IN THE NEBRASKA COURT OF APPEALS

JUSTIN RIDDLE, Appellant,

v. Case No. A-25-0032 from case CI 24-7996

OMAHA PUBLIC SCHOOLS, Appellee.

APPELLANT'S SUPPLEMENTAL BRIEF

DOCUMENTING NEBRASKA'S SYSTEMIC PUBLIC RECORDS ACCOUNTABILITY COLLAPSE

A Constitutional Crisis Documented and Unrefuted

"When every avenue of accountability is blocked, truth becomes the ultimate act of defiance. In a system where victory through established channels is impossible, one's only recourse is to speak with such unflinching honesty that history itself becomes the final arbiter." — Justin Riddle 2025

WARNING: This document contains hard facts and uncomfortable truths that have repeatedly triggered institutional defensiveness rather than judicial action. Officials and judges who prioritize system preservation over constitutional duty may find the following content disturbing. Read at your own risk.

Claims Report A

Omaha Public Schools
Omaha, Nebraska

Omaha Public School District

From Date: 2025-01-30
Thru Date: 2025-02-13

The Board of Education is required by State Statute 79-584 to approve all expenditures of District funds. Expenditures are presented to the Board for approval in the form of a Claims Report. Claims Report A is a listing of all District expenditures and are organized and presented to the Board by which fund the expenditure is being made from (e.g. General Fund, Bond Fund, etc.). The Administration recommends that the President and Secretary of this Board be authorized and instructed to draw checks upon the proper funds for the amounts set forth below.

Payee	Date	Expenditure Description	Amount
Austin Shook	2025-01-31	Contracted Professional/Tech	225.00
Aye Aye Khin	2025-02-13	Contracted Professional/Tech	48.00
Azucena Escamilla Garcia	2025-02-13	Contracted Professional/Tech	48.00
B & K Mechanical Contractors LLC	2025-02-13	Contracted Heat/AC Repair	28,060.38
B G Peterson Co	2025-02-13	Maintenance Materials	1,601.64
B&H Photo Video Pro Audio	2025-02-13	Supplies	5,793.78
BGTM LLC	2025-02-13	Supplies	834.50
BRP Veterinary Nebraska, PC	2025-02-13	Contracted Professional/Tech	75.50
Bailey Pottery Equipment	2025-02-13	Supplies	149.25
Baird Holm	2025-02-13	Legal Services	184,536.87
Barnes & Noble Inc	2025-02-13	Periodical/Res mal/Sheet Music	47.95
Beasley Inc	2025-01-31	Contracted Professional/Tech	225.00

EXECUTIVE SUMMARY: UNDENIABLE LOGICAL CONTRADICTIONS

The following documented facts require no specialized legal knowledge to understand but remain unaddressed by any Nebraska institution:

1. **LOGICALLY CONTRADICTORY JUDICIAL RULINGS**

    - LAW: U.S. Supreme Court in Steel Co. v. Citizens for Better Environment explicitly states jurisdictional determinations must precede merits decisions as "inflexible and without exception"
    - REALITY: Judge Dougherty's order simultaneously dismissed for "lack of jurisdiction" AND "failure to state a claim"
    - LOGICAL CONTRADICTION: A court cannot rule on the merits of a claim it claims it has no authority to hear - this is like a referee declaring "I'm not officiating this game" while simultaneously ruling "that shot doesn't count"
2. **IMPOSSIBLE CATCH-22 BY DESIGN**

    - LAW: Nebraska Public Records Act §84-712.03 states citizens "may elect" to either petition the AG OR file in court
    - REALITY: Courts dismiss cases for failure to exhaust AG remedies while the AG refuses to review cases where court action has begun
    - LOGICAL CONTRADICTION: When both options block each other, the statutory right becomes impossible to exercise
3. **PERFECT CIRCLE OF OBSTRUCTION**

    - LAW: Fundamental right to petition government for redress of grievances requires accessible legal remedies
    - REALITY: District Court required filing a writ of mandamus with Nebraska Supreme Court, which then refused to docket it without explanation
    - LOGICAL CONTRADICTION: Plaintiff was directed to take an action that was then made impossible to complete, creating a mathematically perfect obstruction

