2 COURT PACKET 2: TONEY COMES AND FIGHTS

Use this packet if Toney is in the courtroom and disagrees.

Case	Rasha Jaafar & Nedhal Thwaini v. Antonio Spencer **Case number: CI 26-13193**
Day and time	**Wednesday, November 18, 2026, 8:30 AM** · Arrive by **8:00 AM**
Place	Lancaster County Court, 575 S 10th St · **2nd floor, Courtroom 21**

Keep Packet 1 open too. Use its opening statement and money page.

Find your page

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1 READ THIS FIRST

The main idea, and when to switch packets

MAIN IDEA The judge decides on **proof**. Both sides talk. Rasha's job: be **clear, calm and honest**. Let the papers do the arguing.

Switch packets if:

IF THIS HAPPENS	DO THIS
Toney asks for **more time**	Use the "more time" packet.
Toney wants to **make a deal**	Use the "deal" packet. **Do not agree to anything in the hallway.**
Toney **leaves or does not come**	Go back to **Packet 1**.

Still use from Packet 1

- ☐ Section 4: what Rasha says first
- ☐ Section 5: easy questions
- ☐ Section 7: money page
- ☐ Section 8: what to ask at the end

HAND UP Use **Exhibit List B** (Exhibits 1 to 14), not List A.

2 WHAT WILL HAPPEN

When Toney is in the room. The judge picks the exact order.

Step	What happens	What you do
1	The judge calls the case. The judge may ask Toney: did you get the papers?	Stand. Say **"Present, Your Honor."**
2	The owners go first. Rasha promises to tell the truth ("sworn in").	Read Packet 1, Section 4. Give papers as you talk about them.
3	The judge asks questions. Often the judge asks the most.	Short answers. See **Section 6**.
4	Toney may ask Rasha questions.	Answer only what he asks. Stop. Look at the judge, not Toney.
5	Toney tells his side.	**Do not interrupt.** Write down anything untrue. See **Section 5**.
6	You may get to ask Toney questions.	See **Section 7**.
7	The judge decides. Or decides later, in writing.	Write down what the judge says. See **Section 9**.
8	The judge signs the decision ("journal entry").	Ask for a copy before you leave.

REMEMBER Each owner speaks only for herself. Hajer cannot speak for Rasha.

3 GOLDEN RULES WHEN TONEY IS THERE

The judge is watching who is calm and honest

1. Talk to the judge, not to Toney. Say "Your Honor," even to answer his question.

2. Never argue. He says something untrue? Write it down. Answer when the judge lets you.

3. Stay calm. Short, steady answers help most.

4. "I do not know" and "I do not remember" are OK, when true.

5. Never guess a date or a number.

6. Do not say "he is lying." Say: "That is not what we saw."

7. Hallway: do not talk to Toney, Amber or Joyce about the case. Say: "We'll let the judge decide."

8. Take no money from him.

Who does what

Person	Does	Does not
Rasha	Tells the story, gives the papers, answers questions.	Guess. Interrupt the judge.
Nedhal (if there)	Answers about the house and what she saw. Uses the court interpreter.	Speak for Rasha.
Hajer	If the judge allows: sits with Rasha. Finds pages. Hands papers. Writes down what Toney says.	Speak or whisper answers for Rasha. Talk to Toney.

4 THE 3 BIGGEST DANGERS

Toney brings these up? Answer with dates and papers, not feelings

1 **Going into the house.** Toney may say they had not left yet. He may say he was locked out ("lockout"). That can cost a lot of money.

Your best answer: the gas company call, and its date.

2 **Repairs.** He may say the plumbing and lights were not fixed.

Your best answer: the plumber dates and bills (Exhibit 8).

3 **The appliances and his things.** He may say you took or threw out his things.

Your best answer: say what was left and where it is. The washer, dryer and fridge are yours (Exhibit 13).

ALWAYS Give the date. Show the paper. Stop talking.

5 WHAT TONEY MAY SAY (page 1)

And what you say back. Do not quote laws.

TONEY SAYS: **"I never got the notice."**

YOU SAY: **"I mailed it on September 28 to the house. He answered my text about it."**

SHOW: Exhibits 2 and 3

TONEY SAYS: **"You did not fix the plumbing or the lights."**

YOU SAY: **"We called the plumber right away. He came on October 27." Lights: _____**

SHOW: Exhibits 8 and 3

TONEY SAYS: **"You did this because I complained."**

YOU SAY: **"The notice went out September 28. He first told me about the lights on October 12." Only if the older texts agree.**

SHOW: Exhibits 2 and 10 (full texts)

TONEY SAYS: **"I paid the rent."**

YOU SAY: **"I have not received October rent."**

SHOW: Exhibits 4 and 14 (rent history)

TONEY SAYS: **"The late fee is unfair."**

YOU SAY: **"It is in the lease. I accept what the court decides." If pressed: "We accept $650."**

SHOW: Exhibit 1

5 WHAT TONEY MAY SAY (page 2)

Facts only. Never accuse.

