

IN THE NEBRASKA COURT OF APPEALS

**MEMORANDUM OPINION AND JUDGMENT ON APPEAL
(Memorandum Web Opinion)**

McCLOUD v. McCLOUD

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DENNIS D. McCLOUD ET AL., APPELLEES,

v.

JOSHUA D. McCLOUD, APPELLANT.

Filed October 6, 2026. Nos. A-25-941 through A-25-944.

Appeals from the District Court for Madison County: MICHAEL L. LONG, Judge. Affirmed.

David M. Ceraso, of Black Crest Law, L.L.C., for appellant.

No appearance for appellees.

BISHOP, WELCH, and FREEMAN, Judges.

BISHOP, Judge.

I. INTRODUCTION

In these consolidated cases, Joshua D. McCloud appeals from four harassment protection orders entered by the Madison County District Court in favor of his father, mother, and two sisters. He contends the district court erred in denying his oral request to continue the proceedings below and in finding sufficient evidence to support each of the harassment protection orders against him. We affirm.

II. BACKGROUND

Dennis D. McCloud and Donna McCloud are the parents of Joshua, Abbie Murray (Abbie), and Katie Brummels (Katie). At some point prior to the proceedings below, Joshua's wife and five children "left" him. (It is unclear if the couple's marriage has since been dissolved.) Joshua fervently believed that his parents and sisters actively encouraged the breakup of his marriage. Over the course of several months, Joshua sent voluminous text messages and emails to his

relatives, despite various requests to stop. These messages often contained demeaning comments and profanities.

1. APPLICATIONS FOR HARASSMENT PROTECTION ORDERS

On October 21, 2025, Dennis, Donna, Abbie, and Katie (collectively petitioners) all filed separate pro se form petitions and affidavits (applications), requesting harassment protection orders against Joshua, pursuant to Neb. Rev. Stat. § 26-104 (Supp. 2025). The applications included a section directing the petitioners to describe the specific conduct believed to constitute harassment. We summarize the allegations made in each application below.

(a) Dennis' Application

Dennis alleged that in May 2024, he traveled to Joshua's home in Urbandale, Iowa, to help work on his son's van. During this visit, Joshua "tried to attack" Dennis in the garage. The altercation ended after Joshua was told to "go back in [the] home" by his wife and son. The attempted assault was reportedly observed by neighbors. Later that evening, Dennis took Joshua and his family to a restaurant. Joshua acted "terrible" during the meal, prompting Dennis to leave. When Dennis entered his vehicle to leave the establishment, Joshua "pounded" on the driver's side window. Dennis averred that he contacted law enforcement to "scare" Joshua.

Attached to Dennis' application were 27 different emails sent by Joshua. The messages spanned from March 18 to October 18, 2025. In the emails, Joshua generally expressed dissatisfaction with his father, accusing Dennis of "making up stuff while [Joshua was] trying to fight for [his] kids." Several of the emails directed profanities at Dennis and criticized him for what Joshua believed to be unwarranted interference in his life. A survey of the communications shows that Joshua referred to Dennis as a "fraud," a "liar," an "evil sad little man," a "terrible person," an "asshole," and a "pussy," among other things.

(b) Donna's Application

In the portion of Donna's application directing her to describe the conduct believed to constitute harassment, she simply wrote, "Ongoing texts." However, her application included two attachments. The first was a letter addressed to the district court. In the letter, Donna alleged that Joshua's behavior "started out as anxiety and panic attacks" but had since "turned into cruelty and anger towards others, particularly members of his immediate family." Donna explained that she had Joshua's "texts and emails blocked for approximately 4 months" because she "could not take his continual degrading statements." She noted that the accusations contained in Joshua's messages "were not even true." The conclusion of Donna's letter reads, "I feel at any time, something may set [Joshua] off and he would become harmful to himself, which he has done, or to others."

The second attachment was a 28-page compilation of text messages sent by Joshua. Some of the text messages were sent in September 2024. Others were sent in November, but a year is not clearly indicated. In these text messages, Joshua claimed that Donna "stole [his] family" and he called her a "liar," a "terrible mother," a "[f]raud," a "joke," "crazy," and "[s]ick," among other things. Donna did not author responses to most of Joshua's texts.

(c) Abbie's Application

Abbie's application sought a harassment protection order for the protection of herself and her three minor children. Abbie alleged that from "December 28 through October 17," she had "consistently" received "harassing emails" from Joshua. She claimed that the "amount of hate" in the emails made her and her family "afraid for [their] safety." Attached to the application were 32 pages of emails and text messages from Joshua, spanning from December 2024 to October 2025. Abbie quoted "[s]ome of the contents" of these emails in her application:

"Go to hell." "You are trash..." "You're a joke." "[Y]ou psycho." "You're the worst." "You are a fraud." "You are a bad person." "You're so full of shit." "You are a really really bad person." "[Y]ou guys are insane." "You are a liar." "I'm not sure how you sleep at night." "You are both psychos." "You are a fraud." "Your kids know you were a [w]hore?" "Turn back to God." "You're such a joke."

