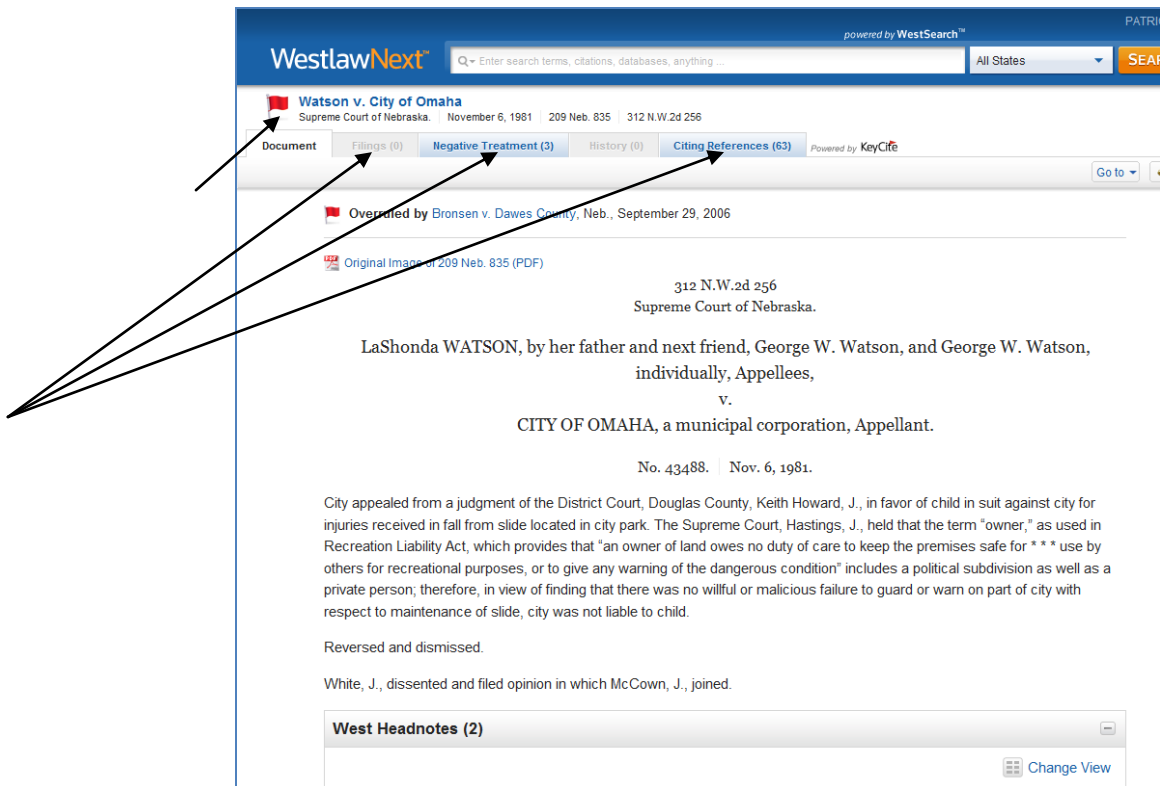




Chastek Library
KEYCITE ON WESTLAWNEXT –
EXAMPLE OF A CASE THAT HAS BEEN
OVERRULED
Research Guide

This is an example of a case that has been overruled (negative treatment) on WestlawNext. The case is *Watson v. City of Omaha*, 312 N.W.2d 256 (Neb. 1981).

1. WestlawNext presents KeyCite in a much different way than Classic Westlaw. History and treatment for a case are found in the tabs at the top of the case.



The case we are working with is *Watson v. City of Omaha*, 209 Neb. 835, 312 N.W.2d 256 (1981). When you retrieve a case on WestlawNext, the KeyCite information is listed on the top of the page under the *Negative Treatment, History, and Citing References* tabs. Note the red flag on the top left.

