

Bond Case Briefs

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HIGHWAYS - NEBRASKA

County of Cedar v. Thelen

Supreme Court of Nebraska - March 20, 2020 - N.W.2d - 305 Neb. 351 - 2020 WL 1321467

County filed civil complaint for a permanent injunction at same time as a criminal complaint charging landowner with obstructing a public road based on his repeated instances of erecting electric fence within ditch right-of-way along county road.

The District Court granted injunction following bench trial. Landowner appealed.

The Supreme Court held that criminal prosecution of landowner did not provide an adequate remedy at law that would preclude injunctive relief for county.

Criminal prosecution of landowner for obstructing public road based on his repeated instances of erecting electric fence within ditch right-of-way along county road did not provide an adequate remedy at law that would preclude permanent injunctive relief for county, where multiple criminal prosecutions did nothing to curb landowner's behavior, and landowner expressed opinion that fines associated with repeat misdemeanor convictions were "cheap pasture rent."