

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1026

Introduced by Wightman, 36.

Read first time January 20, 2010

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to civil procedure; to provide for transfer of
- 2 civil actions in district court as prescribed.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. For the convenience of the parties or in
2 the interest of justice, a district court of any county, the
3 transferor court, may transfer any civil action to the district
4 court of another county in this state, the transferee court. The
5 transfer may occur before or after entry of judgment. Transfer of
6 the action shall not change the obligations of the parties under
7 any judgment entered regardless of the status of the transfer.
8 Any judgment shall commence in the transferee court on the first
9 day of the month following the order of transfer. If the action
10 involves a judgment, payments made prior to the commencement date
11 in the transferee court shall be considered payment on a judgment
12 entered by the transferor court and payments made on and after
13 such date shall be considered payment on a judgment entered by the
14 transferee court. To transfer a civil action, the transferor court
15 shall order:

16 (1) Transfer of the action from the transferor court to
17 the specific transferee court requested and the action shall be
18 transferred within fifteen days after the date of the order;

19 (2) The clerk of the transferor court to certify the
20 proceedings, file the original papers of such action, and certify
21 a transcript of docket entries of the action with the transferee
22 court, and the clerk to certify the payment record for any
23 judgments maintained by the transferor court except judgments
24 involving support orders having records maintained by the Title
25 IV-D Division as defined in section 43-3341;

1 (3) How the fees prescribed under section 33-106 for the
2 filing of a new civil action shall be paid by the transferring
3 party to the transferee court; and

4 (4) If the transferred case involves a child support
5 judgment, the Title IV-D Division shall transfer the records of
6 such action from the transferor court to the transferee court.