4. **SELECTIVE ENFORCEMENT BASED ON WHO IS ASKING**

    - LAW: All citizens have equal rights to public records under §84-712
    - REALITY: OPS provided complete, unredacted records to one requester at no cost while charging Plaintiff $1,600 for the same records with 100+ pages completely redacted
    - LOGICAL CONTRADICTION: The content of records cannot simultaneously be public for one citizen and confidential for another
5. **PHYSICALLY IMPOSSIBLE CONTRADICTORY STATEMENTS**

    - LAW: Official legal opinions must be factually consistent
    - REALITY: AG's opinion on the August 2021 OPS meeting states Ms. Adamson "was allowed to continue" after declining to give her address AND was "removed from the podium because she did not provide her address" on the same page
    - LOGICAL CONTRADICTION: A person cannot simultaneously be allowed to continue speaking and be removed for the same reason
6. **STATISTICAL IMPOSSIBILITY OF IMPARTIALITY**

    - LAW: AG's duty is impartial enforcement of Public Records Law
    - REALITY: 185 consecutive published AG opinions (2022-2025) ruled against citizens and for government agencies
    - LOGICAL CONTRADICTION: No impartial review process could produce a 100% one-sided outcome in 185 consecutive cases
7. **UNDEFINED BUT STRICTLY ENFORCED PROCEDURAL REQUIREMENTS**

    - LAW: Due process requires clear standards so individuals can comply with procedural requirements
    - REALITY: Judge Stratman cited verification requirements from a statute (25-2160) that contains no specific verification format, and the clerk's office refused to provide clarification
    - LOGICAL CONTRADICTION: Citizens are strictly held to standards that are deliberately kept undefined, creating an impossible-to-satisfy moving target

8. **ASYMMETRICAL APPLICATION OF PROCEDURAL RULES**

    - LAW: Equal protection requires procedural rules be applied fairly to all parties
    - REALITY: OPS and government entities repeatedly violated procedural rules without consequence while Plaintiff's filings faced intense scrutiny and ever-changing requirements
    - LOGICAL CONTRADICTION: A system where different standards apply based on who you are rather than what you did is definitionally not a "rule of law"
9. **TAXPAYER-FUNDED PROTECTION RACKET**

    - LAW: Public funds must be used in the public interest, not to shield officials from accountability
    - REALITY: Taxpayers unknowingly finance both the misconduct defense (via attorney fees) and the dismissals protecting officials (via judicial salaries)
    - LOGICAL CONTRADICTION: Citizens are forced to fund the very system that prevents them from holding that system accountable
10. **MEDIA CAPITULATION TO GOVERNMENT INTERESTS**

    - LAW: Free press exists to inform public and serve as check on government power
    - REALITY: Media outlets dependent on government sources and advertising actively suppress information about corruption
    - LOGICAL CONTRADICTION: Institutions meant to expose wrongdoing become complicit in concealing it due to financial dependence
11. **ONGOING OBSTRUCTION DURING LITIGATION**

    - LAW: Officials must comply with statutes even during disputes about their meaning
    - REALITY: Anne MacFarland continued maximum-delay tactics (responding at 4:29 PM on the final statutory day) on March 19, 2025, while this very case challenging such practices was pending

- LOGICAL CONTRADICTION: Officials would not continue and escalate the exact practices under judicial review unless they were certain no consequences would follow

12. **OMBUDSMAN'S OFFICE COORDINATION WITH ENTITIES IT OVERSEES**

    - LAW: Ombudsman exists to provide independent oversight of government agencies
    - REALITY: Nebraska Ombudsman's Office coordinates with agencies it's supposed to oversee, becoming a "closed system impervious to citizen complaints"
    - LOGICAL CONTRADICTION: An oversight body cannot both oversee and collaborate with the subjects of its oversight

THE SELF-DEFEATING INSTITUTIONAL STRATEGY

The most profound irony in this case is that Nebraska's institutions have engineered their own legitimacy crisis through a catastrophic miscalculation. By choosing coordinated obstruction over basic compliance with transparency laws, officials have transformed what should have been a routine records request into documented evidence of systemic corruption that threatens the foundation of state governance.

