

Barnett v. Happy Cab Company

Case Number

A-19-0510

Court Number

Douglas

Call Date

January 14, 2020

Case Time

1:00 PM

Case Audio

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Case Summary**A-19-0510, Jeremy Barnett (Appellant) v. Happy Cab. Co., Checker Cab Co. and Richard C. Kincaid**

Douglas County District Court, Judge Michael Coffey

Attorney for Appellant: John C. Fowles (The Fowles Law Office, PC, LLO)

Attorney for Appellee: Benjamin E. Maxell (Govier, Katskee, Suing & Maxell, PC, LLO)

Civil Action: Personal Injury/Offer to Confess Judgment

Action Taken by Trial Court: The trial court initially determined that the offer to confess judgment and Barnett's acceptance only applied to Happy Cab and Paratransit Insurance Co (Happy Cab's liability insurance carrier). The remaining defendants, Checker Cab and Kincaid, filed a motion to alter or amend and the trial court subsequently entered an amended order interpreting the confessed judgment agreement to include Checker Cab and Kincaid.

Assignments of Error on Appeal: Did the trial court err in finding the offer to confess judgment and the acceptance applied to all defendants and not only Happy Cab and Paratransit Insurance Co.? Did the trial court err in its application of the "intent" rule and rebuttable presumption from *Podraza v. New Century Physicians of Nebr., LLC*, 280, 678, 789 N.W.2d 260 (2010)? Did the trial court err in entering an amended order that is unclear as to its effect on a prior order and whether it has been superseded, or whether the amended order only amended the prior order denying Checker Cab and Kincaid's motion to dismiss?

Case Location

Lincoln

Court Type

District Court

Schedule Code

A2

Panel Text

Pirtle, Riedmann, and Bishop, Judges
