

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

LAURA VIRGL, )

Plaintiff, )

v. )

DANETTE SMITH, in her official capacity as )  
CHIEF EXECUTIVE OFFICER OF THE )  
DEPARTMENT OF HEALTH AND HUMAN )  
SERVICES; JASON JACKSON, in his official )  
capacity as DIRECTOR OF THE )  
DEPARTMENT OF ADMINISTRATIVE )  
SERVICES; MATT WALLEN, in his official )  
capacity as DIRECTOR OF THE DIVISION )  
OF CHILDREN AND FAMILY SERVICES; )  
SAINT FRANCIS COMMUNITY SERVICES )  
IN NEBRASKA, INC., and NEBRASKA )  
FAMILIES COLLABORATIVE doing business )  
as "PromiseShip," )

Defendants. )

CASE NO. \_\_\_\_\_

**COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF  
AND PRAECIPE**

COMES NOW the Plaintiff, Laura Virgl, by and through her attorneys of record, and alleges the following:

**PRELIMINARY STATEMENT**

1. Plaintiff challenges Neb. Rev. Stat. § 68-1212(2) on the grounds that it constitutes special legislation in violation of the Nebraska Constitution, Article III, Section 18.
2. Plaintiff alleges that Neb. Rev. Stat. § 68-1212(2) creates a special class of persons

consisting of children and families receiving child welfare services in Douglas and Sarpy County, otherwise known as the Eastern Service Area, and grants them the special right, power, and opportunity to be served by a privatized child welfare case management system, unique from all other counties within the state, without an identified adequate inherent, relevant, or still existing, substantial difference of circumstances in Douglas and Sarpy County, as compared to all other counties in the State, justifying the special power granted to them by Neb. Rev. Stat. § 68-1212(2).

3. It is clear that statutes are inferior to the state Constitution, which “represents the supreme written will of the people regarding the framework for their government,” and as such, all statutes and acts of our State and its representatives pursuant to statutes are subject to the limitations found within it. *State ex rel. Johnson v. Gale*, 273 Neb. 889, 896 (2007).
4. Neb. Const. Art. III, § 18 declares a general prohibition on special legislation, providing, in relevant part, “[t]he Legislature shall not pass local or special laws in any of the following cases, that is to say...Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise.”
5. The Nebraska Supreme Court has interpreted privilege, in the context of special legislation, to mean a “right, power, franchise, immunity or privilege granted to, or vested in, a person or class of persons to the exclusion of others.” *City of Plattsmouth v. Nebraska Tel. Co.*, 80 Neb. 460, 464 (1908).
6. In interpreting Neb. Const. Art. III, § 18, the Nebraska Supreme Court has stated that our constitution’s prohibition on special legislation “aims to prevent legislation that

arbitrarily benefits a special class,” and legislation that “creates an arbitrary and unreasonable method of classification.” *J.M. v. Hobbs*, 288 Neb. 546, 557 (2014).

7. While “[t]he Legislature has broad discretion to make statutory classifications, [] its discretion is not unlimited. The Nebraska Constitution prohibits it from making arbitrary classifications that favor select persons or objects while excluding others that are not substantially different in circumstance in relation to an act’s purpose.” *J.M. v. Hobbs*, 288 Neb. 546, 560 (2014).
8. Specifically, the Nebraska Supreme Court has stated that when “the [L]egislature confers privileges on a class arbitrarily selected from many who are standing in the same relation to the privileges, without reasonable distinction or substantial difference, then the statute in question has resulted in the kind of improper discrimination prohibited by the Nebraska Constitution. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference. The question is always whether the things or persons classified by the act form by themselves a proper and legitimate class concerning the purpose of the act. A legislative body’s distinctive treatment of a class is proper if the class has some reasonable distinction from other subjects of a like general character. And that distinction must bear some reasonable relation to the legitimate objectives and purposes of the legislative act.” *Big John’s Billiards, Inc. v. State*, 288 Neb. 938, 944-45 (2014).
9. “To be valid, a legislative classification must rest upon some reason of public policy, some substantial difference in circumstances, which would naturally suggest the justice

or expediency of diverse legislation regarding the objects to be classified.” *J.M. v. Hobbs*, 288 Neb. 546, 557 (2014).

