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FLOOR DEBATE

March 23, 2004      LB 1207

of a motion after entry of a judgment. As a result, a motion for a new trial filed after the announcement of a verdict or decision, but before entry of judgment is deemed invalid and any appeal premised upon that motion would be dismissed. In order to provide for a uniform rule, LB 1207 clarifies that a motion filed after the announcement of a verdict but before the entry of a judgment shall be treated as if it was filed after the entry of the judgment and on the day of the judgment. Next, LB 1207 cleans up language relating to forcible entry and detainer actions. In 1984, the jurisdiction over forcible entry and detainer actions was extended beyond just that...just the county court to include the district court as well. However, the 1984 amendment made no changes to references to the county court in four other sections of the statute, resulting in the statutes containing anomalies, such as providing that an appeal from the district court will be heard by the district court. Obviously, that makes no sense. The proposed amendments of LB 1207 would correct those inconsistencies. Finally, LB 1207 makes technical changes to statutory language governing divorce and dissolution of marriage proceedings. In 2002, the civil procedure code of Nebraska was amended from that of code pleading system to a notice pleading system. I'm certain many of you recall that. Those changes lessened the up-front burden on plaintiffs to fully plead their case upon the filing of an action and allowed parties to work through the pretrial process to complete the more complex details of litigation. In order to promote uniformity in all civil actions, the divorce and dissolution statutes are amended to reflect our shift from a notice pleading...to a notice pleading system. As such, the first pleading which will commence a divorce proceeding would be entitled or captioned a complaint. The legislation further clarifies that divorce and dissolution actions are subject to the general rules for pleading in civil actions. Remaining sections are updated to reflect appropriate identification of pleadings in modification proceedings and proceedings to modify or revoke an order of alimony. That completes the introduction for LB 1207. I would urge its advancement. Thank you.

SENATOR VRTISKA: Thank you, Senator Brashear. Mr. Clerk, committee amendments.