

# Mixan v. Stastny

## Additional Case Names

10:00 am

### Case Number

S-19-1144

### Case Audio

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### Call Date

October 1, 2020

### Case Time

9:00 AM

### Court Number

Lancaster

### Case Location

Lincoln

### Court Type

District Court

### Case Summary

## S-19-1144 Benjamin A. Mixan (Appellant) v. Jeri L. Stastny

### Lancaster County District Court, Honorable Susan I. Strong

**Attorneys:** Megan E. McDowell & Jerrad R. Aherns (Cordell & Cordell, P.C.) --- Robert Wm. Chapin Jr.

**Civil:** Paternity; Custody; statute of limitations

**Proceedings Below:** The trial court dismissed Appellant?s amended complaint with prejudice and overruled Appellant?s motion to reconsider, motion to vacate order of dismissal; motion for new trial, and motion to reopen evidence.

**Issues:** The district court erred by 1) not giving proper legal effect to Appellant?s notarized acknowledgments of paternity, 2) finding the four-year statute of limitations applies to paternity acknowledgments and barred Appellant?s action, 3) dismissing Appellant?s action based on an impermissible collateral attack on Appellant?s paternity determination, 4) dismissing Appellant?s action with prejudice, and 5) converting the Motion to Dismiss into a Motion for Summary Judgment without proper notice or an adequate opportunity for counsel to respond.

### Schedule Code

SC

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