10. The Nebraska Supreme Court has directed courts to focus their special legislation analysis “on a legislative body’s purpose in creating a challenged class and asks if there is a substantial difference of circumstances to suggest the expediency of diverse legislation.” *J.M. v. Hobbs*, 288 Neb. 546, 557 (2014).
11. It has explained that “[g]enerally, outside of the plain language used in legislation, a legislative body’s purpose or intent in enacting legislation is determined through an examination of the legislative history of a particular enactment...defined as ‘[t]he background and events *leading* to the enactment of a statute, including hearings, committee reports, and floor debates.’ We see a distinction between legislative history made contemporaneously with the passage of legislation and statements made subsequently to the passage of legislation. In discussing the latter, the U.S. Supreme Court has noted that ‘postenactment views’ form a hazardous basis for inferring the intent’ behind a statute.” *Hug v. City of Omaha*, 275 Neb. 820, 824-25 (2008) (*citing United States v. Monsanto*, 491 U.S. 600, 610 (1989) (emphasis added)).
12. Neb. Rev. Stat. § 68-1212 states that “(1) for all cases in which a court has awarded a juvenile to the care of the Department...the case manager shall be an employee of the department,” but “(2) [t]he department may contract with a lead agency for a case management lead agency model pilot project in the department’s eastern service area.”

13. Plaintiff asserts that Neb. Rev. Stat. § 68-1212(2) cannot remain law, or be enforced, as it constitutes special legislation in violation of the Nebraska Constitution, and thus all expenditures of public funds pursuant to it, are unlawful.
14. Neb. Rev. Stat. § 68-1212(1) sets the statutory default as an absolute prohibition on the Department's authority to enter into contracts for privatized case management services across the state, declaring that for *all* child welfare case, case managers "shall be employees of the department." However, § 68-1212(2) grants a class of persons, "the eastern service area," or those receiving child welfare services in Douglas and Sarpy County, the unique right, power, and opportunity to be served by a privatized child welfare case management system, unique from all other counties within the state, without presentation of an adequate inherent, relevant, or still existing, substantial difference, justifying the distinctive treatment of those families in Douglas and Sarpy County. Without demonstration of an actual substantial difference between the classes of persons, § 68-1212(2) creates an unreasonable and arbitrary classification, and unjustified special treatment.
15. Plaintiff asserts that even if Defendants identified a non-illusory difference justifying the special treatment for families being served in Douglas and Sarpy County, that difference was not substantial, and no longer relevant or existing.
16. Moreover, even if Defendants identified a non-illusory, substantial difference justifying the exclusive grant of power to receive privatized case management services in Douglas and Sarpy County, it has not been demonstrated that the alleged difference bears some reasonable relation to the legitimate objective and purposes of § 68-1212(2) and its

surrounding, related statutes, enacted simultaneously with § 68-1212(2). *See* Neb. Rev. Stat. §§ 68-1211 to 68-1213.

17. Plaintiff asserts that Defendants are engaging in an illegal expenditure of taxpayer funds by spending public funds in furtherance of contracts sought out, entered into, and executed pursuant to Neb. Rev. Stat. § 68-1212(2), or unconstitutional special legislation.

18. Plaintiff seeks a declaratory judgment, declaring Neb. Rev. Stat. § 68-1212(2) to be unconstitutional special legislation, and thus null and void, and that any public funds expended pursuant to it, including in furtherance of active or future contracts, are unlawful.

19. Plaintiff also seeks a permanent injunction, prohibiting the Defendants from expending public funds pursuant to Neb. Rev. Stat. § 68-1212(2), including in furtherance of active or future contracts entered into pursuant to Neb. Rev. Stat. § 68-1212(2).