2. By clicking the *Negative Treatment* tab, you can get negative treatment and negative history information.

The screenshot shows the WestlawNext interface for the case *Watson v. City of Omaha*. The 'Negative Treatment' tab is selected, displaying the following information:

Negative Direct History
 The KeyCited document has been negatively impacted in the following ways by events or decisions in the same litigation or proceedings:
 There is no negative direct history.

Negative Citing References (3)
 The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
Overruled by	1. <i>Bronsen v. Dawes County</i> MOST NEGATIVE 272 Neb. 320, 321, Neb. GOVERNMENT - Immunity. Limited immunity afforded to owners of land by the Recreation Liability Act does not apply to governmental entities.	Sep. 29, 2006	Case	4	1 N.W.2d
Distinguished by	2. <i>Dykes v. Scotts Bluff County Agr. Soc., Inc.</i> ¶ 260 Neb. 375, 381, Neb. REAL PROPERTY - Premises Liability. Viewing livestock exhibit at county fair was not "recreational purpose" under law limiting landowners' liability.	Sep. 22, 2000	Case	3	2 N.W.2d
Distinguished by	3. <i>Iodence v. City of Alliance</i> ¶ 270 Neb. 59, 62, Neb. REAL PROPERTY - Recreational Use. Spectating at youth football game is not "recreational purpose."	Jul. 01, 2005	Case	4	1 N.W.2d

There is no history for *Watson v. City of Omaha*. This includes prior history and subsequent appellate history.

There is negative treatment for *Watson v. City of Omaha*. It was overruled by one case, *Bronsen v. Dawes County*, 272 Neb. 320 (2006). It was distinguished by two cases, *Dykes v. Scotts Bluff County Agr. Soc., Inc.*, 260 Neb. 375 (2000) and *Iodence v. City of Alliance*, 270 Neb. 59 (2005). Note that WestlawNext no longer uses *Depth of Treatment* stars; however, they still adhere to the basic principle with the *Depth of Treatment* feature.

3. By clicking the *Citing References* tab, you can retrieve all the treatment information.

The screenshot shows the WestlawNext interface for the case *Watson v. City of Omaha*. The 'Citing References' tab is active, displaying a table of treatments. The table is sorted by 'Depth: Highest First'. Annotations include a large oval around the 'Type' column and smaller ovals around the 'Administrative Decision' and 'Brief' entries.

Treatment	Title	Date	Type	Depth	Headnote(s)
Overruled by	1. <i>Bronsen v. Dawes County</i> 722 N.W.2d 17, 19+, Neb. GOVERNMENT - Immunity. Limited immunity afforded to owners of land by the Recreation Liability Act does not apply to governmental entities.	Sep. 29, 2006	Case	4	1 2 N.W.2d
Distinguished by	2. <i>Iodence v. City of Alliance</i> ¶¶ 700 N.W.2d 562, 564+, Neb. REAL PROPERTY - Recreational Use. Spectating at youth football game is not "recreational purpose."	Jul. 01, 2005	Case	4	1 2 N.W.2d
Examined by	3. <i>Bronsen v. Dawes County</i> ¶¶ 704 N.W.2d 273, 282+, Neb.App. TORTS - Premises Liability. County was immune from liability with respect to accident that occurred during celebration under Recreational Liability Act.	Oct. 04, 2005	Case	4	1 2 N.W.2d
Examined by	4. <i>Order</i> Connelly v. City of Omaha 2006 WL 6219735, *6219735+, Neb.Dist.Ct. This matter came before the Court on a trial to the bench from December 19-21, 2005. Evidence was received and on joint motion by the parties, the Court visited the premises in...	Mar. 28, 2006	Case	4	1 2 N.W.2d
Discussed by	5. <i>Fastow v. Burleigh County Water Resource Dist.</i> 415 N.W.2d 505, 508+, N.D. Person rendered quadriplegic by diving into swimming area, at recreation area owned by water district and leased to park district, sued both districts. Summary judgment...	Nov. 19, 1987	Case	4	1 2 N.W.2d
Discussed by	6. <i>Senator Gene Tyson</i> Neb. Op. Atty. Gen. No. 02002, 02002+ You have asked this office for its opinion as to whether a city-owned skateboard park would fall within the definition of a "recreational purpose" so as to protect the city from...	2002	Administrative Decision	2	2 N.W.2d
Discussed by	7. <i>Appellee Fur Trade Days, Inc.'s Brief on Hearing for Further Review</i>	Dec. 27, 2005	Brief	1	1 2 N.W.2d

