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COURT DISMISSES BOTH LAWSUITS FILED BY JOHN THOMAS

The District Court of Knox County has granted summary judgment in favor of the County and dismissed two lawsuits filed by former county attorney John Thomas challenging the actions of the Knox County Board of Supervisors.

In separate but related cases (Case Nos. CI 25-43 and CI 25-52), John Thomas alleged that the Board violated Nebraska's Open Meetings Act in connection with an August 27, 2025 meeting. In orders entered April 29, 2026, the Court rejected those claims and dismissed both cases in their entirety.

The Court also denied John Thomas' motions for partial summary judgment and expressly ruled that any additional or general relief requested was unsupported by the facts or pleadings. Both cases were dismissed in full.

Copies of both orders are attached to this press release.

"Knox County appreciates the Court's careful consideration of these matters," said Chairman James Sokol, Jr. "The Board acted promptly and transparently, and the Court correctly determined that John Thomas' lawsuits were without merit."

Knox County remains committed to full compliance with the Nebraska's Open Meetings Act and to conducting the public's business in an open and transparent manner.

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IN THE DISTRICT COURT OF KNOX COUNTY, NEBRASKA

<p>JOHN THOMAS,</p> <p>Plaintiff,</p> <p>vs.</p> <p>COUNTY OF KNOX,</p> <p>Defendant.</p>	<p>CASE NO. CI 25-43</p> <p>ORDER ON PARTIES' MOTIONS FOR SUMMARY JUDGMENT</p>
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THIS MATTER comes before the Court on the Motion for Partial Summary Judgment filed by the plaintiff on February 17, 2026; and the Motion for Summary Judgment filed by the defendant on March 16, 2026. The hearing on these motions was had remotely. Plaintiff appeared remotely with no additional counsel. Defendant appeared by counsel, Mark Fahleson and Nicole Miller. The Court took Judicial Notice of the Court file, including the pleadings and attachments relevant to the pending motions. Exhibit Nos. 3-85 were received by the Court for the purposes of this hearing. The parties both made oral argument and submitted additional written briefs after the hearing. The Court, having reviewed the file and the evidence received, along with the argument of the parties and being fully advised, enters the following Ruling:

According to the "Amended Complaint Open Meetings Violations" filed on October 28, 2025, by the plaintiff, the plaintiff alleges that the Knox County Board of Supervisors violated the Open Meetings Act with their actions taken during an August 27, 2025, meeting. Among other things, the plaintiff asks that this Court "declare the formal actions of the Board of Supervisors of the County of Knox of August 27, 2025, void." In their November 21, 2025, "Answer and Affirmative Defenses" the defendant denies the majority of the allegations of the plaintiff. But the Court notes that on March 16, 2026, the defendant filed an "Annotated Statement of Undisputed Facts in Support of Motion for Summary Judgment," and in Paragraph No. 28 of that filing, states that "At the November 26, 2025, meeting, the Board of Supervisors took the following actions by unanimous vote in open session: a. rescind actions taken, if any, at the August 27, 2025 meeting of the Knox County Board of Supervisors."

Nebraska Revised Statutes §84-1414(1) states, “Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meetings of the public body at which the alleged violation occurred.”

Motions for Summary Judgment

"Summary Judgment shall be rendered if the pleadings and the evidence admitted at the hearing show that there is no genuine dispute as to any material fact and that the moving party is entitled to a judgment as a matter of law." Neb. Rev. Stat. §25-1332.

"Summary judgment is proper only when the pleadings, depositions, admissions, stipulations, and affidavits in the record disclose that there is no genuine issue as to any material fact or as to the ultimate inferences that may be drawn from those facts and that the moving party is entitled to judgment as a matter of law." *Clark v. Scheels All Sports, Inc.*, 314 Neb. 49 (2023).

"The party moving for summary judgment must make a prima facie case by producing enough evidence to show the movant would be entitled to judgment if the evidence were uncontroverted at trial. *Id.*, at 59.

"If the moving party makes a prima facie case, the burden shifts to the nonmovant to produce evidence showing the existence of a material issue of fact that prevents judgment as a matter of law." *Id.*, at 60.

"In reviewing a summary judgment, an appellate court views the evidence in the light most favorable to the party against whom the judgment was granted and gives that party the benefit of all reasonable inferences deductible from the evidence." *Chase County v. City of Imperial*, 302 Neb. 395 (2019).

