

IN THE DISTRICT COURT OF CASS COUNTY, NEBRASKA

BRANDY JORDAN,
Petitioner,

Case No. CI 24-79

v.

**VILLAGE OF ALVO &
AMANDA SHINKLE, in
Her Official Capacity as
Village of Alvo Clerk
Defendants.**

**DEFENDANTS'
RESPONSIVE PLEADING
to PETITIONER'S AMENDED
VERIFIED PETITION for
MANDAMUS**

Defendants Village of Alvo (“Alvo”) and Amanda Shinkle (“Shinkle”), in her official capacity as clerk of the Village of Alvo (“Alvo”) (collectively “Defendants”), in response to the Plaintiff’s April 22, 2024, First Amended Alternative Writ of Mandamus (“Mandamus”), hereby submit the following:

**ANSWER TO PETITIONER'S ALLEGATIONS IN HER
VERIFIED PETITION FOR MANDAMUS**

1. Pursuant to Neb. Rules of Plead. § 6-1108, Defendants generally deny all the claims in the Plaintiff's First Amended Complaint, except those that constitute an admission against Plaintiff.

AFFIRMATIVE DEFENSES

Defendants submit the following separately and collectively operate to bar Petition from recovery.

1. Mootness and harmless error.
2. Failure to State a Claim Upon Which Relief Can Be Granted and/or Failure to State Facts Sufficient to Constitute a Cause of Action;
3. Estoppel, Laches, and/or Statute of Limitations;
4. License, Executive Discretion, and Sovereign Immunity;
5. Illegality; and,
6. Waiver.

CONCLUSION

WHEREFORE, for the good and sufficient reasons set forth herein, Defendants move this Court to set a progression order for the matter to move forward under the Nebraska Rules of Civil Procedure; at the conclusion, to award Defendants reasonable attorneys' fees in an amount as may be set forward by Defendants' counsel by affidavit; and, such additional relief as the Court determines just.

Respectfully submitted,

VILLAGE of ALVO & AMANDA SHINKLE,
in her official capacity, Defendants

By: /s/ Perry A. Pirsch
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Certificate of Service

I hereby certify that on Tuesday, May 07, 2024 I provided a true and correct copy of the Answer to the following:

Village of Alvo service method: Email

Jordan,Brandy, represented by CARTIER, JOHN D (Bar Number: 26307) service method: Electronic Service to johncartierlaw@gmail.com

Shinkle,Amanda, service method: Email

Signature: /s/ Pirsch,Perry,A. (Bar Number: 21525)