

knowing of the dispute, therefore it is unenforceable. Now, I'm saying that what that means is...and I don't know of any Nebraska court case that contradicts this statement, that when parties know the dispute they are capable of agreeing to arbitration and that agreement is binding, that agreement is enforceable. That's how I read Nebraska law. I would like to know, I would like to ask Senator Kristensen if he would answer the question, does he know of any case or any proposition that contradicts my understanding of what Nebraska case law is?

PRESIDENT ROBAK: Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Senator Landis. And I'm searching for that case...I've got to to...just don't have it right here and I'm going to try to look through that again to answer you. But my direct recall of that particular case is that that case did deal specifically with predispute situations. The logical conclusion to that is that the postdisputes, knowledge of postdisputes would be okay. I mean, I think that's the logical conclusion of what that case means, although the court did not go on and make that ruling, did not put that holding in that particular case, thus...

SENATOR LANDIS: Right.

SENATOR KRISTENSEN: ...I think the next step up the ladder is that if the first step takes you closer to the upstairs window, obviously, another step you take will go.

SENATOR LANDIS: That's the argument for your amendment. But the point here that I'm asking you is, do you know of a single case that stands for the proposition that where the parties know the identity of the dispute and agree to arbitration that that is somehow unenforceable? Do you know of a single case that holds that holding?

SENATOR KRISTENSEN: Not in Nebraska.

SENATOR LANDIS: Okay. And I agree with that, because I think that is an accurate statement. I would go on to say that we don't have a single case that says this amendment is necessary. What we do have is a case that says, LR 2CA, as introduced, is necessary because that's not available to us, it's unconstitutional. Now, I'm getting to the end of my five minutes, I'm going to renew my light in a moment. What I want