The Nebraska Supreme Court recently stated in *NP Dodge Mgmt. Co. v. Holcomb*, 314 Neb. 748 (2023), that:

A case is moot if the facts underlying the dispute have changed, such that the “issues presented are no longer alive.” See *Nabuda v. Dodge Cty. Sch. Dist. 0062*, 290 Neb. 740, 747, 963 N.W.2d 742, 749 (2015). The central question in a mootness analysis is whether changes in circumstances that prevailed at the beginning of litigation have forestalled any occasion for meaningful relief. *Id.* Or, as another state supreme court has described mootness, “[a] moot case exists where a judgment rendered by the court will have no practical legal effect upon an existing controversy because an intervening event

renders any grant of effectual relief impossible for the reviewing court.” *Sloan v. Friends of Hunley, Inc.*, 369 S.C. 20, 26, 630 S.E.2d 474, 477 (2006).

In this case, the allegation of the plaintiff is that the defendant violated the Open Meetings Act by their actions taken during the August 27, 2025, Board of Supervisors Meeting. The record in this case indicates that the plaintiff filed their original Petition on August 30, 2025, and an Amended Complaint on October 28, 2025. As stated earlier, Neb. Rev. Stat. §84-1414(1) states that, “Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meetings of the public body at which the alleged violation occurred.” The record is clear that the suit in this case was filed within one hundred twenty days of the alleged violation, and that if there is a finding of an Open Meetings violation, that this Court *shall* declare any action taken in said meeting to be *void*.

The record here is clear that on November 26, 2025, the Defendant Board of Supervisors voted in open session to rescind the actions taken during the August 27, 2025, meeting in question, thus making this matter moot, as the relief available to the plaintiff has already occurred. This Court finds that the material facts here support the defendant’s prima facie case for their Motion for Summary Judgment.

Looking now to the plaintiff’s duty here as the nonmoving party, the Court finds that no evidence has been offered that prevents a judgement as a matter of law. The Court does note that the plaintiff here argues that this case is not moot because in his Amended Complaint he seeks “such other relief as may be fair and just.” The plaintiff cites to *Chaney v. Evnen*, 307 Neb. 512, 949 N.W.2d 761 (2020), which states:

We understand this language to be a prayer for general equitable relief. Such a prayer is to be construed liberally and will often justify granting relief in addition to that contained in the specific prayer, provided it fairly conforms to the case made by the petition and the evidence. *Daugherty v. Ashton Feed and Grain Co., Inc.*, 208 Neb. 159, 303 N.W.2d 64 (1981). The prayer for general relief in an equity action is as broad as the pleadings and the equitable powers of the court sufficient to authorize any judgment to which the party is entitled under the pleadings and the evidence. *Sullivan v. General United Life Ins. Co.*, 209 Neb. 872, 312 N.W. 2d 277 (1981). The relevant question in the mootness analysis

in this case is thus whether any meaningful relief could be provided in the event [the party] were to prevail.”

After reviewing the evidence presented and the argument of the parties, the Court finds that the plaintiff here has not offered any evidence or argument that would prevent judgement as a matter of law. In this case, the plaintiff has alleged a violation of the Open Meetings Act, an Act that provides a specific remedy. The evidence shows here that the remedy available to the plaintiff has already occurred. The Court finds that any further relief sought by the plaintiff, general or otherwise, is not supported by the facts or the pleadings. The Court, having reviewed the evidence received, along with the court file and the controlling authority, and having fully considered the matter, does GRANT the defendant’s Motion for Summary Judgment.

In reviewing the plaintiff’s Motion for Partial Summary Judgment, the Court comes to the same conclusion, in that there is no real factual dispute in this case, and the relief available to the plaintiff has already been achieved. Again, the Court finds that the additional general relief sought by the plaintiff is not supported by the facts here, and therefore the plaintiff’s Motion for Partial Summary Judgment is DENIED.

IT IS THEREFORE ORDERED THAT the plaintiff’s Motion for Partial Summary Judgment is DENIED. The defendant’s Motion for Summary Judgment is GRANTED. All further or additional relief not specifically granted by this Order is denied and Plaintiff’s lawsuit is DISMISSED.

IT IS ORDERED.

