

about to sell a car that I think I have an interest in, and I know she is going to try to sell that car tomorrow and I want to go to court to get an order preventing her from selling that car. All this amendment says is that before going to court I have got to give her a telephone call or give her lawyer a telephone call and say, Jackie Smith, I am going to go to court at two-o'clock this afternoon to try to get an order preventing you from selling your car. Current Nebraska law which was written a long, long time ago is so "loosey-goosey", if I can use that terminology, that I can go to court to try to get an order restraining Jackie from selling her car without even attempting to let her know so she can come down and be heard. That is simply what the Vard Johnson language does. It puts into Nebraska statutes the requirement that you attempt to give notice to the other side before getting a temporary restraining order and it is an important reform, it is an important change. That language is modeled on the federal rules of civil procedure, the language applicable in federal court. We have drafted this language in conjunction with representatives of the Bar Association and it has been endorsed by the House of Delegates, point number one. Point number two, Senator Schmit in his handout makes a great deal about the divorce case, existing practice in divorce cases where people go and get restraining orders. That is true. It is current practice in divorce cases to get restraining orders and this bill, particularly when the Baack, Barrett, Hoagland amendments that have been distributed are adopted, will in no respect change existing divorce practice. So the basic thrust of Senator Schmit's argument is simply misplaced. If you will look at the bill right now, you will see that Section 13 provides, Section 13 on page 21 provides that this does not apply or affect a person's right to an injunction if such remedies are authorized elsewhere by statute, and injunctions and restraining orders are specifically authorized in the divorce statute. So when this was adopted, the intent was to exempt the divorce statutes so the rules would not be changed with respect to the divorce statutes. Now, there is some question that has been raised by some judges outstate as to whether we did that effectively, whether we did everything that we needed to do to accomplish that. So you will see in the handouts, the Barrett, Baack, Hoagland amendments, AM2627, we do, we put an additional section in, beginning on page 3, to make it absolutely clear that the existing practice in divorce cases will not be affected by this, and you can see the