

Supreme Court of Nebraska
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S-24-000192

State ex rel. Douglas County School District #66 v. Ewing
Motion Appe to Present Oral Argument
Motion for leave to present oral argument filed by Intervenor is
sustained. Intervenor is allotted five minutes for oral argument.

S-24-000192

State ex rel. Douglas County School District #66 v. Ewing
Mot Appellee Counsel Pinkham to Withdraw
Motion to withdraw as counsel for appellee, filed by Jimmie L.
Pinkham III, Deputy Douglas County Attorney, is sustained.

S-24-000192

State ex rel. Douglas County School District #66 v. Ewing
By order of the Court re Judicial Notice
Motion to take judicial notice and supplement the record filed by
appellant is deferred until plenary submission of the appeal.

S-24-000211

McLemore v. State of Nebraska
Motion Pet/Appellant for Rehearing
Motion for rehearing overruled. Former order modified: Leave to docket
original action denied.

S-24-000384

Larsen v. Sarpy Co.School Dist.No. 77-0027
Motion to Withdraw Helget for Appellees
Motion of Thomas J. Helget to withdraw as counsel for Appellees
sustained.

S-24-000455

Merithew v. City of Omaha
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-24-000487

Belcastro-Gonzalez v. City of Omaha
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-24-000618

State v. Keloni Jones
Pet Appellee to Bypass Court of Appeals
Petition of appellee to bypass review by Court of Appeals is granted.

S-24-000808

State v. Armon K Rejai
Motion Appellant to Extend Brief Date
Motion of Appellant to extend brief date overruled. See Neb. Ct. R.
App. P. § 2-106(E) (3).

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S-24-000817

State v. Joshua D Tackett

Request to Extend Bill Exceptions

Request for extension granted, in part; time for preparation of
bill of exceptions extended to February 10, 2025.

S-24-000817

State v. Joshua D Tackett

Appellant's Brief date extended

Bill of exceptions preparation date having been extended to
February 10, 2025, Appellant's brief date extended to March 12, 2025.

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A-23-000724

State v. Izayah I Mapp

Motion Appt Extend PFR Filing Deadline

Motion by Appellant to extend filing period for Petition for Further Review overruled. See, Neb. Ct. R. App. P. §2-102(f).

A-24-000239

Bockelman v. Bockelman

Motion of Appellee for Attorney Fees

Appellee's motion for attorney fees is sustained in part. Although the Court find the appeal was not frivolous, a uniform course of procedure exists in Nebraska for the award of attorney fees in dissolution cases, modification actions, or other cases involving domestic relations. See Neb. Rev. Stat. § 42-351(1) (Reissue 2016). Additionally, in dissolution cases, as a matter of custom, attorney fees and costs are awarded to prevailing parties. Moore v. Moore, 302 Neb. 588, 924 N.W.2d 314 (2019). Appellant is ordered to pay Appellee an attorney fee in the amount of \$2,000.

A-24-000557

State v. Paul Wagner

ROD

Appellee's Suggestion of Remand

Appellee's suggestion of remand is granted. Neb. Rev. Stat. § 29-818 (Reissue 2016) provides the court in which a criminal charge has been filed exclusive jurisdiction to determine the rights to seized property, and the property's disposition. State v. Zimmer, 311 Neb. 294, 972 N.W.2d 57 (2022); State v. Ebert, 303 Neb. 394, 929 N.W.2d 478 (2019); State v. McGuire, 301 Neb. 895, 921 N.W.2d 77 (2018). Where a trial court's ruling is based on an incorrect understanding of the law, remand is required so the proceedings can be concluded under the correct legal framework. See State v. McGuire, supra. Accordingly, we reverse the district court's order and remand the matter for further proceedings that apply the correct legal framework under § 29-818.

A-24-000621

Morris v. Dall

Motion to Extend Reply Brief Date

Motion sustained; Appellant's reply brief date extended to February 14, 2025.

A-24-000841

State v. Zackary N Gotschall

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's FINAL brief date extended to February 21, 2025.

A-24-000921

Rodriguez v. Nebraska Department of Corrections

Motion of Appellant to Extend Brief Date

Motion of Appellant to extend brief date denied as moot.

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A-24-000921

Rodriguez v. Nebraska Department of Corrections

ROD Order to Show Cause re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2 107(A)(1). The record in this matter does not show that the appellant served summons within 30 days of the filing of his petition pursuant to the Administrative Procedure Act (APA), Neb. Rev. Stat. § 84-917(2) (a) (Cum. Supp. 2022). In order to perfect an appeal under the APA, the party instituting the proceedings for review must file a petition in the district court for the county where the action is taken within 30 days after the service of the final decision by the agency, and cause summons to be served within 30 days of the filing of the petition. Candyland, LLC v. Nebraska Liquor Control Comm., 306 Neb. 169, 944 N.W.2d 740 (2020) (citing Northern States Beef v. Stennis, 2 Neb. App. 340, 509 N.W.2d 656 (1993)). The service of summons is jurisdictional. Id. If the district court lacked jurisdiction under the APA, so too does this court. See Candyland, LLC v. Nebraska Liquor Control Comm., supra. Appellant's motion to extend brief date is denied as moot.

A-24-000935

Yah v. Omaha Public Power District

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A)(1). The November 15, 2024, order entering a default judgment on Appellee's counterclaim did not dispose of all claims against all parties; the record does not indicate any disposition of Appellant's complaint for damages. See Neb. Rev. Stat. § 25-1315(1) (Reissue 2016) (any order which adjudicates fewer than all claims and rights and liabilities of all parties shall not terminate the action as to any of the claims or parties; final judgment to fewer than all claims or parties may be directed only upon express determination that there is no just reason for delay and upon express direction for entry of judgment).

A-24-000935

Yah v. Omaha Public Power District

Motion of Appe to Strike BOE

Motion of Appellee to strike bill of exceptions overruled as moot.

A-25-000023

Dakota Constructors, Inc. v. Nebraska Public Power District

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2 107(A)(1). The district court's order of December 13, 2024, dismissed appellant's Complaint. However, the record does not show a disposition of the counterclaim asserted by the appellee nor was there an express direction for the entry of judgment upon an express determination that there is no just reason for delay. When a case involves multiple claims for relief or multiple parties, and the court has entered an order adjudicating fewer than all the claims or the rights and liabilities of fewer than all the parties, then, absent a specific statute governing the appeal providing otherwise, Neb. Rev. Stat. § 25-1315 (Reissue 2016) controls

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and mandates that the order is not immediately appealable unless the lower court issues an express direction for the entry of judgment upon an express determination that there is no just reason for delay. See, e.g., *Dylan H. v. Brooke C.*, 317 Neb. 264, 9 N.W.3d 439 (2024).