Dated this 29th day of April, 2026



DISTRICT JUDGE

IN THE DISTRICT COURT OF KNOX COUNTY, NEBRASKA

<p>JOHN THOMAS,</p> <p>Plaintiff,</p> <p>vs.</p> <p>COUNTY OF KNOX,</p> <p>Defendant.</p>	<p>CASE NO. CI 25-52</p> <p>ORDER ON PARTIES' MOTIONS FOR SUMMARY JUDGMENT</p>
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THIS MATTER comes before the Court on the Motion for Partial Summary Judgment filed by the plaintiff on February 17, 2026; and the Motion for Summary Judgment filed by the defendant on March 16, 2026. The hearing on these motions was had remotely. Plaintiff appeared remotely with no additional counsel. Defendant appeared by counsel, Mark Fahleson and Nicole Miller. The Court took Judicial Notice of the Court file, including the pleadings and attachments relevant to the pending motions. Exhibit Nos. 5-63 were received by the Court for the purposes of this hearing. The parties both made oral argument and submitted additional written briefs after the hearing. The Court, having reviewed the file and the evidence received, along with the argument of the parties and being fully advised, enters the following Ruling:

According to the "Amended Petition in Error" filed on October 28, 2025, by the plaintiff, the plaintiff alleges that the Knox County Board of Supervisors violated the Open Meetings Act with their actions taken during an August 27, 2025, meeting (Amended Petition, Paragraph No. 10. a.). Among other things, the plaintiff "requests the August 27, 2025, decision of the Board and County be reversed and vacated and for such other, further and different relief as is just and equitable..." In their November 21, 2025, "Answer and Affirmative Defenses" the defendant denies the majority of the allegations of the plaintiff and offers the Affirmative Defense (among others) that this Amended Petition is Moot (Answer and Affirmative Defenses, Paragraph No. 4). The Court also notes that on March 16, 2026, the defendant filed an "Annotated Statement of Undisputed Facts in Support of Motion for Summary Judgment," and in Paragraph No. 19 of that filing, states that "At the November 26, 2025, meeting, the Board of Supervisors took the

following actions by unanimous vote in open session: a. rescind actions taken, if any, at the August 27, 2025 meeting of the Knox County Board of Supervisors.”

Plaintiff filed his Amended Petition in Error pursuant to Nebraska Revised Statutes §25-1901 et. seq. (entitled “Review on Petition in Error”). Section 25-1901 states, “A judgment rendered or final order made by any tribunal, board, or officer exercising judicial functions and inferior in jurisdiction to the district court may be reversed, vacated, or modified by the district court...” As stated above, the plaintiff here alleges a violation of the Open Meetings Act.

With regard to the Open Meetings Act, Nebraska Revised Statute §84-1414(1) states, “Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meetings of the public body at which the alleged violation occurred.”

Motions for Summary Judgment

"Summary Judgment shall be rendered if the pleadings and the evidence admitted at the hearing show that there is no genuine dispute as to any material fact and that the moving party is entitled to a judgment as a matter of law." Neb. Rev. Stat. §25-1332.

"Summary judgment is proper only when the pleadings, depositions, admissions, stipulations, and affidavits in the record disclose that there is no genuine issue as to any material fact or as to the ultimate inferences that may be drawn from those facts and that the moving party is entitled to judgment as a matter of law." *Clark v. Scheels All Sports, Inc.*, 314 Neb. 49 (2023).

"The party moving for summary judgment must make a prima facie case by producing enough evidence to show the movant would be entitled to judgment if the evidence were uncontroverted at trial. *Id.*, at 59.

"If the moving party makes a prima facie case, the burden shifts to the nonmovant to produce evidence showing the existence of a material issue of fact that prevents judgment as a matter of law." *Id.*, at 60.

"In reviewing a summary judgment, an appellate court views the evidence in the light most favorable to the party against whom the judgment was granted and gives that party the benefit of all reasonable inferences deductible from the evidence." *Chase County v. City of Imperial*, 302 Neb. 395 (2019).

