

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

BRANDON BROWN, et al.,	)	Case No. CI 25-1800
	)	
Petitioners,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	
NEBRASKA DEPARTMENT OF	)	
REVENUE,	)	
	)	
Respondent.	)	

This is one of eight consolidated cases before the Court on petitions for judicial review under the Administrative Procedure Act. In each case, Abby Osborn appeared for the Petitioners and Joseph McKechnie appeared for the Respondent.

Before turning to the merits of each petition for review, this Court must first determine if it has jurisdiction. In this matter, this Court lacks jurisdiction because all “parties of record” in the agency proceeding were not made parties to this proceeding for review. The Administrative Procedure Act requires all parties of record shall be made parties to the proceedings for review and defines a “party of record” as “any person who appeared either personally or through an attorney, who was a participant in the agency’s contested hearing, and who was treated as a party by the agency’s hearing officer.” Neb. Rev. Stat. § 84-917(2)(a)(i).

The record reflects “[t]his grievance is being filed by Mr. Brown on behalf of all affected Department of Revenue employees. The attached list of employees wish to be considered as a class with Mr. Brown.” And a separate list of 11 “additional grievants” is attached. The agency treated the additional grievants as parties to the grievance and, at the agency hearing, all named grievants personally appeared through a NAPE

representative who made arguments and offered evidence on their behalf. The additional grievants were treated as parties by the hearing officer both at the hearing and in the hearing officer's decision. They were thus "parties of record" under Neb. Rev. Stat. § 84-917(2)(a)(i).

However, only Mr. Brown was made a party to this petition for review.¹ "The failure to make a party of record a party to the proceedings for review as required by the APA is a failure to seek review in the mode and manner provided by statute that deprives the district court of jurisdiction." *Kozal v. Neb. Liquor Control Comm'n*, 297 Neb. 938, 954 (2017); *see also Swicord v. Neb. Police Standards Advisory Council*, 314 Neb. 816 (2023). Because all "parties of record" in the agency proceeding were not made parties to this proceeding for review, this Court lacks jurisdiction and the petition is dismissed.

IT IS SO ORDERED.

DATED this 7th day of August, 2026.

BY THE COURT:

A handwritten signature in black ink that reads "Ryan Post". The signature is written in a cursive, slightly stylized font. It is positioned above a horizontal line.

Ryan S. Post
District Court Judge

¹ To the extent the petition also purports to seek class-wide relief, the Court does not need to decide in this proceeding whether the petitioner may do so under the APA because the Court already lacks jurisdiction and further analysis is unnecessary.