### **PARTIES**

20. Plaintiff Laura Virgl, is a Lancaster County, Nebraska citizen, resident, taxpayer, and elector. Ms. Virgl pays required state and federal taxes and is interested in the disbursement of funds from the state treasury, and the expenditure of public funds pursuant to laws adopted and executed in accordance with constitutional mandates. Additionally, as an educator and adoptee, Ms. Virgl interacts with youth in Nebraska's foster care and adoptive systems, advocates for a just child welfare system, and is interested in the equal treatment of all persons interacting with Nebraska's foster care system, across the state.

21. Defendant Danette Smith is the Chief Executive Officer of the Nebraska Department of Health and Human Services (hereinafter the “Department”), which has general supervisory powers and control over all matters relating to public health. Neb. Rev. Stat. § 81-601. As the Chief Executive Officer, Ms. Smith is responsible for overseeing all Department functions and their operation consistent with state and federal law. Ms. Smith is sued in her official capacity.
22. Defendant Jason Jackson is the Director of the Nebraska Department of Administrative Services (hereinafter “DAS”), and as such, is responsible for the procurement, approval, and disapproval of all contracts for personal services between the State of Nebraska and private entities. Neb. Rev. Stat. § 73-301. Mr. Jackson is sued in his official capacity.
23. Defendant Matt Wallen is the Director of the Division of Children and Family Services of the Nebraska Department of Health and Human Services (hereinafter “CFS”) and as such, is responsible for the day-to-day administration of Nebraska’s child welfare system consistent with state and federal law. Neb. Rev. Stat. § 81-3116. Mr. Wallen is sued in his official capacity.
24. Defendant Nebraska Families Collaborative, doing business as “PromiseShip” (hereinafter “PromiseShip”), is a private entity that is currently under contract to act as the lead agency providing privatized child welfare case management services to Douglas and Sarpy County until December 31<sup>st</sup>, 2019, pursuant to Neb. Rev. Stat. § 68-1212(2).
25. Defendant Saint Francis Community Services in Nebraska, Inc. (hereinafter “Saint Francis”) is a private entity that has been awarded a contract to act as the lead agency

providing privatized child welfare case management services to Douglas and Sarpy County, beginning January 1<sup>st</sup>, 2020, pursuant to Neb. Rev. Stat. § 68-1212(2).

26. Defendants Smith and Wallen have offices at the Nebraska Department of Health and Human Services, 301 Centennial Mall South, Lincoln, Nebraska 68508, and can be reached by mail at P.O. Box 95026, Lincoln, NE, 68509-5026.
27. Defendant Jackson's office is at the Nebraska Department of Administrative Services, 1526 K Street, Suite 250, Lincoln, Nebraska 68508.
28. Defendant PromiseShip has its principal office in Omaha, Nebraska, but as a registered Nebraska corporation, may be reached by mail through its registered agent at C T Corporation System, 5601 South 59<sup>th</sup> Street, Lincoln, NE 68516.
29. Defendant Saint Francis has its principal office in Salina, Kansas, but as a registered Nebraska corporation, may be reached by mail through its registered agent at C T Corporation System, 5601 South 59<sup>th</sup> Street, Lincoln, NE 68516.

### **JURISDICTION AND VENUE**

30. This Court has subject matter jurisdiction over this action for declaratory judgment pursuant to Neb. Rev. Stat. § 24-302, granting Nebraska District Courts with general, original, and appellate jurisdiction in all matters, both civil and criminal.
31. This Court also has subject matter jurisdiction for this action for declaratory judgment pursuant to Neb. Rev. Stat. §§ 25-21,149 *et seq.*, to determine and declare the validity of a legislative enactment and Nebraska statute.
32. An actual case or controversy exists and arises following an enactment by the Legislature, like Neb. Rev. Stat. § 68-1212(2). Neb. Rev. Stat. § 25-21,150.



