

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

BRANDON BROWN et. al.,	)	
	)	
Petitioner,	)	CASE NO. CI 25-1800
	)	
v.	)	MOTION TO REINSTATE
	)	
NEBRASKA DEPARTMENT OF	)	
REVENUE,	)	
	)	
	)	
Respondent.	)	

The Petitioner, et. al moves to reinstate the matter and that the Petitioner be allowed to file an Amended Petition to more explicitly identify by name the additional parties who were also grievants in the matter before the Personnel Board, previously identified by et al.. The named grievant parties were all represented by the same representative at the proceeding before the personnel board, and are represented by undersigned counsel who accepts service on their behalf as of the date of the filing of the original Petition which was filed on behalf of the Petitioner and the other interested parties who were also greivants and requested the same relief as the Petitioner.

The Court's reliance on *Kozol v. Neb. Liquor Control Comm'n*, is misapplied and does not support the Court's conclusion that the named grievants were not already parties of record in this proceeding. The parties in *Kozol* who were not included in the district court appeal in that matter were represented by other counsel than that for the petitioners, were not included at any point in the district court proceedings, were not served, and were aggrieved by the outcome of the district court appeal. Distinguishably, in the present case, the other "parties of record" are represented by undersigned counsel and stand to receive the same relief as that requested by the named Petitioner. The Court's

application of *Kozol* is directly contrary to that in *Kozol*, as the dismissal of the action is only supported by taking the meaning of the statutory language out of context. Additionally, the referenced purposes for the inclusion of the omitted parties in *Kozol* include the right to receive notice and to seek rehearing. The parties who are identified by name within the underlying grievance have notice through undersigned counsel and are included in the original request for relief.

Lastly, in *Kozol*, the Court relied upon the liquor control statutes to determine who were parties, and relied upon the methods identified within the statute to determine if they were necessary parties. Alternatively, the Court here disregarded that the Contract controls who are the additional grievants, and therefore parties in this case. Despite the contractual control designating them as parties before the personnel board being utilized to identify them in this proceeding in the same way, the Court has imposed some other standard that is without any basis for the dismissal of these grievances that are properly before the Court.

The Petitioner requests reinstatement of this action and the Petitioner seeks leave to amend (a through a contemporaneously filed Motion to Amend) to specifically list the named grievants as interested parties. As noted, each named grievant has been served by virtue of the filing of the Petition on their behalf at the time of the original pleading.

Dated, August 13, 2026.

Brandon Brown, et al, Petitioner

By: s/Abby Osborn

Abby Osborn, #24527

Joy Shiffermiller, #18164

Shiffermiller Law Office, P.C., L.L.O.
1002 G Street

Lincoln, NE 68508

402 484 7700

402 484 7714

abby@shiffermillerlaw.com