In a hand-written notation below these quotations, Abbie wrote, "[Joshua] has been threatening about letting our kids know how awful we are."

Abbie also attached to her application a letter addressed to the district court. She explained that Joshua had "abused" her family "emotionally and mentally" for approximately 4 years. According to the letter, Joshua's conduct had "caused tremendous emotional distress." Abbie wrote that she attempted to "set clear boundaries" with Joshua, but his behavior "escalated," making it "impossible for [her] to live in peace." She feared "retaliation." The letter also intimated that Joshua suffered from unaddressed mental health issues.

(d) Katie's Application

Katie's application requested a harassment protection order for the protection of herself and her three minor children. She alleged that Joshua had made "multiple comments" threatening to take her children away. Joshua reportedly told her, "'You took my kids from me, I should take yours from you.'" Katie's application also described a July 2025 incident where she and her daughter went to pick up her youngest son from a birthday party. She noticed Joshua's van in the parking lot and "instantly panicked." Katie did not encounter Joshua but noted that she "live[d] in constant fear" because of "the things [Joshua] ha[d] said."

Katie's application included two attachments: a letter addressed to the district court and an "email log." The letter contained several additional allegations, including that:

- Joshua began experiencing "significant mental and behavioral changes," "approximately four to five years ago." He became "increasingly paranoid, anxious, and unable to make simple day-to-day decisions." Joshua refused medical intervention.
- In the summer of 2024, Joshua was hospitalized after a suicide attempt. Since that time, he has been "essentially homeless" and "living out of hotels or his van."
- Joshua "frequently" sent "massive amounts of text messages and phone calls, often late into the night." One morning, Katie woke up to "over 300 text messages," containing "profanity-laced insults." Katie had "blocked" Joshua's number "multiple times" but "later unlock[ed] him out of concern for his well-being."

- After a Christmas concert, Joshua followed Donna to her car “while shouting horrible things at her.” Two of Katie’s children witnessed the incident, and it was “frightening for them.”
- Joshua reported “hearing voices” and made “concerning” statements. He allegedly said, “I’m going to make sure [my wife] never sees the kids again.”

The 27-page email log contained a list of over 100 emails sent by Joshua, spanning as far back as December 2024. The full contents of the emails are not readable; only a few words from the beginning of each message are visible. In the portions of the email log that are readable, Joshua referred to Katie as a “legit psychopath,” an “awful person,” a “moron,” “evil,” a “liar,” a “dumbass,” and “fucking stupid,” among other things. Katie indicated that she was “willing to open each individual email from the log for [the district court] to read.” However, she believed the email log, by itself, demonstrated the “mass amounts” of unwanted messages she received from Joshua.

2. EX PARTE PROTECTION ORDERS

On October 21, 2025, the same day the applications were filed, the district court entered an ex parte domestic abuse protection order in favor of Dennis and ex parte harassment protection orders in favor of Donna, Abbie (and her three minor children), and Katie (and her three minor children). Each ex parte protection order was valid for 1 year. The court ordered copies of the ex parte protection orders and the corresponding applications to be served on Joshua. The ex parte orders also advised of Joshua’s right to appear and show cause why the orders should not remain in effect. We note that the transcripts on appeal do not contain any proof that Joshua was served with copies of the ex parte orders or the petitioners’ applications. In his brief, however, Joshua admits that he “filed a Request For Hearing on each respective application” on October 22. Brief for appellant at 7.

3. SHOW CAUSE HEARINGS

Four consecutive show cause hearings took place on November 13, 2025. All parties were present and provided sworn testimony.

(a) Joshua’s Oral Requests to Continue

At the outset of the first hearing, the district court stated on the record that the parties were “self-represented litigants” with “no attorneys involved.” However, Joshua informed the court that he “had an attorney retained,” but it “didn’t work for him” to appear. According to Joshua, his counsel had asked him to request “an extension until January.” The court denied Joshua’s request, “consider[ing] it to be a motion to continue.” The court explained its decision in a colloquy with Joshua:

[THE COURT:] Well, it’s my belief that as a jurist that the legislature, in passing the [protection order] statutes, wanted these things to move quite quickly. Ex parte orders have to be heard within 30 days.

[Joshua:] We can do it sooner, that’s just what [my counsel] said. I don’t know why he asked that.

[THE COURT:] And I'm just saying, if there is no ex parte order, I have to hear it within 14 days. So they're designed to move quickly, and that's just the way it is. And [they are] supposed to be . . . summary in nature, meaning you have a lot of people who are self-represented, so we tend to move them quickly and not as detailed as like a full jury trial on some criminal charge or big civil case.