This is more treatment for *Watson v. City of Omaha*. This includes cases, an administrative decision, and a brief. Note the *Depth of Treatment* feature and how it is listed in descending order.

4. The Citing References tab lists all the cases, administrative materials, and secondary sources that have cited your case.

The screenshot displays the WestlawNext interface for the case *Watson v. City of Omaha*. The 'Citing References' tab is active, showing a list of 63 references. The list is sorted by 'Depth: Highest First'. The following table summarizes the visible entries:

Citation	Date	Type
585 A.2d 445, 454, Pa. in dissent Basketball player injured while playing on municipal playground court brought action for damages. The Court of Common Pleas, Philadelphia County, No. 4457 April Term 1983, Berel...	Mar. 23, 1984	Case
40. <i>Rivera v. Philadelphia Theological Seminary of St. Charles Borromeo, Inc.</i> 474 A.2d 605, 610, Pa.Super. Decedent alter boy's estate brought wrongful death and survival actions against church, seminary and supervising priest, arising from decedent's drowning in seminary swimming pool...	Mar. 23, 1984	Case
41. <i>Stamper by Stamper v. Kanawha County Bd. of Educ.</i> 445 S.E.2d 238, 242, W.Va. Infant plaintiff, by his next friend and natural guardian, brought suit against board of education for injuries sustained while playing basketball on court owned by board. The...	May 27, 1994	Case
42. <i>Mr. Russell A. Fields</i> 1994 Nev. Op. Atty. Gen. 43, 43 Fencing dangerous abandoned mine sites by the Division of Minerals or the counties, in the manner prescribed by regulation and with the permission of the landowner, is protected...	1994	Administrative Decision
43. <i>NEBRASKA SUPREME COURT OVERRULES ITSELF</i> In <i>Bronsen v. Dawes County</i> , 272 Neb. 320, 722 N.W.2d 17 (2006), an attendee of an historical fur trade celebration, who stepped into a hole or depression in the county courthouse...	2006	Law Review
44. <i>GOVERNMENTAL LIABILITY FOR RECREATIONAL USES OF PUBLIC LAND: BRONSEN V. DAWES COUNTY</i> , 273 NEB. 320, 722 N.W.2D 17 (2006), 87 Neb. L. Rev. 569, 597+ I. Introduction. 569 II. The Recreational Liability Act and its Interpretation Prior to Bronsen. 571 III. Bronsen and Legislative Bill 564. 574 A. The Case. 574 B....	2008	Law Review
45. <i>Effect of statute limiting landowner's liability for personal injury to recreational user</i> , 47 A.L.R.4th 262	1986	ALR

This has even more treatment of *Watson v. City of Omaha*. These include cases from other jurisdictions (Pennsylvania, West Virginia, and Nevada). It also includes cases, administrative decisions, and secondary sources (law reviews and an ALR Annotation).

5. Similar to Classic Westlaw, you can limit your KeyCite results in a number of different ways on WestlawNext.

The screenshot displays the WestlawNext interface for a search on 'Watson v. City of Omaha'. The search results are filtered to show 'Cases' only. The left sidebar contains various filter categories, with 'Cases' selected. The main results table lists several cases with their respective treatments, titles, dates, and depths.

