

# Douglas County School District No. 10 v. Tribedo LLC

## Additional Case Names

10:30 am

### Case Number

S-19-0986

### Case Audio

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### Call Date

September 3, 2020

### Case Time

9:00 AM

### Court Number

Douglas

### Case Location

Lincoln

### Court Type

District Court

### Case Summary

S-19-0986 Douglas County School District No. 10, a/k/a The Elkhorn School District (Appellant) v. Tribedo, LLC (Condemnee/Appellee)

Douglas County District Court, Judge J. Russell Derr

Attorneys: Duncan A. Young, Jeff C. Miller, & Keith I. Kosaki (Young and White Law Office, for Appellant)--- Trenton P. Bausch, Adam W. Barney & Sydney M. Huss (Cline Williams Wright Johnson & Oldfather, LLP, for Appellee)

Civil: Condemnation; Fair market value; Damages; Jury instructions; Attorney fees

Proceedings Below: Appellant condemned land owned by Appellee. The jury returned a verdict in the amount of \$4,625,967, consisting of the jury's findings that 1) the fair market value of the taken land is \$3,295,967, and 2) there was \$1,330,000 in severance damages to the remaining property. The court granted Appellee's post-trial motions for an award of interest and attorney fees. In addition to the jury verdict, the court's final judgment awarded Appellee \$590,924.89 in attorney and expert witness fees, \$143,681.89 in pre-judgment interest, and post-judgment interest.

Issues: Whether the court erred in 1) overruling Appellant's motions to strike Appellee's evidence of itemized damages, because they do not prove the remaining property's reduction in fair market value; 2) refusing Appellant's tendered damages jury instruction; 3) overruling Appellant's motion for new trial; 4) calculating Appellee's attorney fees; and 5) whether the verdict is excessive.

**Schedule Code**

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