

IN THE DISTRICT COURT OF DAWSON COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel., MICHAEL)
J. LINDER, Director, NEBRASKA)
DEPARTMENT OF ENVIRONMENTAL)
QUALITY,)

Case No. C213-40

Plaintiff,)

COMPLAINT

v.)

TERRY L. JESSEN,)
d/b/a COMFORT SUITES,)

Defendant.)

COPY

The Nebraska Department of Environmental Quality ("Department"), through Jon Bruning, Nebraska Attorney General, alleges the following:

FIRST CLAIM

1. The Nebraska Department of Environmental Quality, is the agency of charged with the duty to administer and enforce the Environmental Protection Act, Neb. Rev. §81-1501 *et seq.* (Reissue 2008) and all rules, regulations, orders, and permits created thereunder.

2. Defendant, Terry L. Jessen, d/b/a Comfort Suites, constructed a motel in Dawson County, Nebraska.

3. On or about March 9, 2010, the Department conducted an investigation which determined that Defendant was engaged in the construction of a motel involving disturbance of land surface in excess on one (1) acre in Dawson County, Nebraska.

4. Pursuant to Nebraska law, Defendant was obligated to provide the Department with a narrative description of the construction project including information



STATE OF NEBRASKA
DAWSON COUNTY

JAN 31 2013

FILED BY SHERRY W. BROWN
CLERK OF DISTRICT COURT

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regarding potential storm water discharges and necessary control measures. See, 119 Neb. Admin. Code, Chapter 10, § 003.02.

5. Defendant failed to provide the required information in a timely manner.

6. Neb. Rev. Stat. § 81-1508.02(1)(b) makes it unlawful for any person to violate any rule or regulation adopted pursuant to the Environmental Protection Act.

7. Neb. Rev. Stat. § 81-1508.02(2) provides for a civil penalty not to exceed \$10,000.00 for each day of violation. In the case of a continuing violation, each day constitutes a separate offense.

SECOND CLAIM

8. The Department incorporates paragraphs 1 and 2 set forth in the First Claim.

9. On July 27, 2010, the Department issued an Administrative Order requiring Defendant submit the required information regarding the construction project within 30 days.

10. Defendant failed to provide the required information in a timely manner.

11. Neb. Rev. Stat. § 81-1508.02(1)(b) makes it unlawful for any person to violate any order of the Director issued pursuant to the Environmental Protection Act.

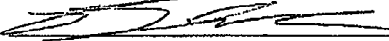
12. Neb. Rev. Stat. § 81-1508.02(2) provides for a civil penalty not to exceed \$10,000.00 for each day of violation. In the case of a continuing violation, each day constitutes a separate offense.

PRAYER FOR RELIEF

WHEREFORE, the Department requests the Court enter judgment against the Defendant in the form of a civil penalty, including the costs of this action, as provided under Neb. Rev. Stat. §81-1508.02.

STATE OF NEBRASKA, ex rel.,
MICHAEL J. LINDER, Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

By: Jon C. Bruning, #20351
Attorney General

By: 
Blake E. Johnson, #24158
Assistant Attorney General
2115 State Capitol Building
P.O. Box 98920
Lincoln, Nebraska 68509-8920
Tel. (402) 471-1912
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Blake E. Johnson, hereby certify that a copy of the foregoing Complaint has been served upon Sterling Huff, counsel for Defendant, by regular United States mail, first class postage prepaid on this 29th day of January, 2013, at the address provided below.

Sterling Huff
1428 10th Street
Gering, Nebraska 69341

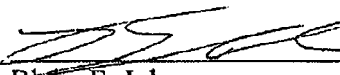

Blake E. Johnson
Assistant Attorney General

Image ID:

SUMMONS

Doc. No. 29986

IN THE DISTRICT COURT OF Dawson COUNTY, NEBRASKA
Dawson County Courthouse
700 N. Washington St., Third Floor
Lexington NE 68850

State of NE., ex rel, Michael Linder v. Terry L. Jessen, dba Comfort Suites
Case ID: CI 13

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TO: Sterling Huff

You have been sued by the following plaintiff(s):

State of NE., ex rel, Michael Linder, Director Department of Environmental Quality

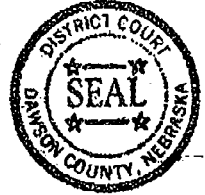
Plaintiff's Attorney: Blake E Johnson
Address: P O Box 98920
2115 State Capitol
Lincoln, NE 68509-8920
Telephone: (402) 471-3833

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: JANUARY 31, 2013

BY THE COURT:

Sherry Warner
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Sterling Huff
1428 10th Street
Gering, NE 69341

Method of service: Certified Mail

Special Instructions:

Serve with copy of the Complaint

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.