Say this is similar to maybe an eviction proceeding in county court where someone hasn't paid rent. They're getting evicted and those happened within 10 to 14 days. So similar in nature to those types of things.

You still have a right to an appeal, it's not clear and convincing, but proof by preponderance of the evidence applies just like other civil matters. But I think it's designed to go quickly. Just the nature of the type of cases.

[Joshua:] I understand.

[THE COURT:] So I don't think that you've shown good cause on this matter. Both sides are self-represented litigants, so I'm going to deny your motion to continue, okay?

We also note that during the first hearing, Dennis testified to statements made by Joshua's wife. Joshua interrupted Dennis' testimony, stating, "Can we continue this so [my wife] can be here if we're going to take a witness statement from her?" The district court implicitly denied Joshua's second request for a continuance by admonishing him to "let [Dennis] finish."

(b) Evidence Presented

At each hearing, the district court, on its own motion, received the corresponding applications and attachments as evidence. See Neb. Rev. Stat. § 26-112 (Supp. 2025) (during any hearing on protection order, petition and affidavit shall be deemed offered and admitted into evidence unless specifically excluded by court). The court then briefly examined the parties and afforded them an opportunity to provide sworn statements on the record.

(i) *Dennis*

Upon questioning by the district court, Dennis affirmed that the May 2024 incidents occurred as described in his application. His testimony was consistent with what was contained in the application as described earlier. Regarding the incident when he was leaving the restaurant, Dennis testified that Joshua "smacked" the driver's side window of the vehicle with his forearm. This "scared" Dennis and he called 911. However, law enforcement never arrived because Dennis told the operator that Joshua had left.

Joshua disputed Dennis' characterization of events, claiming he had "never threatened [Dennis] with bodily injury" or attacked him. While he admitted to striking the window of Dennis' vehicle, Joshua denied that his father called the police.

The district court inquired into the emails attached to Dennis' application. Dennis testified that Joshua's emails contained "[a]ll kinds of demeaning factors." These included messages calling him "the worst father" and blaming him for the breakdown of Joshua's marriage. Dennis told the court that he had asked Joshua to stop contacting him "multiple times." Dennis had even "blocked" Joshua's phone number on several occasions. However, Dennis "just couldn't leave it blocked" because he was worried that his son might need help.

Dennis believed that “a big part of the problem” was that Joshua “doesn’t sleep.” Dennis “would get up to 30 text messages in the middle of the night” from his son. Dennis clarified that the emails attached to his application were not an exhaustive collection. When asked by the district court to estimate the total number of emails sent by Joshua, Dennis responded, “Hundreds. Hundreds. Hundreds.” In Dennis’ opinion, Joshua’s continued contact stemmed from unresolved personal issues. Dennis explained that in January 2024, Joshua’s wife issued an ultimatum, giving her husband “until May to get help.” Dennis agreed with the court that Joshua’s conduct seriously terrified him. He explained that the “constant emails [are] hard on [him]” because he “feel[s] like [he] failed as a father.” Dennis stated, “I don’t know what he’ll do. I honestly look at my son now[,] and I don’t know what he’ll do.”

Dennis initially requested that the district court “mandate a medical evaluation and mandatory medication” for Joshua. The court advised that it had no authority to grant such relief in protection order proceedings. After a short recess during which Dennis conferred with the other petitioners, he requested that the court enjoin Joshua from communicating with him.

Joshua readily admitted that he authored and sent the emails attached to Dennis’ application and that his father had asked him to stop. When questioned by the district court why he had sent the emails, Joshua responded, “I’m sending the emails because [the petitioners’] goal, and just as [Dennis] stated, is this medical evaluation to prove that I’m crazy.” Joshua went on to explain that his wife and children “left” at the “urging” of the petitioners. He indicated that he sent the emails in response to messages from the petitioners “taunting” him.

(ii) Donna

During her testimony, Donna affirmed that the averments in and the attachments to her application were true and accurate. She stated that the text messages attached to the application were from “2022, 2023 maybe to the present.” As of the time of the hearing, Donna had “blocked” Joshua for “almost six months.” However, Donna recalled receiving up to 30 text messages a day from Joshua. She did acknowledge that the exact number of texts varied day-to-day. Donna testified that Joshua’s texts described her as a “bad” and “evil” person and put blame on her for his marital problems. According to Donna, Joshua told her that she would “probably go to hell” and does not “believe in God right.”

Donna testified that Joshua stayed with her and Dennis at their farm in Boone County, Nebraska, for “a couple weeks.” She described the following incident:

[H]e came up one night and his -- fire was shooting out of his eyes. And I just thought, you know, we don’t have to have him staying here with us. So I asked him to leave and I just -- I guess I was concerned that he would -- I don’t -- we don’t know where he was. So if he would come around at night -- I mean, I just didn’t want to have that anymore thinking that he could just come onto our house and to our farm any time.