At virtually any point over the past four years, any single institution could have chosen accountability over obstruction and prevented this escalation. A judge could have enforced the plain text of the Public Records Law. The Attorney General could have acknowledged obvious contradictions in its published opinions. OPS could have simply provided the requested records as required by law.

Instead, these institutions made a conscious choice to deploy increasingly absurd procedural barriers, logically contradictory rulings, and transparent fictions - apparently believing this strategy would eventually exhaust the Plaintiff into abandonment of legitimate rights. In doing so, they created the perfect conditions for precisely the outcome they sought to avoid: comprehensive documentation of intentional lawbreaking across multiple branches of government.

This strategy has backed Nebraska's institutions into an impossible corner of their own design. Acknowledging the truth now would require admitting years of deliberate obstruction. Continuing the obstruction only generates more evidence of systemic failure. Each day of delay, each contradictory ruling, each selective enforcement only strengthens the demonstration that Nebraska's accountability systems have collapsed.

The predictability of institutional dishonesty has forced the Plaintiff into the position where direct confrontation and documentation of absurdity has become the only rational response. When conventional appeals to reason, law, and procedure are met with coordinated obstruction, exposing the resulting contradictions through increasingly direct language becomes not just reasonable but necessary.

What Nebraska officials fail to understand is that the greatest threat to their system is not citizens seeking transparency, but their own response to such requests. The damage to institutional legitimacy comes not from the questions being asked, but from the increasingly incredible answers being given. Through its own actions, Nebraska's government has transformed what should have been a simple records case into irrefutable evidence of constitutional crisis.

INTRODUCTION

This brief is respectfully submitted to illuminate a matter of urgent constitutional significance that extends far beyond the procedural questions presented in this case. The systematic dismantling of Nebraska's public records enforcement mechanisms has created a crisis of accountability that threatens the very foundation of transparent governance in this state.

The matters documented herein represent not merely isolated incidents of maladministration, but compelling evidence of a comprehensive failure of Nebraska's constitutional system of checks and balances. This is not a case of complex legal interpretation or reasonable disagreement about statutory requirements. Rather, it is a stark demonstration of public officials who have placed themselves above the law - selectively performing duties they are paid to do based not on legal obligation but on personal preference and self-interest. When officials can decide which laws they will follow, which citizens they will serve, and which obligations they will ignore without consequence, we no longer have a government of laws but one of individual whim. The rule of law itself is imperiled.

As this Court contemplates the questions presented in this appeal, Appellant respectfully urges consideration of the broader constitutional context in which this case arises. The following documentation demonstrates that the procedural barriers erected to prevent substantive review of public records violations are not incidental byproducts of an imperfect system, but rather evidence of a deliberately engineered circuit of non-accountability.

I. THE UNDENIABLE EVIDENCE OF SYSTEMIC FAILURE

After four years of meticulous documentation, hundreds of pages of evidence, and multiple video recordings, the following facts stand uncontested by any Nebraska official:

1. **The Attorney General has ruled against citizens in 185 consecutive published opinions (2022-2025)** – a statistical impossibility in any functioning system of impartial review. This perfect record of government protection defies both probability and credibility.

2. **The Nebraska courts routinely dismiss public records cases for failure to exhaust AG remedies, while the AG explicitly refuses to review cases when court action has begun** – as documented in the AG's letters to William Zitterkopf (January 24, 2025) and Omid Moghadam (December 11, 2024). This creates a perfect circle of non-accountability by design, not accident.

3. **Omaha Public Schools provided complete, unredacted records to one requester (Plaintiff's mother) at no cost, while charging Plaintiff $1,600 for the same records with over 100 pages completely redacted** – demonstrating not merely inconsistent application but deliberate, targeted obstruction.

4. **The AG's published opinion regarding the August 2021 OPS meeting contains directly contradictory statements on the same page** – simultaneously claiming Ms. Adamson "was allowed to continue" after declining to give her address and was also "removed from the podium due to the content of her speech...because she did not provide her address" – physically impossible contradictions that destroy the document's credibility.

