

Chaney v. Evnen (20)

Additional Case Names

10:50 am

Case Number

S-20-0660

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-20-0660 Brian Chaney (Appellant) v. The Honorable Robert B. Evnen, in his official capacity as Secretary of State for the State of Nebraska and Albert Davis III, Thomas A. Wagoner, Jr., and Fr. Damian Zeurlein

Lancaster County District Court, Honorable Robert R. Otte

Attorneys: Scott A. Lautenbaugh (The Law Offices of Scott Lautenbaugh) (Appellant) --- Ryan S. Post (Attorney General's Office) --- Mark C. Laughlin & Daniel Gutman (Fraser Stryker PC LLO) (Intervenors/Appellees)

Civil: Ballot initiative; temporary injunction; dismissal

Proceedings Below: The district court denied Appellant's request to temporarily enjoin Appellee Evnen from placing the initiative on the ballot and granted Appellees' motion to dismiss.

Issues: The district court erred in 1) finding that petition circulators do not have to read the object statement on the petition, 2) failing to consider the evidence of irregularity and fraud, 3) not giving the Appellant the opportunity to replead or to amend, 4) finding the filing of the litigation untimely, 5) not granting the temporary injunction, and 6) granting the motion to dismiss.
