

*S-25-0750 Hall County School District 40-0082, a/k/a Northwest Public Schools (Appellant) v. David S. Sackschewsky (Appellee)*

Appeal from the District Court for Hall County, Judge Andrew C. Butler

**Attorneys:** Justin J. Knight (Perry, Guthery, Haase & Gessford, P.C., L.L.O. for Appellant) and Mark Porto (Wolf, McDermott, Depue, Sabott, Butz, Porto Fowles, LLC for Appellee)

David Sackschewsky was previously employed as a music teacher for Northwest Public Schools. While employed, Sackschewsky improperly made ATM withdrawals from the school's bank account, improperly made checks payable to himself, and wrongfully took booster club money. In 2019, Sackschewsky was convicted of crimes arising out of this behavior, and he was placed on probation. Part of his probation required him to pay restitution to the school district in the amount of \$150,000.00. The sentencing court determined that he was financially able to pay this amount, and it ordered him to pay \$1,700.00 a month for sixty (60) months. He made those payments from 2019 until late November 2024, and he then stopped making the payments.

In 2025, the school district sued Sackschewsky for fraud, conversion, embezzlement, breach of fiduciary duties, and unjust enrichment. These are all legal theories under which the school district alleged that Sackschewsky was required to pay back all the money that was taken. In response, Sackschewsky alleged that the statute of limitations had run, and he asked the district court to dismiss the lawsuit. A statute of limitations is a law that gives a party a limited period of time in which to bring a lawsuit. A failure to bring suit within the timeframe identified in statute of limitations requires the case to be dismissed as time barred. The district court agreed with Sackschewsky and determined that the suit was time-barred, and it dismissed the lawsuit. The school district appeals. On its own motion, the Nebraska Supreme Court removed this case from the docket of the Nebraska Court of Appeals and transferred this case to its docket.

On appeal, the school district argues that the lawsuit against Sackschewsky should not have been dismissed. Because the lawsuit was dismissed prior to trial, the school district argues that the allegations it made against Sackschewsky should have been assumed to be true and that the district court failed to do this. It also argues that the district court erred when it determined that amending its lawsuit would be pointless. The school district also argues that equity (or fairness) required the district court to toll, or to pause, the statute of limitations during the time that Sackschewsky was on probation because of the partial payments that he made. The parties have filed briefs with the Nebraska Supreme Court, and the case is now ready for oral argument. Each party will have ten minutes to argue their case before the Nebraska Supreme Court and to answer questions.