

Court of Appeals of Nebraska  
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A-22-000684

In re Interest of Dalton J.

Motion Appellee to Extend Brief Date

Motion of Appellee sustained in part; Appellee brief due on or before November 27, 2023.

A-22-000685

In re Interest of Samuel L.

Motion Appellee to Extend Brief Date

Motion of Appellee sustained in part; Appellee brief due on or before November 27, 2023.

A-23-000075

State v. Kevin W Malone

Motion Appt for Appointment of Counsel

Motion of Appellant for appointment of counsel overruled.

A-23-000165

Naked Maiden's Falls v. Simmons

Motion Appt to Extend Reply Brief Date

Motion sustained; Appellant's reply brief date extended to November 3, 2023.

A-23-000324

Woodward v. St Francis Medical Center

Motion Appellees to Extend Brief Date

Motion considered. By order of the Court, Appellees' FINAL brief date extended to December 1, 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-23-000339

Ricker v. Nebraska Methodist Health System

Mot Appe Counsel Baumann to Withdraw

Motion sustained; Joshua Baumann allowed to withdraw as counsel for Appellee.

A-23-000365

State v. Mark A Haas II

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to November 29, 2023. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(E) (3).

A-23-000379

CEK Investment Properties v Jacquot

Motion Appellees to Extend Brief Date

Motion considered. By order of the Court, Appellees' FINAL brief date extended to December 1, 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.

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

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A-23-000389

State v. Anthony J Aguilar  
Motion Appellee to Extend Brief Date  
Motion considered. By order of the Court, Appellee's FINAL brief date extended to November 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).

A-23-000432

State v. Jose L Martinez  
ROD Mot. of Appellee for Summary Affirmance  
Appellee's motion for summary affirmance pursuant to Neb. Ct. R. App. P. § 2-107(B)(2) is sustained; judgment affirmed. Appellant's sentence is within the statutory range and there was no abuse of discretion by the trial court. See State v. Price, 306 Neb. 38, 944 N.W. 2d 279 (2020) (sentence not abuse of discretion when nothing indicates sentencing court considered inappropriate factors or ignored mitigating factors).

A-23-000444

State v. Cory Huber  
ROD Mot. of Appellee for Summary Affirmance  
Appellee's motion for summary affirmance pursuant to Neb. Ct. R. App. P. § 2-107(B)(2) is sustained; judgment affirmed. Appellant's sentence is within the statutory range and there was no abuse of discretion by the trial court. See State v. Price, 306 Neb. 38, 944 N.W. 2d 279 (2020) (sentence not abuse of discretion when nothing indicates sentencing court considered inappropriate factors or ignored mitigating factors).

A-23-000540

State v. David E Barrett  
Motion of Appellee to Consolidate  
Motion sustained. Cases 23-0540, 23-0541 and 23-0542 consolidated for briefing and disposition.

A-23-000541

State v. David E Barrett  
Motion of Appellee to Consolidate  
Motion sustained. Cases 23-0540, 23-0541 and 23-0542 consolidated for briefing and disposition.

A-23-000542

State v. David E Barrett  
Motion of Appellee to Consolidate  
Motion sustained. Cases 23-0540, 23-0541 and 23-0542 consolidated for briefing and disposition.

A-23-000604

In re Interest of Destiny E.  
Motion Appellant to Extend Brief Date  
Motion considered. By order of the Court, Appellant's FINAL brief

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date extended to November 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).

A-23-000614

State v. Mark A Davis

Motion Appellant to Extend Brief Date

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

A-23-000616

State v. Josue D Ibarra-Montano

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to November 20, 2023. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(E)(3).

A-23-000617

State v. Josue D Ibarra-Montano

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to November 20, 2023. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(E)(3).

A-23-000658

State v. Courvoisier V Sims

Motion Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to November 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-23-000661

Cheyenne County Board of Equalization v. Janek and Teresa Mietus

Appellant's Brief Date Established

Bill of exceptions having been filed with the court, Appellant's brief due on or before November 27, 2023.

A-23-000698

State v. Alijah D Muldrew

Motion Appellant to Extend Brief Date

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

A-23-000770

State v. Brendan Welch

Motion Appellant Rehearing/Ext Brf Supp

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Motion of Appellant for rehearing overruled.

A-23-000770

State v. Brendan Welch

Motion for Appointment of Counsel

Motion of Appellant for appointment of counsel overruled.

A-23-000789

State v. Isaac D Koch

Motion Appellant Waive Email Requirement

Motion of Appellant to waive e-mail registration overruled.

A-23-000790

State v. Laura A Gouge

ROD Misc Submission to Court - Jurisdiction

Appeal dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A) (1). Appellant's notice of appeal was not filed within 30 days of the district court's September 5, 2023, sentencing order. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2022) (notice of appeal must be filed within 30 days after entry of judgment, decree, or final order).

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-23-000557

Bayliss v. Clason

OSC re Appt Mot Partial Dism. See order.

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S-21-000074

Continental Resources v. Fair

By order of Court re: Supplemental Brief

By order of the Court, Appellees Scotts Bluff County and Heather Hauschild, Scotts Bluff County Treasurer, are given leave until November 27, 2023, to submit a brief, if they so desire, addressing:

1. Appellant's contention that in light of the U.S. Supreme Court's opinion in Tyler v. Hennepin County, 598 U.S. \_\_\_\_ (2023), Scotts Bluff County is liable to Appellant for taking Appellant's property without paying just compensation; and 2. Any other issues deemed relevant to the issues raised in this appeal.

It is further ordered that: 1. The word limit for such brief shall be 10,000 words; 2. The Clerk's Office shall provide notice of this order to the district court counsel of record to Scotts Bluff County and Heather Hauschild, Scotts Bluff County Treasurer.

S-21-000364

Nieveen v. TAX 106

By order of Court re Supplemental Brief

On the Court's own motion, the Attorney General is invited to file a brief regarding the argument of Appellees Lancaster County and Rachel Garver that, to the extent Appellant has a viable takings claim, the State of Nebraska is liable. Such brief shall not exceed 10,000 words and shall be filed by November 27, 2023.

S-23-000649

Parde v. Parde

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).

S-23-000785

State ex rel. Koch v. Lincoln County District Court Judges

ROD Motion Petitioner to Withdraw Petition

Leave to withdraw petition without prejudice is granted.

S-23-000785

State ex rel. Koch v. Lincoln County District Court Judges

Motion for In Forma Pauperis

Leave to proceed in forma pauperis overruled as moot.

S-23-000802

Stat ex rel. Koch v. Lincoln County District Court Judges

ROD Petition for Writ of Mandamus

Leave to docket original action denied.

S-23-000802

Stat ex rel. Koch v. Lincoln County District Court Judges

Motion for In Forma Pauperis

Leave to proceed in forma pauperis overruled as moot.

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S-23-000805

State ex rel. Jankowski v. Hilgers

ROD Application to Docket Original Action

Application to docket original action denied.