5. **When presented with video evidence contradicting its published opinion, the AG refused to correct the record** – demonstrating that preservation of the false narrative takes precedence over factual accuracy even when confronted with irrefutable proof.

6. **OPS Officials systematically exploit maximum statutory response times as a delay tactic** - As evidenced by Anne MacFarland's March 19, 2025 response to public records requests, which was sent at 4:29 PM on the final day of the statutory deadline, merely directing the requester to search the website himself rather than providing the specific requested documents.

Crucially, not one official, not one agency, and not one court has disputed these documented facts. Instead, Nebraska's governmental institutions have engaged in a coordinated strategy of procedural obstruction, jurisdictional deflection, and indefinite delay to prevent these matters from ever reaching substantive review.

This case is no longer merely about public records. It is about whether Nebraska's system of constitutional governance can function when faced with irrefutable evidence of its own corruption.

II. THE COMPLETE CIRCUIT OF NON-ACCOUNTABILITY

What makes this situation unprecedented is not just the violations themselves, but the comprehensive failure of every oversight mechanism and institution:

1. **The Attorney General** refuses to enforce the Public Records Law against government agencies, maintains a statistically impossible 100% pro-government ruling record, publishes demonstrably false information, and refuses to correct errors when presented with contradictory evidence. Additionally, the AG selectively refuses to investigate legitimate consumer protection and identity theft complaints when filed by individuals who have challenged government agencies, as evidenced by their March 14, 2025 response stating "We are in receipt of your submission and will take no action on this matter" regarding a formal complaint against Twitter/X for identity theft and fraudulent

impersonation.

2. **The District Courts and Federal Courts** invent a revolving door of impossible procedural barriers by requiring AG review while knowing the AG refuses to act if court action has begun, manipulate filing deadlines, and dismiss cases on procedural technicalities before evidence can be presented. Most egregiously, these courts issue logically incompatible rulings - simultaneously claiming cases lack jurisdiction while also failing to state a claim (contradictory findings that cannot logically coexist) - demonstrating not judicial error but deliberate obfuscation to prevent substantive review.

3. **The Court of Appeals and Higher Courts** have become active participants in this obstruction rather than independent arbiters. When presented with logically impossible dismissals (such as claims that a case lacks jurisdiction while simultaneously failing to state a claim - contradictory findings that cannot coexist), these courts strategically delay rulings for months or even years, issue cursory dismissals without addressing substantive arguments, and fall conspicuously silent when their logical contradictions are exposed. The longer they delay ruling on straightforward statutory interpretation questions, the more they demonstrate complicity in this system of obstruction. The judiciary's willful abdication of its constitutional role transforms it from a check on executive overreach into an active enabler of it.

4. **The Ombudsman's Office** refuses to investigate documented AG misconduct, claiming lack of jurisdiction over another executive agency.

5. **Federal Authorities** decline to investigate clear patterns of constitutional rights violations, deferring to the same state mechanisms that have been documented as non-functional.

6. **State Legislators** remain silent despite being presented with statistical evidence of AG bias and documentary proof of institutional obstruction.

7. **The Media** refuses to cover when they discover the depth of the problem. They benefit from the relationships and refuse to step out of line.

8. **Government Officials at All Levels** deliberately exploit statutory timelines to maximum effect. OPS Administrator Anne MacFarland waits until 4:29 PM on the final statutory day to provide minimal or unhelpful responses, while the Attorney General's office often takes weeks to respond to urgent complaints only to dismiss them without investigation. This widespread pattern across multiple agencies is consistent with a coordinated strategy to exhaust requesters, prevent timely access to information, and undermine citizens' ability to seek remedies within statutory timeframes.

This represents a complete collapse of Nebraska's constitutional structure of checks and balances. The issue is not complexity or ambiguity in the law, but rather public servants who have decided they may selectively perform their duties based on personal preference, institutional protection, and relationship preservation rather than legal obligation. No other profession would tolerate such selective performance of duties - not medicine, education, transportation, or any critical infrastructure. When public officials can choose which laws to enforce, which citizens to serve, and which duties to perform without consequence, the system ceases to function as a government of laws rather than men.

