

Court of Appeals of Nebraska
Office of the Clerk

Minutes: June 9, 2025

Page:

1

A-24-000774

In re Interest of Vivian S.
Stipulated Waiver of Oral Argument
Stipulation to waive oral argument sustained.

A-24-000774

In re Interest of Vivian S.
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 September Proposed Call of the Nebraska Court of Appeals.

A-25-000104

In re Interest of Mackenzie S.

ROD Mot. of Appellee for Summary Affirmance
Appellee's motion for summary affirmance is granted. See Neb. Ct. R. App. P. § 2-107(B). Neb. Ct. R. App. P. § 2-105(B)(2)(a) (rev. 2023) requires appellant to file a request for preparation of the bill of exceptions at the same time the notice of appeal is filed. Absent simultaneous filing, leave of court must be obtained to request the bill of exceptions out of time. Id. No leave was sought; therefore, this court does not have a bill of exceptions before it. It is an appellant's duty to include in the bill of exceptions matters which are material to the issues presented for review. In re Interest of Rondell B., 249 Neb. 928, 546 N.W.2d 801 (1996). In the absence of a complete bill of exceptions, it is presumed that an issue of fact raised by the pleadings was sustained by the evidence and that it was correctly determined. In re Estate of Weeder, 318 Neb. 393, 16 N.W.3d 137 (2025). Having reviewed the pleadings, we affirm.

A-25-000124

Morris v. Dall

Motion of Appellee to Extend Brief Date
Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellee's brief date extended to July 23, 2025.

A-25-000146

State v. Chet Stenzel

ROD Petition of Appellant for Further Review
Petition of Appellant for further review denied.

A-25-000153

Holoubek v The City of David City

ROD Motion of Appellant to Dismiss Appeal
Motion of Appellant to dismiss appeal sustained; appeal dismissed; mandate to issue accordingly.

A-25-000248

Livnow Homes, LLC v. Ma Yah II

Motion Appt for Rehearing & Ext Payment
Appellant's "Motion to Set Aside Order to Dismiss and Grant Motion for Leave to File Out of Time and for Extension to Make Payment for Bill of Exceptions," which we have treated as a motion for rehearing

Court of Appeals of Nebraska
Office of the Clerk

Minutes: June 9, 2025

Page: 2

pursuant to Neb. Ct. R. App. P. § 2-113, is overruled. This appeal was dismissed due to appellant's failure to timely appeal from the district court's denial of the application to proceed in forma pauperis or otherwise pay the docket fee on appeal. See, e.g., Mumin v. Frakes, 298 Neb. 381, 904 N.W.2d 667 (2017).

A-25-000299

State v. John M Harmon

Motion of Appellee to Extend Brief Date

Motion considered; Appellee's brief date extended to 14 days after court's ruling on Appellee's motion for summary affirmance.

A-25-000313

State v. Shawn S Rudloff

Order to Show Cause re Jurisdiction

Response to court's order to show cause received from Appellant.

Cause shown. Appellant is directed to file praecipe for supplemental transcript to include inclusion of notice of appeal filed in County Court of Sioux County, Nebraska on October 4, 2023. Said supplemental transcript to be provided to clerk of this court on or before June 20, 2025.

A-25-000363

Maclin v. Hickey

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2 107(A)(1). Appellant's May 9, 2025, notice of appeal was not filed within 30 days of the district court's entry of the domestic abuse protection order on April 8, 2025. The appeal is not timely. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2024).

Supreme Court of Nebraska
Office of the Clerk

Minutes: June 9, 2025

Page:

1

S-25-000165

State v. Wilbert C Smith

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's brief date
extended to July 16, 2025.

S-25-000310

State v. Keiandre T Kellogg

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's brief date
extended to July 9, 2025.