

Court of Appeals of Nebraska
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A-25-000313

State v. Shawn S Rudloff

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the April Review Docket of the Nebraska Court of Appeals.

A-25-000322

State v. Mykez Moore

Motion Appellant Continue Oral Argument.

Motion of Appellant to continue oral argument sustained. Case to be placed on the next Proposed Call of the Nebraska Court of Appeals to occur on June 2 and 3, 2026.

A-25-000441

Hohenstein v. Vidal

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the April Review Docket of the Nebraska Court of Appeals.

A-25-000544

Harrifeld v. Strumpher

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the April Review Docket of the Nebraska Court of Appeals.

A-25-000578

State v. Christopher Williams

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the April Review Docket of the Nebraska Court of Appeals.

A-25-000733

Tranquility Home Healthcare v. Department of Health and Human Services

Motion to Withdraw Fahie for Appe

Motion to withdraw sustained; Tyrone E. Fahie allowed to withdraw as counsel for Appellee.

A-25-000756

State v. Jesse J Wilson

Motion of Appt Leave to Request Supp BOE

Motion of Appellant for leave to request supplemental bill of exceptions overruled as record requested does not exist.

A-25-000756

State v. Jesse J Wilson

Motion of Appt to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's brief date extended to May 1, 2026. No further extensions will be allowed.

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A-25-000832

In re Interest of Esperanza C.

Mot Appe NDHHS Consolidate 25-832/25-990

Motion sustained; cases 25-0832 and 25-0990 consolidated for briefing and disposition.

A-25-000990

In re Interest of Esperanza C.

Mot Appe NDHHS Consolidate 25-832/25-990

Motion sustained; cases 25-0832 and 25-0990 consolidated for briefing and disposition.

A-25-000841

State v. Christopher M Payne

Motion of Appellant to Extend Brief Date

Motion of Appellant for brief date extension sustained. Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's brief date extended to April 13, 2026.

A-25-000892

State v. Suni R. Moone

Motion to Withdraw Ewalt for Appellant

Motion to withdraw sustained; Bradley A. Ewalt allowed to withdraw as counsel of record for Appellant.

A-25-000892

State v. Suni R. Moone

Motion of Appellant to Extend Brief Date

Motion of Appellant for brief date extension sustained. Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's brief date extended to May 13, 2026.

A-25-000893

State v. Jesse J Widick

Motion of Appellant to Extend Brief Date

Motion of Appellant for brief date extension sustained. Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's brief date extended to April 29, 2026. No further extensions will be allowed.

A-25-000906

Anderson v. Helm

ROD APPT Default Notice Anderson/Reg/Rest

By order of the Court, appeal dismissed for failure to file briefs pursuant to Neb. Ct. R. App. P. § 2-110(A). Mandate to issue accordingly.

A-25-000911

Gaskin v. Gaskin

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's brief date extended to May 8, 2026.

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A-25-000922

Price v. Meagher

Motion of Appt to Extend Brief Date

Motion of Appellant to extend brief date sustained, Appellant's brief filed March 27, 2026, accepted as timely.

A-25-000941

McCloud v. McCloud

Motion Appt Consolidate & Extend Brief

Motion of Appellant to consolidate sustained; cases 25-941, 25-942, 25-943, and 25-944 consolidated for further briefing and disposition. Motion of Appellant to extend brief date overruled as moot; brief of Appellant filed on March 19, 2026, accepted as timely.

A-25-000942

McCloud v. McCloud

Motion Appt Consolidate & Extend Brief

Motion of Appellant to consolidate sustained; cases 25-941, 25-942, 25-943, and 25-944 consolidated for further briefing and disposition. Motion of Appellant to extend brief date overruled as moot; brief of Appellant filed on March 19, 2026, accepted as timely.

A-25-000943

Murray v. McCloud

Motion Appt Consolidate & Extend Brief

Motion of Appellant to consolidate sustained; cases 25-941, 25-942, 25-943, and 25-944 consolidated for further briefing and disposition. Motion of Appellant to extend brief date overruled as moot; brief of Appellant filed on March 19, 2026, accepted as timely.

A-25-000944

Brummels v. McCloud

Motion Appt Consolidate & Extend Brief

Motion of Appellant to consolidate sustained; cases 25-941, 25-942, 25-943, and 25-944 consolidated for further briefing and disposition. Motion of Appellant to extend brief date overruled as moot; brief of Appellant filed on March 19, 2026, accepted as timely.

