

No. A 25-750

IN THE NEBRASKA COURT OF APPEALS

HALL COUNTY SCHOOL DISTRICT 40-0082,
a/k/a NORTHWEST PUBLIC SCHOOLS,

Plaintiff-Appellant,

v.

DAVID S. SACKSCHEWSKY,

Defendant-Appellee.

APPEAL FROM AN ORDER OF THE DISTRICT COURT
OF HALL COUNTY, NEBRASKA

The Honorable Andrew C. Butler

REPLY BRIEF OF APPELLANT

Prepare and submitted by:

Justin J. Knight, #25267
PERRY, GUTHERY, HAASE
& GESSFORD, P.C., L.L.O.
233 South 13th Street, Suite 1400
Lincoln, NE 68508
Telephone: (402) 476-9200
Email: jknight@perrylawfirm.com

Attorney for Plaintiff-Appellant

TABLE OF CONTENTS

TABLE OF AUTHORITIES	3
ARGUMENT	4
I. <i>The cases cited by Appellant are distinguishable from the</i> <i>facts of this case.</i>	4
CONCLUSION.....	5
CERTIFICATE OF COMPLIANCE	5

TABLE OF AUTHORITIES

Cases

<i>Church Mut. Ins. Co. v. Rison</i> , 16 Kan. App. 2d 315 (1991)	4
<i>Martin v. Brown</i> , 716 N.E.2d 1030 (Ct. App. Ind. 199)	4

ARGUMENT

I. The cases cited by Appellant are distinguishable from the facts of this case.

Appellant stands on its initial Brief in this matter. However, Appellant submits this Reply Brief to note that two cases cited by Appellee are distinguishable and should be given far less weight (if any) than Appellee suggests. In both of these cases, *Church Mut. Ins. Co. v. Rison*, 16 Kan. App. 2d 315 (1991) and *Martin v. Brown*, 716 N.E.2d 1030 (Ct. App. Ind. 199), Appellee correctly notes that other state courts have analyzed restitution and statute of limitations arguments under the laws of their respective states. However, nothing in either opinion suggests that there was confusion about, or any error in calculating, the amount or enforceability of the sentencing courts' restitution orders.

In contrast, as explained in Appellant's Brief, the County Attorney, Judge Lee, and Judge Butler all acknowledged confusion regarding the restitution order at issue in this matter. Appellant's reliance on the sentencing order was therefore reasonable, particularly given that two district court judges and the County Attorney each expressed the same uncertainty about the order. Accordingly, Appellee's reliance on these two out-of-state cases is misplaced.

CONCLUSION

The district court erred in granting Sackschewsky's motion to dismiss and dismissing Plaintiff's Complaint with prejudice. Plaintiff thus asks this Court to reverse the decision of the trial court and remand for further proceedings.

Dated: March 9, 2026.

By: /s/ Justin J. Knight

Justin J. Knight, #25267
PERRY, GUTHERY, HAASE
& GESSFORD, P.C., L.L.O.
233 South 13th Street, Suite 1400
Lincoln, Nebraska 68508
Telephone: (531) 249-5155
Facsimile: (402) 476-0094
jknight@perrylawfirm.com

Attorney for Plaintiff-Appellee

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing *Brief of Appellant* complies with the word count requirements for a brief and the typeface requirements request of Neb. Ct. R. App. § 2-103(A) and (C); was prepared using Microsoft Word – Microsoft 365 Apps for Business; and contains 402 words above this certification, including the cover page, table of contents, table of authorities, headings, quotations, and signature block.

/s/ Justin J. Knight

Justin J. Knight

Certificate of Service

I hereby certify that on Monday, March 09, 2026 I provided a true and correct copy of this *Reply Brief* to the following:

David S Sackschewsky represented by Mark Thomas Porto (23448) service method: Electronic Service to **mporto@giattorneys.com**

Signature: /s/ Justin Knight (25267)