The alternative to a complete collapse of honesty and the rule of law in Nebraska would be a mathematically impossible situation requiring Every Judge, Every Attorney, Every Elected Official, Every Reporter, Every State Employee, effectively Everyone involved other than the Plaintiff, to be completely unqualified for their position. Even in an environment so destroyed by cozy relationships and nepotism, it defies logic that everyone could simply be incapable of understanding simple, basic fundamentals of the situation. We're talking about verified lies vs the video evidence. This requires no special skill, just one working eye or ear, thereby it's seemingly impossible that everyone is so confused.

When you add in the complex, multi-agency coordination of obstruction and lies, it further betrays the notion that we are just dealing with a large number of unsophisticated individuals that fell into their job. The number of hours and level of sophistication necessary to routinely lie

about everything in front of you, while sounding really smart and official, realistically isn't within the grasp of a simpleton.

III. EVIDENCE OF SYSTEMIC ABUSE AND SELECTIVE ENFORCEMENT

The evidence gathered from multiple agencies demonstrates a coordinated pattern of systemic abuse and selective enforcement, which continues and intensifies even during active litigation:

1. **Excessive Legal Expenditures**: The February 13, 2025 payment to Baird Holm law firm totaling $184,536.87 for "Legal Services" represents an extraordinary sum for a single billing period (January 30 - February 13, 2025). This suggests extensive use of legal resources potentially being deployed to obstruct legitimate public records requests.

2. **Pattern of Delay and Obstruction**: Anne MacFarland's response to public records requests demonstrates a clear pattern - waiting until 4:29 PM on the final statutory deadline day (March 19, 2025) to provide a response that essentially tells the requester to look up the information themselves.

3. **False Claims of Public Availability**: MacFarland's claim that "All approved monthly legal expenses are publicly available on the District website" is demonstrably incomplete. While some information may be posted, it requires searching through "millions of things" and crucial requested information is demonstrably absent.

4. **Deliberate Exhaustion Strategy**: By consistently using the maximum statutory time (4 days plus weekends) to provide minimal responses, officials across multiple agencies engage in a deliberate strategy to exhaust requesters and run out statutory clock periods for potential appeals or litigation.

5. **Selective Non-Enforcement by the AG**: The Attorney General's March 14, 2025 response ("We are in receipt of your submission and will take no action on this matter") regarding a formal complaint about identity theft and consumer protection violations by Twitter/X

demonstrates selective non-enforcement. The AG has statutory authority and obligation to investigate such matters under Nebraska Revised Statute §28-638 (Identity Theft) and 18 U.S.C. §1028(a) (Fraud and False Identity Crimes), yet refuses to act when the complainant is someone who has challenged government agencies.

6. **Coordinated Cross-Agency Obstruction**: The identical pattern of non-responsiveness, maximum delays, and selective refusal to perform statutory duties across multiple independent agencies (OPS, Attorney General, courts) strongly indicates coordination rather than coincidence.

7. **Tactical Evolution to Broader Obstruction**: After initial specific requests were denied based on claims of executive privilege or privacy concerns, subsequent requests were deliberately broadened to the most basic public information possible - such as "how much money was paid to attorneys in the last 5 years." Even these maximally general requests about public expenditures - information that taxpayers are absolutely entitled to know - are now met with the same obstruction tactics, demonstrating an escalation of resistance rather than compliance even for the most fundamental public data.

8. **Brazen Continuation During Litigation**: Most tellingly, officials continue these practices while this very case is pending before this Court. This demonstrates not tactical error but strategic confidence that the system is so compromised that even during judicial review of their obstructive practices, they face no risk in continuing and even intensifying those same behaviors. The sociopathic institutional confidence required to escalate violations while under scrutiny speaks volumes about officials' certainty that accountability mechanisms have been rendered completely ineffective.

The combination of massive legal expenditures, systematic exploitation of maximum response timeframes, and selective enforcement of laws represents a coordinated strategy designed to make accountability practically impossible, regardless of what the law technically requires.

