

**Case No. A-25-477
IN THE NEBRASKA COURT OF APPEALS**

**REYMITA WALLS,
APPELLANT,
VS.
METROPOLITAN UTILITIES DISTRICT,
APPELLEE**

**APPEAL FROM THE DISTRICT COURT
OF DOUGLAS COUNTY, NEBRASKA
Honorable Tressa Alioth, District Court Judge**

**Reply Brief on Cross-Appeal
METROPOLITAN UTILITIES DISTRICT OF OMAHA**

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PROPOSITIONS OF LAW

1. It is not the role of the appellate court to scour the record on appeal to understand unclear arguments or find support for broad conclusions. *State v. Jennings*, 312 Neb. 1020, 1026, 982 N.W.2d 216, 223 (2022).
2. Self-serving statements, each unsupported by citations to the record, are not evidence and mere formal denials or general allegations which do not show the facts in detail and with precision are insufficient to prevent the award of summary judgment. *Boyle v. Welsh*, 256 Neb. 118, 127, 589 N.W.2d 118, 125 (1999).

3. Adverse treatment requires a showing that the employee received some injury respecting her employment terms or conditions. *Muldrow v. City of St. Louis*, 601 U.S. 346, 355, 144 S. Ct. 967, 977 (2024).

ARGUMENT

The district court granted summary judgment in favor of MUD on the grounds that, even assuming without deciding that Walls was qualified for the Supervisor of Quality Assurance and Training position and even assuming that the change in her job title constituted a demotion, MUD produced sufficient, uncontroverted evidence that its actions were taken for legitimate, nondiscriminatory reasons. (T116-119). Walls has appealed that ruling. MUD’s cross-appeal seeks two additional and independent bases for affirmance: 1) that the district court erred in not determining that Walls was unqualified for the position; and 2) that the district court erred in not determining that the change to Walls’ job title was not a demotion. Walls’ brief does not meaningfully respond to either argument.

I. WALLS FAILED TO MEANINGFULLY ADDRESS MUD’S CROSS-APPEAL ARGUMENT THAT SHE WAS UNQUALIFIED FOR THE POSITION

MUD squarely argued on cross-appeal that Walls was not qualified for the position as a matter of law, based on the undisputed evidence regarding the job requirements and Walls’ experience. (Brief of Appellee and Brief on Cross-Appeal, p. 35-40). In response, Walls offers only a conclusory statement that “[t]here is ample evidence to support her position,” without identifying that evidence, explaining how it satisfies the qualifications for the position, or addressing MUD’s contrary showing. (Reply Brief of Appellant, p. 5).

It is difficult to evaluate the merit of this conclusion because no evidence or citations to the record are offered in support and it is not

the role of the appellate court to scour the record on appeal to understand unclear arguments or find support for broad conclusions. *State v. Jennings*, 312 Neb. 1020, 1026, 982 N.W.2d 216, 223 (2022). Further, Nebraska Court Rule of Appellant Practice § 2-109(D)(1)(g) requires that “[e]ach and every recitation of fact, whether in the statement of facts or elsewhere in the brief” be “annotated to the record in the manner set forth in § 2-109(C).”

Walls goes on to refer this Court to “our opening brief for **arguments and factual assertions** which demonstrate Walls was qualified to perform the Supervisor of Quality Assurance and Training position.” (Reply Brief of Appellant, p. 5) (emphasis added). As Walls herself states here and as MUD pointed out repeatedly in its Appellee Brief, Walls has relied on arguments and general assertions rather than evidence in all stages of this proceeding. (Brief of Appellee and Brief on Cross-Appeal, p. 17, 22-23, 25-27, 29, 38-40). Self-serving statements, each unsupported by citations to the record, are not evidence and mere formal denials or general allegations which do not show the facts in detail and with precision are insufficient to prevent the award of summary judgment. *Boyle v. Welsh*, 256 Neb. 118, 127, 589 N.W.2d 118, 125 (1999).

Rather than addressing whether she met the qualifications for the position, Walls pivots to a generalized discussion of burden shifting under McDonnell Douglas. (Reply Brief of Appellant, p. 5-6). That discussion does not respond to MUD’s cross-appeal argument. Whether the district court correctly evaluated pretext after assuming a prima facie case is a different question from whether Walls was qualified for the position in the first instance. The latter is the issue raised on cross-appeal, and Walls completely fails to address it.

II. WALLS' RELIANCE ON *MULDROW* IS INAPPLICABLE TO THE UNDISPUTED FACTS IN THIS CASE

Walls relies on *Muldrow v. City of St. Louis*, 601 U.S. 346, 144 S. Ct. 967 (2024), to argue that the change in her job title constituted a demotion. That reliance is misplaced. In *Muldrow*, the Supreme Court emphasized that the plaintiff's transfer resulted in material changes to her job responsibilities, perks, and schedule, even though her rank and pay remained the same. Those factual changes were central to the Court's conclusion that the transfer could constitute discrimination. Here, by contrast, Walls does not dispute that:

- Her salary remained the same;
- Her work schedule remained the same;
- Her benefits and employment perks remained unchanged;
- and
- Her core quality assurance duties remained substantially the same.

This case therefore involves reclassification in title only. The modification to the pay grade did not apply to Walls. (E4, p. 5-6, ¶10; E7, p. 17-18). Rather, the change in pay grade would only apply to the position once Walls voluntarily left the position and the position was refilled. (E4, p. 5, ¶9; E5, p. 3-4, ¶7). There were no tangible changes to Walls' day-to-day working conditions or location, her responsibilities, her perks, or her schedule. (E7, p. 7-9; E6, p. 366-371). *Muldrow* does not establish that a title change, standing alone, constitutes adverse treatment. Rather, adverse treatment requires a showing that the employee received some injury respecting her employment terms or conditions. *Muldrow*, 601 U.S. at 359, 144 S. Ct. at 977 (2024). No such showing has been made here.

Because Walls failed to identify any loss of responsibilities, prestige, schedule, or benefits, as a matter of law the change in her job title did not constitute a demotion.

CONCLUSION

Walls failed to meaningfully address MUD's cross-appeal argument that she was unqualified for the position. Her reliance on *Muldrow* is misplaced because her responsibilities, perks, and schedule did not change and she has failed to show any evidence of harm from the change in job title. As a result, this Court should hold that Walls was neither qualified for the position nor demoted, providing additional and independent grounds to affirm summary judgment.

DATED this 3rd day of February, 2026

METROPOLITAN UTILITIES
DISTRICT OF OMAHA, Appellee

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CERTIFICATE OF COMPLIANCE

Pursuant to Neb. Ct. R. App. P. §2-103(C)(4), I hereby certify that this Brief complies with the typeface requirements, being Century Schoolbook font, size 12-point. The document was prepared using Microsoft 365's Word program and, relying on the word processor word count feature, contains 1,221 words.

DATED this 3rd day of February, 2026

By: s/Marc Willis

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Certificate of Service

I hereby certify that on Tuesday, February 03, 2026 I provided a true and correct copy of this *Reply Brief Appellee* to the following:

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