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 facts of the most recent series of acts of harassment toward the person(s) seeking protection are (Please write a brief but detailed description.):

A. Date/Time: Dec. 21 - Jan. 13, 2019 Description: He has called me and left insulting and threatening messages on my phone. Between Dec. 21 to Jan. 13, 2019 there were 19 messages left, which I have a recording.

I am a Catholic priest and this man wants me to force ~~me to pressure~~ his ex-wife to return to him. She divorced him because he was abusive. He now blames me why I have not forced her to go back to him.

B. Date/Time: _____ Description: _____

These phone calls have been going on since 2013
He calls early in the morning sometimes and sometimes
late at night. One night he texted me 3 times in the
time between midnight and 6:00 AM.

C. Date/Time: _____ Description: _____

He has confronted me out on Church in O'NEILL (ST. THERESA)
(located 1 or 2 miles south of O'NEILL off HW. 275)
to pressure me to pressure his ex-wife to return to him.

10. 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. Brame
Signature of Petitioner

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

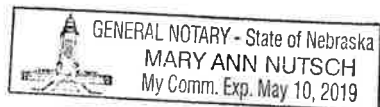
(do NOT sign UNTIL THE CLERK OF THE DISTRICT COURT OR A NOTARY IS PRESENT AND WITNESSES YOU SIGNING)

Subscribed and sworn before me on January 18, 20 19

Mary Ann Nutsch
Clerk of the Court/Notary Public

(Seal)

My Commission Expires: 5-10-19



STATE OF NEBRASKA
FORM NO. DC 19-14
Rev. 06/12. Neb. Rev. Stat.
§ 42-924 - 28-311.09

**REQUEST FOR HEARING --
PROTECTION ORDER**

CASE NUMBER:
CI 19-511

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

Mark A. Pivarunas

Petitioner

**REQUEST FOR
HEARING --
PROTECTION ORDER**

VS.

Ken Klabenes

Respondent

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.

I do not speak English. My language is _____

Date: _____

(Signature)

Mailing Address: _____

City, State, Zip Code: _____

Telephone: (Home) _____ (Work) _____

Email Address: _____

RETURN TO: PROTECTION ORDER DEPARTMENT
Clerk of the District Court
Hall of Justice, Room #300
Omaha, NE 68183

or Fax to: 402-996-8493

 **YOU HAVE 5 CALENDAR DAYS TO RESPOND
FROM THE DATE OF SERVICE**

May 25, 2019

To Whom It May Concern:

Colossians Chapter 3

[16] Let the word of Christ dwell in you abundantly, in all wisdom: teaching and admonishing one another in psalms, hymns, and spiritual canticles, singing in grace in your hearts to God.

[17] All whatsoever you do in word or in work, do all in the name of the Lord Jesus Christ, giving thanks to God and the Father by him.

[18] Wives, be subject to your husbands, as it behoveth in the Lord.

[19] Husbands, love your wives, and be not bitter towards them.

[20] Children, obey your parents in all things: for this is well pleasing to the Lord.

Definition of Admonish (All definitions are from the 1828 “Webster’s Dictionary of the English Language” written to preserve word meanings)

1. To warn or notify of a fault; to reprove with mildness. Count him not as an enemy, but *admonish* him as a brother. 2 Thessalonians 3:15.
2. To counsel against wrong practices; to caution or advise. Admonish one another in psalms and hymns. Colossians 3:16.
3. To instruct or direct. Moses was admonished of God, when he was about to make the tabernacle. Hebrews 8:5.
4. In ecclesiastical affairs, to reprove a member of the church for a fault, either publicly or privately; the first step of church discipline. It is followed by of, or against; as, to *admonish* of a fault committed, or against committing a fault. It has a like use in colleges.

