

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 OATH KEEPERS, an unregistered)
 foreign nonprofit corporation, and)
 E STEWART RHODES,)
)
 Defendants.)

CASE NO. CI 21- 4989

J

REGISTRATION OF JUDGMENT

COMES NOW the Plaintiff, State of Nebraska, and pursuant to Neb. Rev. Stat. § 48-188 hereby files and registers in the above action the May 20, 2021, Order of the Nebraska Workers' Compensation Court which Order is final and conclusive upon the parties. The certified Order is attached hereto, and incorporated herein marked as "Exhibit 1". Such Order, with this filing, shall have the same force and effect as a judgment of this Honorable Court and all proceedings in relation thereto shall hereafter be the same as though this Order had been rendered in a suit duly heard and determined by a Judge of this Court.

DATED this 28th day of December, 2021.

STATE OF NEBRASKA, PLAINTIFF

BY: DOUGLAS J. PETERSON, #18146
Attorney General

BY: Brenda S. Spilker
Brenda S. Spilker, #19605
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509-8920
Tel: 402.471.6516
brenda.spilker@nebraska.gov
Attorneys for Plaintiff

LANCASTER COUNTY
2021 DEC 28 AM 11:54
CLERK OF THE
DISTRICT COURT

12-28-21
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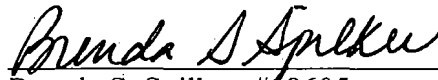
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing "Registration of Judgment" was sent by U.S. Mail, postage prepaid, on this 28th day of December, 2021, to the following recipients:

Oath Keepers
Silver State Legal
4625 West Nevso Drive, Suite 2&3
Las Vegas NV 89103

Oath Keepers
5130 S Fort Apache Rd, Suite 21
Las Vegas NV 89148

E. Steward Rhodes
421 US Highway 93 N #200
Eureka MT 59917



Brenda S. Spilker, #19605
Assistant Attorney General

IN THE NEBRASKA WORKERS' COMPENSATION COURT

STATE OF NEBRASKA,)
)
Plaintiff,)
)
vs.)
)
OATH KEEPERS, an unregistered)
foreign nonprofit corporation, and E)
STEWART RHODES,)
)
Defendants.)

DOC. 221 NO. 0292

ORDER

RECEIVED
AND FILED
MAY 20 2021
NEBRASKA WORKERS'
COMPENSATION COURT

This matter came before the Court on the 19th day of May, 2021, on the State of Nebraska's Motion for Order to Show Cause and the Court's Order for Defendants to Appear and Show Cause as to why they should not be held liable pursuant to Neb. Rev. Stat. § 48-145. The State of Nebraska was represented by Assistant Attorney General Amanda M. Phillips. No one appeared on behalf of Oath Keepers. No one appeared on behalf of E. Stewart Rhodes. The records show Defendants were properly served via Designated Delivery on March 17, 2021. (E10) The Court also waited approximately 10 minutes before starting the hearing to give Defendants additional time to appear.

Exhibits 1 through 11 were offered by the State of Nebraska and were received into evidence. The testimony of Angela McClelland, Nebraska Workers' Compensation Court Compliance Examiner, was heard. The matter was then taken under advisement. After hearing testimony, reviewing the evidence received by the Court, and considering the argument of the State of Nebraska, the Court, being fully advised on the premises, finds as follows:

1. The Defendant, Oath Keepers, is registered in Nevada as a domestic nonprofit corporation. However, Oath Keepers is not registered with the Nebraska Secretary of State and carries the status of an unregistered foreign nonprofit corporation. The address for Oath Keepers listed with the Nevada Secretary of State is 4625 West Nevso Drive, Suite 2 &3, Las Vegas, NV 891403. (E1) The address for Oath Keepers listed with The Nebraska Department of Labor and Hartford Accident and Indemnity is 5130 S. Fort Apache Rd., Las Vegas, NV 89148. (E2, E6)
2. Defendant E. Stewart Rhodes is the President of Oath Keepers and has the authority to secure its workers' compensation insurance. (E1)
3. Defendant Oath Keepers, is an employer as defined under Neb. Rev. Stat. §48-114 and is subject to the provisions of the Nebraska Workers' Compensation Act (hereinafter, the "Act").
4. Defendant Oath Keepers, policy of workers' compensation insurance was cancelled effective July 24, 2019. (E2)

