

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Christopher Mathiesen v. Timothy P. Burns, Jeffrey J. Funke,
Stephanie F. Stacy, William B. Cassel, Jonathan J. Papik, Jason M.
Bergevin, John R. Freudenberg, Lindsey Miller-Lerman, and Ryan
Dougherty

Mathiesen · No. 8:25CV716 · Decided December 17, 2025

SUMMARY

The United States District Court for the District of Nebraska denied pro se plaintiff Christopher Mathiesen’s motion for a temporary restraining order seeking to prevent the dissolution, liquidation, or distribution of assets of Apostle Nursing Home Health Care, LLC. The court concluded that the record did not establish a need for ex parte relief or irreparable harm that could not be compensated through damages, and it considered the Dataphase factors and Federal Rule of Civil Procedure 65(b).

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Robert F. Rossiter, Jr.
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	December 17, 2025
DOCKET	8:25CV716
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff moved for a temporary restraining order seeking to enjoin the dissolution, liquidation, or distribution of assets of Apostle Nursing Home Health Care, LLC.
STANDARD OF REVIEW	A temporary restraining order is evaluated under the Dataphase factors: irreparable harm, balance of harms, likelihood of success on the merits, and the public interest. The movant bears the burden of establishing that the remedy is proper, and irreparable harm is required.
PRECEDENTIAL VALUE	Unknown

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QUESTIONS PRESENTED

1. Whether Mathiesen was entitled to a temporary restraining order under the Dataphase factors.
2. Whether the record established irreparable harm necessary for temporary injunctive relief.
3. Whether emergency ex parte relief was warranted under Federal Rule of Civil Procedure 65(b).

HOLDINGS

1. The court denied the motion for a temporary restraining order because Mathiesen did not establish the requirements for the remedy, including irreparable harm and a need for emergency ex parte relief.
2. Mathiesen failed to establish irreparable harm because the record did not show that his alleged injuries could not be fully compensated through damages.
3. The court denied ex parte temporary restraining order relief because the record did not establish the need for emergency relief or satisfy Rule 65(b)'s requirements.

KEY QUOTATIONS

“(1) the threat of irreparable harm to the movant; (2) the state of balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that movant will succeed on the merits; and (4) the public interest.” (at 1)

“The record in this case does not establish a need for ex parte relief, see id., nor does it establish that Mathiesen could not be “fully compensated for [his] injuries through an award of damages,” see Harry Brown’s, 563 F.3d at 319.” (at 2)

FACTUAL BACKGROUND

Mathiesen sought to prevent dissolution, liquidation, or distribution of assets of Apostle Nursing Home Health Care, LLC. He alleged that the state-court dissolution order was void because it improperly implicated bankruptcy and tax jurisdiction and claimed that dissolution would cause loss of his capital. The court found that the record did not establish a need for ex parte relief or injuries that could not be fully compensated by damages.

PROCEDURAL HISTORY

Mathiesen sought emergency injunctive relief in federal district court after losing a state-court case concerning the LLC. The Nebraska Supreme Court affirmed or otherwise ruled against him in *Kellogg v. Mathiesen*, and the Douglas County District Court had authorized dissolution. The federal court denied the motion for a temporary restraining order.

DISPOSITION

other

CASES CITED

- Kellogg v. Mathiesen, 26 N.W.3d 651 (Neb. 2025)
- Dataphase Systems, Inc. v. C.L. Systems, Inc., 640 F.2d 109, 113-14 (8th Cir. 1981)
- Schmitt v. Rebertus, 148 F.4th 958, 966 (8th Cir. 2025)
- Gen. Motors Corp. v. Harry Brown's, LLC, 563 F.3d 312, 319 (8th Cir. 2009)

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