IV. FIVE CASES THAT HIGHLIGHT THE CONTRAST WITH NEBRASKA'S FAILURE

Nebraska's systematic obstruction becomes even more glaring when compared to how other states handle similar violations:

1. **Georgia's Criminal Prosecution vs. Nebraska's Indifference**

   In Georgia, press secretary Jenna Garland was criminally convicted in 2019 for instructing staff to "provide information in the most confusing format possible" to obstruct public records access. She was found guilty on two misdemeanor counts of violating Georgia's Open Records Act, facing potential fines of up to $1,000 per count. This criminal prosecution sent a strong message about the serious nature of intentionally obstructing transparency.

   Meanwhile, in Nebraska, OPS's provision of 100+ completely redacted pages at excessive cost ($1,600) to one requester while providing the same records unredacted and free to another has faced no investigation, no sanctions, and no accountability. Despite clear evidence of disparate treatment that would constitute a criminal offense in Georgia, no Nebraska authority has been willing to address this documented misconduct.

2. **Nevada's Judicial Enforcement vs. Nebraska's Circular Obstruction**

   Nevada's Supreme Court in This Is Reno v. Reno Police Department (2023) rejected blanket confidentiality claims and established that courts must weigh the public's interest in disclosure against government secrecy. When the Reno Police Department failed to respond to a public records request within the legally mandated timeframe and then claimed complete confidentiality for body camera footage and reports, Nevada's courts took action. The Supreme Court remanded the case with instructions that the district court must make specific findings to justify non-disclosure rather than accepting blanket claims of confidentiality. The city ultimately settled by paying $6,000 for the initial delay.

In Nebraska, despite nearly identical statutory language placing "the burden on the public body to sustain its action," no court has been willing to examine OPS's contradictory redaction practices on the merits. Instead, courts repeatedly create procedural barriers that prevent substantive review of even the most egregious transparency violations.

3. **Georgia's Financial Penalties vs. Nebraska's Consequence-Free Environment**

Georgia courts ordered District Attorney Fani Willis to pay over $54,000 in attorneys' fees in March 2025 for violating Georgia's Open Records Act. Judge Rachel Krause of the Fulton County Superior Court ruled that Willis's office had acted "intentionally, not in good faith, and were substantially groundless and vexatious" in failing to provide public records requested by Attorney Ashleigh Merchant. This significant financial penalty demonstrates Georgia's commitment to enforcing transparency laws even against high-ranking officials.

In Nebraska, despite documented proof of disparate treatment, contradictory redactions, and excessive fees, no financial consequences have ever been imposed against agencies violating the Public Records Law. The absence of meaningful penalties has created an environment where agencies can violate transparency requirements with impunity.

4. **Rapides Parish School District's Fee Correction vs. Nebraska's Fee Exploitation**

In Louisiana, the Rapides Parish School District initially responded to a 2025 public records request about religious materials distributed at an elementary school with an astronomical fee estimate of $2 million. However, after local media attention and public pressure, the district engaged in negotiations and ultimately waived the charges completely, providing nine pages of responsive documents at no cost. This case demonstrates how public scrutiny can correct even the most egregious fee barriers.

In Nebraska, OPS's $1,600 fee for redacted records has never been reviewed despite clear statutory authority for the AG to determine "whether the fees estimated or charged by the custodian are actual added costs or special service charges." The dramatic contrast between responsive correction in Louisiana and entrenched obstruction in Nebraska

highlights the exceptional nature of Nebraska's accountability collapse.

5. **USAID Document Preservation vs. Nebraska's Contradiction Acceptance**

   Federal courts take potential document destruction seriously, as demonstrated by American Oversight's March 2025 emergency motion for a temporary restraining order against USAID. When presented with evidence of a directive to "shred as many documents first, and reserve the burn bags for when the shredder becomes unavailable," the federal court system responded with urgency to prevent potential violations of the Federal Records Act. This demonstrates a functioning system of checks and balances where courts act to prevent irreparable harm to public transparency.

