

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

BOARD OF REGENTS OF THE	)	CASE NO.: _____
UNIVERSITY OF NEBRASKA, and	)	
NEBRASKA MEDICINE, A Nebraska	)	
Nonprofit Corporation	)	
	)	
Plaintiffs,	)	
	)	COMPLAINT
vs.	)	
	)	
CRYSTAL CLEAR, INC., A South Dakota	)	
Corporation, d/b/a SQUEEGEE SQUAD,	)	
	)	
Defendant.	)	

COME NOW Plaintiffs, Board of Regents of the University of Nebraska (hereinafter “BOR”) and Nebraska Medicine (hereinafter collectively “Plaintiffs”), and for their claims against Defendant Crystal Clear, Inc., doing business as Squeegee Squad (hereinafter “Defendant”), state as follows:

**PARTIES, JURISDICTION, AND VENUE**

1. BOR is a state political entity organized and existing under the laws of the State of Nebraska. BOR owns the premises at issue herein in Omaha, Douglas County, Nebraska.
2. Nebraska Medicine is a Nebraska nonprofit corporation that leases the premises at issue herein in Omaha, Douglas County, Nebraska, from BOR.
3. Defendant is a South Dakota corporation.
4. Defendant has not obtained a certificate of authority under Neb. Rev. Stat. § 21-2,203 to conduct business in the State of Nebraska under the names of “Crystal Clear, Inc.,” or “Squeegee Squad.”
5. Defendant offers residential and commercial window, gutter, and light fixture cleaning in Omaha, Douglas County, Nebraska.

6. Defendant's website provides a business address for "Squeegee Squad" in Omaha, Douglas County, Nebraska.

7. Defendant's website provides a "Capabilities Brochure" naming Robert Baxter (hereinafter "Baxter") as the President of "Squeegee Squad." Baxter uses business cards in Nebraska naming himself as the President of "Squeegee Squad."

8. Defendant contracted with Kiewit Building Group, Inc., for the work of cleaning the exterior glazed surfaces of the Fred & Pamela Buffett Cancer Center on Plaintiffs' premises (hereinafter the "Buffett Cancer Center") located in Omaha, Douglas County, Nebraska.

9. Personal jurisdiction over Defendant is proper in Nebraska.

10. Venue is proper in Douglas County, Nebraska.

11. Under Neb. Rev. Stat. § 21-2,204(e), Defendant's failure to obtain a certificate of authority to transact business in Nebraska does not prevent Defendant from defending the present proceeding.

### **FACTUAL BACKGROUND**

12. On May 2, 2017, Defendant's employee, George McGinness, also known as Seoras Adhamhan MagAonghuis (hereinafter "McGinness"), was cleaning the exterior glazed surfaces at the Buffett Cancer Center.

13. While performing his work for Defendant, McGinness threw rocks at the windows of the Buffett Cancer Center and at a sculpture on the grounds of the Buffett Cancer Center designed by Jun Kaneko (the "Kaneko Sculpture").

14. From about 8:39 p.m. to about 9:23 p.m. on May 2, 2017, McGinness caused \$24,910.00 of damage to the Kaneko Sculpture and \$51,315.09 of damage to the windows and glass door of the Buffett Cancer Center by throwing rocks at the same.

15. On May 4, 2017, Baxter personally identified McGinness to Plaintiffs as an employee of Defendant and as the individual who caused the damage.

16. The State of Nebraska brought criminal charges against McGinness for the damage at the Buffett Cancer Center to the windows, glass door, and Kaneko Sculpture in Case No. CR 17-0001472.

17. The following information regarding McGinness's criminal history in Nebraska is publically available:

a. Case No. CR 17-0006077: McGinness pled guilty to misdemeanor driving under suspension. Date of Incident: February 12, 2017.

b. Case No. CR 16-0009685: McGinness pled guilty to misdemeanor shoplifting. Date of Incident: April 9, 2016.

c. Case No. CR 15-0001457: McGinness pled guilty to felony possession of a controlled substance. Date of Incident: May 30, 2015.

d. Case No. CR 12-0001139: McGinness pled guilty to misdemeanor false reporting. Date of Incident: June 13, 2012.

e. Case No. CR 11-0000118: McGinness pled guilty to misdemeanor shoplifting. Date of Incident: January 23, 2011.

f. Case No. CR 06-0023081: McGinness pled guilty to entering a park during closed hours. Date of Incident: November 6, 2006.

g. Case No. CR 06-0000884: McGinness pled no contest to felony possession of a controlled substance. Date of Incident: August 17, 2006.

h. Case No. CR 06-0015425: McGinness pled guilty to misdemeanor trespass. Date of Incident: July 16, 2006.

i. Case No. CR 05-0000888: McGinness pled no contest to felony burglary and aiding and abetting. Date of Incident: September 24, 2005.

j. Case No. CR 05-0016689: McGinness pled no contest to misdemeanor possession of stolen property. Date of Incident: August 22, 2005.

