

Court of Appeals of Nebraska
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A-20-000892

Chelli v. Baca

Motion Appellee Continue Oral Argument

Motion of Appellee to continue oral argument sustained. Case moved to the next proposed call of the Nebraska Court of Appeals, to occur on January 11 and 12, 2022.

A-21-000052

Chelli v. Baca

Motion Appellee Continue Oral Argument

Motion of Appellee to continue oral argument sustained. Case moved to the next proposed call of the Nebraska Court of Appeals, to occur on January 11 and 12, 2022.

A-20-000899

Clement v. Saunders

Motion Appellee for Attorney Fees

Appellee's motion for attorney fees and costs is sustained in the amount of \$3,002.50.

A-21-000123

Smith v. Smith

ROD Petition Appellant for Further Review

Petition for further review denied.

A-21-000180

Williams v. Williams

Motion Appellant Continue Oral Argument

Case having been dismissed; motion to continue oral argument overruled as moot.

A-21-000180

Williams v. Williams

ROD By order of the Court re Summ Dismissal

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(2). Because the biological father was an indispensable party to the action for grandparent visitation, but was not included in the proceedings, the district court lacked subject matter jurisdiction and so does the appellate court. See, Davis v. Moats, 308 Neb. 757, 956 N.W.2d 682 (2021); Morse v. Olmer, 29 Neb. App. 346, 954 N.W.2d 638 (2021). While the district court could have allowed Appellant to amend her complaint in order to join the biological father as a party, there was no error in the court's decision to dismiss without prejudice, such that Appellant can refile the action.

A-21-000214

State v. Joseph R Oxarart

ROD Petition Appellant for Further Review

Petition for further review denied.

A-21-000233

In re Interest of Lloyd M.

Case Review re Rule 2-111(B)(1)

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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 December Review Docket of the Nebraska Court of Appeals.

A-21-000351

State v. Clifford L Rush

Pet Appt to Bypass Court of Appeals

Appellant's petition to bypass overruled.

A-21-000412

State v. Roy Merrell

ROD Motion Appellee for Summary Affirmance

Appellee's motion for summary affirmance granted. See Neb. Ct. R. App. P. § 2-107(B)(2). Sentence imposed did not constitute an abuse of discretion. An appellate court will not disturb a sentence imposed within the statutory limits absent an abuse of discretion by the trial court. State v. Archie, 305 Neb. 835, 943 N.W.2d 252 (2020).

A-21-000590

State obo Richard M. v. Richard M.

Replacement Brief Due 12-7-21

Brief of Appellee filed November 22, 2021, does not comply with S. Ct. R. App. P. § 2-109(D)(2)(c) regarding the statement of the case.

Appellant's replacement brief complying with the above-referenced rule is due on or before December 7, 2021.

A-21-000615

State v. Timothy J Britt

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.

A-21-000633

State v. Robert E Brown

Motion Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to December 22, 2021. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(F)(1).

A-21-000731

Mai v. Lecher

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to December 29, 2021. 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(F)(2).

A-21-000815

Craig Tuttle Construction Inc v. Vandever

ROD OSC re: Jurisdiction. See order.

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(2). Court lacks jurisdiction over appeal. Order reinstating case entered by district

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court was not a final appealable order. See Fidler v. Life Care
Centers of America, 301 Neb. 724, 919 N.W.2d 903 (2018).

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S-20-000094

In re Trust of Lakin

Motion Appe for Rehearing Parties 3 & 4

Motion of Appellant for rehearing overruled. See supplemental opinion.