

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: October 29, 2024

Page:

1

A-23-000845

Backhaus v. Backhaus

ROD Submitted to Court without Oral Argument  
Affirmed in part, and in part reversed and remanded with directions.  
Moore, Judge. See memorandum web opinion.

A-23-000896

Murtaugh v. Nebraska Department of Correctional Services

ROD Submitted to Court without Oral Argument  
Affirmed. Arterburn, Judge. See memorandum web opinion.

A-23-000998

Ojeda v. Wanek

ROD Submitted to Court without Oral Argument  
Appeal dismissed. Moore, Judge. See memorandum web opinion.

A-23-001057

Hohenstein vs. Hohenstein

ROD Submitted to Court without Oral Argument  
Affirmed in part, and in part vacated and remanded with  
directions. Moore, Judge. See memorandum web opinion.

A-24-000116

In re Interest of Colton S.

ROD Submitted to Court without Oral Argument  
Affirmed. Pirtle, Judge. See memorandum web opinion.

A-24-000305

In re Interest of Nowa K.

By Order of the Court re: Consolidation  
By Order of the Court, cases 24-0305, 24-0306, and 24-0307  
consolidated for oral arguments and disposition.

A-24-000306

In re Interest of Nowa K.

By Order of the Court re: Consolidation  
By Order of the Court, cases 24-0305, 24-0306, and 24-0307  
consolidated for oral arguments and disposition.

A-24-000307

In re Interest of Nowa K.

By Order of the Court re: Consolidation  
By Order of the Court, cases 24-0305, 24-0306, and 24-0307  
consolidated for oral arguments and disposition.

A-24-000342

McCartney v. Zurcher

Motion Appe KEA to Extend Brief Date  
Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellee's FINAL brief  
date extended to December 4, 2024.

A-24-000342

McCartney v. Zurcher

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: October 29, 2024

Page:

2

Mot Appe Coop Prod to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellee's FINAL brief date extended to December 4, 2024.

A-24-000421

State v. Tristan J Ferguson

ROD Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance sustained. See Neb. Ct. R. App. P. § 2-107(B)(2). Sentence imposed did not constitute an abuse of discretion. 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).

A-24-000440

State v. Rusty K Masters

Motion Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellee's FINAL brief date extended to November 27, 2024.

A-24-000445

Cornerstone Bank v. Flat Creek Farms, Inc.

Appellant's Replacement Brief Due

By order of the court, the Appellant's brief filed on October 28, 2024, does not comply with Neb. Ct. R. App. P. § 2-103(C)(4) regarding Certificate of Compliance and total number of words in the brief. This replacement order is for the limited purpose of correcting the above deficiencies. Appellant's replacement brief complying with the above-referenced rule is due on or before November 12, 2024.

A-24-000467

Clement v. Saunders

Appellant's 2nd Replacement Brief Due

Appellant's replacement brief filed October 18, 2024, stricken for non-compliance with prior order. Appellant ordered to file a replacement brief within seven days of this order. Failure to file a compliant brief may result in dismissal of appeal. See Neb. Ct. R. App. P. § 2-110(A).

A-24-000488

James v. Jeffreys

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). James' claim that the State presented false evidence and perjured testimony are claims of mere errors or irregularities in the proceedings that did not deprive the district court of jurisdiction and did not render the judgment of criminal conviction void. See Sanders v. Frakes, 295 Neb. 374, 888 N.W.2d 514 (2016) (regularity of proceedings leading up to sentence in criminal case cannot be inquired into on an application for writ of habeas corpus, for that matter is available only in direct proceeding).

A-24-000494

In re Estate of Farrington

Motion Appellee to Extend Brief Date

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: October 29, 2024

Page: 3

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellee's FINAL brief date extended to November 19, 2024.

A-24-000509

Ramos v. Herrera

By Order of Court re Stricken Attachment

By order of the Court, attachments to the brief of Appellant Ramos, filed on October 29, 2024, are stricken. See Neb. Ct. R. App. P. §§ 2-104(A)(1) and 2-109(C)(1).

A-24-000575

Mills v. Elznic

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 December 4, 2024.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-24-000701

Continental Indemnity Company v. AXIS Surplus Insurance Co.

OSC re Mt to Vacate and Any Ruling on Mt

Supreme Court of Nebraska  
Office of the Clerk

Minutes: October 29, 2024

Page:

1

S-24-000286

Aguilar v. Valdez-Mendoza

Case ordered moved to Sup. Ct. docket

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