

On May 8, 2024, the Nebraska Supreme Court adopted the following rule amendments to Neb. Ct. R. App. P. § 2-106 and the new Ch. 2, Art. 1, App. 5:

CHAPTER 2: APPEALS

Article 1: Nebraska Court Rules of Appellate Practice.

....

§ 2-106. Motions generally; specific motions.

....

(E) Motions for Extension of Brief Date.

(1) Where an extension is sought due to failure of preparation of a bill of exceptions by court reporting personnel, see § 2-105(C) for instructions.

(2) For cases which are not advanced, all requests for extension of brief date, including the first request, shall be supported by a showing of good cause. First extensions of no more than 30 days may be immediately granted. Good cause includes, but is not limited to,

(a) unavailability of required appellate records through no fault of the requestor;

(b) a showing that a case involves complex and unusual facts or legal issues requiring additional research and preparation time;

~~(c) recent change in appellate counsel and/or appointment or hiring of new counsel who is unfamiliar with the appeal; and/or~~

~~(d)~~ specifically listed conflicts with the schedule of another court. Neither the stipulation of the parties nor mere conclusory statements, such as “the press of other business,” constitutes good cause.

(3) For advanced cases as provided in § 2-111(B)(2), requests for no extension of brief date will only be allowed except upon a showing of exceptional cause. Except in juvenile cases, first extensions of no more than 30 days may be immediately granted. Exceptional cause includes, but is not limited to,

(a) the intervention of something beyond the control of the requestor and/or

(b) unexpected illness, incapacity, or unforeseeable absence of the person preparing the brief; and/or

(c) recent change in appellate counsel and/or appointment or hiring of new counsel who is unfamiliar with the appeal.

(4) Motions for extension of brief date shall be submitted immediately and may be granted immediately only for a period not to exceed 30 days, subject to reconsideration if a timely response is filed.

See appendices 1, 2, and 5 for form.

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IN THE SUPREME COURT/COURT OF APPEALS
OF NEBRASKA

Case No.

Appellee/Appellant,

v.

Appellee/Appellant.

MOTION FOR 30-DAY
EXTENSION OF BRIEF
IN ADVANCED CASES

Comes now the appellant (or appellee) _____, and
requests a 30-day extension of brief from _____, 20 ____ to
_____, 20 ____.

I request an extension based on one or more of the following exceptional cause:

_____ the intervention of something beyond the control of the requestor and/or;

_____ unexpected illness, incapacity, or unforeseeable absence of the person
preparing the brief; and/or;

_____ there has been a recent change in appellate counsel and/or appointment or
hiring of new counsel who is unfamiliar with the appeal;

_____ Other exceptional cause not listed above:

And in support thereof, I list the following facts related to the cause listed above:

[Insert here:]

Signature

Date:

Name

Street Address/P.O. Box

Bar Number and Firm Name (attorneys only)

City/State/ZIP Code

Phone

Email Address

ATTORNEYS: USE THE SYSTEM-GENERATED
CERTIFICATE OF SERVICE

NON-ATTORNEYS: USE THE FOLLOWING
CERTIFICATE OF SERVICE

The foregoing Motion was served upon _____,
attorney for appellee/appellant or self-represented litigant by mailing a copy
to him/her at _____.

(Address/Zip Code)

/s/ _____

(NOTE: Neither the stipulation of the parties nor mere conclusory statements
such as “the press of other business” constitutes good cause. See [Neb. Ct. R.
App. P.
§ 2-106\(E\)\(2\).](#))