TONEY SAYS: **"You went into my house and locked me out."**

YOU SAY: **"The gas company called on _____. They said the tenants moved out. We went on _____. It was empty. We got in by _____."**

Do not say you changed the locks unless it is true.

SHOW: Exhibit 11 (gas company), Exhibit 7 (photos)

TONEY SAYS: **"You took or threw out my things."**

YOU SAY: **Say what was left, what you did with it, and when. "We have kept _____."**

SHOW: Photos

TONEY SAYS: **"I want my deposit back."**

YOU SAY: **"We are holding it. We sent him a list of what we took out on _____." (Only if sent.)**

SHOW: Exhibit 6

TONEY SAYS: **"The windows were already broken."**

YOU SAY: **"The windows were not broken when he moved in on August 15, 2025." Only if true.**

SHOW: Exhibit 12 (move-in photos, if any)

TONEY SAYS: **"Other people lived there too."**

YOU SAY: **"Only Mr. Spencer signed the lease. Amber and Joyce lived there."**

SHOW: Exhibit 1

6 NEW QUESTIONS THE JUDGE MAY ASK

Easy ones: Packet 1, Section 5. Fill the blanks before Wednesday.

JUDGE ASKS: **Why did you end the lease?**
YOU SAY: **The true reason, one sentence:**
_____

JUDGE ASKS: **When was rent first late?**
YOU SAY: **Date and amount:** _____

JUDGE ASKS: **When did he first tell you about repairs?**
YOU SAY: **Date of the first message:** _____

JUDGE ASKS: **What did you do about the repairs?**
YOU SAY: **"The plumber came October 27." Lights fixed?** _____ **When?** _____

JUDGE ASKS: **Did he tell you he was leaving? When?**
YOU SAY: **What he said, the date, who heard it:**
_____

JUDGE ASKS: **What did you find when you went in?**
YOU SAY: **Say it simply: empty, what was left, what was broken. Show the photos.**
SHOW: Exhibit 7

JUDGE ASKS: **Did you change the locks or take anything out?**
YOU SAY: **Say "Yes" or "No" first. Then explain.**
_____

JUDGE ASKS: **Did you give 24 hours' notice before visits during the lease?**
YOU SAY: **Answer for each visit. (The Oct 20 text was sent the same day.)**

JUDGE ASKS: **Have you rented or sold the house since?**
YOU SAY: **The honest answer:** _____

JUDGE ASKS: **What do you want from the court today?**
YOU SAY: **"We ask the court to give the house back to us, if needed. And the unpaid rent, late fees, and our costs."**

7 QUESTIONS YOU MAY ASK TONEY

Only if the judge says yes

ASK FIRST **"Your Honor, may I ask Mr. Spencer a few questions?"**

If the judge says no: "Your Honor, may I give you my written questions?"

Rules for asking

- One fact per question. Mostly yes or no.
- No arguing. He says no? Say **"Thank you"** and go to the next one.
- The judge sees the papers. You do not need to win each answer.

Questions

1. You signed the lease on August 15, 2025?
2. The rent was $1,900 on the first of each month?
3. Did you pay rent for October 2026? If yes, when and how?
4. Did you get the notice dated September 28, 2026?
5. After you got it, you texted me "Can't resign?" Is that right?
6. What day did you move out?
7. Did you give back the keys? To who? When?
8. Did you take the washer, dryer or fridge when you left?
9. Were the windows broken when you left?

8 EXTRA PAPERS (EXHIBITS 10 TO 14)

Bring Exhibits 1 to 9 too. Put these behind them. 3 copies each.

#	Paper	Why it helps	Ready?
10	**The whole text thread** with Toney, from the very first message	Shows we hide nothing. Shows if he complained before Sept 28.	☐
11	**Gas company record** of the date the account moved to the owners	Proof from outside: when the tenants left.	☐
12	**Window photos**, repair quote or bill, and move-in photos	Shows the damage. Shows it was not there at move-in.	☐
13	**Proof the washer, dryer and fridge are yours**: receipts, old photos	Answers "you took my stuff." Needed to ask for their value later.	☐
14	**Rent history**: bank deposits or a list of payments	Shows what he paid and when he stopped.	☐

Keep in your folder (not on the exhibit list)

- ☐ **Rasha's notes** about the day she went in. Write them now. Write the real date you wrote them (Nov 16 or 17). Use them only to remember.
- ☐ **Any lock or key record**, only if locks were changed.
- ☐ Name of **anyone else who saw the empty house**. Bring them if you can.

DO NOT delete or change any texts. Bring the phone. Do not throw out anything left in the house. Take photos.