33. The Plaintiff also seeks a permanent injunction against the Defendants, pursuant to Neb. Rev. Stat. § 25-1062 *et seq.*

34. Venue is proper in Lancaster County District Court pursuant to Neb. Rev. Stat. § 25-403.01 as all defendants reside, may be served, and are present in Lancaster County, Nebraska. Moreover, the claims contained herein arose from actions taken within Lancaster County, Nebraska.

### **FACTUAL ALLEGATIONS**

35. In 2009, the State of Nebraska elected to outsource and privatize all child welfare case management services across the state, contracting with five private entities to manage the Department's child welfare caseloads. Over the next few years, the majority of the private entities had to cease performance of their contracts due to inadequate funding, unexpected costs, and bankruptcy filings.

36. In response, the Nebraska Legislature enacted Legislative Bill 961 (hereinafter "L.B. 961") in 2012, consisting, in relevant part, of legislative findings related to child welfare privatization. The Legislature found that the State "has the legal responsibility for children in its custody and accordingly should maintain the decision[-]making authority inherent in direct case management of child welfare services." Neb. Rev. Stat. § 68-1211(1).

37. The Legislature found that "[p]rivatization of case management of child welfare services can and has resulted in dependence on one or more private entities for the provision of an essential specialized service that is extremely difficult to replace. As a result, the risk of a private entity abandoning the contract, either voluntarily or involuntarily, creates a very

high risk to the child welfare system, including essential child welfare services.” Neb. Rev. Stat. § 68-1211(6).

38. The Legislature additionally found that, “[p]rivatization of case management and of child welfare services has resulted in issues relating to...stability within the child welfare system that adversely affect outcomes and permanency for children and families...” Neb. Rev. Stat. § 68-1211(8).

39. Together, the legislative findings concluded that case management is the responsibility of the State, should remain with the State, and that privatization is inherently unstable.

40. As a result of the Legislature’s findings, L.B. 961 generally prohibited the outsourcing and privatization of child welfare case management services throughout the state, stating that “for *all* cases in which a court has awarded a juvenile to the care of the Department...and for any noncourt and voluntary cases, the case manager shall be an employee of the department.” Neb. Rev. Stat. § 68-1212(1) (emphasis added).

41. Despite this prohibition on privatization, L.B. 961 went on to carve out one exception, granting families being served in Douglas and Sarpy Counties the special and exclusive right, power, and opportunity to continue to explore the privatization of its child welfare case management services through a “lead agency model pilot project.” Neb. Rev. Stat. § 68-1212(2).

42. L.B. 961 did not identify a difference between Douglas and Sarpy County and all other counties within the state, that is substantial enough to justify the classification, special treatment, and grant of an exclusive opportunity.

43. L.B. 961 did not identify any inherent differences between the class of persons, or the families being served by the child welfare system in Douglas and Sarpy County, as compared to families in all other counties in the State, that is substantial enough to justify the classification.
44. Even if L.B. 961 identified a substantial difference between Douglas and Sarpy County and all other counties within the State, or the families served within those counties, L.B. 961 did not identify a difference that bore some reasonable relation to the legitimate objective and purpose of L.B. 961, which generally banned privatization.
45. Statements made by members of the Legislature during the course of the enactment of L.B. 961 demonstrate that its reasoning for allowing Douglas and Sarpy County to continue to privatize its child welfare caseloads was twofold. First, the contractors in these counties had not yet failed or abandoned their contracts, meaning at least one contractor, PromiseShip or Nebraska Families Collaborative at the time, was “in place” there and willing to continue when L.B. 961 was enacted. L.B. 961, 102nd Neb. Leg. Sess., Floor Deb., 95 (Feb. 28, 2012) (statement of Sen. Bob Krist); L.B. 961, 102nd Neb. Leg. Sess., Floor Deb., 31 (Mar. 7, 2012) (statement of Sen. Kathy Campbell). Second, because the contract had not failed and PromiseShip was continuing to manage their caseloads, the Legislature wanted to “allow the pilot program to continue under a given contract rather than causing more disruption” to families who would have to transition case management, even though “case management should indeed fall back to the state.” L.B. 961, 102nd Neb. Leg. Sess., Floor Deb., 8 (Feb. 29, 2012) (statement of Sen. Bob Krist).

