

Court of Appeals of Nebraska
Office of the Clerk

Minutes: December 15, 2021

Page:

1

A-18-000712

Roehrs v. Roehrs

ROD Petition Appellant for Further Review
 Petition of Appellant for further review denied.

A-21-000161

Santillano v. Santillano-Escobar

Motion Appellee for Attorney Fees

Appellee's motion for attorney fees denied. See Bowers v. Lens, 264 Neb. 465, 648 N.W.2d 294 (2002) (setting forth factors for court to consider in award of attorney fees).

A-21-000473

Congtang v. Department of Health and Human Services

Motion Appellant Rehearing

Appellant's motion for rehearing is denied. See Friedman v. Friedman, 290 Neb. 973, 863 N.W.2d 153 (2015) (pro se litigant will receive same consideration as if he or she had been represented by attorney, and, concurrently, that litigant is held to same standards as one who is represented by counsel).

A-21-000473

Congtang v. Department of Health and Human Services

Motion Appt to expand page limit

Motion of Appellant to expand brief page limit overruled as moot.

A-21-000786

Waschinek v. Hubschman

Motion Appellants to Extend Brief Date

Motion considered. By order of the Court, Appellants' FINAL brief date extended to January 14, 2022. 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-21-000837

State v. Tracy Space

Bill of Exceptions & Brief Date Extended

Notice of appeal and praecipe having been filed December 15, 2021, the record preparation date is established as February 2, 2022, and Appellant's brief date is established as March 4, 2022. Appellant's counsel to notify the court reporter of the record preparation date.

A-21-000867

Cumpston v. Cumpston

ROD Misc Submission to Court - Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(2). Poverty affidavit, filed in lieu of docket fee, is not properly notarized. See, Neb. Rev. Stat. § 25-2301.01 et seq. (Reissue 2016); State v. Ruffin, 280 Neb. 611, 789 N.W.2d 19 (2010) (affidavit described in § 25-2301.01 requires hallmarks of affidavit such as signature of affiant and certificate of an authorized officer).

Court of Appeals of Nebraska
Office of the Clerk

Minutes: December 15, 2021

Page:

2

A-21-000868

Cumpston v Cumpston

ROD Misc Submission to Court - Jurisdiction
Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(2). Poverty affidavit, filed in lieu of docket fee, is not properly notarized. See, Neb. Rev. Stat. § 25-2301.01 et seq. (Reissue 2016); State v. Ruffin, 280 Neb. 611, 789 N.W.2d 19 (2010) (affidavit described in § 25-2301.01 requires hallmarks of affidavit such as signature of affiant and certificate of an authorized officer).

A-21-000957

Peterson v. Jacobitz

ROD Misc Submission to Court - Jurisdiction
Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(2). An order determining that, due to abandonment, a birth father's consent is not required for the stepfather to adopt the minor child is not a final, appealable order. See In re Adoption of Madysen S. et al., 293 Neb. 646, 879 N.W.2d 34 (2016). Such orders do not affect a substantial right because they do not resolve the issue of adoption. The county court could ultimately decide to deny the petition for adoption, at which point the complaining party's substantial rights would never be affected. And, if instead the adoption were permitted, then the rights at issue could be effectively vindicated in an appeal from the final judgment of adoption. Id.

A-21-001004

State v. Clintus J Alford

By order of the Court

By order of the Court, trial court directed to rule upon motion for appointment of counsel previously filed in the trial court and/or to notify the Clerk of the Supreme Court of such ruling within 14 days of this order.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-21-000967

Buresh v. Cooperative Producers Inc

Order to Show Cause re Jurisdiction

Supreme Court of Nebraska
Office of the Clerk

Minutes: December 15, 2021

Page:

1

S-18-000979

State v. Anthony J. Garcia

Motion Appellant to Expand Brf Pg Limit

Motion of Appellant to expand brief page limit sustained and original submission extended to 510 pages. Replacement brief due on or before December 22, 2021.

S-21-000407

Barnett v. Happy Cab Co

Misc Submission to Court case movement

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

S-21-000506

In re Interest of Jayvion W.

Mot Appt Counsel Visek to Withdraw

Motion of Appellant counsel Joni Visek to withdraw overruled.

S-21-000506

In re Interest of Jayvion W.

Appellant's Replacement Brief Due 1/14

By order of the Court, Anders brief is stricken; Appellant to file a replacement brief on or before January 14, 2022.

S-21-000975

State ex rel. Whitaker v. Maret

ROD Application to Docket an Original Action

Application to docket an original action overruled.

S-21-000975

State ex rel. Whitaker v. Maret

Petition for Writ of Mandamus

Petition for writ of mandamus overruled.

S-21-000979

Voss v. Brewer

ROD Application to Docket OA-Habeas Corpus

Filings stricken for unauthorized practice of law. See Neb. Rev. Stat. § 7-101.