

Bond Case Briefs

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EMINENT DOMAIN - NEBRASKA

Pinnacle Enterprises, Inc. v. City of Papillion

Supreme Court of Nebraska - February 22, 2019 - N.W.2d - 302 Neb. 2972019 WL 847876

City initiated condemnation proceedings. Condemnee filed a notice of appeal challenging the amended return of the appraisers' award.

The District Court dismissed the appeal for lack of jurisdiction. Condemnee appealed.

The Supreme Court of Nebraska held that:

- Law-of-the-case waiver rule did not prohibit second district court judge from sua sponte reconsidering earlier denial of motion to dismiss;
- District court had power to review its previous interlocutory order denying motion to dismiss condemnation appeal for lack of jurisdiction;
- District court acquired jurisdiction over challenge to amended return of the appraisers' award;
- District court lacked statutory authority to impose sanctions against condemnee for failing to timely file petition on appeal; and
- Trial court did not abuse its discretion in denying condemnee's motion for sanctions against city.