

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 23, 2024

Page:

1

A-24-000143

WRK, LLC v. Wiegert

Mot Appellant to Extend Reply Brief Date

Motion sustained; Appellant's reply brief date extended to October 30, 2024.

A-24-000188

State v. Daion J Williams

Motion Appt for Extension of PFR & Brief

Motion of Appellant to extend the time to file a Petition for Further Review and brief in support is overruled. Neb. Ct. R. App. P. § 2-102 does not provide a basis for extending the time for filing of said petitions.

A-24-000284

State v. Jason M Melnick

Motion Appellant for Rehearing

Motion of Appellant for rehearing overruled for failure to comply with Neb. Ct. R. App. P. § 2-113.

A-24-000285

State v. Jason M Melnick

Motion Appellant for Rehearing

Motion of Appellant for rehearing overruled for failure to comply with Neb. Ct. R. App. P. § 2-113.

A-24-000309

Lear v. Nebraska Methodist Health System, Inc.

Ruling reserved motion to extend brief

Appellee Omaha Thoracic's motion to extend brief date fails to set forth any showing of good cause as required for non-advanced cases pursuant to Neb. Ct. R. App. P. § 2-106(E) and motion held under advisement for five days after which time the motion shall be reconsidered.

A-24-000402

State v. John G Strawn

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's FINAL brief date extended to November 21, 2024. No further extensions will be allowed.

A-24-000404

In re Estate of Warner

Mot Appt Leave Correct Incomplete Trans

Because leave of court is not required to request a supplemental transcript, the request for leave is overruled. Appellant can request a supplemental transcript by identifying the specific name of the document he believes is missing and the date the document was filed with the trial court without leave of court to do so.

A-24-000408

Muhlbauer v. Farmers New World Life Insurance

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 23, 2024

Page:

2

Mot Appellant to Extend Reply Brief Date

Motion sustained; Appellant's reply brief date extended to November 7, 2024. No further extensions will be allowed.

A-24-000414

State v. Marzeanis M Coleman

Motion Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellee's FINAL brief date extended to October 31, 2024.

A-24-000417

French v Auto-Owners Insurance Company

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's FINAL brief date extended to October 28, 2024. No further extensions will be allowed.

A-24-000445

Cornerstone Bank v. Flat Creek Farms, Inc.

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's FINAL brief date extended to October 28, 2024.

A-24-000458

State v. Joseph S Noah

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-24-000470

State v. Jamario James

ROD

Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance is sustained. See Neb. Ct. R. App. P. § 2-107(B)(2). See also Peterson v. Houston, 284 Neb. 861, 824 N.W. 2d 26 (2012) (holding a writ of habeas corpus will not lie to discharge person from sentence of penal servitude where court imposing sentence had jurisdiction of offense and person of defendant, and sentence was within power of court to impose). Because James has failed to allege any facts which would call into question the district court's jurisdiction to convict and sentence him, his request for habeas corpus relief must fail. Moreover, because he has previously litigated the issues raised in his petition, it is frivolous. Accordingly, we find no error in the lower court's decision to deny his petition or his application to proceed in forma pauperis.

A-24-000519

In re Interest of Gabriel S.

Request to Extend Bill Exceptions

Request for extension granted; time for preparation of bill of exceptions extended to November 8, 2024.

A-24-000519

In re Interest of Gabriel S.

Appellant's Brief Date Extended

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 23, 2024

Page: 3

Record preparation date having been extended to November 8, 2024,
Appellant's brief date extended to December 9, 2024.

A-24-000530

State v. James A Wilson

Request to Extend Bill Exceptions

Request for extension granted; time for preparation of bill of
exceptions extended to November 25, 2024.

A-24-000530

State v. James A Wilson

Appellant's Brief Date Extended

Record preparation date having been extended to November 25, 2024,
Appellant's brief date extended to December 26, 2024.

A-24-000532

State v. William R Schukei

Ruling Reserved Motion to Withdraw

Motion to withdraw as counsel by attorney Naatz considered and held
under advisement. Attorney Naatz directed to file for withdrawal as
counsel, and if appropriate, for appointment of replacement counsel,
with the trial court. Upon supplementation of appellate record showing
trial court order ruling on attorney Naatz's motion to withdraw as
counsel, attorney Naatz's motion to withdraw as counsel filed in
this court will be reconsidered. Motion will be overruled without
further notice if appellate record is not supplemented as indicated
within five days.

A-24-000532

State v. William R Schukei

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E) (3), Appellant's FINAL brief
date extended to November 20, 2024.