Donna did not provide any indication of when this confrontation occurred.

Joshua admitted to the district court that he “sent a lot of emails.” While Joshua believed the messages were “annoying and overwhelming,” he did not think they were “intimidating.” Joshua also admitted that he went to his parents’ farm in August or September 2024 and “confronted” Donna about how she was portraying him to others. He testified that when his mother

asked him to leave, he did so without incident. Joshua was adamant that he had never threatened his parents. The court permitted Joshua to read a November 2025 reference letter authored by an employee who worked at a hotel he had stayed at for the past year. The employee described Joshua as an “exemplary guest” who treated staff with the “upmost respect.” The employee recommended him “as a responsible, trustworthy, [and] respectful individual.”

(iii) Abbie

In a statement to the district court, Abbie indicated that the texts and emails sent by Joshua “contain untruthful, hurtful, and threatening statements.” Abbie had “blocked” Joshua’s phone number and email address, but emails “still came through on [her] spam.” She was “terrified” of what Joshua “could do with all that hate.” Abbie was particularly worried about one email attached to her application where Joshua stated that her minor children had “a right to know” that their mother was a “horrible whore.” However, she acknowledged that Joshua had never actually contacted her children. Abbie testified that Joshua’s conduct had put her family in a “tremendous” amount of stress. The court asked what was underlying Joshua’s hostile messages. Abbie responded:

Well, over the last few years, since 2022-ish, he just kind of medically, physically, emotionally, mentally declined in his ability to keep a job, to follow through on things. The hate has been increasing towards his -- us, and then when his wife left towards the -- which that’s not -- I’m not going to bring that up because she’s not here.

He seems to think that we got his wife and kids to leave him, which -- I mean, you can see there is -- we didn’t do any of such thing. There is an email in there that I’ve asked, what is it that you want me to stop? Because he keeps requesting that we stop. And so he lists out there that we stop, I don’t even know, getting his wife and kids to leave him. I’m not sure what he wants us to stop, as we aren’t the ones reaching out to him.

Joshua testified that he had “the most respect for Abbie.” While he believed his messages were “taken out of context,” Joshua noted they “look[ed] bad for sure.” According to Joshua, his wife told him that the petitioners “were telling her to leave.” However, he later indicated that it was “[his] fault” that his wife and children left, telling the district court that he “didn’t do a good job of providing” due to a medical issue. Joshua admitted that he “sent way too many emails” but was again adamant that he would never hurt the petitioners or their children.

(iv) Katie

Katie affirmed that all allegations in and attachments to her application were true and correct. She testified that Joshua’s repeated messages were “hurtful” and “took a serious toll on [her] own mental health,” “self-esteem,” and “sense of worth.” Katie made “repeated requests” to Joshua to stop contacting her. She explained that Joshua’s “mental state is unstable and unpredictable,” making him “dangerous.” While Katie did not know if Joshua seriously intended to do harm, she noted that he had “harmed himself in the past” and had made “it very clear” that he “hates” her.

Katie described a 2024 event where Joshua “reached out to extended family members” and “told them terrible things about [Dennis].” According to Katie, the “stress of the situation” caused

Dennis to suffer “a cardiac event.” Due to Joshua’s “bizarre, erratic, and cruel behavior,” Joshua was prevented from visiting Dennis in the hospital. Joshua told Katie that “he wished [Dennis] would have died from that event.” Joshua denied making this statement. Katie also expressed concerns related to Joshua’s homelessness.

Joshua testified that Katie had made demeaning comments to him in the past, calling him a “fraud” and a “con artist.” When the district court inquired about counseling, Joshua stated that he had a counselor who recommended that he “not have anything to do with [his] family.” He admitted that he had “emailed [Katie] too many times.”

4. DISTRICT COURT’S DECISIONS

At the conclusion of each show cause hearing, the district court made oral rulings on the record. As to Dennis, the court noted that it was “going to retreat a bit and go back and enter a harassment protection order for one year.” As mentioned previously, the court had originally entered an ex parte domestic abuse protection order in favor of Dennis. As to the other petitioners, the court continued the ex parte harassment protection orders already entered in their favor. However, the court found insufficient evidence to maintain the ex parte harassment protection orders as to the minor children listed in Abbie and Katie’s applications.

On November 14, 2025, the district court entered written orders consistent with its oral pronouncements. Each order kept in effect the October 21 ex parte orders for a period of 1 year. Those orders prohibited Joshua from imposing any restraint upon the petitioners; from harassing, threatening, assaulting, or otherwise disturbing the peace of the petitioners; and from contacting or communicating with the petitioners.

Joshua, represented by counsel, timely appealed from all four harassment protection orders. Upon Joshua’s motion, we consolidated the cases for briefing and disposition.