This letter and accompanying documents is my attempt to set the record straight regarding my interactions with Mark Pivarunas (shown as MP hereafter) who refers to himself with the title of “Traditional Catholic Priest” and/or “Traditional Catholic Bishop.” It is not possible to cover everything, but I hope that through this letter I can explain the key issues, as I recall, regarding MP and what he has done to truth, Catholic teachings, etc and the public scandal he has allowed to continue. This will allow me to put this all behind me and move on. I will state that everything I say is to the best of my knowledge and if there are errors, I will gladly attempt to correct those errors prior to publishing this information for the general public.

“You can claim to be whatever you want to claim to be, but if you don’t obey the laws of what you claim to be you are not what you claim to be.” Paraphrased from Archbishop Fulton J Sheen

In explaining how I arrived at my conclusions, I will begin at the end of the story.

On January 22, 2019, MP filed a request for protection order (attachment 1) in Douglas County District Court. He was requesting a protection order for a period of 1 year. A hearing was held on the matter February 20, 2019 and the protection order was granted. In particular I want to call your attention to several items in the protection order and then begin at the beginning to show the fraud, deceit, and lies perpetrated against me and the damage caused by MP.

Page 2 of 4, item 4: “My relationship to the respondent is: ‘He was Former Church Member.’”

Page 2 of 4, item 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.”

Page 2 of 4, item 9: “He has called me and left insulting and threatening messages on my phone. Between December 21 and January 13, 2019 there were 19 messages left, which I have a recording. I am a Catholic priest and this man wants me to force his ex-wife to return to him. She divorced him because he was abuse. He now blames me why I have not forced her to go back to him.”

Page 3 of 4, item B: “These phone calls have been going on since 2013. He calls early in the morning sometimes and sometimes late at night. One night he texted me 3 times in the times between midnight and 6:00am.”

Page 3 of 4, item C: “He has confronted me at our Church in O’Neill (St. Theresa) (located 1 or 2 miles south of O’Neill off Hwy 275) to pressure me to pressure his ex-wife to return to him.”

So how did we get to the point that a protection order was granted against me? If we go to the beginning of this whole journey, we can see how MP did not fulfill the responsibility he readily accepted, has wasted years avoiding responsibility while blaming others for his lack of results, and has caused untold damage to souls both in and outside of this conflict.

As many couples experience, Kate and I have had occasional marital conflicts. Kate decided she had enough and left in the spring (forget the year) with the 4 children we had at that time. The conflict revolved around my objection to Kate reading romance novels. The second time she left was May of 2005 with all 7 children. The conflict involved one of the children taking an unnecessary trip we could not afford. The third time she left was January 2008, again taking all 7 children. There were many small things, but ultimately it involved money and image. This time she immediately filed for divorce. All three times she hid behind the children protected by her family. MP had the same advice each of the times he was asked for counsel, to be patient and wait. Nothing was accomplished with MP’s lack of action and instruction. The fact that he has counseled other couples to divorce would give the appearance that he has encouraged the scandal we are dealing with at present.

I have known and been associated with MP since at least 1988. MP has served as our Priest, Counselor, and Confessor for almost all of those years. When have experienced marital conflicts, we have gone to him for guidance. After so many years it finally became clear to me that he never really solved any problems for us. He just managed to smooth things over long enough for us to leave his presence. As mentioned previously regarding the romance novels; the Catholic Church recognizes the danger they pose and counsels that they should be avoided. MP would condemn them privately to me, but did nothing to educate my wife as they remained in her possession. This pattern continued and eventually came to a head following the divorce filing in 2008. The many facets of this conflict are exposed in our interactions hence.

In regard to the petition for protection order Page 2 of 4, item 4; I considered myself a “member of his church” until my expulsion as noted in this item. This helped me to realize I am a member of the Catholic Church. I do not want to be a member of the church of MP.

Now to review Page 2 of 4, item 5; first we need to examine if there was a “legitimate purpose” for my contacting him. Legitimate, when used as an adjective in this sense, is defined as, “Genuine; real; proceeding from a pure source; not false or spurious; as *legitimate* arguments or inferences.” Purpose is a noun defined as, “That which a person sets before himself as an object to be reached or accomplished; the end or aim to which the view is directed in any plan, measure or exertion. We believe the Supreme Being created intelligent beings for some benevolent and glorious *purpose* and if so, how glorious and benevolent must be his *purpose* in the plan of redemption! The ambition of men is generally directed to one of two purposes, or to both; the acquisition of wealth or of power. We build houses for the *purpose* of shelter; we labor for the *purpose* of subsistence.”