Treatment	Title	Date	Type	Depth	Headnote(s)
Overruled by	1. Bronsen v. Dawes County 722 N.W.2d 17, 19+, Neb. GOVERNMENT - Immunity. Limited immunity afforded to owners of land by the Recreation Liability Act does not apply to governmental entities.	Sep. 29, 2006	Case	4	1 2 N.W.2d
Distinguished by	2. Iodence v. City of Alliance 700 N.W.2d 562, 564+, Neb. REAL PROPERTY - Recreational Use. Spectating at youth football game is not "recreational purpose."	Jul. 01, 2005	Case	4	1 2 N.W.2d
Examined by	3. Bronsen v. Dawes County 704 N.W.2d 273, 282+, Neb.App. TORTS - Premises Liability. County was immune from liability with respect to accident that occurred during celebration under Recreational Liability Act.	Oct. 04, 2005	Case	4	1 2 N.W.2d
Examined by	4. Order Connelly v. City of Omaha 2006 WL 6219735, *6219735+, Neb.Dist.Ct. This matter came before the Court on a trial to the bench from December 19-21, 2005. Evidence was received and on joint motion by the parties, the Court visited the premises in...	Mar. 28, 2006	Case	4	1 2 N.W.2d
Discussed by	5. Fastow v. Burleigh County Water Resource Dist. 415 N.W.2d 505, 508+, N.D. Person rendered quadriplegic by diving into swimming area, at recreation area owned by water district and leased to park district, sued both districts. Summary judgment...	Nov. 19, 1987	Case	4	1 2 N.W.2d
Distinguished by	6. Dykes v. Scotts Bluff County Agr. Soc., Inc. 617 N.W.2d 817, 822, Neb. REAL PROPERTY - Premises Liability. Viewing livestock exhibit at county fair was not "recreational purpose" under law limiting landowners' liability.	Sep. 22, 2000	Case	4	2 N.W.2d
Cited by	7. Thies v. City of Omaha	Jul. 02, 1987	Case	4	2 N.W.2d

Under the *View* feature, you can limit your KeyCite results to cases, administrative materials, secondary sources, briefs, and pleadings. In this screen shot, I have limited my KeyCite results to only cases. You can also limit your KeyCite results by jurisdiction, date, depth of treatment, headnotes, treatment status, and reported status cases.

6. Similar to Classic Westlaw, you can limit your KeyCite results in a number of different ways on WestlawNext.

The screenshot shows the WestlawNext interface for the case **Watson v. City of Omaha**. The search results are filtered to show only secondary sources. The results table is as follows:

Treatment	Title	Date	Type	Depth	Headnote(s)
—	1. NEBRASKA SUPREME COURT OVERRULES ITSELF	2006	Law Review	2	N.W.2d
—	2. GOVERNMENTAL LIABILITY FOR RECREATIONAL USES OF PUBLIC LAND: BRONSEN V. DAWES COUNTY, 273 NEB. 320, 722 N.W.2D 17 (2006), 87 Neb. L. Rev. 569, 597+	2008	Law Review	1, 2	N.W.2d
—	3. Effect of statute limiting landowner's liability for personal injury to recreational user, 47 A.L.R.4th 262	1986	ALR	2	N.W.2d
—	4. 18 Causes of Action 613, Cause of Action for Personal Injury or Death in Which Recreational Use Statute is Raised as Defense	2010	Other Secondary Source	2	N.W.2d
—	5. 23 Causes of Action 275, Cause of Action for Park or Playground Injuries Against Municipality Raising Immunity Defense	2010	Other Secondary Source	2	N.W.2d
—	6. Liability of local government entity for injury resulting from use of outdoor playground equipment at municipally owned park or recreation area, 73 A....	1989	ALR	2	N.W.2d

On the left side of the interface, the 'VIEW' section shows filters for 'Cases', 'Administrative Decisions & Guidance', and 'Secondary Sources' (21). The 'NARROW' section includes filters for 'Date' (All) and 'Headnote Topics' (Appeal And Error (3), Municipal Corporations (20)). The 'Publication Name' section also has a filter.

This screen shows that you have limited the KeyCite results to only secondary sources. It includes law reviews, an ALR Annotation, and two Causes of Action articles.