III. ASSIGNMENTS OF ERROR

Joshua assigns, restated, that the district court (1) abused its discretion by denying his oral request to continue the show cause hearings and (2) erred in finding sufficient evidence to support each of the harassment protection orders.

IV. STANDARD OF REVIEW

Generally, a motion for a continuance is addressed to the discretion of the trial court, whose ruling will not be disturbed on appeal in the absence of an abuse of discretion. *Weiss v. Weiss*, 260 Neb. 1015, 620 N.W.2d 744 (2001). An abuse of discretion occurs when a trial court’s decision is based upon reasons that are untenable or unreasonable or if its action is clearly against justice or conscience, reason, and evidence. *Id.*

The grant or denial of a protection order is reviewed de novo on the record. *Dugan v. Sorensen*, 319 Neb. 326, 22 N.W.3d 623 (2025). In such de novo review, an appellate court reaches conclusions independent of the factual findings of the trial court. *Id.* However, where the credible evidence is in conflict on a material issue of fact, the appellate court considers and may give weight to the circumstances that the trial judge heard and observed the witnesses and accepted one version of the facts rather than another. *Id.*

V. ANALYSIS

1. MOTION TO CONTINUE

We first consider Joshua's claim that the district court abused its discretion by denying his oral request for a continuance.

At the beginning of the first show cause hearing, Joshua advised the district court that he had retained counsel to assist him during the proceedings. However, Joshua indicated that his counsel could not appear because of a scheduling conflict. Counsel had allegedly asked Joshua to request "an extension until January." Dennis objected to Joshua's request for a continuance, stating his "family want[ed] to move ahead."

The district court denied Joshua's request, determining that he failed to show "good cause." The court expressed its belief that show cause hearings on ex parte protection orders are "summary in nature," "designed to move quickly," and are otherwise required "to be heard within 30 days." It also observed that "[b]oth sides are self-represented litigants[.]"

Joshua contends that the district court abused its discretion in denying his request for a continuance. He makes two arguments. First, he claims that the court's failure to grant a continuance violated his right to due process of law because he was "forced" "to proceed without the benefit of his retained counsel," materially impacting his ability to mount an effective defense. Brief for appellant at 12. He also asserts that the court made an error of law when it indicated that show cause hearings on ex parte protections orders must occur within 30 days.

As to the latter argument, the district court did observe that "[e]x parte orders have to be heard within 30 days." While the court did not cite any legal authority for its position, Neb. Rev. Stat. § 26-109(4) (Supp. 2025) provides:

Upon receipt of a timely request for a show cause hearing or upon the request of the petitioner, the court *shall immediately schedule a show cause hearing to be held within thirty days* after receipt of such request and shall notify the petitioner and respondent of the hearing date. The court may also schedule such hearing on its own motion. If the respondent appears at the hearing and shows cause why such order should not remain in effect, the court shall rescind the temporary order.

(Emphasis supplied.) Joshua claims that the above provision "governs the scheduling of a hearing following the issuance of an ex parte order" and does not require that the hearing itself be conducted within 30 days. Brief for appellant at 13. He essentially argues that the court's decision to deny his request for a continuance was based on an erroneous interpretation of § 26-109(4) and therefore constituted a per se abuse of discretion. See *Streck, Inc. v. Ryan*, 320 Neb. 638, 29 N.W.3d 782 (2026) (statutory interpretation is a question of law). See, also, *Vyhlidal v. Vyhlidal*, 311 Neb. 495, 973 N.W.2d 171 (2022) (district court, by definition, abuses its discretion when it makes error of law).

Although the district court did reference the statutory time scheme governing protections orders when considering Joshua's request for a continuance, we do not interpret that reference to mean that it was concluding it had no discretion in granting a motion to continue. Rather, the court explained that the protection order statutes are "designed to move quickly" based on the "nature of the type of cases." There is nothing erroneous about this observation. Notably, the court

specifically found that Joshua failed to establish good cause to support a continuance; thus, implicitly indicating its consideration of the reasons underlying Joshua's request, namely, that he "had an attorney retained" but that "[i]t didn't work for him to get here" and "the guy asked" for "an extension until January."

As noted previously, we review a trial court's denial of a continuance for an abuse of discretion. See *Weiss v. Weiss*, *supra*. An abuse of discretion analysis turns on the actions of the trial court as applied to a given set of circumstances. See *id.* In protection order proceedings such as these, our review of those circumstances is de novo on the record. See *Dugan v. Sorensen*, *supra*. Upon our de novo review of the surrounding circumstances, we cannot say that the court's ultimate decision to deny Joshua's request for a continuance was an abuse of discretion.

First, we note that Neb. Rev. Stat. § 25-1148 (Reissue 2016) outlines the procedure for requesting a continuance and provides, in pertinent part:

Whenever application for continuance or adjournment is made by a party or parties to any cause or proceeding pending in the district court of any county, such application shall be by written motion entitled in the cause or proceeding and setting forth the grounds upon which the application is made, which motion shall be supported by the affidavit or affidavits of person or persons competent to testify as witnesses under the laws of this state, in proof of and setting forth the facts upon which such continuance or adjournment is asked.