k. Case No. CR 99-0000010: McGinness pled no contest to two counts of felony arson. Date of Incident: April 7, 1999.

l. Case No. CR 98-0000589: McGinness pled guilty to felony assault. Date of Incident: December 5, 1998.

m. Case No. CR 98-0015700: McGinness pled guilty to misdemeanor disturbing the peace. Date of Incident: October 17, 1998.

n. Case No. CR 98-0015117: McGinness pled guilty to misdemeanor injury or destruction of property. Date of Incident: October 16, 1998.

o. Case No. CR 98-0015119: McGinness pled guilty to misdemeanor bodily injury or assault. Date of Incident: October 16, 1998.

p. Case No. CR 99-0000331: McGinness pled guilty to felony unlawful use of a vehicle. Date of Incident: September 26, 1998.

q. Case No. CR 98-0010751: McGinness pled guilty to misdemeanor stealing. Date of Incident: May 8, 1998.

18. In addition to the criminal history stated in the foregoing paragraph, McGinness was the subject of a publically-available protective order in Case No. CI 15-0004993, filed June 5, 2015. In this protective order, McGinness's spouse alleged that McGinness physically injured her and that McGinness set fire to a vehicle outside their home.

19. Defendant, as a part of its online employment application, requires each applicant to authorize Defendant to obtain information about the applicant's background from law enforcement agencies.

20. McGinness's offences, including but not limited to trespass, taking of property, and destruction of and damage to property, were tortious in nature.

### **NEGLIGENCE**

21. Plaintiffs incorporate the foregoing paragraphs as if fully set forth herein.

22. Defendant is subject to liability for the physical harm to Plaintiffs' property caused by Defendant's failure to exercise reasonable care in hiring McGinness.

23. Defendant is subject to liability for the physical harm to Plaintiffs' property caused by Defendant's failure to exercise reasonable care in supervising McGinness.

24. Defendant is subject to liability for the physical harm to Plaintiffs' property caused by Defendant's failure to exercise reasonable care in retaining McGinness as an employee.

25. Defendant has the obligation use reasonable care in hiring its employees.

26. Defendant has the obligation use reasonable care in supervising its employees.

27. Defendant has the obligation use reasonable care in retaining its employees.

28. A reasonably careful window washing company, particularly one that authorizes its employees to be present on the premises of its clients, would not hire an employee with an extensive criminal and legal history like that of McGinness.

29. The job for which McGinness was hired placed the property of Plaintiffs in a dangerous position by reason of Defendant's hiring of McGinness.

30. A reasonably careful window washing company, particularly one that authorizes its employees to be present on the premises of its clients, would properly supervise an employee with an extensive criminal and legal history like that of McGinness.

31. A reasonably careful window washing company, particularly one that authorizes its employees to be present on the premises of its clients, would not retain an employee with an extensive criminal and legal history like that of McGinness.

32. Defendant breached its duty to exercise reasonable care by hiring McGinness as an employee.

33. Defendant breached its duty to exercise reasonable care by failing to supervise McGinness.

34. Defendant breached its duty to exercise reasonable care by retaining McGinness as an employee.

35. Defendant's negligence in hiring McGinness as an employee was the proximate cause of physical harm to the Kaneko Sculpture and to the windows and glass door of the Buffett Cancer Center.

36. Defendant's negligence in supervising McGinness was the proximate cause of physical harm to the Kaneko Sculpture and to the windows and glass door of the Buffett Cancer Center.

37. Defendant's negligence in retaining McGinness as an employee was the proximate cause of physical harm to the Kaneko Sculpture and to the windows and glass door of the Buffett Cancer Center.

38. As a direct and proximate result of Defendant's negligence as alleged *supra*, Plaintiffs have been damaged in the amount of \$76,225.09 for the repairs to the Kaneko Sculpture and to the windows and glass door of the Buffett Cancer Center.

WHEREFORE, Plaintiffs respectfully pray that this Court enter judgment in Plaintiffs' favor against Defendant in the amount necessary to repair the Kaneko Sculpture and the windows and glass door of the Buffett Cancer Center, plus prejudgment and post-judgment interest at the legal rate, for attorney fees and costs as allowed by law, and for such other and further relief as this Court deems just and appropriate.

DATED this 7th day of September, 2017.

BOARD OF REGENTS OF THE UNIVERSITY  
OF NEBRASKA, and NEBRASKA  
MEDICINE, Plaintiffs.

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Nonprofit Corporation )

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Corporation, d/b/a SQUEEGEE SQUAD, )

Defendant. )

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

PRAECIPE FOR SUMMONS

TO THE CLERK OF SAID COURT:

Please issue Summons with attached Complaint for service on Defendant Crystal Clear, Inc., d/b/a Squeegee Squad, by personal service by **SHERIFF** on the following officer of Defendant:

Bob Baxter, President  
Crystal Clear, Inc., d/b/a Squeegee Squad  
1623 N. 75th Ave.  
Omaha, Nebraska 68114

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