

SUPREME COURT OF NEBRASKA

Ramaekers v. Creighton University

312 Neb. 248 (2022) · No. No. S-21-848 · Decided August 12, 2022

SUMMARY

The Nebraska Supreme Court dismissed an appeal by Creighton University students challenging the denial of injunctive relief related to Creighton’s COVID-19 vaccination policy. The court held that the district court’s order, viewed in light of the entire record, denied only temporary injunctive relief and therefore was not a final, appealable order. The court concluded that it lacked jurisdiction over the appeal.

CASE DETAILS

COURT	Supreme Court of Nebraska
WRITING FOR THE COURT	Cassel, J.; Heavican, C.J.; Miller-Lerman, J.; Stacy, J.; Funke, J.; Papik, J.; Freudenberg, J.
JURISDICTION	Nebraska
DECIDED	August 12, 2022
DOCKET	No. S-21-848
DISPOSITION	dismissed
PROCEDURAL POSTURE	Ten Creighton students appealed from a district court order denying injunctive relief related to Creighton's COVID-19 vaccination policy. The Nebraska Supreme Court first considered whether the order was a final, appealable order and dismissed the appeal for lack of appellate jurisdiction.
STANDARD OF REVIEW	A jurisdictional question not involving a factual dispute and the meaning of a judgment or order are questions of law reviewed independently by the appellate court.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Lauren Ramaekers, Patrice Quadrel, Sarah Sinsel, Sydney Case, Anne Clare Culpepper, Emma Carlson, Elliot Prusa, Avery Gillett, Nikokije Kozic, Aleksandar Kozic v. Creighton University

TOPICS

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QUESTIONS PRESENTED

1. Whether the Nebraska Supreme Court had jurisdiction over an appeal from the district court's order denying injunctive relief.
2. Whether the district court's ambiguous order denied a permanent injunction, which would be final and appealable, or only a temporary injunction, which would not be final and appealable.
3. Whether the record permitted the court to construe the order as denying only temporary injunctive relief.

HOLDINGS

1. The Nebraska Supreme Court lacks appellate jurisdiction unless the appeal is from a final order or judgment.
2. The meaning of a judicial order is a question of law determined from the order's contents; if the language is ambiguous, the court may examine the entire record to ascertain the order's meaning.
3. The district court's order denied only temporary injunctive relief and was therefore not a final, appealable order.
4. Generally, a Nebraska district court should not enter judgment on the merits at the temporary-injunction stage unless the procedural requirements for doing so are satisfied.

KEY QUOTATIONS

“Because we find ambiguity within the order’s four corners, we examine the record, which shows that only temporary relief was sought and denied. We therefore lack jurisdiction and dismiss the appeal.” (250)

“Generally, a district court should not order a judgment on the merits at the temporary injunction stage of proceedings.” (262)

“Because the court’s denial of a temporary injunction was not a final order, we lack jurisdiction of the appeal and must dismiss it.” (262)

FACTUAL BACKGROUND

Creighton required students to be vaccinated against COVID-19 to register for classes and allowed an exemption based on the vaccines' emergency-use-authorization status, subject to an agreement to be vaccinated after full FDA approval. After certain vaccines received full approval, Creighton required exempted students to receive a dose by September 7, 2021, or be administratively withdrawn and barred from campus. The students filed suit and sought an order restoring them as students pending further court order; the district court treated the request as one for temporary injunctive relief and denied it.

PROCEDURAL HISTORY

The students filed a complaint seeking injunctive relief shortly before a vaccination-compliance deadline and later filed a motion seeking an order restoring them as students pending further order of the court. The district court construed the request as seeking temporary injunctive relief, denied it after an expedited hearing, and stated orally that it was not issuing a final order or dismissing the case. The written order used some language that could suggest denial of permanent injunctive relief but also expressly addressed temporary relief. The Nebraska Supreme Court examined the order and the entire record and dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- In re Estate of Beltran, 310 Neb. 174, 964 N.W.2d 714 (2021)
- Rice v. Webb, 287 Neb. 712, 844 N.W.2d 290 (2014)
- Cinatl v. Prososki, 307 Neb. 477, 949 N.W.2d 505 (2020)
- Waite v. City of Omaha, 263 Neb. 589, 641 N.W.2d 351 (2002)
- Shasta Linen Supply v. Applied Underwriters, 290 Neb. 640, 861 N.W.2d 425 (2015)
- Pennfield Oil Co. v. Winstrom, 267 Neb. 288, 673 N.W.2d 558 (2004)
- State ex rel. Beck v. Associates Discount Corp., 162 Neb. 683, 77 N.W.2d 215 (1956)
- Guaranty Fund Commission v. Teichmeier, 119 Neb. 387, 229 N.W. 121 (1930)
- Barkley v. Pool, 102 Neb. 799, 169 N.W. 730 (1918)
- Young v. City of Albion, 77 Neb. 678, 110 N.W. 706 (1906)
- Bartram v. Sherman, 46 Neb. 713, 65 N.W. 789 (1896)
- School Dist. No. 15 v. Brown, 10 Neb. 440, 6 N.W. 770 (1880)
- Manning v. Connell, 47 Neb. 83, 66 N.W. 17 (1896)
- Abramson v. Bemis, 201 Neb. 97, 266 N.W.2d 226 (1978)
- Meng v. Coffee, 52 Neb. 44, 71 N.W. 975 (1897)
- Smith v. Sahler, 1 Neb. 310 (1871)
- Clark v. Fitch, 32 Neb. 511, 49 N.W. 374 (1891)
- Kerndt v. Ronan, 236 Neb. 26, 458 N.W.2d 466 (1990)
- Bokelman v. Bokelman, 202 Neb. 17, 272 N.W.2d 916 (1979)
- Carlson v. Carlson, 299 Neb. 526, 909 N.W.2d 351 (2018)
- Label Concepts v. Westendorf Plastics, 247 Neb. 560, 528 N.W.2d 335 (1995)
- Weyh v. Gottsch, 303 Neb. 280, 929 N.W.2d 40 (2019)
- Bayne v. Bayne, 302 Neb. 858, 925 N.W.2d 687 (2019)
- Pennfield Oil Co. v. Winstrom, 272 Neb. 219, 720 N.W.2d 886 (2006)
- State ex rel. Douglas v. Ledwith, 204 Neb. 6, 281 N.W.2d 729 (1979)
- Melanie M. v. Winterer, 290 Neb. 764, 862 N.W.2d 76 (2015)

- In re Petition of Anonymous 5, 286 Neb. 640, 838 N.W.2d 226 (2013)
- Tecumseh Nat. Bank v. Harmon, 48 Neb. 222, 66 N.W. 1128 (1896)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 129 S. Ct. 365, 172 L. Ed. 2d 249 (2008)
- University of Texas v. Camenisch, 451 U.S. 390, 101 S. Ct. 1830, 68 L. Ed. 2d 175 (1981)
- Francisco Sánchez v. Esso Standard Oil Co., 572 F.3d 1 (1st Cir. 2009)
- Fetherkile v. Fetherkile, 299 Neb. 76, 907 N.W.2d 275 (2018)
- Tilson v. Tilson, 299 Neb. 64, 907 N.W.2d 31 (2018)

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