While Joshua made an oral request to continue proceedings at the outset of the first show cause hearing, our record does not show that a written application or a supporting affidavit was submitted to the district court. See *In re Interest of Azia B.*, 10 Neb. App. 124, 626 N.W.2d 602 (2001) (oral request for continuance is not sufficient to comply with § 25-1148). We consider Joshua's failure to comply with § 25-1148 in our de novo review of the circumstances. See *State on behalf of Keegan M. v. Joshua M.*, 20 Neb. App. 411, 824 N.W.2d 383 (2012) (while compliance with § 25-1148 is relevant to abuse of discretion analysis, it is not determinative).

Joshua's primary contention is that the district court's denial of his request for a continuance violated his right to due process of law because he was deprived of the assistance of counsel and had insufficient time to prepare a meaningful defense. While the concept of due process defies precise definition, it embodies and requires fundamental fairness. *Yerania O. v. Juan P.*, 310 Neb. 749, 969 N.W.2d 121 (2022). Generally, procedural due process requires parties whose rights are to be affected by a proceeding to be given timely notice, which is reasonably calculated to inform the person concerning the subject and issues involved in the proceeding; a reasonable opportunity to refute or defend against a charge or accusation; a reasonable opportunity to confront and cross-examine adverse witnesses and present evidence on the charge or accusation; representation by counsel, when such representation is required by constitution or statute; and a hearing before an impartial decisionmaker. *Id.*

The Nebraska Supreme Court has recognized that because the intrusion on a respondent's liberty interests is relatively limited, the procedural due process afforded in a protection order hearing is likewise limited. See *id.* But while the procedures required in a protection order proceeding may not reflect the full panoply of procedures common to civil trials, due process does impose some basic requirements. See *id.* In protection order proceedings, a respondent

must be notified of the grounds upon which a protection order is sought and provided with an opportunity to respond to those grounds at the show cause hearing. This should come as no surprise. Notice and an opportunity to be heard are, after all, basic requirements of procedural due process.

D.W.v. A.G., 303 Neb. 42, 50, 926 N.W.2d 651, 657 (2019).

Here, Joshua does not contest that he was given reasonable notice of the show cause hearings. And while he does argue that his retained counsel's inability to appear deprived him of a meaningful opportunity to be heard, we are unaware of any statutory or constitutional provision that categorically mandates the assistance or presence of counsel in protection order proceedings. Joshua was not markedly disadvantaged by his counsel's failure to appear; he provided sworn testimony in the proceedings below and was afforded a reasonable opportunity to respond to the petitioners' allegations. The district court acted impartially and even advised Joshua of his right to appeal its decisions. Further, all the petitioners acted without the assistance of counsel.

We also note that according to his brief, Joshua filed requests for show cause hearings on October 22, 2025. The hearings were subsequently held on November 13. Despite this 22-day timeframe, Joshua waited until the day of the hearings to request a continuance. Further, the records on appeal do not show that any counsel filed a notice of appearance prior to the show cause hearings. See Neb. Ct. R. § 2-204(D) (rev. 2022). Nor did any counsel submit a written application and affidavit, in compliance with § 25-1148, outlining the reason for their absence. This apparent lack of diligence weighs heavily against the grant of a continuance.

For all these reasons, we cannot say the district court abused its discretion in denying Joshua's oral request to continue the show cause hearings.

2. SUFFICIENCY OF EVIDENCE

Joshua next argues that there was insufficient evidence to support each harassment protection order. Joshua generally acknowledges that his communications with the petitioners were "excessive." Brief for appellant at 15. However, he claims that his actions "did not objectively constitute conduct intended to seriously terrify, threaten, or intimidate" and otherwise had a valid purpose. *Id.*

(a) Applicable Legal Framework

A show cause hearing in protection order proceedings is a contested factual hearing, in which the issues before the court are whether the facts stated in the sworn application are true. *Diedra T. v. Justina R.*, 313 Neb. 417, 984 N.W.2d 312 (2023). A protection order is analogous to an injunction, and a party seeking an injunction must establish by a preponderance of the evidence every controverted fact necessary to entitle that party to relief. *Id.* As such, the petitioner at a show cause hearing following an ex parte order has the burden to prove by a preponderance of the evidence the truth of the facts supporting a protection order. *Id.* Once that burden is met, the burden shifts to the respondent to show cause as to why the protection order should not remain in effect. *Id.*

Section 26-104 allows "[a]ny victim who has been harassed" to file a petition and affidavit for a harassment protection order. Neb. Rev. Stat. § 28-311.02(2)(a) (Supp. 2025), in turn, defines

the term “harass” to mean “engag[ing] in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose.” “Course of conduct” is defined as “a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning, contacting, or otherwise communicating with the person.” § 28-311.02(2)(b).

