

Christensen v. Gale (20)

Case Number

S-18-0825

Case Audio

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Call Date

September 7, 2018

Case Time

9:00 AM

Court Number

Lancaster

Case Location

Lincoln

Court Type

District Court

Case Summary

S-18-0825 Mark R. Christensen and Lydia Brasch (Appellants) v. John Gale, Secretary of State of the State of Nebraska, Insure the Good Life, a Ballot Question Committee, Sarah Amanda Gershon, Kathy Campbell, and Rowen Zetterman

District Court for Lancaster County, Hon. Darla S. Ideus

Attorneys: J.L. Spray & Ryan K. McIntosh (Mattson Ricketts Law Firm) (Appellants) ---

Douglas J. Peterson & Ryan S. Post (Attorney General's Office) (Appellee John Gale, Secretary

of State of the State of Nebraska) --- Andre Barry & Shawn D. Renner (Cline Williams Wright

Johnson & Oldfather, L.L.P.) (Appellees Insure the Good Life, a Ballot Question Committee, Sarah Amanda Gershon, Kathy Campbell, and Rowen Zetterman)

Civil: Medicaid Expansion Petition

Proceedings below: The district court dismissed Appellants' complaint for lack of subject matter jurisdiction and for failure to state a claim.

Issues: 1) The district court erred by dismissing Appellants' first and fourth causes of action because it ignored the justiciable limitations of the people's right to legislate through the initiative under NEB. CONST. ART. III, § 2, 2) the petition is constitutionally deficient because it contains more than a single subject, 3) the district court erred by sustaining Appellees' objection to exhibit 3, 4) the petition is constitutionally insufficient because it constitutes an expenditure of state funds without a specific appropriation or an advisory vote, 5) the petition sponsor sworn statement is constitutionally insufficient because it fails to list Nebraska Appleseed as a petition sponsor, and 6) the petition is constitutionally insufficient because it delegates Legislative authority to the Executive.

Schedule Code

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