

## NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court considered proposed amendments to Neb. Ct. R. App. P. § 2-106(E), entitled “Motions for Extension of Brief Date.”

The Nebraska Supreme Court invites interested persons to comment on the proposed rule amendments. Anyone desiring to submit a public comment for the Supreme Court’s consideration should do so via email to [joshua.shasserre@nejudicial.gov](mailto:joshua.shasserre@nejudicial.gov), with the following text listed in the email subject line: **Neb. Ct. R. App. P. § 2-106(E). Brief Extensions**. Comments will be accepted through August 1, 2025.

The full text of the proposal is available below. To obtain a paper copy, please call the Clerk’s Office at 402-471-3731.

### CHAPTER 2: APPEALS

#### Article 1: Nebraska Court Rules of Appellate Practice.

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#### **§ 2-106. Motions generally; specific motions.**

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(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) 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.~~

(2) Except for juvenile cases or juvenile transfer cases, first requests for extension of brief date shall be supported by a general showing of need for additional time, regardless of case categorization per § 2-111(B)(2). First extensions of no more than 30 days may be immediately granted.

(3) First requests for extension of brief date in juvenile cases, juvenile transfer cases, and second requests for extension of brief date, regardless of case categorization per § 2-111(B)(2), shall be supported by a showing of good cause. Extensions under this subpart shall not 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) 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; or

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

~~(3)~~ (4) Second requests for extension of brief date in juvenile cases, juvenile transfer cases, and third or subsequent requests for extension of brief date, regardless of categorization per § 2-111(B)(2), will only be allowed upon a showing of exceptional cause. Extensions under this subpart shall not be immediately granted. For advanced cases as provided in § 2-111(B)(2), requests for extension of brief date will only be allowed 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) (5) 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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