5. On August 26, 2019 and September 9, 2019, the Administrator of the Nebraska Workers' Compensation Court, by and through Angela McClelland, Nebraska Workers' Compensation Court Compliance Examiner, mailed by certified mail return receipt to Oath Keepers a notification that its workers' compensation insurance coverage was terminated and requested information from Oath Keepers, all pursuant to the requirements as set forth in Neb. Rev. Stat. § 48-145.02. (E3)
6. The notifications, referenced in number 5 above, were both delivered by certified mail and the signed return receipts are shown in Exhibit 3.
7. On February 7, 2020, having no response from Defendants, Angela McClelland referred the matter to the Office of the Nebraska Attorney General. (E4)
8. The Administrator of the Nebraska Workers' Compensation Court and the State of Nebraska, by and through the Office of the Nebraska Attorney General, provided written notification to Defendants of failure to procure and provide proof of workers' compensation insurance. These notifications were dated April 28, 2020 and May 13, 2020. (E5)
9. That from July 2019 through March 2021, Oath Keepers employed one (1) person in Nebraska and paid a total of \$36,500.00 in wages. (E6, E7)
10. That on March 5, 2021, the Attorney General of the State of Nebraska filed a Motion for Order to Show Cause in the Nebraska Workers' Compensation Court seeking an Order directing Defendants to appear and show cause why they should not be penalized for failure to comply with Neb. Rev. Stat. § 48-145, et. seq., by not maintaining workers' compensation coverage and proof thereof. (E8)
11. The Nebraska Workers' Compensation Court entered an Order to Appear and Show Cause on March 16, 2021 setting the present matter for hearing on May 19, 2021 at 11:00 a.m. in Lincoln, Nebraska. (E9)
12. On March 17, 2021, Defendants were served with the March 16, 2021 Order to Appear and Show Cause, and Proof of Service is found in Exhibit 10. The costs incurred by Plaintiff in serving Defendants is \$49.01.
13. That Defendants, failed to appear in Lincoln, Lancaster County, Nebraska, at the hearing scheduled herein.
14. The Defendant, Oath Keepers failed to furnish the required report, including proof of coverage, within 10 days of the August 26, 2019 notice as set forth in number 5 above. The failure shall, and does, hereby constitute presumptive evidence that the delinquent employer, Oath Keepers, is violating § 48-145.01 of the "Act".
15. As President of Oath Keepers, E. Stewart Rhodes has the authority and responsibility to secure payment of compensation, including procurement of workers' compensation coverage, on behalf of the employer, and willfully failed to do so. Further, having failed to appear and show

cause, E. Stewart Rhodes failed to provide a reasonable or justifiable excuse for the lack of insurance leaving the Court no alternative but to find that he willfully failed to secure workers' compensation insurance. E. Stewart Rhodes is jointly, and severally liable with Oath Keepers for the monetary penalty set forth below.

16. From September 5, 2019, (10 days after the initial request from the Nebraska Workers' Compensation Court Administrator) until the date of hearing on May 19, 2021, 622 days have passed where the Defendants have not provided workers' compensation coverage for the Nebraska employee of Oath Keepers.
17. That the State of Nebraska incurred court costs and fees in connection with this hearing in the amount of \$49.01 for service of summons on Defendants and \$130.00 for court reporting services. (E14)

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Court that Defendants are subject to, and in violation of, the Nebraska Workers' Compensation Act, for failing to obtain and maintain workers' compensation insurance for a period of 622 days. A monetary penalty in the amount of \$15.00 per day, for a total of \$9,330.00, for the period of time from September 5, 2019, through May 19, 2021, is hereby assessed against the Defendant Oath Keepers and that E. Stewart Rhodes is jointly and severally liable with Oath Keepers for that amount. The Defendant, Oath Keepers, shall further pay court costs and fees in connection with these proceedings in the amount of \$179.01. Payment of the monetary penalty should be made via cashier's check or money order, made payable to the State of Nebraska, and delivered to counsel for the State of Nebraska, Amanda M. Phillips, and shall be remitted to the State Treasurer for distribution in accordance with Article VII, Section 5, of the Constitution of Nebraska.

FAILURE TO COMPLY WITH THE PROVISIONS OF NEB. REV. STAT. § 48-145 et, seq., MAY RESULT IN FURTHER SANCTIONS AS SET FORTH THEREIN

Dated at Lincoln, Lancaster County, Nebraska, on this 20th day of May, 2021.

NEBRASKA WORKERS' COMPENSATION COURT



A handwritten signature in black ink, appearing to read "Robert Bull", is written over a horizontal line.

JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Order was sent on this 20th day of May, 2021, addressed as shown below, to the following:

Amanda Phillips
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509

Oath Keepers
Silver State Legal
4625 West Nevso Drive, Suite 2&3
Las Vegas, NV, 89103

E. Stewart Rhodes
421 US Highway 93 N #200
Eureka, MT 59917



Clerk, Nebraska Workers' Compensation Court

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