

**IN THE DISTRICT COURT OF BROWN COUNTY, NEBRASKA**

**CHRISTOPHER A. HANSEN,  
Plaintiff,**

**vs.**

**NEBRASKA DEPARTMENT OF MOTOR  
VEHICLES,  
Defendant.**

**Case No. 6854**

**ORDER DIRECTING  
CORRECTION OF  
BILL OF EXCEPTIONS**

**SUBJECT OF ORDER:** Correction of Bill of Exceptions pursuant to Neb. Ct. R. of Prac. 5B(10).

**ORDER:** After examination of the files, the court finds, determines, and orders:

1. Pursuant to Neb. Ct. R. of Prac. 5B(10), the clerk of this court forwarded the bill of exceptions filed on behalf of plaintiff-appellant to the official court reporter. The official court reporter has advised the court that the bill of exceptions is not prepared in compliance with Neb. Ct. R. of Prac. 5B(6) and 5B(12).

2. On the Court's own motion, it is therefore ordered that the bill of exceptions shall be corrected and re-filed with the court clerk on or before October 7, 1999, to be corrected in the following particulars:

a. The reporter's certificate shall state the cost of the bill of exceptions and set forth the statement of compliance with NEB. REV. STAT. § 25-1140.09. See R. 5B(12).

b. Exhibits 3 and 9 have writing on the back of the pages. When there is writing on the back of a page, that page should be numbered. See R. 5B(6)(c).

c. Exhibits 2, 3, 4, 6, 7, 8 and 9 do not show the date on which the same were marked. Also none of the above-mentioned Exhibits reflect on the first page of the exhibit how many pages the exhibit contains. See R. 5B(6)(c).

d. The pages on Exhibit 7 are not numbered correctly. It appears as though Exhibit 7 is a photocopy and that the pages may have been numbered, but through photocopying the page numbers have been left off on some pages. See R. 5B(6)(c).

3. The defendant state agency and the reporting service selected by the department, General Reporting Service, Inc., are cautioned that this is not the first, second, or even third time that this Court has been required to direct correction of an agency record submitted by this department and prepared by this reporting service. This court has patiently entered such orders on numerous prior occasions. Moreover, the agency and reporting service seem unable to avoid repeating the same problems. If the state agency and the reporting service selected by the agency continue to ignore the Rules of the Supreme Court and Court of Appeals relating to the preparation of bills of exceptions, an improperly prepared bill of exceptions may result in a case being treated as if no bill of exceptions had been filed. *In re Interest of R. G.* 238 Neb. 405, 470 N.W.2d 780 (1991); *State v. Jones*, 6 Neb. App. 647, 577 N.W.2d 302 (1998); Neb. Ct. R. of Prac. 5B(6)(c) and 5B(12).

4. The defendant state agency is granted leave to check out the bill of exceptions for the purpose of obtaining such corrections. In the event that defendant state agency fails to have the bill of exceptions corrected in compliance with this order, the appeal shall proceed as if no bill of exceptions was filed.

**IT IS SO ORDERED.**

Dated: September 15, 1999.

If checked, the Court Clerk shall:

- : Mail a copy of this order to all counsel of record and to any pro se parties.  
Done on \_\_\_\_\_, 19\_\_\_\_ by \_\_\_\_\_.
- : Note the decision on the trial docket as: [date of entry] Signed "Order Directing Correction of Bill of Exceptions" entered.  
Done on \_\_\_\_\_, 19\_\_\_\_ by \_\_\_\_\_.

Mailed to:

BY THE COURT:

\_\_\_\_\_  
William B. Cassel  
District Judge