In analyzing § 28-311.02, the Nebraska Supreme Court has concluded that Nebraska’s stalking and harassment statutes are given an objective construction and that the victim’s experience resulting from the perpetrator’s conduct should be assessed on an objective basis. See *In re Interest of Jeffrey K.*, 273 Neb. 239, 728 N.W.2d 606 (2007). Thus, the inquiry is whether a reasonable person would be seriously terrified, threatened, or intimidated by the perpetrator’s conduct. See *id.*

(b) Evidence of Harassment

Joshua generally concedes that the evidence offered at the show cause hearings establishes that he sent numerous unwanted emails and text messages to the petitioners. But, citing to *Diedra T. v. Justina R.*, *supra*, he contends that this consistent unwelcome communication, by itself, is not sufficient to meet the statutory definition of harassment. In that case, the Nebraska Supreme Court “agree[d] with [the respondent] that a certain number of texts or calls does not in itself constitute harassment under § 28-311.02.” *Id.* at 424, 984 N.W.2d at 320. However, we do not understand this to mean that the volume or frequency of communication is wholly irrelevant to a harassment inquiry. Rather, those facts may be considered along with the content of the communications and the surrounding circumstances in determining whether an individual engaged in conduct that satisfies the statutory definition of harassment.

With all of this in mind, we analyze the evidence offered at each show cause hearing, including the parties’ testimony and the petitioners’ applications and corresponding attachments.

(i) Dennis

As to Dennis, Joshua argues that his conduct, “while persistent, consisted primarily of emails and texts expressing criticisms regarding [Dennis’] parenting” and “a single instance of tapping on [Dennis’] car window with his forearm.” Brief for appellant at 16-17. While Joshua concedes that Dennis was subjectively terrified by this conduct, he claims such terror was objectively unreasonable.

We disagree with Joshua’s characterization of Dennis’ evidence. Joshua’s communications with Dennis were not isolated or innocuous. Dennis testified that he received “[h]undreds” of emails from Joshua, despite requests to stop. According to Dennis, these messages were often sent “in the middle of the night” between “2:00 to 5:00 in the morning.” The 27 emails attached to Dennis’ application date back to March 2025 and show that Joshua would send frequent emails containing profane and abusive insults. We specifically note that on October 15 alone, Joshua sent his father eight emails within approximately 4 hours; some were received only minutes apart. In these communications, Joshua wrote that Dennis was a “fraud,” an “absolute joke,” a “disease,” a “sad old man,” and “should be in jail.”

Although none of the emails attached to Dennis' application contain explicit threats of physical harm, Dennis testified that Joshua had acted violently toward him in the past. He described two separate incidents occurring on an unspecified date in May 2024, one when he was working on a vehicle and Joshua acted "erratic" and assaulted him by "poking" him in the chest. Later that same evening, as Dennis was attempting to leave a restaurant parking lot, Joshua struck the driver's side window of Dennis' vehicle with his forearm. While Joshua contradicted Dennis' recollection of events, the district court, by entering the harassment protection order in favor of Dennis, implicitly found Dennis' testimony more credible. We give weight to this credibility determination. See *Dugan v. Sorensen*, 319 Neb. 326, 22 N.W.3d 623 (2025) (where credible evidence is in conflict on material issue of fact, appellate court considers and may give weight to fact that trial court heard and observed witnesses and accepted one version of facts over another).

Joshua's emails may not contain express threats of physical harm, but their frequency and content, when viewed in conjunction with Joshua's previous history of physical violence, provide important context for assessing whether Joshua's conduct would cause a reasonable person to feel seriously terrified, threatened, or intimidated. Considering the totality of the evidence, upon our de novo review, we conclude that the evidence was sufficient to support the harassment protection order entered in favor of Dennis.

(ii) Donna

As to Donna, Joshua argues that his conduct "consisted primarily of emails and texts expressing criticism, disagreement, and concern regarding family matters, as well as a single verbal confrontation in which [he] left when asked." Brief for appellant at 17.

Joshua is correct that Donna's evidence primarily centered upon repeated text messages. However, Joshua downplays the frequency and content of these communications. Donna testified that the text messages attached to her application spanned back to "2022, 2023 maybe to the present" and that she received anywhere from 10 to 30 text messages a day from her son. In these messages, Joshua expresses anger toward Donna, blaming her for breaking up his family. In one message, dated "Nov. 13," Joshua wrote: "Geez you don't have to lock the door." Relatedly, Donna testified to an incident where Joshua came to her farm to confront her. She described Joshua as having "fire" "shooting out of his eyes." While Donna could not recall the date of the altercation, Joshua indicated it was in August or September 2024. Donna was scared that Joshua "could just come onto [her] house and to [her] farm any time." This fear is reasonable, especially given his past conduct and frequent unwanted messages.

