

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

JEANNE DEBORAH WEAR,
Petitioner,

vs.

TERRY LEE WEAR,
Respondent.

Case No. CI99-140

ORDER OF DISMISSAL

DATE OF TRIAL: February 17, 2000.

APPEARANCES:

For petitioner: petitioner pro se.
For respondent: respondent pro se.

SUBJECT OF ORDER: trial to the court in equity.

PROCEEDINGS:

The parties both appeared without counsel. The court advised the parties that, due to adverse weather conditions, the petitioner’s attorney had notified the court by telephone that she would be unable to be present. Both parties insisted that they desired to proceed to trial. The court expressly advised the petitioner that she would be held to the same standard as if represented by counsel, and the petitioner persisted in proceeding to trial in the absence of her counsel of record. The petitioner presented an opening statement. The respondent presented an opening statement. The petitioner stated that she did not desire to testify, call any witnesses, or offer any evidence at trial. The petitioner was deemed to have rested. The respondent stated that he did not desire to testify, call any witnesses, or offer any evidence at trial. The respondent was deemed to have rested. Closing arguments were waived.

FINDINGS: The court finds and concludes that:

1. There is no evidence to support the entry of a decree, and the action must be dismissed without prejudice.

ORDER: IT IS THEREFORE ORDERED AND ADJUDGED that:

1. The petition is dismissed without prejudice at petitioner’s cost.

Entered: February 17, 2000.

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 ____.
 - 9 Enter judgment on the judgment record.
Done on _____, 19__ by ____.
 - : Mail postcard/notice required by § 25-1301.01 within 3 days.
Done on _____, 19__ by ____.
 - 9 (Trial docket entry dictated in open court.)
- Mailed to:

BY THE COURT:

William B. Cassel
District Judge