

Court of Appeals of Nebraska  
Office of the Clerk

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A-23-000189

Erpelding v. Southall

ROD Pet of Appt for Further Review & Brief  
Petition of Appellant for further review denied.

A-23-000559

Bertucci v. Bertucci

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 June Review Docket of the Nebraska Court of Appeals.

A-24-000099

State v. Shawn M Howell

Motion of Appellant to Extend Brief Date  
Motion considered. By order of the Court, Appellant's FINAL brief date extended to June 17, 2024. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(E)(3).

A-24-000158

In re Interest of Eric W.

Motion Appellant to Extend Brief Date  
Motion considered. By order of the Court, Appellant's FINAL brief date extended to July 8, 2024.

A-24-000276

State v. Robert A Savala

Motion of Appellant to Extend Brief Date  
Motion considered. By order of the Court, Appellant's FINAL brief date extended to July 3, 2024.

A-24-000362

Zoss v. Darwin

ROD Misc Submission to Court - Jurisdiction  
Appeal dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A)(1). The district court's April 23, 2024, order is not yet appealable. Temporary orders of child support are not appealable until the appeal from the final order in the case. See, Furstenfeld v. Pepin, 23 Neb. App. 673, 875 N.W.2d 468 (2016) (temporary orders of alimony and child support are not appealable until appeal from final order of case); Tilson v. Tilson, 299 Neb. 64, 907 N.W.2d 31 (2018) (no final appealable order because despite importance of rights affected, orders temporarily affecting a parent's rights are of limited duration and fail to have substantial effect on those rights).

A-24-000362

Zoss v. Darwin

Mot. of Appellee for Summary Dismissal  
Appellee's motion to dismiss appeal is overruled as moot.

A-24-000401

Plattsmouth Boat Club v. City Plattsmouth

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ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A)(1). Appellant's amended complaint seeking a writ of mandamus in the district court did not meet the requirements for a verified petition or a motion and affidavit, as set forth in Neb. Rev. Stat. § 25-2160 (Reissue 2016). The transcript before this court does not demonstrate that a motion and affidavit were filed, nor that the amended complaint included a notarized verification. See *Burries v. Schmaderer*, 30 Neb. App. 359, 968 N.W.2d 128 (2021) (affidavit requirement may be fulfilled by verified petition, but because petition did not include notarized verification, district court did not have jurisdiction to consider petition for writ of mandamus). The filing of a motion and affidavit or a verified petition is a jurisdictional requirement before a district court may issue a writ of mandamus, and until such filing is made, the court does not have jurisdiction over an action for writ of mandamus. *State ex rel. Malone v. Baldonado-Bellamy*, 307 Neb. 549, 950 N.W.2d 81 (2020). When a trial court lacks jurisdiction to adjudicate the merits of a claim, issue, or question, an appellate court also lacks the power to determine the merits of the claim, issue, or question presented to the lower court. *Id.* Because the district court lacked jurisdiction to hear the plaintiff's mandamus action, its order granting summary judgment is vacated with directions to dismiss the action for lack of jurisdiction.

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S-24-000087

State v. Eric L Ramos

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to July 5, 2024. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(E)(3).