Upon our de novo review, we conclude that a reasonable person would feel seriously terrified, threatened, or intimidated by Joshua's continuous text messages.

(iii) Abbie

As to Abbie, Joshua posits that none of his communications with her give "any credible indication [that] they were intended to seriously threaten, intimidate, or terrorize." Brief for appellant at 19. We disagree.

In her application, Abbie averred that Joshua had "threaten[ed]" to tell her children "how awful" she was. Abbie elaborated on this statement at the show cause hearing, testifying that Joshua stated that her minor children "have a right to know" that their mother was a "horrible

where.” Joshua wrote in August and September 2025 emails that she was a “fraud,” among other offensive allegations about her past, and he questioned whether her children knew about her past. These communications can be reasonably construed as threats to reveal intimate information to a third party. See *Diedra T. v. Justina R.*, 313 Neb. 417, 984 N.W.2d 312 (2023) (respondent’s threat to expose alleged sexual relationship with petitioner and petitioner’s husband to employer was actionable threat under § 28-311.02). In other emails attached to Abbie’s application, Joshua made demeaning comments, calling her “trash,” a “fraud ass,” and a “terrible person.” Even after Abbie “blocked” Joshua’s emails, he continued to reach out, and Abbie would see the messages in her “spam.” Abbie was “terrifi[ed] of the “hate and anger” directed at her and the other petitioners. Joshua candidly admitted at the hearing that he sent “way too many emails.”

Upon our de novo review, we conclude that a reasonable person would feel seriously terrified, threatened, or intimidated by Joshua’s continuous emails, which contained threats to reveal sensitive information to Abbie’s minor children.

(iv) Katie

As to Katie, Joshua argues that her evidence “largely relates to persons other than [herself].”

We agree with Joshua that some of Katie’s evidence seemed to exclusively concern conduct directed at other petitioners. For example, in her statement to the district court, she described the “bizarre, erratic, and cruel behavior” Joshua directed at Dennis. She claimed Joshua’s actions caused her father to suffer “a cardiac event.” Katie also explained how Joshua would call Dennis and Donna “from random phones” after they “blocked” his phone number.

However, Joshua fails to acknowledge other evidence, specifically the averments in Katie’s application. The application and its attachments were received as evidence at the hearing, and Katie affirmed the truth and accuracy of the documents during her testimony. In the application, Katie wrote: “Josh[ua] has made multiple comments to me that ‘You took my kids from me, I should take yours from you’ and ‘Your kids deserve to know who you are.’” Katie also referenced a July 2025 incident where Joshua’s van was positioned in a parking lot where she was picking up her youngest son from a birthday party. Although she did not encounter her brother, Katie “panicked.”

Along with these threats to her children, Katie received “massive amounts of text messages and phone calls, often late into the night.” In a letter attached to her application, Katie stated that she “woke up to over 300 text messages” from Joshua one morning. Katie also attached an “email log” to her application. It showed that Joshua had sent well over 100 emails since December 2024. While the full contents of these messages are not viewable, the email log corroborates Katie’s claims of excessive communications.

Upon our de novo review, we conclude that Joshua’s comments to “‘take’” Katie’s children from her, in conjunction with the sheer number of emails and text messages, would make a reasonable person feel seriously terrified, threatened, or intimidated.

(c) No Legitimate Purpose

We note that at the end of his brief, Joshua briefly argues that his communications with the petitioners served a legitimate purpose. He claims that the messages sent to his parents and sisters

were “exclusively purposed to stop their interference with his family and to eliminate the undue stress and harm they were causing.” Brief for appellant at 21.

Under § 28-311.02(2)(a), a knowing and willful course of conduct does not constitute harassment if it serves a legitimate purpose. The inquiry of whether the course of conduct directed at a specific person serves a legitimate purpose consists of two parts: (1) whether the actor genuinely holds a justifiable purpose for engaging in the course of conduct and (2) whether the course of conduct is in logical service of such purpose under the circumstances. See *Flinn v. Strode*, 320 Neb. 813, 30 N.W.3d 661 (2026).

Even if we assume that Joshua was justified in attempting to dissuade the petitioners from interfering in his marriage, his course of conduct was not in logical service of that purpose. Most of the messages sent to the petitioners did not concern Joshua’s wife or children. Instead, Joshua directed profanities, insults, and threats at the petitioners. Accordingly, we cannot say that Joshua’s course of conduct served a legitimate purpose.

VI. CONCLUSION

For the foregoing reasons, we affirm the November 14, 2025, harassment protection orders entered against Joshua in cases Nos. A-25-941 (Dennis), A-25-942 (Donna), A-25-943 (Abbie), and A-25-944 (Katie).

AFFIRMED.