

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

ROBERT SALTS, ) Case No. CI 03-3879 )
Plaintiff, ) )
vs. ) ANSWER TO PETITION )
LANCASTER COUNTY, NEBRASKA, and ) )
BERNIE HEIER, LARRY HUDKINS, DEB ) )
SCHORR, RAY STEVENS, AND BOB ) )
WORKMAN, as the LANCASTER COUNTY ) )
BOARD OF COMMISSIONERS for ) )
LANCASTER COUNTY, NEBRASKA, ) )
Defendants. ) )

COMES NOW the Defendant, the County of Lancaster, Nebraska and the Lancaster County Board of Commissioners, et. al., by and through its attorney and for its Response to the Plaintiff’s Petition, admits, denies and alleges as follows:

- 1. Admits paragraphs 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27.
2. Denies each and every other allegation set forth in the Plaintiff’s Petition not Specifically admitted herein.
3. Alleges that Neb. Rev. Stat. § 68-143 places the ultimate responsibility of Plaintiff’s medical expenses on the county in which the Plaintiff has legal settlement. “Any person becoming chargeable as a poor person in this state shall be chargeable as such in the county in which he or she has established a legal settlement as defined in § 68-115.”
4. Alleges that Plaintiff’s legal settlement under Neb. Rev. Stat. §68-115 is Dawson County for purposes of the General Assistance program.
5. Alleges that under Neb. Rev. Stat. §§ 68-131 through 68-133 county boards have

broad authority to establish standards of eligibility for General Assistance which the board deems necessary to ensure the maintenance of minimum health and decency.

6. Alleges that under Neb. Rev. Stat. § 68-114 county boards have a conditional duty to provide temporary medical assistance to non-residents in the county.

7. Alleges that Lancaster County did not exceed statutory authority in establishing the residency requirements in Rules 2:101 and 3:101 of the Lancaster County General Assistance Guidelines.

8. Alleges that the Lancaster County Board of Commissioners acted in accordance with Neb. Rev. Stat. § 68-114 when the Board denied Plaintiff's appeal for Lancaster County General Assistance.

WHEREFORE, the Defendant respectfully requests that the decision of the Lancaster County Board of Commissioners be affirmed and payment of any court costs be assessed against the Plaintiff.

DATED this 18<sup>th</sup> day of November, 2003.

THE COUNTY OF LANCASTER, and  
LANCASTER COUNTY BOARD OF  
COMMISSIONERS, et. al.,  
Defendants.

GARY E. LACEY  
Lancaster County Attorney

By: Kristy Mundt  
Kristy Mundt, #22699  
Deputy County Attorney  
Justice and Law Enforcement Center  
575 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508  
(402) 441-7321

CERTIFICATE OF SERVICE

I, Kristy Mundt, certify that a true and accurate copy of the above Response was sent, U.S. Mail, prepaid postage, to Plaintiff's attorney of record, Rebecca L. Gould, Nebraska Appleseed Center, 941 "O" Street, Suite 105, Lincoln, Nebraska 68508; this 18<sup>th</sup> day of November, 2003.

Kristy Mundt  
Kristy Mundt #22699  
Deputy County Attorney