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A-24-000152

Whaley v. Katalenich

Motion of Appellant for Rehearing

Motion of Appellant for rehearing overruled.

A-24-000173

Stear v. Zlomke

ROD Submitted to Court without Oral Argument

Affirmed. Moore, Judge. See memorandum web opinion.

A-24-000271

State v. Alejandro Garcia Prado

ROD Submitted to Court without Oral Argument

Affirmed. Riedmann, Chief Judge. See memorandum opinion.

A-24-000288

State v. Cordell C Stewart

ROD Submitted to Court without Oral Argument

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

A-24-000303

Hillyer v. Hillyer

ROD Submitted to Court without Oral Argument

Affirmed. Moore, Judge. See memorandum web opinion.

A-24-000321

VanWesten v. VanWesten

Motion Appellee for Attorney Fees

Appellee seeks attorney fees based on Neb. Rev. Stat. § 25-1810 (Cum. Supp. 2024), Neb. Rev. Stat. § 25-824.01 (Reissue 2016), and the court's inherent authority to do all things necessary for the proper administration of justice. Neb. Ct. R. App. P. § 2-106(G)(1) requires that the motion seeking attorney fees cite the statute or uniform course of practice supporting the allowance of such a fee. Neb. Rev. Stat. § 25-824.01 authorizes an attorney fee for frivolous actions and Neb. Rev. Stat. § 25-1810 authorizes an attorney fee on appeal if another statute authorizes it in the trial court. No finding having been made that the underlying action or appeal was frivolous, we deny Appellee's motion for attorney fees.

A-24-000406

State v. Kevin R Nelson

ROD Submitted to Court without Oral Argument

Affirmed in part, and in part vacated and remanded for resentencing. Pirtle, Judge. See memorandum web opinion.

A-24-000424

State v Andrew T Mendoza

ROD Submitted to Court without Oral Argument

Affirmed. Pirtle, Judge. See memorandum opinion.

A-24-000441

Kaufman v. Kaufman

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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 March Review Docket of the Nebraska Court of Appeals.

A-24-000497

State v. Cecil E Battles

Motion of Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellee's FINAL brief date extended to April 2, 2025.

A-24-000562

In re Interest of Aiden B.

ROD Submitted to Court without Oral Argument

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

A-24-000574

In re Interest of Kayson K. and Melida K.

ROD Submitted to Court without Oral Argument

Affirmed. Welch, Judge. See memorandum web opinion.

A-24-000578

In re Interest of Leo C.

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 April Proposed Call of the Nebraska Court of Appeals.

A-24-000578

In re Interest of Leo C.

Stipulation to Waive Oral Argument

Stipulation to waive oral argument overruled as moot.

A-24-000605

In re Interest of Uriel D.

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 April Proposed Call of the Nebraska Court of Appeals.

A-24-000685

State v. Jenna M Herrera

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 April Proposed Call of the Nebraska Court of Appeals.

A-24-000685

State v. Jenna M Herrera

Mot Appt Counsel Appear Via Video Conf

Motion of Appellant counsel to appear via video-conferencing overruled as moot.

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A-24-000914

Martens v. BB's Childcare LLC

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 April 9, 2025.

A-24-000940

State v. Stephen M Damore

Motion of Appellant to Extend Brief Date

Appellant's motion for extension of brief due date is granted;

Appellant's brief is due March 17, 2025. No further extensions will be granted.

A-25-000070

State v. Sallie E Gilmer

ROD Motion of Appellant to Dismiss Appeal

Stipulation allowed; appeal dismissed; mandate to issue accordingly forthwith.

A-25-000088

Npimnee v. Kuehl

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). There has been no final order yet entered in this ongoing case. Discovery orders are not generally subject to interlocutory appeal because the underlying litigation is ongoing and the discovery order is not considered final. In re Estate of Beltran, 310 Neb. 174, 964 N.W.2d 714 (2021); Furstenfeld v. Pepin, 287 Neb. 12, 840 N.W.2d 862 (2013).

A-25-000105

State v. Kevin W Malone

ROD Miscellaneous Submission to Court

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). Appellant's docket fee was paid 31 days following the district court's entry of its order denying postconviction relief on January 13, 2025. The appeal was not timely perfected. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2024).

A-25-000106

State v. Kathy American Horse

ROD Motion of Appellant to Dismiss Appeal

Stipulation allowed; appeal dismissed; mandate to issue accordingly forthwith.

A-25-000115

Ramirez v. Nebraska Department of Correctional Services

ROD Miscellaneous Submission to Court

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). Appellant failed to timely file his petition under the Administrative Procedure Act. Neb. Rev. Stat. § 84-917(2)(a) (Cum. Supp. 2022) provides that "[p]roceedings for review shall be instituted by filing a petition in the district court of the county

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where the action is taken within thirty days after the service of the final decision by the agency." See e.g. *J.S. v. Grand Island Public Schools*, 297 Neb. 347, 899 N.W.2d 893 (2017). The district court lacked jurisdiction in the matter, as does this court.

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S-23-000568

In re Application for Appointment of Trustee, James A. Widtfeldt  
ROD Judgment for Costs  
Judgment for costs. See order.

S-24-000619

In re Estate of Knapp  
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.

S-24-000754

Hawk v. Hawk  
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.

S-24-000762

Robinson v. Boyd  
Petition Appt Bypass Court of Appeals  
Petition of Appellant to bypass Court of Appeals granted.

S-24-000762

Robinson v. Boyd  
Mot. of Appellee for Summary Affirmance  
Motion of Appellee for summary affirmance overruled. Appellee's FINAL  
brief date extended to March 18, 2025.