MP stated many times including his letter of January 17, 2013, "It has been my intention and goal to see your family put back together..." He established the "legitimate purpose" of our interactions. Having gone through separations from my wife previously, I could agree with MP when he stated early in 2008 that I needed to be patient and give this time. As time has slipped away I continued to ask him to fulfill the responsibility he freely accepted. After 10 years my patience was growing thin.

In my letter of January 13, 2019 as a further response to MP, I address his waste of time and who is truly the obstacle in correcting this problem.

Page 2 of 4, item 9 is also addressed by my responses to MP's letter of January 17, 2013. Please read my responses of February 25, 2013 and January 13, 2019. I believe I adequately expose who the obstacle/bully is.

The voice and text messages MP addresses in his application all revolve around my request the he, "Teach the truth, the whole truth, and absolutely nothing but the whole truth" regarding Catholic marriage. I was specific that there was no place for speculation or personal opinion. This request touched a nerve as much of what MP has represented to this point avoids or outright denies Catholic teaching regarding marriage and the obligations of spouses. This was evident in a discussion of the blessing for the marital bed. I asked if he would renew that blessing for us and his response was, "What good do you think that will do?" The words of the blessing have meaning to the Catholic Church and Almighty God, but not to MP unless it suits his purposes.

Also I want to point out Catholic Church teachings regarding marriage, separation, and divorce. Please review my attachments:

The Sacred Bonds of Matrimony from "The Manual of the Holy Catholic Church" copyright 1906

An open letter from me dated April 10, 2009

Subjects of Ownership provided to me by MP and my January 15, 2019 letter discussing the document

Email from MP to Chris Velder announcing his intention to obtain the protection order and sever ties

A letter to MP from myself dated January 18, 2019. This letter was completed prior to receiving the above mentioned email and delivered prior to receiving the notice of protection order.

A statement to the Court in the matter of Mark A Pivarunas v Kenneth Klabenes. The judge refused to allow me to read the statement or to enter the statement in into the official record. It was apparent he only wished to hear MP's side of things and only allowed me to ask 1 question of MP in my own defense. His response under oath appears to contradict facts he has previously acknowledged to the court.

A poster exposing the false statements of MP from 2005. A warning unheeded.

Considering the civil portion of the marriage contract from "The Sacred Bonds of Matrimony," the "Subjects of Ownership," and the "legitimate purpose" as defined by MP; converge to show what Catholic teaching is on Catholic Marriage. According to these documents the courts do not have the authority to grant a Catholic divorce or separate marriage property. Any property acquired by either spouse is marital property. A Catholic spouse should never issue a letter warning of trespass as it is invalid on its face. When I stated that I should be able to enter the property as marital property, MP's response was, "But what if she calls the cops?" MP's attitude is that it is easiest if you deny your faith and move on. Otherwise if you do what the Catholic Church teaches, expect to go to jail. In the Catholic Faith, let alone the Traditional Catholic Faith, divorce is an extremely rare thing granted by legitimate authority after a lengthy examination of the validity of the marriage. Divorce is an easy answer in the church of MP and anyone can choose that path just as all Protestant sects do.

I believe I have shown beyond any doubt that MP has actively worked to get me to deny my Catholic Faith in the matters of the Sacraments including Marriage, Holy Eucharist, and Confession as well as interpretation of Holy Scripture and defined Church Dogma. There are many people whom MP has pushed out because they refuse to follow his Faith. There are many others who for convenience will go along with his false teachings. The evil seeds are planted and will bear fruit in the “scandalized” little ones. All of my actions and intentions, including this cover letter and attachments, is an effort to “admonish the sinner” (please review the definition at the beginning, particularly definition 4) for the salvation of souls.

This letter and attachments should serve to warn others to guard their Catholic Faith.

