

NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court considered proposed amendments to Neb. Ct. R. App. P. § 2-109(F), which subsection is entitled “Replacement briefs,” and has determined the proposed amendments should be published for a public comment period.

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 with the following text listed in the email subject line: **Neb. Ct. R. App. P. § 2-109(F). Replacement briefs**. Comments will be accepted through June 2, 2025.

The full text of the proposed amendments 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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§ 2-109. Briefs; constitutional questions.

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(F) Replacement briefs. The appellate courts reserve the right to issue a replacement brief order. If a court orders a party to submit a replacement brief for failure to comply with requirements of ~~this~~ these rules, the original brief shall be stricken upon ~~filing of~~ entry of the replacement brief order. The ordered party shall correct only the rule deficiencies outlined in the order and make no other changes. An order setting the date for filing a replacement brief shall automatically extend the filing date for any responsive brief as follows:

(1) for a replacement appellant’s brief, the appellee’s brief date is extended to 30 days after the date the replacement brief is due;

(2) for a replacement appellee’s brief, with or without cross-appeal, the appellant’s reply brief date is extended to 10 days after the date the replacement brief is due.

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