

Smith v. King

Additional Case Names

10:15 am

Case Number

A-19-0999

Call Date

September 9, 2020

Case Time

9:00 AM

Case Audio

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Case Summary

A-19-999, Ashley R. Smith v. Gerald E. King, Jr. (appellant)

Douglas County, District Court, Judge Gary B. Randall

Attorney for Appellant: Sandra Stern

Attorney for Appellee: Chris Pomerleau (Nebraska Legal Group)

Civil Action: Paternity, Custody, and Child Support

Action Taken by Trial Court: After the first two days of trial, counsel for the parties met with the district court in chambers. Thereafter, there was a dispute as to whether the parties had entered into an enforceable settlement agreement. The court stated it believed a settlement had been reached, but because it was not memorialized on the record, it could not be enforced. A third day of trial was held on a later date. In the Paternity Decree, the district court determined that Gerald was the children's father. Ashley was awarded sole legal custody and primary physical custody of the children. Gerald was awarded parenting time every other weekend from Friday afternoon to Monday morning, and Thursday evening on the "off week." Child support was also ordered. The district court denied Gerald's IFP request for a "transcription of the proceedings" or, alternatively, to have Ashley pay for the same, so that Gerald could prepare for his motion for reconsideration. Gerald's motion for reconsideration was also denied, other than to make an amendment to child support.

Assignments of Error on Appeal: Gerald assigns the district court erred: (1) by not awarding him parenting time with his children at least 6 out of 14 days during the school year, ½ of holidays, and ½ of the summer, as that was the settlement the parties reached after two days of trial; (2) in various ways at the temporary hearing and in the temporary order; (3) by not enforcing the settlement of the parties that was reached in the presence of the trial court; (4) by not allowing the children to testify; (4) by not granting his IFP request for transcription of proceedings, or alternatively, ordering Ashley to pay for the same so that he could adequately prepare for his motion for reconsideration; (5) by not granting his request for specific findings of fact; (6) by ordering him to pay any portion of Ashley's attorney fees; and (7) by ordering him to purchase approximately one-half of the children's clothing when child support was based on a basic custody calculation rather than a joint custody calculation.

Case Location

Lincoln

Court Type

District Court

Schedule Code

A1

Panel Text

Moore, Chief Judge, Bishop, and Welch, Judges
