

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

LARRY ROSSO and DBP, LLC dba)	
MID AMERICA FIRST CALL,)	Case No. CI _____
)	
)	
Plaintiff,)	
)	COMPLAINT
v.)	
)	
NICOLAS J. DOUGLAS and)	
DOUGLAS TRADE SERVICE &)	
CREMATORY, INC.,)	
)	
Defendant.)	
)	

COMES NOW the PlaintiffS, DBP, LLC, and Larry Rosso for there cause of action against the Defendants, Nicolas J. Douglas and Douglas Trade Service and Crematory, Inc., state and allege as follows:

PARTIES

1. Plaintiff, DBP, LLC is a limited liability company registered to do business in the State of Nebraska and located in Douglas County, Nebraska.
2. Plaintiff, Larry Rosso, is a resident of Douglas County, Nebraska.
3. Defendant, Nicolas J. Douglas, is a resident of Sarpy County, Nebraska.
4. Defendant, Douglas Trade Service & Crematory, Inc., is a Corporation organized in the State of Nebraska, registered to do business in the State of Nebraska, and its principal place of business is in Douglas County, Nebraska.

JURISDICTION

5. This Court has subject matter jurisdiction over this dispute pursuant to *Neb. Rev. Stat.* 24-302.
6. Venue is proper in this Court pursuant to *Neb. Rev. Stat.* §§ 25-403.01 as the transaction out of which Plaintiff's causes arose, or some part thereof, occurred in Douglas County, Nebraska.

BACKGROUND

7. Plaintiff and Defendant, Douglas Trade Service & Crematory, Inc. operate and compete in the field of crematory services in Douglas County, Nebraska and the surrounding areas.

8. Defendant, Nicolas J. Douglas, is the President of Douglas Trade Service and Crematory, Inc.

9. On October 6, 2023, a former employee of the Plaintiff was arrested off the clock in Sarpy County and the Warrantless Arrest Affidavit included charges of Burglary, Impersonating a Police Officer, Criminal Trespass, and Tampering with Physical Evidence, however, the Complaint filed on behalf of the State only cited one count of Criminal Attempt, Burglary.

10. On October 7, 2023, the Defendant, Nicolas J. Douglas sent a text message to several Funeral Directors in the Omaha area stating:

“I have a friend that’s on the Sarpy County Sheriff’s department called me last night.....Apparently they had a decomp housecall this past weekend and there was a sex doll in the apartment of the deceased. After removing the body, Ryan returned to the apartment and told the apartment manager to reopen the apartment so he could take swab samples for the sheriff’s department. The apartment manager let him in but called the sheriff’s department to confirm. The sheriff’s department caught Ryan Smith in the apartment having sex with the doll. He’s been arrested for impersonating an officer, breaking and entering and lude behavior.”

11. Over the next several days Defendant, Nicolas J. Douglas, sent this false information to news outlets including print, television, and funeral directors.

FIRST CAUSE OF ACTION

Defamation

12. Plaintiffs incorporate paragraph 1 through 11, as if completely set forth herein.

13. In making the representations through text, Defendant, Nicolas J. Douglas, has maliciously, with reckless disregard for the truth, defamed Plaintiff by accusing Plaintiff's former employee of engaging in unlawful and illicit conduct outlined above.

14. The Defendant, Nicolas J. Douglas, published the representations specifically in Douglas County, Nebraska and Sarpy County, Nebraska through text messaging to clients of the Plaintiff.

15. The Defendant's representations published by Defendant are per se defamatory, the plain meaning of which is to impute to Plaintiff the commission of a crime, render it contemptible in public estimation, and hinder virtuous persons from associating with the Plaintiff, and are therefore actionable upon themselves.

16. The Defendant, Nicolas J. Douglas', representations so published of and concerning Plaintiff as if Plaintiff was responsible and were not published with good motives and for justifiable ends and that the events described herein show actual malice and reckless disregard for the truth on the part of Defendants and an intent to destroy Plaintiff's business and livelihood.

17. That as a direct result of Defendant's defamation outlined above, Plaintiff has been damaged in the loss of its reputation and its business, emotional distress, humiliation and that Plaintiff has expended and will yet expend substantial sums to defend its name and reputation.

SECOND CAUSE OF ACTION

Intentional Infliction of Emotional Distress

18. Plaintiffs incorporates paragraph 1 through 17, as if completely set forth herein.

19. In making the Defendant's representations, Defendant's conduct was intentional and reckless.

20. The Defendant's conduct was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and is to be regarded as

atrocious and utterly intolerable in civilized community.

21. The Defendant's conduct caused Plaintiff, Larry Rosso, emotional distress so severe that no reasonable person should be expected to endure it.

22. The Defendant's conduct was a proximate cause of damage to Plaintiff, Larry Rosso, the nature and extent of which shall be determined at trial.

THIRD CAUSE OF ACTION

Tortious Interference in a Business Relationship or Expectancy

23. Plaintiffs incorporate paragraph 1 through 22, as if completely set forth herein.

24. Plaintiff, DBP, LLC had a valid business relationships with various clients in the funeral industry in Douglas County and Sarpy County, Nebraska.

25. Defendant knew of the valid business relationships between the funeral homes and clients of DBP, LLC.

26. Defendant, in making the representations, has interfered with Plaintiff's valid business relationships.

27. Defendant's interference is intentional and unjustified.

28. Defendant's actions are the direct and proximate cause of damage to Plaintiff, DBP, LLC, who is entitled to an award of damages, costs, and attorney's fees.

WHEREFORE, Plaintiffs, Larry Rosso and DBP, LLC, pray for the entry of judgment in their action against Defendants, Nicolas J. Douglas and Douglas Trade Service & Crematory, Inc., for special damages and general damages in an amount to be determined at trial, together with attorney's fees, prejudgment and post judgment interest, costs in connection with this action, and any further equitable relief this Court sees prudent.

Dated this 20th day of October, 2023

Larry Rosso and DBP,LLC,
Plaintiffs.

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