

Bonness v. Armitage

Case Number

S-19-0393

Case Audio

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Call Date

February 7, 2020

Case Time

9:00 AM

Court Number

Douglas

Case Location

Lincoln

Court Type

District Court

Case Summary

S-19-0393 Richard K. Bonness (Appellant) v. Joel D. Armitage, M.D. (Appellee)

Douglas County District Court, Judge James T. Gleason

Attorneys: Patrick J. Cullan & Joseph P. Cullan (Cullan & Cullan L.L.C.) for Appellant --- David A. Glass, Brien M. Welch, & Kathryn J. Cheatle (Cassem, Tierney, Adams, Gotch & Douglas) for Appellee.

Civil: Medical malpractice; Statute of limitations; Discovery

Proceedings Below: Appellant filed a medical malpractice suit against Appellee. The district court sustained Appellee's motion to dismiss pursuant to Neb. Ct. R. Pldg. § 6-1112(b)(6), because the 2-year statute of limitations barred the lawsuit.

Issues: Whether the Appellee waived the statute of limitations defense; and whether the trial court correctly applied the discovery rule in its statute of limitations analysis.

Schedule Code

SC