46. The “given contract” with PromiseShip in place at the time of the enactment of L.B. 961 expired on June 30<sup>th</sup>, 2014.
47. Since 2012, Neb. Rev. Stat. § 68-1212 has been amended twice. First, in 2014 when the Legislature enacted Legislative Bill 660, (hereinafter “L.B. 660”), and again in 2019, when the Legislature enacted Legislative Bill 600, (hereinafter “L.B. 600”).
48. L.B. 660 amended § 68-1212(3), adding the language, in relevant part, “Before June 30, 2014, the department may extend the contract for the pilot project described in [§ 68-1212(2)],” permitting one additional contract extension for the continued use of privatized case management services in Douglas and Sarpy County. L.B. 660, 103rd Leg. Sess. (Neb. 2014). The legislative history of L.B. 660 shows the Legislature wanted to avoid instability and inconsistency for families through a transition in case management. *Hearing on L.B. 660 Before the Neb. Health & Hum. Servs. Comm.*, 103rd Neb. Leg. Sess. 29 (Jan. 22, 2014) (statement of Sen. Bob Krist); L.B. 660, 103rd Neb. Leg. Sess., Floor Deb., 129, 133 (Mar. 12, 2014) (statement of Sen. Bob Krist).
49. L.B. 600 again amended § 68-1212(3) removing the relevant language L.B. 660 added, effectively allowing the privatized case management pilot project to extend indefinitely, without discussion, debate, or justifications provided.
50. Since the State’s initial contract with PromiseShip expired in June 2014, it has executed three additional contracts with PromiseShip to manage the Douglas and Sarpy County child welfare caseloads, with two of those contracts being awarded as the result of a competitive bidding process, all pursuant to Neb. Rev. Stat. § 68-1212(2).

51. While PromiseShip happened to be the successful bidder in the previous competitive bidding process, if it had lost, a disruption and transition in case management would have occurred.
52. In fact, as a result of the most recent competitive bidding process for the Douglas and Sarpy County case management contract, PromiseShip lost, with Defendant Saint Francis being awarded the contract, resulting in a disruption and transition in case management, beginning January 1, 2020, pursuant to Neb. Rev. Stat. § 68-1212(2).
53. As PromiseShip will cease its contractual obligations to provide case management services in Douglas and Sarpy County in 2020, it being “in place” in those counties can no longer justify the continuance of privatization.
54. Saint Francis, a Kansas based entity, was not “in place” in Douglas or Sarpy County at the time it was awarded the contract.
55. While Saint Francis could have the opportunity to be a successful bidder in the next competitive bidding process, it could choose to not compete or lose, inciting a disruption and transition in case management, as would any future incumbent contractor that lost a competitive bidding process in Douglas and Sarpy County, due to the nature of competitive bidding processes for time limited contracts.
56. While the legislative history of Neb. Rev. Stat. § 68-1212(2) demonstrates that its justification was to allow the current contract with PromiseShip to continue and to avoid disruptions, instability, and transitions in case management, §§ 68-1211(6) and (8) found privatization to be inherently unstable, PromiseShip will no longer manage the caseloads

at issue in 2020, and a disruption and transition in case management is set to take place in 2020, and potentially again at the termination of every future contract for privatization.