The Nebraska Supreme Court recently stated in *NP Dodge Mgmt. Co. v. Holcomb*, 314 Neb. 748 (2023), that:

A case is moot if the facts underlying the dispute have changed, such that the “issues presented are no longer alive.” See *Nabuda v. Dodge Cty. Sch. Dist. 0062*, 290 Neb. 740, 747, 963 N.W.2d 742, 749 (2015). The central question in a mootness analysis is whether changes in circumstances that prevailed at the beginning of litigation have forestalled any occasion for meaningful relief. *Id.* Or, as another state supreme court has described mootness, “[a] moot case exists where a judgment rendered by the court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the reviewing court.” *Sloan v. Friends of Hunley, Inc.*, 369 S.C. 20, 26, 630 S.E.2d 474, 477 (2006).

In this case, the allegation of the plaintiff is that the defendant violated the Open Meetings Act by their actions taken during the August 27, 2025, Board of Supervisors Meeting. The record in this case indicates that the plaintiff filed their original Petition in Error on September 18, 2025, and an Amended Petition in Error on October 28, 2025. As stated earlier, Neb. Rev. Stat. §84-1414(1) states that, “Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meetings of the public body at which the alleged violation occurred.” The record is clear that the suit in this case was filed within one hundred twenty days of the alleged violation, and that if there is a finding of an Open Meetings violation, that this Court *shall* declare any action taken in said meeting to be *void*.

As to the relief available under §25-1901 et. seq., it would seem that this Court may reverse, vacate, or modify the “order” of the Board of Supervisors, assuming that the Court finds the claims of the plaintiff persuasive. Reading the Open Meetings Act in in tandem with Neb. Rev. Stat. §25-1901 et. seq., it would seem that the Court’s available options would be to reverse or vacate a Board of Supervisors decision, assuming an Open Meetings violation.

The record here is clear that on November 26, 2025, the Defendant Board of Supervisors voted in open session to rescind the actions taken during the August 27, 2025, meeting in question, thus making this matter moot, as the relief available to the plaintiff has already

occurred. This Court finds that the material facts here support the defendant's prima facie case for their Motion for Summary Judgment.

Looking now to the plaintiff's duty here as the nonmoving party, the Court finds that no evidence has been offered that prevents a judgement as a matter of law. The Court does note that the plaintiff here argues that this case is not moot because in his Amended Complaint he seeks "such other relief as may be fair and just." The plaintiff cites to *Chaney v. Evnen*, 307 Neb. 512, 949 N.W.2d 761 (2020), which states:

We understand this language to be a prayer for general equitable relief. Such a prayer is to be construed liberally and will often justify granting relief in addition to that contained in the specific prayer, provided it fairly conforms to the case made by the petition and the evidence. *Daugherty v. Ashton Feed and Grain Co., Inc.*, 208 Neb. 159, 303 N.W.2d 64 (1981). The prayer for general relief in an equity action is as broad as the pleadings and the equitable powers of the court sufficient to authorize any judgment to which the party is entitled under the pleadings and the evidence. *Sullivan v. General United Life Ins. Co.*, 209 Neb. 872, 312 N.W. 2d 277 (1981). The relevant question in the mootness analysis in this case is thus whether any meaningful relief could be provided in the event [the party] were to prevail."

After reviewing the evidence presented and the argument of the parties, the Court finds that the plaintiff here has not offered any evidence or argument that would prevent judgement as a matter of law. In this case, the plaintiff has alleged a violation of the Open Meetings Act, an Act that provides a specific remedy. The evidence shows here that the remedy available to the plaintiff has already occurred. The Court finds that any further relief sought by the plaintiff, general or otherwise, is not supported by the facts or the pleadings. The Court, having reviewed the evidence received, along with the court file and the controlling authority, and having fully considered the matter, does GRANT the defendant's Motion for Summary Judgment.

In reviewing the plaintiff's Motion for Partial Summary Judgment, the Court comes to the same conclusion, in that there is no real factual dispute in this case, and the relief available to the plaintiff has already been achieved. Again, the Court finds that the additional general relief sought by the plaintiff is not supported by the facts here, and therefore the plaintiff's Motion for Partial Summary Judgment is DENIED.

IT IS THEREFORE ORDERED THAT the plaintiff's Motion for Partial Summary Judgment is DENIED. The defendant's Motion for Summary Judgment is GRANTED. All further or additional relief not specifically granted by this Order is denied and Plaintiff's lawsuit is DISMISSED.

IT IS ORDERED.

Dated this 29th day of April, 2026

A handwritten signature in black ink, appearing to read "Lyle C. Melton", is written above a horizontal line.

DISTRICT JUDGE