Sincerely,

/s/ Kenneth Klabenes

Statement of Kenneth Klabenes in regard to Mark A Pivarunas v Kenneth Klabenes

I have known Mark Pivarunas and been associated with his organization since he began serving our little Traditional Catholic congregation more than 25 years ago. Pivarunas and his associates present themselves as a Traditional Catholic Bishop and Priests. As such, Pivarunas and his organization present the appearance as authorities of Catholic teachings. Since I thought we all believed the same teachings, they have served as spiritual advisors for my family throughout these many years. I am not a member of any other religious congregation and still have regular contact with the other parishioners in O'Neill, NE.

When my wife and I began having marital issues in the early 2000s, as Traditional Catholics we naturally approached Pivarunas to help us work out our problems. He accepted the responsibility to help us work out a resolution. In 2008 my wife filed for and was granted a civil divorce. Pivarunas has told me a number of times verbally and in his letter to me of January 17, 2013, that under the authority of the Catholic Church, we are still married. He has promised me many times over the years that he would continue to work to solve our problems and get us back together. He reaffirmed that he accepted responsibility to work with us many times over these years. Periodically as time has passed I have asked him to begin working things out and he has led me to believe that he was working with my wife and we would soon begin talking. In April, 2013 he was subpoenaed to testify in a custody matter and provide evidence related to our marriage. This was not noted in the form he filled out asking for a protection order.

Pivarunas has said all along that this is a slow process and will take time. As you will note, this has gone on for more than a decade and we have not had any meetings among the three of us. As my wife and I approached retirement age and it appears that this process is actually moving backward rather than forward, my urgency to reconcile has increased. I have pressed Pivarunas more and more frequently to get something going. No matter how often I asked, whether I asked nicely in pleading words or with raised voice and harsh words, nothing seemed to urge him to action.

All along I have asked him to simply sit down with the two of us and explain the Catholic teachings on marriage. With a common understanding, we would be able to work out a resolution. I began asking him to please teach the "whole truth of the Catholic Faith" to both myself and my wife and our now adult children. What the Church teaches makes the obligations of spouses obvious and I feel will solve our issues. For some reason my recent insistence that Pivarunas teach the "whole truth" has angered him and he has lashed out more and more frequently culminating with him verbally telling me I was stirring up trouble in his congregation and I should not attend services if I intended to cause trouble. Throughout all

of this time he has assured me that he wanted to see us back together and would work to make that happen. Never has he told me he was not going to fulfill the responsibility he accepted.

Pivarunas misrepresents my passion for seeing my marital issues corrected as unstable, irrational, and dangerous. The letter of January 17, 2013 provides plenty of examples of words and phrases taken out of context. As the Court is well aware, words have meaning. My use of words when dealing with Pivarunas are taken in a traditional or Catholic definition and some of them would appear insulting in a civil court such as this. I am not sure if Pivarunas does not understand word definitions or he is twisting the meanings to avoid fulfilling the responsibility he freely accepted and has continually acknowledged. I have no intention to harm him physically in any way. I have not intentionally made any threats to him of physical harm. I pray for him and his salvation. I have only asked him to do what he promised to do. Granted, sometimes he would prod me to anger and my responses included strong language.

From my perspective, this request for a protection order is not in good faith and is merely an attempt to avoid fulfilling responsibility. I believe I have demonstrated a legitimate purpose for contact with Pivarunas. I have a reasonable expectation that if he is truly a Catholic Bishop as he claims to be, he will fulfill his promise. If it is Pivarunas' intention to not honor the responsibility he accepted and to expel me from his congregation, I would like him to state such for the record now and in writing to the Court.

Further, I request of the Court that Pivarunas be compelled to provide me with all records, documents, notes, electronic recordings, and any other information regarding the marital situation between myself and Kathleen Klabenes. Under the subpoena mentioned previously, he did not provide any documents and only provided a broken compact disc and has never produced a readable copy. This will be necessary to present to other Catholic authorities who have an interest in reconciling with my wife.