9 WHAT THE JUDGE MAY DECIDE

And what to say

IF THE JUDGE...	IT MEANS	YOU DO
Rules for the owners on the house and the rent	You won.	Ask for the signed decision and court costs. Ask: "How do we collect?"
Rules for the owners but lowers the late fee	The judge thinks $25 a day is too much.	Say **"Thank you, Your Honor."** Do not argue.
Lowers the rent because of repairs	Toney gets credit for the plumbing or lights.	Ask the judge to explain simply. Write it down.
Sets the money for another day	Common. House now, money later.	Ask the date and what to bring. Ask: "Can we add our damages by then?"
Lets Toney make his own claim against you	He may claim: you went in, the deposit, his things, or repairs.	Ask: "How long do we have to answer?" Do not argue today. Then call Legal Aid: 877-250-2016.
Decides later ("under advisement")	The decision comes in writing.	Ask how and when you will be told.

At the end, also say

SAY **"We also have junk removal, window and appliance costs. May we add them to our court papers?"**

10 IF SOMETHING GOES WRONG

Find the problem. Do what it says.

IF THIS HAPPENS	DO OR SAY THIS
Toney says you locked him out or went in before he left	Facts in order: gas company call and date. The day you went. What you found. Say: "That is not what we saw."
Toney says you stole the appliances or his things	"The washer, dryer and fridge are ours. I can show proof." Never say he took them, unless you can prove it.
Toney shows a paper you have never seen	"Your Honor, may I look at it?" Take your time.
The judge asks why the notice was not handed to him	"I mailed it. He answered by text about it." Show Exhibit 3.
No interpreter, or Nedhal is not there	See Packet 1, Section 9. Tell the judge when the case is called.
Toney, Amber or Joyce get loud	Stay seated. Stay quiet. Let the judge handle it.
You said something wrong	"Your Honor, I need to fix something I said." Fixing it is always better.
Toney wants to make a deal	Say you will listen. Take no money. Get it in writing before you sign. Use the "deal" packet.
You do not understand	"Could you repeat the question, please, Your Honor?"

11 FACTS TO FILL IN

These matter more when Toney is there. Rasha checks each. Pencil is OK.

Question	Answer
Did we go into the house **before or after Oct 31**?	
Gas company call: date, who called, what they said	
Did we change locks, take anything out, or move anything?	
Has anything been hauled away? What, when? Was a written notice sent first?	
What was left in the house? Where is it now?	
Were the lights fixed? Date?	
Did Toney complain about repairs **before Sept 28**? Where is that text?	
Did Toney ever send a written repair notice, or say he would hold back rent?	
Windows at move-in: any photos?	
Who else saw the house empty? When?	

11 CHECKLIST

Before Wednesday

- ☐ Rasha reads the **whole text thread** from the start and marks texts about repairs, rent and leaving (Rasha, 20 min)
- ☐ Rasha asks the **gas company** for the move-out date in writing (Rasha, 15 min)
- ☐ Find the **plumber bills** and anything about the lights (Rasha, 10 min)
- ☐ Take **dated photos** of the windows and anything left in the house. Do not remove anything (Rasha, 15 min)
- ☐ Rasha writes her **notes** about the day she went in, with today's real date (Rasha, 10 min)
- ☐ Print **Exhibit List B** and Exhibits 10 to 14, 3 copies, behind Exhibits 1 to 9 (Hajer, 25 min)
- ☐ Read **Section 5** out loud together once (Rasha and Hajer, 15 min)
- ☐ If possible, call **Legal Aid** about going into the house and left-behind things: 877-250-2016 (Rasha, 15 min)

NOTE NOTES FOR HAJER (NOT FOR COURT)

Do not read these laws to the judge unless asked

Not checked yet (ask Legal Aid: 877-250-2016)

1. How a Lancaster judge runs a contested eviction, and whether the owners may question Toney.
2. Whether going into the house could count as an illegal lockout, or whether the tenants had given up the house. It depends on dates we do not have yet.
3. Whether the judge will lower rent because of repair complaints.
4. The full rules for left-behind belongings.
5. Whether money is decided Wednesday or later.
6. Whether Toney can make his own claim in this case, or must file separately.

Nebraska laws behind this packet

76-1413	Notice to a tenant counts when mailed to his address.
76-1419	Landlord's duty to keep the home in repair.
76-1423	When a landlord may enter, including a home the tenant left.
76-1425, 76-1427	Tenant repair remedies. Tenant must give written notice first (14 days for ending the lease over repairs).
76-1430	Illegal lockout: tenant can recover 3 months' rent plus attorney fees.
76-1432	When a home counts as abandoned.
76-1439	Retaliation. Covers complaints to a housing agency or tenant groups. Does not protect a tenant behind on rent.
69-2303	Before getting rid of a tenant's left-behind things: written notice, then wait 7 to 14 days.
25-2702	A non-lawyer cannot speak for another person in county court.

This packet helps you prepare. It is not legal advice. Nobody who made it is a lawyer.