

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: December 3, 2024

Page:

1

A-23-000845

Backhaus v. Backhaus

Motion to Withdraw Hart for David B

Motion of Sara Hart to withdraw as counsel for Appellee sustained.

A-23-000845

Backhaus v. Backhaus

Motion of Appellant for Attorney Fees

Appellant's motion for attorney fees is sustained, in part. Appellee is ordered to pay \$10,000 toward Appellant's attorney fees incurred on appeal. See Neb. Ct. R. App. P. § 2-106(G).

A-23-000851

Rolling Meadows Ranch v. Farm Bureau Property

ROD Submitted to Court without Oral Argument

Affirmed. Moore, Judge. See memorandum web opinion.

A-23-001035

Kumke v. Palu

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 December Review Docket Call of the Nebraska Court of Appeals.

A-23-001048

State v. Christopher A Hill

ROD Submitted to Court without Oral Argument

Affirmed. Moore, Judge. See memorandum web opinion.

A-24-000155

Wehland v. Wehland

Stipulation to Continue Oral Argument

Stipulation to continue oral argument sustained. Case to be placed on the next Proposed Call of the Nebraska Court of Appeals, to occur on February 18, and 19, 2025.

A-24-000204

In re Interest of Liam T.

ROD Submitted to Court without Oral Argument

Reversed and remanded for further proceedings. Moore, Judge. See memorandum web opinion.

A-24-000256

In re Interest of Triton B. & Hazelynn B.

ROD Submitted to Court without Oral Argument

Affirmed. Riedmann, Chief Judge. See memorandum web opinion.

A-24-000257

In re Interest of Triton B. & Hazelynn B.

ROD Submitted to Court without Oral Argument

Affirmed. Riedmann, Chief Judge. See memorandum web opinion.

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: December 3, 2024

Page:

2

A-24-000458

State v. Joseph S Noah

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. See State v. Dejaynes-Beaman, 317 Neb. 131, 8 N.W.3d 779 (2024) (absent abuse of discretion by trial court, appellate court will not disturb sentence imposed within statutory limits).

A-24-000534

State v. Lynnette Batey

ROD Mot. of Appellee for Summary Affirmance  
Motion of Appellee for summary affirmance sustained; judgment affirmed. See Neb. Ct. R. App. P. § 2-107(B)(2). Appellee's motion for summary affirmance granted. 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-24-000564

Kellogg v. Mathiesen

Emergency Mot to Stay Powers of Receiver  
Appellant's "Emergency Motion to Stay Powers of Receiver" is overruled.

A-24-000665

Kellogg v. Mathiesen

Emergency Mot to Stay Powers of Receiver  
Appellant's "Emergency Motion to Stay Powers of Receiver" is overruled.

A-24-000609

State v. Christopher M McIlheran

ROD Motion 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. See State v. Dejaynes-Beaman, 317 Neb. 131, 8 N.W.3d 779 (2024). (absent abuse of discretion by trial court, appellate court will not disturb sentence imposed within statutory limits).

A-24-000674

In re Interest of Jovani L.

Mot to Sub Appe Counsel Huson for Kerr  
Motion sustained; Danielle M. Kerr allowed to withdraw as counsel for Appellee. Haley L. Huson allowed to enter her appearance as substitute counsel for Appellee.

A-24-000701

Continental Indemnity Company v. AXIS Surplus Insurance Co.

ROD Mot. of Appellee for Summary Dismissal  
Appellee Starr Indemnity & Liability Co.'s motion for summary dismissal is sustained. Our record reveals that not all claims against

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: December 3, 2024

Page: 3

all parties have been resolved. See Neb. Rev. Stat. § 25-1315 (Reissue 2016). In cases where § 25-1315(1) is implicated, and no more specific statute governs the appeal, an order resolving fewer than all claims against all parties is not final and appealable if it lacks § 25-1315 certification. Mann v. Mann, 312 Neb. 275, 978 N.W.2d 606 (2022).

A-24-000835

State v. Shaquille T Adams

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). Appellant did not pay a docket fee nor file a poverty affidavit within 30 days following entry of the district court's sentencing order on October 3, 2024. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2022).

A-24-000835

State v. Shaquille T Adams

Motion Appt Leave to Request BOE

Motion of Appellant for leave to request bill of exceptions out of time overruled as moot.

A-24-000838

State v. Marcus D Winston

ROD

Misc Submission to Court re Jurisdiction

APPEAL DISMISSED for lack of jurisdiction. See Neb. Ct. R. App. P. § 2 107(A)(1). Appellant failed to file a poverty affidavit or pay a docket fee within 30 days of the district court's denial of his postconviction request on September 30, 2024. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2022).

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-24-000833

In re Interest of Analicia K.

Order to Show Cause re Jurisdiction

Supreme Court of Nebraska  
Office of the Clerk

Minutes: December 3, 2024

Page:

1

S-24-000158

In re Interest of E.W.

Motion Apppe to Continue Oral Argument

Motion of Appellee to continue oral argument sustained; case to be placed on the next Proposed Call of the Nebraska Supreme Court, to occur on February 5, 6, and 7, 2025.