

State ex rel. Malone v. Baldonado-Bellamy

Additional Case Names

10:35 am

Case Number

S-19-0856

Case Audio

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Call Date

September 4, 2020

Case Time

9:00 AM

Court Number

Douglas

Case Location

Lincoln

Court Type

District Court

Case Summary

S-19-0856 State of Nebraska ex rel. Kevin W. Malone (Appellant) v. Megan Baldonado-Bellamy, et al.

Douglas County District Court, Judge Timothy P. Burns

Attorneys: Danielle Rowley (Office of the Attorney General, for Appellees) ? Tess M. Moyer, Joshua R. Woolf (Douglas County Attorney?s Office, for Appellee John Friend) ? Bradley H. Supernaw (Boucher Law Firm, for Appellant)

Civil: Nebraska Public Records Act

Proceedings below: The district court denied the writ of mandamus and dismissed Appellant?s complaint stating audio recordings and stenographer?s notes were not public records under the Nebraska Public Records Act because the Nebraska Supreme Court had issued comprehensive rules under Neb. Rev. Stat. § 25-1140 for the preparation of a bill of exceptions, which were Neb. Ct. R. §§ 1-201 to 1-219 and 2-105, and, accordingly, the statute and court rules ?expressly provided? that the avenue to obtain a record, transcript of Bill of Exceptions was through the court rules. The district court did not reach a determination on the issue of who was the proper custodian of records from whom a request should be made.

Issues: Whether the district court erred in finding that 1) the audio recording and stenographer?s notes were not public records as defined by Neb. Rev. Stat. § 84-712.01(1) (Reissue 2014); and 2) Neb. Ct. R. §§ 1-201 to 1-219 and 2-105, which provide for the production and amendment of a bill of exceptions, ?expressly provide? that the audio recordings and stenographer?s notes are to be excepted from the Nebraska Public Records Act.

Schedule Code

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