

Court of Appeals of Nebraska
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A-22-000766

In re Estate of Lahr

ROD Submitted to Court without Oral Argument
Affirmed. Riedmann, Judge. See memorandum web opinion.

A-22-000892

Herink v. Bluestem Energy Solutions, LLC

ROD Submission to Court
Affirmed. Bishop, Judge. Riedmann, Judge, concurring in part, and
in part dissenting. (P)

A-22-000927

Akins v. Al-Aboudy

ROD Submitted to Court without Oral Argument
Affirmed. Bishop, Judge. See memorandum web opinion.

A-22-000939

Meiergerd v. Qatalyst Corporation

ROD Submitted to Court without Oral Argument
Affirmed. Bishop, Judge. See memorandum web opinion.

A-22-000978

Graves v. Graves

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 December Review Docket of the Nebraska Court of Appeals.

A-23-000054

Titus v. Schense

Motion Ext. Brief Support Mot. Rehearing
Motion to extend brief in support of Motion for Rehearing sustained.
Brief due on or before December 28, 2023. No further extensions will
be allowed.

A-23-000197

In re Estate of Jeffres

Mot Appe to Advance to Oral Argument
Appellee's motion to advance oral argument sustained. Case to be
placed on the January 2024 Call.

A-23-000262

State v. Sabrina J Smith

ROD Submission to Ct re: Plea
Affirmed. Welch, Judge. See memorandum web opinion.

A-23-000407

State v. Sondra M Gray

Motion Appellee to Extend Brief Date
Motion considered. By order of the Court, Appellee's FINAL brief
date extended to December 27, 2023. No further extensions will be
allowed except upon a showing of exceptional cause. See Neb. Ct. R.
App. P. § 2-106(E)(3).

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A-23-000481

Fraction v. James

ROD Mot. of Appe County Treasurer Sum Affirm
Appellee's motion for summary affirmance pursuant to Neb. Ct. R. App. P. 2-107(B)(2) is sustained; district court's June 5, 2023, order is affirmed. See Schaeffer v. Frakes, 313 Neb. 337, 984 N.W.2d 290 (2023) (doctrine of claim preclusion bars relitigation not only of those matters actually litigated, but also of those matters which might have been litigated in prior action; whether subsequent suit alleges same cause of action as prior suit is determined by whether right to be vindicated rests upon same operative facts, and if so, same cause of action has been alleged even if different theories of recovery are relied upon).

A-23-000515

Tortorello v. Hannagan

Motion Appellee to Extend Brief Date
Motion considered. By order of the Court, Appellee's FINAL brief date extended to December 27, 2023. 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-23-000516

D&M Roofing and Siding, Inc. v. Distribution, Inc.

Motion Appt to Extend Reply Brf Date
Motion sustained; Appellant's reply brief date extended to December 21, 2023.

A-23-000639

Harris v. Sheldon

Motion Appellant to Extend Brief Date
Motion considered. By order of the Court, Appellant's FINAL brief date extended to December 11, 2023. 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-23-000642

State v. Michael L Avidano

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

A-23-000661

Cheyenne County Board of Equalization v. Janek and Teresa Mietus

Appellant's Replacement Brief Due
Appellant's brief filed November 27, 2023, does not comply with Neb. Ct. R. App. P. §§ 2-103(A)(3) regarding margins and spacing, 2-103(A)(4) regarding underscored type, 2-103(C)(2) regarding page numbering, and 2-103(C)(4) regarding a certificate of compliance. Appellant's replacement brief complying with the above-referenced rules is due on or before December 12, 2023.

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A-23-000741

Fraction v. Traveler's Bond

ROD Misc Subm to Court re 7A(1)-Summary Aff
District court's September 6, 2023, order denying Appellant's request to proceed in forma pauperis is summarily affirmed pursuant to Neb. Ct. R. App. P. § 2-107(A)(2). Appellant's brief contains no assigned error or argument pertaining to the order appealed.

A-23-000828

State v. Isaac D Koch

Motion Appellee to Extend Brief Date
Motion considered. By order of the Court, Appellee's FINAL brief date extended to December 27, 2023. 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-23-000841

State v. Antoine C Johnson

Mot Appt Leave File Praeipce BOE
Motion for leave to file a praecipe for bill of exceptions out of time overruled as no good cause shown as required under Neb. Ct. R. App. P. § 2-105(B)(2)(f).

A-23-000841

State v. Antoine C Johnson

Motion Appellant to Extend Brief Date
Motion sustained in part; Appellant's FINAL brief date extended to January 3, 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-23-000913

In re Estate of Warner

By order of the Court Reset Prep Date
By order of the Court, praecipe for bill of exceptions not having been sent up with the Notice of Appeal from the trial court, record preparation date re-established to December 28, 2023.

A-23-000913

In re Estate of Warner

Appellant's Brief Date Re-established
Record preparation date having been re-established to December 28, 2023, Appellant's brief date re-established to January 29, 2024.

A-23-000914

In re Estate of Warner

Mot Appt Amend/Relax Word Count Limit
Motion of Appellant to expand brief word count overruled.

A-23-000914

In re Estate of Warner

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Amended NOA with Praecipies

Motion of Appellant requesting leave for supplemental bill of exceptions contained in the amended notice of appeal is overruled for failure to comply with Neb. Ct. R. App. P. § 2-105(B)(2)(f) which requires a showing of good cause for failure to request in the original praecipe.

A-23-000914

In re Estate of Warner

By order of the Court Reset Prep Date

By order of the Court, praecipe for bill of exceptions not having been sent up with the Notice of Appeal from the trial court, record preparation date re-established to December 28, 2023.

A-23-000914

In re Estate of Warner

Appellant's Brief Date Re-established

Record preparation date having been re-established to December 28, 2023, Appellant's brief date re-established to January 29, 2024.

A-23-000917

State v. Tanner L Petersen

Mot Leave to File Amended Praecipe BOE

Motion of Appellant for leave to file amended praecipe for bill of exceptions sustained.

A-23-000918

State v. Tanner L Petersen

Mot Leave to File Amended Praecipe BOE

Motion of Appellant for leave to file amended praecipe for bill of exceptions sustained.

A-23-000960

State v. Chad R Clausen

By order of the Court

By order of the Court, case having been certified as plea in error, record preparation date re-established to January 9, 2024.

A-23-000960

State v. Chad R Clausen

Appellant's Brief Date Re-established

Record preparation date having been re-established to January 9, 2024, Appellant's brief date re-established to February 8, 2024.

A-23-000968

State v. Norman J Haley Jr.

By order of the Court APPT of Counsel

By order of the Court, trial court directed to rule upon motion for appointment of counsel previously filed in the trial court and/or to notify the Clerk of the Supreme Court of such ruling within 14 days of this order.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

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A-23-000853

In re Interest of A Reesha C.

OSC re Summary Affirmance. See order.

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S-22-000669

Nelson v. Lahm

Disclosure of Justice Papik

Disclosure of Justice Papik. See order.

S-22-000673

Boone River LLC v. Miles

Second Motion Appellant Attorney Fees

Appellants' motion for attorney fees overruled.

S-22-000673

Boone River LLC v. Miles

Motion for Attorney Fees for Odgaard

Appellees' motion for attorney fees overruled.

S-22-000673

Boone River LLC v. Miles

Motion for Attorney Fees for Reagan

Appellants' motion for attorney fees overruled.