

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

**LAWRENCE PRIBIL,**  
Plaintiff,

vs.

**BARTON KOINZAN and SANDRA  
KOINZAN, husband and wife; TERRY  
HELD; and GENEVIEVE SHAW,**  
Defendants.

**BARTON KOINZAN and SANDRA  
KOINZAN, husband and wife,**  
Third-Party Plaintiffs,

vs.

**TOWNSHIP OF GRATTEN, COUNTY OF  
HOLT, NEBRASKA,**  
Third-Party Defendant.

Case No. 20407

**ORDER DENYING  
SUMMARY JUDGMENT**

**DATE OF HEARING:** January 20, 2000.

**DATE OF DECISION:** February 3, 2000.

**APPEARANCES:**

For plaintiff: no appearance.

For defendants:

Koinzan: no appearance.

Shaw: James D. Gotschall.

Held: Kathleen K. Rockey.

Grattan: no appearance.

**SUBJECT OF ORDER:** Defendant Shaw’s motion for summary judgment against defendant Held.

**FINDINGS:** The court finds and concludes that:

1. Summary judgment is proper only when the pleadings, depositions, admissions, stipulations, and affidavits in the record disclose that there is no genuine issue as to any material fact or as to the ultimate inferences that may be drawn from those facts and that the moving party is entitled to judgment as a matter

of law. *Derr v. Columbus Convention Center, Inc.*, 258 Neb. 537, \_\_\_ N.W.2d \_\_\_ (2000). The party moving for summary judgment has the burden to show that no genuine issue of material fact exists and must produce sufficient evidence to demonstrate that the moving party is entitled to judgment as a matter of law. *Id.*

2. A claim for indemnification constitutes essential basis of Shaw’s cross-petition against Held. The court is not persuaded that defendant Shaw has met her burden to show that any such claim has yet accrued. *City of Wood River v. Geer-Melkus Const. Co., Inc.*, 233 Neb. 179, 444 N.W.2d 305 (1989).

3. The motion should be denied.

**ORDER:** IT IS THEREFORE ORDERED that:

1. The defendant Shaw’s motion for summary judgment against the defendant Held is denied.

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 \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- Enter judgment on the judgment record.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- Mail postcard/notice required by § 25-1301.01 within 3 days.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- Note the decision on the trial docket as: 2/3/00 Signed “Order Denying Summary Judgment” entered.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

Mailed to:

BY THE COURT:

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