

LEGISLATIVE BILL 277

Approved by the Governor March 30, 1983

Introduced by Judiciary Committee, Beutler, 28,
Chairperson; Chambers, 11; Chronister, 18;
R. Johnson, 34; Jacobson, 33;
Von Minden, 17

AN ACT to amend section 25-824, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to change a limitation on certain awards for counsel fees as prescribed; to change provisions relating to pleadings; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 25-824, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-824. A pleading shall not be used against a party in any criminal prosecution or action or proceeding for a penalty or forfeiture, as proof of a fact admitted or alleged in such pleading. Allegations or denials which are frivolous or made in bad faith without reasonable cause and found untrue shall subject the party or attorney pleading the same to the payment of such reasonable expenses, including reasonable attorney's fees, to be taxed by the court, as may have been necessarily incurred by the other party by reason of such untrue pleading. If a pleading is frivolous or made in bad faith, it may be stricken. The signature of a party or of an attorney on a pleading constitutes a certificate by him or her that he or she has read the pleading; that to the best of his or her knowledge, information, and belief there is good ground for the filing of the pleading; and that it is not interposed for delay. No expenses for counsel fees shall be taxed exceeding ten dollars for any one offense.

Sec. 2. That original section 25-824, Reissue Revised Statutes of Nebraska, 1943, is repealed.