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A-23-000054

Titus v. Schense

Motion Appellant for Rehearing

Appellant's motion for rehearing is denied. Appellant's brief date was extended to December 28, 2023, but no brief in support of his motion was filed until January 4, 2024, and it far exceeds the allowable word count. Additionally, appellant failed to seek a further extension and failed to obtain court approval prior to filing a non-conforming brief. See Neb. Ct. R. App. P. § 2-113 and § 2-103(C)(3)(b).

A-23-000054

Titus v. Schense

Motion Appt to File Non-Conforming Brief

Motion of Appellant to file a non-conforming brief is overruled.

A-23-000257

Gilbert v. Gilbert

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 January Review Docket of the Nebraska Court of Appeals.

A-23-000263

Plata v. Martinez

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 February Proposed Call of the Nebraska Court of Appeals.

A-23-000287

Everett Estates, LLC v. Ginger Woods Home Association

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 January Review Docket of the Nebraska Court of Appeals.

A-23-000365

State v. Mark A Haas II

Motion Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to February 8, 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-23-000495

In re Interest of Quiotis C.

Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance is overruled. Appellant's motion for summary reversal is overruled. Case to proceed.

A-23-000648

State v. Joel A Ramirez

ROD Mot. of Appellee for Summary Affirmance

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Appellee's motion for summary affirmance is sustained. See Neb. Ct. R. App. P. § 2-107(B)(2). The sentence imposed was not an abuse of discretion. See, State v. Alkazahy, 314 Neb. 406, 990 N.W.2d 740 (2023) (sentence imposed within statutory limits will not be disturbed on appeal in absence of abuse of discretion by trial court); State v. Greer, 309 Neb. 667, 962 N.W.2d 217 (2021) (sentencing court is not required to articulate on record that it has considered each sentencing factor nor make specific findings as to facts pertaining to factors or weight given them).

A-23-000660

Lund-Ross Constructors, Inc. v. Duke of Omaha, LLC

Mot. of Appellee for Summary Dismissal

The motion to dismiss filed by appellees, Raymond Plumbing, Inc. and Andrew A. Raymond, is denied. Case to proceed. Appellees are ordered to address the jurisdiction issue in their respective briefs and appellant is ordered to address the jurisdiction issue in its reply brief.

A-23-000660

Lund-Ross Constructors, Inc. v. Duke of Omaha, LLC

By order of the Court Appe Brf Date

Appellee's motion for summary dismissal having been overruled,

Appellee's brief due on or before January 22, 2024.

See Neb. Ct. R. App. P. § 2-106(E)(2).

A-23-000670

State v. Michael B Woolard

ROD Mot. of Appellee for Summary Affirmance

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. Blake, 310 Neb. 769, 969 N.W.2d 399 (2022).

A-23-000676

Williams v. Combat Veterans Motorcycle Association

Motion Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to February 12, 2024. No further extensions will be allowed except upon a showing of good cause. Neither the stipulation of the parties nor the press of other business constitutes good cause. See Neb. Ct. R. App. P. § 2-106(E)(2).

A-23-000707

State v. James L Plagman

ROD Mot. of Appellee for Summary Affirmance

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. Blake, 310 Neb. 769, 969 N.W.2d 399 (2022).

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A-23-000779

State v. Casey B Nix

Motion Appellee to Extend Brief Date

Motion considered; Appellee's FINAL brief date extended to 14 days after court's ruling on Appellee's suggestion of mootness.

A-23-000797

State v. Austin L Widhalm

ROD Mot. of Appellee for Summary Affirmance

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. Blake, 310 Neb. 769, 969 N.W.2d 399 (2022).

A-23-000832

Hruska v. Hellbusch

Appellant's Replacement Brief Due

Appellant's brief filed January 5, 2024, does not comply with Neb.

Ct. R. App. P. § 2-103(A)(3) regarding spacing and 2-103(C)(2) regarding pagination. Appellant's replacement brief complying with the above-referenced rules is due on or before January 22, 2024.

A-23-000933

State v. Logan J Argent

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to February 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).

A-23-000934

State v. Logan J Argent

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to February 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).

A-23-000936

State v. Logan J Argent

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to February 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).

A-23-000937

State v. Logan J Argent

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to February 5, 2024. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R.

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A-23-000938

State v. Logan J Argent

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to February 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).

A-23-000976

State v. Shawnn E Nahkahyen-Clearsand

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to February 7, 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-23-001033

In re estate of Kriha

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(1). The county court's order entered November 15, 2023, is not yet appealable until such time as the court determines the size of the augmented estate, the value of the elective share, and apportions the remaining balances due to recipients of the augmented estate. See In re Estate of Rose, 273 Neb. 490, 730 N.W.2d 391 (2007).

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S-23-000058

In re Trust of Lamprecht

Mot Appt Counsel to Appear via Zoom

Motion of Appellant counsel to appear for oral argument via video-conferencing sustained. Clerk's Office to make arrangements with counsel.

S-23-000059

In re Trust of Lamprecht

Mot Appt Counsel to Appear via Zoom

Motion of Appellant counsel to appear for oral argument via video-conferencing sustained. Clerk's Office to make arrangements with counsel.

S-23-000076

State v. Deontae C Rush

Motion Appt to Continue Oral Argument

Motion of Appellant to continue oral argument sustained. Case placed on the next proposed call of the Nebraska Supreme Court, to occur on March 5, 6, and 7, 2024.

S-23-000360

Castillo v. Libert Land Holding 4 LLC

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-23-000391

Garcia v. City of Omaha, Nebraska

Mot/Stip to Continue Oral Argument

Stipulation to continue oral argument sustained. Case placed on the next proposed call of the Nebraska Supreme Court, to occur on March 5, 6, and 7, 2024.

S-23-000438

MIMG LXXIV Colonial, LLC v. Ellis

Stipulation to Continue Oral Argument

Stipulation to continue oral argument sustained. Case placed on the next proposed call of the Nebraska Supreme Court, to occur on March 5, 6, and 7, 2024.

S-23-000472

In re Hessler Living Trust

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.

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S-23-000155

Nebraska Journalism Trust v. Nebraska Dept of Environment & Energy
Mot Reporters Committee File Amicus Brf

Subject to reconsideration upon timely objection, motion of The
Reporters Committee for Freedom of the Press and Other Media
Organizations for leave to file brief amici curiae sustained. Brief
shall be filed no later than 10 days prior to oral argument.