A-24-000570

Strauss v. Strauss

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E) (2), Appellant's FINAL brief
date extended to December 2, 2024.

A-24-000579

State v. Tanicqe S Brye

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-24-000601

Lefever v. Nebraska Department of Correctional Services

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E) (2), Appellant's FINAL brief
date extended to November 15, 2024.

A-24-000633

Berkshire v. Berkshire

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 23, 2024

Page:

4

Request to Extend Bill Exceptions

Request for extension granted in part; time for preparation of bill of exceptions extended to December 9, 2024.

A-24-000633

Berkshire v. Berkshire

Appellant's Brief Date Exended

Record preparation date having been extended to December 9, 2024, Appellant's brief date extended to January 8, 2025.

A-24-000675

In re Interest of Jenna S.

Mot Appt to Pay for BOE Out of Time

Motion sustained; Appellant granted leave to pay for bill of exceptions out of time. Payment to be made within three days of this order.

A-24-000675

In re Interest of Jenna S.

Mot. of Appellee for Summary Dismissal

Appellee's motion to dismiss is taken under advisement. The general rule is that an appeal may be taken from an order of adjudication but before entry of a dispositional order. See e.g. In re Interest of Gunner B., 312 Neb. 697, 980 N.W.2d 863 (2022). The parties are directed to address the jurisdiction issue in their briefs.

A-24-000690

State v. Joseph A Cervantes

Mot Appt Counsel Newell to Withdraw

Motion sustained; Sarah Newell allowed to withdraw as counsel for Appellant.

A-24-000744

In re Interest of Dawson B.

Motion of Appellant to Consolidate

Motion sustained; cases 24-0744, 24-0745, 24-0746 and 24-0747 consolidated for briefing and disposition.

A-24-000745

In re Interest of Ayden B.

Motion of Appellant to Consolidate

Motion sustained; cases 24-0744, 24-0745, 24-0746 and 24-0747 consolidated for briefing and disposition.

A-24-000746

In re Interest of Colton B.

Motion of Appellant to Consolidate

Motion sustained; cases 24-0744, 24-0745, 24-0746 and 24-0747 consolidated for briefing and disposition.

A-24-000747

In re Interest of Kenneth B.

Motion of Appellant to Consolidate

Motion sustained; cases 24-0744, 24-0745, 24-0746 and 24-0747

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 23, 2024
consolidated for briefing and disposition.

Page: 5

A-24-000763

State v. Lukas J Morrell

Mot Appt Counsel Elliott to Withdraw

Motion sustained; Shawn Elliott allowed to withdraw as counsel for Appellant.

A-24-000766

In re Name Change of Lydia K. and Josiah K.

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). Generally, the denial of a motion to dismiss is not a final order. See e.g. In re Interest of Kirsten H., 25 Neb. App. 909, 915 N.W.2d 815 (2018).

A-24-000776

State v. Tyron A Carroll

Motion Appt Counsel Shapiro to Withdraw

Motion sustained; Glenn Shapiro allowed to withdraw as counsel for Appellant.

A-24-000776

State v. Tyron A Carroll

Mot Appt Leave to Supplement BOE

Motion sustained; appellant granted leave to file praecipe for supplemental bill of exceptions out of time.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-24-000651

Haney v. Haney

Order to Show Cause Request Late Payment

A-24-000762

Robinson v. Boyd

Order to Show Cause Failure to Pay BOE

A-24-000770

Rushmore Loan Management Services LLC v. Strong

Order to Show Cause Request Late BOE

Supreme Court of Nebraska
Office of the Clerk

Minutes: October 23, 2024

Page:

1

S-21-000074

Continental Resources v. Fair

Motion Appellant for Attorney Fees

Motion of Appellant for attorney fees and expenses overruled. See Hanrahan v. Hampton, 446 U.S. 754, 100 S.Ct. 1987, 64 L. Ed. 2d 670 (1980) (party who obtained appellate reversal of directed verdict not prevailing party for purposes of 42 U.S.C. § 1988(b)); Richardson v. Penfold, 900 F.2d 116 (party who obtained appellate reversal of summary judgment not prevailing party for purposes of 42 U.S.C. § 1988(b)). Fees, if any, to be determined in first instance by trial court.

S-24-000068

In re Estate of Weeder

Misc Submission to Court Case Movement

By order of the Nebraska Supreme Court, case moved from Court of Appeals docket to Supreme Court docket.

S-24-000144

Deckard v. Cotton

Misc Submission to Court Case Movement

By order of the Nebraska Supreme Court, case moved from Court of Appeals docket to Supreme Court docket.