

Court of Appeals of Nebraska
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A-23-000775

Tyler v. Tyler

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the January Review Docket Call of the Nebraska Court of Appeals.

A-23-001024

Czarnick v. Ried

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the January Review Docket Call of the Nebraska Court of Appeals.

A-23-001025

Holtzen v. Holtzen

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the January Review Docket Call of the Nebraska Court of Appeals.

A-24-000073

In re Interest of Skyanna T.

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the January Review Docket Call of the Nebraska Court of Appeals.

A-24-000074

In re Interest of Benjamin G.

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the January Review Docket Call of the Nebraska Court of Appeals.

A-24-000152

Whaley v. Katalenich

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the January Review Docket of the Nebraska Court of Appeals.

A-24-000159

State v. Hayden W Biemiller

ROD Petition Appellant for Further Review

Petition of Appellant for further review denied.

A-24-000178

In re Interest of Lorenz T.

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the January Review Docket Call of the Nebraska Court of Appeals.

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A-24-000181

In re Interest of Lorenz T.

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the January Review Docket Call of the Nebraska Court of Appeals.

A-24-000183

In re Interest of Lorenz T.

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the January Review Docket Call of the Nebraska Court of Appeals.

A-24-000184

In re Interest of Lorenz T.

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the January Review Docket Call of the Nebraska Court of Appeals.

A-24-000311

In re Interest of Chauncey S.

Motion Appellee Continue Oral Argument

Motion of Appellee to continue oral argument sustained. Case to be placed on the next proposed call of the Nebraska Court of Appeals, to occur on February 11 and 12, 2025. Conflicts must be received by February 5, 2025.

A-24-000312

In re Interest of Harley S.

Motion Appellee Continue Oral Argument

Motion of Appellee to continue oral argument sustained. Case to be placed on the next proposed call of the Nebraska Court of Appeals, to occur on February 11 and 12, 2025. Conflicts must be received by February 5, 2025.

A-24-000331

Walton v. Concrete Supply, Inc.

Motion Appellee Counsel Lamme to Withdraw

Motion to withdraw granted. Sara A. Lamme and the law firm of High & Younes, LLC allowed to withdraw as counsel for Appellee. Request for attorney lien taken under advisement.

A-24-000339

Ikeaba v. Wal-Mart Associates, Inc.

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the January Review Docket Call of the Nebraska Court of Appeals.

A-24-000349

State v. Johnathan Bourquin

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Case Review re Rule 2-111 Submission
By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the January Review Docket Call of the Nebraska Court of Appeals.

A-24-000349

State v. Johnathan Bourquin

Motion Appellant to Appear via Zoom

Case having been submitted without oral argument; motion to appear via zoom overruled as moot.

A-24-000388

In re Interest of Misty L.

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the January Review Docket Call of the Nebraska Court of Appeals.

A-24-000388

In re Interest of Misty L.

Motion Appellant to Appear via Zoom

Case having been submitted without oral argument; motion to appear via zoom overruled as moot.

A-24-000652

In re Interest of Zachary H.

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1).

A-24-000683

State v. Octavian D Sanderson

ROD

Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance sustained. See Neb. Ct. R. App. P. § 2-107(B)(2). The district court took the appropriate factors into consideration when sentencing Appellant and the sentences were clearly within statutory limits. A sentence imposed within the statutory limits will not be disturbed on appeal in the absence of an abuse of discretion by the trial court. State v. Horne, 315 Neb. 766, 1 N.W.3d 457 (2024). The sentences imposed did not constitute an abuse of discretion.

A-24-000736

State v. Zachary A Scheich

Motion Appellee to Extend Brief Date

Motion considered; Appellee's FINAL brief date extended to 14 days after court's ruling on Appellee's motion for summary affirmance.

A-24-000772

State v. Shane M Lucero

Motion of Appellee to Extend Brief Date

Motion considered; Appellee's FINAL brief date extended to 14 days after court's ruling on Appellee's motion for summary affirmance.

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A-24-000783

State v. Cheryl L Otoole

Motion of Appellee to Extend Brief Date

Motion considered; Appellee's FINAL brief date extended to 14 days after court's ruling on Appellee's motion for summary affirmance.

A-24-000802

Ketcham v. Ketcham

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's FINAL brief date extended to February 28, 2025.

A-24-000806

State v. Jimma J Gatwech

Motion of Appellee to Extend Brief Date

Motion considered; Appellee's FINAL brief date extended to 14 days after court's ruling on Appellee's motion for summary affirmance.

A-24-000820

State ex rel Clark v. Health and Human Services

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's FINAL brief date extended to February 19, 2025.

A-24-000882

State v. Matthew J. Earhart

ROD Application-Error Proceedings

State's application for leave to docket error proceeding is sustained. State shall proceed to obtain review of the case in accordance with Neb. Rev. Stat. § 29-2315.01 (Reissue 2016) and Neb. Rev. Stat. § 25-1912 (Cum. Supp. 2020) (notice of appeal and docket fee must be filed within 30 days).

A-24-000883

Conroy v. Frank

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2 107(A)(1). Appellee's timely filed "Motion for Nunc Pro Tunc to Correct Order" sought substantive alteration of the district court's June 20, 2024 judgment, and so was in the nature of a motion to alter or amend judgment which tolled the time for appeal. The record does not demonstrate that this motion has been resolved by the district court, thus no final order exists from which appeal may be taken. Neb. Rev. Stat. § 25-1912(3) (Cum. Supp. 2022) provides, in part, that when a tolling motion is timely filed, a notice of appeal filed before the court announces its decision upon the terminating motion shall have no effect, whether filed before or after the timely filing of the terminating motion. A new notice of appeal shall be filed within the prescribed time after the entry of the order ruling on the motion. No additional fees are required for such filing.

A-24-000925

Barnes v. Johnson

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Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's FINAL brief
date extended to February 14, 2025.

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S-23-000660

Lund-Ross Constructors, Inc. v. Duke of Omaha, LLC
ROD Stip/Mot Dism Appeal & PFR w/Prejudice
Stipulation allowed; appeal dismissed with prejudice, each party to
pay their own costs; mandate to issue accordingly forthwith.

S-24-000673

Ballheim v. Settles
Motion of Appellant Requesting PR Bond
Motion of appellant for release on personal recognizance bond is
denied.

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S-24-000326

Seeman v. Murdoch et al

Mot Leave Amicus Brief Dept Natural Res

Motion of Attorney General for leave to file amicus brief sustained;
brief to be filed no later than 10 days prior to oral argument.

S-24-000327

SBS Farms, Inc. v. Murdoch et al.

Mot Leave Amicus Brief Dept Natural Res

Motion of Attorney General for leave to file amicus brief sustained;
brief to be filed no later than 10 days prior to oral argument.

S-24-000326

Seeman v. Murdoch et al

Mot Leave Amicus Brief NE Groundwater Co

Motion of NE Groundwater Coalition to file amicus brief sustained;
brief to be filed no later than 10 days prior to oral argument.

S-24-000327

SBS Farms, Inc. v. Murdoch et al.

Mot Leave Amicus Brief NE Groundwater Co

Motion of NE Groundwater Coalition to file amicus brief sustained;
brief to be filed no later than 10 days prior to oral argument.