57. The purposes of L.B. 961 and L.B. 660 do not support the continued special classification and treatment for Douglas and Sarpy County.
58. The Legislature did not provide any additional reasons in support of continuing to treat Douglas and Sarpy County specially, when it allowed privatization to continue in perpetuity through the passage of L.B. 600, effective July 1, 2019.
59. In the context of special legislation analysis, courts are to look to legislative rationales that are legitimate, real, and not illusory, and actually considered by the legislative body, rather than to allow litigants to justify the actions of the Legislature after the fact. *Hug v. City of Omaha*, 275 Neb. 820, 824-25; *J.M. v. Hobbs*, 288 Neb. 546, 557-58 (2014).
60. Plaintiff alleges that because the Legislature failed to provide any reasons, including an identifiable, or remaining, differences in Douglas and Sarpy County justifying the continued special treatment for Douglas and Sarpy County in L.B. 600, Neb. Rev. Stat. § 1212(2) contains an unreasonable and arbitrary classification, unjustified special treatment, and is unconstitutional special legislation in violation of Neb. Const. Art. III, § 18.
61. The State of Nebraska has and is currently expending funds on privatized case management services in furtherance of an active contract with PromiseShip, entered into pursuant to Neb. Rev. Stat. § 68-1212(2), which will expire December 31, 2019.
62. The State of Nebraska will expend funds on privatized case management services in furtherance of an active contract with Saint Francis, entered into pursuant to Neb. Rev.

Stat. § 68-1212(2), and is set to begin performance on January 1, 2020, through the next five years, with an optional two-year extension.

63. Defendants have and will expend public time and money to transition and prepare to transition case management services from PromiseShip to Saint Francis on January 1, 2020.

64. On August 26th, 2019, Attorneys for the Plaintiff mailed each of the Defendants a demand to immediately cease their unlawful expenditure and/or receipt of public funds for the provision of privatized case management services in Douglas and Sarpy County, with a request to respond within seven calendar days.

65. Attorneys for the Plaintiff did not receive a response from any Defendants sufficient to show they ceased the unlawful expenditure and/or receipt of public funds.

**NO ADEQUATE REMEDY AT LAW, A MATTER OF GREAT PUBLIC CONCERN,**

**AND IRREPARABLE INJURY**

66. The Plaintiff has established rights that are not to be burdened and damaged by the execution of unconstitutional expenditures of public funds, spent in furtherance of contracts entered into pursuant to unconstitutional legislation. This unlawful expenditure is permitted by the challenged statute and implemented by Defendants.

67. The Defendants are currently and/or will be expending or receiving public funds for privatized case management services in Douglas and Sarpy County pursuant to executed contracts between the State and PromiseShip and the State and Saint Francis, each entered into pursuant to unconstitutional legislation.

68. There is no adequate remedy at law but for an action for declaratory judgment by a taxpayer to challenge this illegal expenditure of public funds. The families served by the child welfare system across the state, and their appointed juvenile court attorneys representing them as to the allegations filed against them in their individual juvenile court cases, have no ability or incentive to litigate the constitutionality of the structure of privatized case management.
69. This matter would otherwise go unchallenged as the families interacting with the child welfare system through the juvenile court rightfully prioritize reunification with their families and fear retaliation or potential negative impacts on their active cases, should they, personally, challenge the very state actors who have control over their access to services needed to achieve reunification.
70. Additionally, the contracting entities have no incentive to litigate this matter as they are all direct beneficiaries of privatized case management in Douglas and Sarpy County.
71. Plaintiff alleges a matter of great public concern as the continued existence of Neb. Rev. Stat. § 68-1212(2), in which the Legislature granted the Executive Branch the power to contract out for one of the State's most fundamental responsibilities, without adequate justification, undermines the fundamental limitations on the government's powers, and the distribution of those powers, set forth in the Nebraska Constitution. The State's *parens patriae* power and responsibility to care for the children entrusted to and needing its care is one of the State's most foundational and fundamental responsibilities. That such a fundamental governmental power and responsibility is handled justly, equally, and constitutionally is a matter of great public interest. Moreover, as the Eastern Service Area



is responsible for forty percent of all state child welfare cases, the Defendants' constitutional spending of public time and money to care for a significant number of children entrusted to the state's care is a public interest so great, as to amount to a great public concern.

