

Legislature - First Session - 2019

Introducer's Statement of Intent

LB308

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: March 21, 2019

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB308 is drafted to address an issue raised in the wake of the Nebraska Court of Appeals opinion in *Bayliss v. Clason*, 26 Neb. 195, 918 N.W.2d 612 (2018). In *Bayliss*, the Court of Appeals found that the filing of a suggestion of bankruptcy constitutes a general appearance in a civil matter, resulting in the plaintiff submitting to the jurisdiction of the court. LB308 would provide that such a filing is not a general appearance. LB308 would also adjust statute establishing a deadline for effecting service in the civil matter to account for the impact any potential stay from the filing of a suggestion of bankruptcy may have on the deadline.

Principal Introducer: _____

Senator Steve Lathrop