

Court of Appeals of Nebraska
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A-22-000591

30 Metropolitan Place, LLC v. Dana Partnership, LLP

Stip Motion for Vacation of Memo Opinion

The parties' Stipulated Motion for Vacation of Memorandum Opinion and Judgment on Appeal and for Order Dismissing Appeal and Sealing of Court File is overruled.

A-23-000313

In re Interest of Elaina S.

Motion Appt to Continue Oral Argument

Motion of Appellant to continue oral argument sustained. Case to be placed on the next proposed call of the Nebraska Court of Appeals, to occur on December 12 and 13, 2023.

A-23-000355

In re Interest of Lennon G.

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 November Proposed Call of the Nebraska Court of Appeals.

A-23-000452

Penate v. Penate

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to November 13, 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-23-000476

Osborn v. Lavagnino

Motion Appt Leave Pay BOE/Ext Brf Dt

Appellant's request for leave to pay for the bill of exceptions out of time overruled. Appellant's brief due on or before October 20, 2023. No further extensions allowed. Failure to file a timely brief will result in dismissal of the appeal.

A-23-000544

Neal v. Solorzano

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to November 6, 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-23-000554

State v. Terije U Carter

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.

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A-23-000559

Bertucci v. Bertucci

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to November 6, 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-23-000638

State v. Courtney L Anderson

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to November 6, 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-23-000732

State v. Susan K Glenn

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(1). Timothy Glenn has no legal authority to file an appeal on behalf of Susan Glenn. See, Back Acres Pure Trust v. Fahlander, 233 Neb. 28, 443 N.W.2d 604 (1989); Waite v. Carpenter, 1 Neb. App. 321, 496 N.W.2d 1 (1992). Because Timothy Glenn had no authority to prosecute an appeal on behalf of Susan Glenn, the notice of appeal and all subsequent pleadings and briefs are stricken and the appeal is dismissed.

A-23-000765

State v. Dale L Allen

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(1). Appellant's September 29, 2023, notice of appeal was not timely filed from the district court's entry of the order of August 9, 2023. Appellant's motion to alter or amend judgment did not toll the appeal time. See Neb. Rev. Stat. § 25-1912(3)(b) (Cum. Supp. 2022) and § 25-1329 (Reissue 2016).

A-23-000766

State v. Dale L Allen II

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(1). Appellant's September 29, 2023, notice of appeal was not timely filed from the district court's entry of the order of August 9, 2023. Appellant's motion to alter or amend judgment did not toll the appeal time. See Neb. Rev. Stat. § 25-1912(3)(b) (Cum. Supp. 2022) and § 25-1329 (Reissue 2016).

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-23-000457

Tunink v. Continental Fire Sprinkler Co.

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Conditional Order & OSC. See order.

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S-22-000672

State v. Kuldip Singh

ROD Submission to Court

Affirmed. Miller-Lerman, Justice. See memorandum opinion.

S-22-000898

Rose v. American Family Insurance Group

ROD Submission to Court

Affirmed. Miller-Lerman, Justice. Heavican, Chief Justice, not participating. Stacy, Justice, concurs.

S-23-000028

In re Application A-19594, Water Division 1-A, 1-B

ROD Submission to Court

Affirmed. Cassel, Justice. Heavican, Chief Justice and Miller-Lerman, Justice, not participating.

S-23-000076

State v. Deontae C Rush

Motion Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to November 9, 2023. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(E)(3).

S-23-000131

State v. Donald G Anthony

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.

S-23-000157

Mathiesen v. Kellogg

By order of the Court Case Movement

By order of the Nebraska Supreme Court, case moved from Court of Appeals docket to Supreme Court docket.