A-26-000002

Hartgrave v. Nebraska Dept. of Health and Human Services

Motion to Withdraw Fahie for Appt

Motion to withdraw sustained; Tyrone E. Fahie allowed to withdraw as counsel of record for Appellant.

A-26-000014

In re Interest of Josiah E.

Motion of Appellant to Extend Brief Date

Motion of Appellant to extend brief date sustained. Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's brief date extended to April 27, 2026.

A-26-000057

Plagge v. Plagge

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Motion Appt Extension Submit Documents
Motion of Appellant for extension of time to prepare and submit documents and exhibits overruled as not compliant with appellate court rules governing record for appeal. Supporting documents filed on March 31, 2026, stricken from the appellate record. Appellant's attempted filing is an improper means of creating the record on appeal. See, Neb. Ct. R. App. P. §§ 2-104 and 2-105.

A-26-000086

Micheel v. Brown County, Nebraska
Request to Extend Bill Exceptions
Request for extension granted; time for preparation of bill of exceptions extended to April 9, 2026.

A-26-000086

Micheel v. Brown County, Nebraska
Appellant's Brief Date Extended
Record preparation date having been extended to April 9, Appellant's brief date extended to May 11, 2026.

A-26-000087

Anderson v. Farber
ROD APPT Default Notice
By order of the Court, appeal dismissed for failure to file briefs pursuant to Neb. Ct. R. App. P. § 2-110(A). Mandate to issue accordingly.

A-26-000115

State v. Terrell L Jones
Motion of Appellant to Extend Brief Date
Motion of Appellant to extend brief date sustained. Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's brief date extended to April 24, 2026.

A-26-000116

State v. Brian K Adams
Order to Show Cause re: Late BOE Request
Cause having been shown, leave to request bill of exceptions out-of-time granted. Praecipe for Bill of Exceptions filed on March 6, 2026, accepted as filed, record preparation date re-established as April 22, 2026.

A-26-000116

State v. Brian K Adams
Appellant's Brief Date Re-Established.
By order of the Court, record preparation date having been re-established to be April 22, 2026, Appellant's brief day re-established to be May 22, 2026.

A-26-000139

In re Interest of Jaqayviontae A.
ROD Motion of Appt to Dismiss Appeal
Motion of Appellant to dismiss appeal sustained; appeal dismissed; mandate to issue accordingly.

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A-26-000149

State v. Jesus Leyva, Jr.

Motion to Withdraw Murphy for Appt

Motion sustained; Jerad A. Murphy allowed to withdraw as counsel for Appellant.

A-26-000155

State v. Richard P Schaub

Motion to Withdraw Jorgensen for Appt

Motion to withdraw sustained; John C. Jorgensen allowed to withdraw as counsel of record for Appellant.

A-26-000159

State v. Ian R Toegan

Motion of Appellant to Extend Brief Date

Motion of Appellant to extend brief date overruled; Appellant's brief was timely filed on March 30, 2026.

A-26-000182

State v. James E Milton

Motion to Withdraw Donahue for Appt

Motion to withdraw sustained; Mary Rose Donahue allowed to withdraw as counsel of record for Appellant.

A-26-000200

Howard v. Black Hills Nebraska Gas, LLC

Motion Appt for Leave to file BOE OOT

Motion of Appellant for leave to file request for bill of exceptions sustained. Request for bill of exceptions having been filed on March 31, 2026, record preparation date re-established as May 19, 2026.

A-26-000200

Howard v. Black Hills Nebraska Gas, LLC

Appellant's Brief Date Re-Established

By order of the Court, record preparation date having been re-established to be May 19, 2026, Appellant's brief date re-established to be June 18, 2026.

A-26-000203

Ouali v. Kabore

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(1). The dissolution decree was entered on March 9, 2026, followed by a motion to reconsider on March 18. No decision on said motion is contained in the record. When a motion terminating the 30-day appeal period is filed, a notice of appeal filed before the court announces its decision upon the terminating motion has no effect and an appellate court acquires no jurisdiction. See Neb. Rev. Stat. § 25-1912(3) (Cum. Supp. 2024); State v. Bellamy, 264 Neb. 784, 652 N.W.2d 86 (2002). Section 25-1912(3) further provides that a new notice of appeal shall be filed within the prescribed time after the entry of the order ruling on the motion. No additional fees are required for such filing.

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A-26-000227

State v. Jeffrey C Fauble

Motion of Appt for Leave to file BOE OOT

Motion for leave to file request for bill of exceptions sustained.

Appellant shall file praecipe within three days of this order.

