

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 351**

Introduced by Lautenbaugh, 18.

Read first time January 13, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to civil procedure; to amend section 25-322,  
2 Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to substitution of parties; and to  
4 repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 25-322, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   25-322 An action does not abate by the death or other  
4 disability of a party, or by the transfer of any interest therein  
5 during its pendency, if the cause of action survives or continues. In  
6 the case of the death or other disability of a party, the court may  
7 allow the action to continue by or against his or her representative  
8 or successor in interest. In case of any other transfer of interest,  
9 the action may be continued in the name of the original party or the  
10 court may allow the person to whom the transfer is made to be  
11 substituted in the action. The insurer of a defendant that files for  
12 bankruptcy shall not be substituted for the defendant in the action.

13                   Sec. 2. Original section 25-322, Reissue Revised Statutes  
14 of Nebraska, is repealed.