72. Plaintiff is not asking Defendants to expend additional public funds in the future. Rather, Plaintiff is requesting this Court enjoin Defendants from unlawfully expending public funds in furtherance of contracts entered into pursuant to unconstitutional legislation, and to nullify Neb. Rev. Stat. § 68-1212(2), both actions directing child welfare case management back to the State until further legislative action. The public funds for case management services in Douglas and Sarpy County were already being spent and directed to be spent on active contracts with PromiseShip and Saint Francis.

73. Finally, permanent injunctive relief against the Defendants is sought pursuant to Neb. Rev. Stat. § 25-1062. If Defendants are permitted to continue to expend and receive public funds unconstitutionally, in furtherance of contracts entered into pursuant to Neb. Rev. Stat. § 68-1212(2), the harm is great and irreparable.

### **PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff respectfully requests that the Court:

- A. Render a Declaratory Judgment, declaring that Neb. Rev. Stat. § 68-1212(2) is unconstitutional special legislation in violation of Neb. Const. Art. III, § 18, and as a result, is null and void.
- B. Render a Declaratory Judgment, declaring all public funds expended pursuant to Neb. Rev. Stat. § 68-1212(2), including in furtherance of any active and future contracts

executed pursuant to it, are unlawful, and that all active and future contracts executed pursuant to § 68-1212(2) are null and void.

- C. Enjoin Defendants from taking any further actions to implement all active and future contracts executed pursuant to Neb. Rev. Stat. § 68-1212(2), including the contract entered into with Saint Francis Ministries, to take effect on January 1<sup>st</sup>, 2020.
- D. Enjoin Defendants from any future unlawful expenditure of public funds pursuant to Neb. Rev. Stat. § 68-1212(2).
- E. Award such other and further relief as the Court finds just, equitable, and proper.

DATED this 3rd day of September, 2019.

Laura Virgl,

By her attorneys.



---

Allison Derr, #26560  
Sarah Helvey, #23410  
Robert McEwen, #24817  
Nebraska Appleseed Center for Law  
In the Public Interest  
941 "O" Street, Suite 920  
Lincoln, NE 68508  
Phone: (402) 438-8853  
Fax: (402) 438-0263  
aderr@neappleseed.org  
shelvey@neappleseed.org  
rmcewen@neappleseed.org

*Attorneys for Plaintiff.*

**PRAECIPE**

**TO THE CLERK OF THE DISTRICT COURT OF LANCASTER COUNTY**

Please prepare a Summons in the above captioned matter to be separately served by Plaintiff's attorney via certified mail upon the following Defendants in their official capacities: Danette Smith, as Chief Executive Officer of the Nebraska Department of Health and Human Services, Jason Jackson, as Director of the Nebraska Department of Administrative Services, and Matt Wallen, as Director of the Division of Children and Family Services of the Nebraska Department of Health and Human Services, each of whom can be served at the office of the Nebraska Attorney General, 345 State Capitol, Lincoln, NE 68509, during usual business hours. In addition, please prepare a Summons in the above captioned matter to be separately served by certified mail by Plaintiff's attorney via certified mail upon Defendants Saint Francis Community Services in Nebraska Inc., and Nebraska Families Collaborative, doing business as "PromiseShip," at the address of each of their registered agents, both at C T Corporation System, 5601 S. 59<sup>th</sup> Street, Lincoln, NE 68516.

In addition to service of this summons, the Plaintiff will serve copies of the following:

1. Complaint for Declaratory and Injunctive Relief and Praecipe;

DATED this 3rd day of September, 2019.

BY:



NEBRASKA APPLESEED CENTER FOR  
LAW IN THE PUBLIC INTEREST

Allison Derr, #26560

Sarah Helvey, #23410

Robert McEwen, #24817

Nebraska Appleseed Center for Law

In the Public Interest  
941 "O" Street, Suite 920  
Lincoln, NE 68508  
Phone: (402) 438-8853  
Fax: (402) 438-0263  
aderr@neappleseed.org  
shelvey@neappleseed.org  
rmcewen@neappleseed.org

*Attorneys for Plaintiff*