

Court of Appeals of Nebraska
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A-24-000873

State v. Maurice J Thomas

ROD Petition of Appellant for Further Review
Petition of Appellant for further review denied.

A-25-000613

Greenwood v. Runnels

Motion of Appellee for Attorney Fees

Appellee's motion for attorney fees is denied. The term "frivolous," as used in the statute allowing award of attorney fees and costs for a frivolous action, connotes an improper motive or legal position so wholly without merit as to be ridiculous. *Nathan v. McDermott*, 306 Neb. 216, 945 N.W.2d 92 (2020). All doubts as to whether action is frivolous, so as to entitle an opponent to attorney fees should be resolved in favor of petitioner, and sanctions should not be imposed except in the clearest cases. *Shanks v. Johnson Abstract & Title, Inc.*, 225 Neb. 649, 407 N.W.2d 743 (1987). See also Neb. Rev. Stat. § 25-824(6) (Reissue 2016).

A-25-000907

Fraction v. James

ROD Mot of Appellee for Summary Affirmance
Appellee's motion for summary affirmance pursuant to Neb. Ct. R. App. P. 2-107(B)(2) is sustained; judgment affirmed. See *Benda v. Sole*, 319 Neb. 745, 25 N.W.3d 68 (2025) (doctrine of issue preclusion bars relitigation of finally determined issue that party had prior opportunity to fully and fairly litigate); *Schaeffer v. Frakes*, 313 Neb. 337, 984 N.W.2d 290 (2023) (doctrine of claim preclusion bars relitigation not only of those matters actually litigated, but also of those matters which might have been litigated in prior action; whether subsequent suit alleges same cause of action as prior suit is determined by whether right to be vindicated rests upon same operative facts, and if so, same cause of action has been alleged even if different theories of recovery are relied upon).

A-26-000021

Anderson v City of Aurora, NE

Appellant's Replacement Brief Due

Pursuant to Neb. Ct. R. App. P. § 2-109(F), original brief of Appellant filed on April 13, 2026, is stricken. Replacement brief ordered and limited to correction of the following deficiencies: Neb. Ct. R. App. P. § 2-109(D)(1)(g) regarding annotations to the record in the Statement of Facts. Replacement brief of Appellant is due on or before April 26, 2026. Failure to file a timely replacement brief in compliance with this order shall subject Appellant to the issuance of a default notice. See Neb. Ct. R. App. P. § 2-110(A). CORRECTED.

A-26-000138

Elhabbal v. Elhabbal

By order of the Court Attach STRICKEN

By order of the Court, attachments to the brief of Appellant stricken.

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A-26-000163

Elhabbal v. Elhabbal

By order of the Court Attach STRICKEN

By order of the Court, attachments to the brief of Appellant stricken.

A-26-000178

Strickland v. Nebraska Unemployment Appeals Tribunal

ROD Order to Show Cause re Jurisdiction 4/15

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). When Neb. Rev. Stat § 25-510.02 (Reissue 2016) applies, as it does in the present case, a summons must be served on the Attorney General in one of the manners prescribed in order to institute judicial review under the Administrative Procedure Act. See, *Concordia Teachers College v. Neb. Dept. of Labor*, 252 Neb. 504, 563 N.W.2d 345 (1997); *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 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).

A-26-000234

Mitchell v. Union Pacific Railroad Company

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). The district court's order of February 25, 2026, granted the summary judgment motion filed by the Union Pacific Railroad, but did not expressly dismiss the complaint filed by the plaintiff, Sean Mitchell. According to the Nebraska Supreme Court: "We have repeatedly said that a final, appealable judgment is one that disposes of the case by dismissing it either before hearing is had upon the merits or after trial by rendition of judgment for the plaintiff or defendant. . . . It is only when the court enters an order of dismissal that the proceedings brought before the court by one party against another and filed under a particular case number come to an end. Otherwise, the action remains pending before the court." *D&M Roofing & Siding v. Distribution, Inc.*, 316 Neb. 952, 971-72, 7 N.W.3d 868, 883 (2024) (emphasis in original).

A-26-000234

Mitchell v. Union Pacific Railroad Company

Motion of Appellant to Consolidate

Motion of Appellant to consolidate overruled as moot.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-26-000049

Sundelin v. Grasmick

Order to Show Cause re Late Req For BOE