

Goes v. Vogler

Additional Case Names

Franklin Drywall v. Vogler

Case Number

S-18-1201)

S-18-1203)

Case Audio

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Call Date

October 29, 2019

Case Time

9:00 AM

Court Number

Cass

Case Location

Lincoln

Court Type

District Court

Case Summary

S-18-1201 & S-18-1203, Tanner Goes dba Goes Construction v. Eric Vogler and Destni Vogler, FMB Lincoln, Shelton Bros. Construction, L.L.C., and Franklin Drywall

Cass County District Court, Judge Michael A. Smith

Attorneys: Damien J. Wright and Natalie M. Hein (Welch Law Firm, for Volgers); James B. Luers (Cada, Cada, Hoffman & Jewson, for Goes Construction); Troy J. Bird (Hoppe Law, for Franklin Drywall)

Civil: Lien foreclosure; Construction contract

Proceedings Below: The district court found in favor of Goes Construction, Shelton Bros. Construction, and Franklin Drywall on their construction liens. The Voglers appealed.

Issues: Whether the district court erred in 1) finding that the Voglers (and not Shelton) committed the first material breach of the construction contract; 2) finding that Shelton had sustained its burden of proof with regard to damages; 3) finding that contract was a 'cost-plus' rather than a 'fixed price' contract; and 4) finding that Goes was entitled to foreclosure on its lien.

Schedule Code

SC