A-26-000231

Byrnes v. Kroger

Request Appt for BOE/Leave File OOT

Motion of Appellant for leave to file request for bill of exceptions sustained; objection of Appellee overruled; Appellant shall file

praecipe within three days of this order.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-26-000178

Strickland v. Nebraska Unemployment Appeals Tribunal

Order to Show Cause re Jurisdiction 4/15

A-26-000221

State v. Joshua Provencher

Order to Show Cause re Jurisdiction 4/16

FILED

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NEBRASKA SUPREME COURT
COURT APPEALS

IN THE NEBRASKA COURT OF APPEALS

Donna J. Strickland,)
)
Appellant,)
)
v.)
)
Nebraska Department of Labor)
and Christian Homes,)
)
Appellees.)

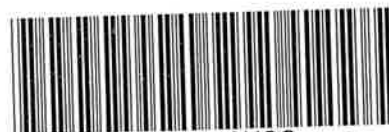
No. A-26-178.

ORDER TO SHOW CAUSE

This matter is before us for purposes of jurisdictional review. The appeal from the September 3, 2025, ruling of the Nebraska Appeal Tribunal was governed by Neb. Rev. Stat. § 48–638 (Reissue 2021), requiring that it be made in accordance with the Administrative Procedure Act (APA). Service of summons in the manner required by Neb. Rev. Stat. § 84-917(2)(a) (Reissue 2024) is a prerequisite to the exercise by the district court of its jurisdiction over the subject matter on an appeal from an adverse decision of an administrative agency. See e.g. *Omaha Expo. & Racing v. Nebraska State Racing Comm.*, 307 Neb. 172, 949 N.W.2d 183 (2020); *Concordia Teachers College v. Neb. Dept. of Labor*, 252 Neb. 504, 563 N.W.2d 345 (1997).

Neb. Rev. Stat. § 25–510.02 (Reissue 2016) states that the “State of Nebraska [and] any state agency . . . may be served by leaving the summons at the office of the Attorney General” in a specified variety of manners. When § 25–510.02 applies, as it does in the present case, a summons must be served on the Attorney General in order to institute judicial review under the APA. See, *Concordia Teachers College v. Neb. Dept. of Labor, supra*; *Twiss v. Trautwein*, 247 Neb. 535, 529 N.W.2d 24 (1995).

Where a lower court lacks subject matter jurisdiction to adjudicate the merits of a claim, issue, or question, an appellate court



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also lacks the power to determine the merits of the claim, issue, or question presented to the lower court. *Hauxwell v. Middle Republican NRD*, 319 Neb. 1, 21 N.W.3d 34 (2025).

Appellant has 14 days from the date of this order to show this court that she properly perfected her appeal to the district court. Failure to respond shall be cause for this appeal to be summarily dismissed pursuant to Neb. Ct. R. App. P. § 2-107(A)(1).

Dated this 1st day of April, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'T. A. Freeman', written in a cursive style.

Tricia A. Freeman, Judge

IN THE NEBRASKA COURT OF APPEALS

State of Nebraska,)
)
Appellee,)
)
v.)
)
Joshua Provencher,)
)
Appellant.)

No. A-26-221.

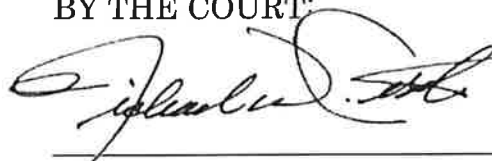
ORDER TO SHOW CAUSE

This matter is before us for purposes of jurisdictional review. The poverty affidavit filed by the appellant purports to be signed by a notary but does not contain an acknowledgment, or jurat, by the notary confirming that the affiant appeared before the notary, attested to the truth of his statements, and signed the affidavit. See e.g. *In re Interest of Fedalina G.*, 272 Neb. 314, 721 N.W.2d 638 (2006).

The appellant has 15 days to provide this court with an affidavit of the notary confirming that the affiant appeared before the notary, attested to the truth of her statements, and signed the affidavit. Failure to respond shall be cause for this appeal to be summarily dismissed pursuant to Neb. Ct. R. App. P. § 2-107(A)(1).

Dated this 1st day of April, 2025.

BY THE COURT:



Michael W. Pirtle, Judge

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NEBRASKA SUPREME COURT
COURT APPEALS



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S-25-000566

State v. Kash A Davis

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E) (4), Appellant's brief date extended to May 1, 2026.

S-25-000885

State v. Sebastian L Dunbar

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E) (3), Appellant's brief date extended to May 1, 2026.