

_____, Case No. _____
Plaintiff,
vs. _____
Defendant. ELECTION AND
CERTIFICATION OF
ELIGIBILITY TO PROCEED
UNDER THE EXPEDITED
CIVIL ACTIONS ACT

_____ is the plaintiff in this action.
_____ is:

___ Represented by counsel: _____.

___ A business or other entity, or in a representative capacity, and represented by
counsel: _____.

___ Proceeding as a self-represented litigant in this matter without an attorney.

Plaintiff certifies the following:

1. Plaintiff elects to proceed under the County Court Expedited Civil
Actions Act, Neb. Rev. Stat. §§ 25-2741 to 25-2749. If represented by counsel,
plaintiff has conferred with plaintiff's attorney about the advantages and
disadvantages of using the Expedited Civil Action procedures. If a business or
other entity, or in a representative capacity, _____
is duly authorized to execute this certification.

2. Plaintiff certifies, and if represented, plaintiff's attorney certifies that
plaintiff is eligible to proceed under the Act because (1) the only relief sought in
this action is a money judgment and (2) the amount of the claim against the
defendant(s) does not exceed the county court jurisdictional amount set forth in §
24-517, which is currently \$57,000.

3. Plaintiff, and if represented, plaintiff's attorney, further certifies that the
amount of the claim includes all damages, penalties, attorney's fees, and interest
accrued before the filing date, but excludes prejudgment interest accrued after the
filing date, postjudgment interest, and costs.

4. Plaintiff understands the Act does not apply to Small Claims Court
actions, domestic relations matters, or actions to determine paternity or custody as
defined in Neb. Rev. Stat. § 25-2740.

5. Plaintiff understands plaintiff is waiving the right to recover more than
\$57,000 in damages, penalties, attorney's fees, and accrued interest unless the
court later enters an order terminating application of the Act. If the matter is tried
to a jury as demanded by one of the parties pursuant to Neb. Rev. Stat. § 25-2705

and the jury returns a verdict for that results in a total award in excess of \$57,000--including damages, penalties, attorney's fees, and accrued interest, but excluding costs, postjudgment interest, and prejudgment interest that accrued after the complaint was filed--the court will reduce the total award to \$57,000 and enter judgment for \$57,000.

6. Plaintiff understands plaintiff is required to make the disclosures listed in Neb. Ct. R. §§ 6-2203 and 6-2204 and in the manner and at the times stated in the Rules. Plaintiff must make the disclosures without the court notifying plaintiff or the other parties asking plaintiff to do so. Pursuant to § 6-2205, plaintiff may not be allowed to use witnesses or exhibits at trial if plaintiff fails to disclose information about them or fails to disclose the information in the manner and at the times stated in the Rules.

7. Plaintiff has a duty to supplement disclosures and discovery responses under § 6-2206. If there is new information, if plaintiff omitted information, or if plaintiff provided incorrect information, plaintiff is required to provide the other parties with the new, omitted, or correct information. If the other parties received the new, omitted, or correct information in writing or through the discovery process, such as through interrogatories, requests for production of documents, or depositions, plaintiff does not have to provide the new, omitted, or correct information again.

With this knowledge, plaintiff elects to proceed under the Expedited Civil Actions Act procedures.

Signature

Date: _____

Plaintiff's Printed Name

Street Address/P.O. Box

City/State/ZIP Code

Phone

Email Address

Signature

Date: _____

Attorney's Printed Name

Street Address/P.O. Box

Bar Number and Firm Name (attorneys only)

City/State/ZIP Code

Phone

Email Address

[If there is more than one plaintiff, each plaintiff shall separately certify and file Appendix 1 with the Complaint.]

APPENDIX 1

Adopted December 8, 2021, amended December 22, 2021, effective January 1, 2022.