

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

MOLLY KEITH,)
)
 Petitioner,)
)
 v.)
)
 NEBRASKA DEPARTMENT OF)
 HEALTH AND HUMAN SERVICES)
 and NANCY MONTANEZ, DIRECTOR,)
)
 Respondents.)

Case No. CI 03-119

ANSWER

The Respondents, Nebraska Department of Health and Human Services and Nancy Montanez, Director, by their attorneys Jon Bruning, Attorney General, and Douglas D Dexter, Assistant Attorney General, for their Answer to the Petition in this matter state as follows:

1 - 4. The Respondents admit paragraphs 1 through 4.

5 - 19. Paragraphs 5 through 19 consist of the Petitioner's characterization of the law. The Respondents neither admit nor deny paragraphs 5 through 19.

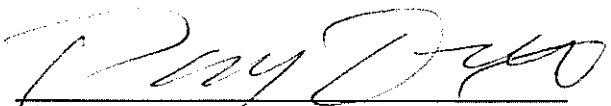
20 - 39. Paragraphs 20 through 39 consist of allegations of fact which may be considered by the court only insomuch as the facts alleged therein are established in the administrative record. The Respondents neither admit nor deny paragraphs 20 through 39.

40 - 42. The Respondents deny paragraphs 40 through 42.

WHEREFORE the Respondents respectfully request that the Court dismiss the Petition at the Petitioner's cost.

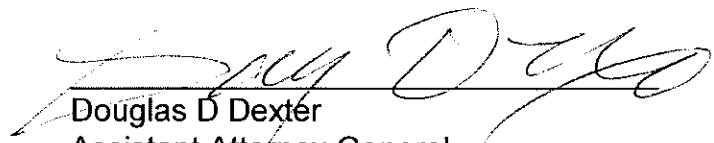
NEBRASKA DEPARTMENT OF HEALTH AND
HUMAN SERVICES and NANCY MONTANEZ,
Defendants.

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Answer was served on the parties herein by United States Mail, first class postage prepaid, on this 5th day of October, 2004, addressed to Rebecca L. Gould, 941 "O" Street, Suite 105, Lincoln, NE 68508.


Douglas D Dexter
Assistant Attorney General