   Nebraska courts, by contrast, refuse to even examine on the merits conclusive documentary evidence of false statements in the AG's own published opinions. When presented with physically impossible contradictions in official documents, Nebraska's judicial system has repeatedly chosen procedural dismissal over substantive review, abdicating its constitutional responsibility to provide a check on executive misconduct.

These contrasts reveal that Nebraska stands alone in its comprehensive dismantling of public records enforcement mechanisms. Other states maintain functioning systems of accountability, while Nebraska has engineered a perfect circuit of obstruction.

V. THE CONSTITUTIONAL CRISIS

What has been documented over the past four years is nothing less than a constitutional crisis – a situation where Nebraska's system of separated powers with checks and balances has catastrophically failed.

This case fundamentally asks: Can public officials simply choose which parts of their jobs they will perform? Imagine if doctors, nuclear plant operators, teachers, or airline pilots could selectively decide which safety protocols to follow, which patients to treat, or which emergencies warrant response. Such behavior would be universally condemned and result in immediate

termination and potential criminal charges. Yet Nebraska has normalized a system where officials routinely:

- Ignore statutory requirements they find inconvenient
- Delay responses until statutory deadlines to obstruct citizen rights
- Enforce laws selectively based on who is asking
- Shift narratives when confronted with contradictory evidence
- Outright lie when necessary to protect institutional interests

This is not a complex legal matter - it is a fundamental betrayal of public service itself. When:

1. The executive branch (AG) refuses to enforce transparency laws and publishes demonstrably false information

2. The judicial branch creates impossible procedural barriers and refuses to examine documented evidence of official misconduct

3. The legislative branch abandons its oversight responsibility despite being presented with statistical proof of systemic failure

...the constitutional system itself has collapsed. This is not hyperbole; it is the only rational conclusion when confronted with the uncontested facts.

The Nebraska Public Records Law provides that proceedings "shall be advanced on the trial docket and heard and decided by the court as soon as reasonably possible and shall take precedence on the trial docket over all other cases" (§84-712.03(3)). Instead, the courts have allowed these proceedings to be delayed, diverted, and dismissed through procedural manipulations that make a mockery of legislative intent.

This Court now faces a stark choice:

1. Continue the pattern of procedural obstruction, further confirming that Nebraska's public records law exists only on paper and has no actual force

2. Acknowledge the documented system failure and provide a path to restore constitutional function

Either choice will be remembered long after current officials have left office. The only question is whether this Court will position itself on the right side of history.

VI. THE WAY FORWARD

Despite the gravity of what has been exposed, there remains a path to restore constitutional function:

1. **Interpret §84-712.03 according to its plain text**: Citizens "may elect" to file in court OR petition the AG, not both sequentially.

2. **Explicitly acknowledge the contradictory positions**: The AG cannot refuse to review cases where court action is pending while courts dismiss for failure to exhaust AG remedies.

3. **Place the burden where the statute requires**: The "burden is on the public body to sustain its action" – not on citizens to navigate an impossible procedural maze.

4. **Restore judicial independence**: Courts must examine the merits of public records disputes rather than deferring to agencies and officials who have been documented providing contradictory responses.

5. **Enforce consequences for documented violations**: Without penalties for non-compliance, transparency laws are merely suggestions.

6. **Address exploitation of statutory timelines**: Acknowledge that systematic use of maximum response times by officials across multiple agencies - from Anne MacFarland at OPS to the Attorney General's office - represents a coordinated strategy to obstruct justice and deny citizens their legal rights. This pattern of delays serves to prevent cases

from being heard on their merits by pushing requesters beyond appeal windows and statute of limitations periods.

The alternative – continued delay, procedural dismissal, or further obstruction – would only confirm what the evidence already demonstrates: that Nebraska's system of constitutional governance has failed and that the rule of law has been replaced by the rule of institutional self-protection.

VII. THE UNDENIABLE REALITY: JUDICIAL COMPLICITY AND ITS CONSEQUENCES

The most telling indictment of Nebraska's judicial collapse is not what this brief alleges, but what has happened since its filing. Every day this Court delays ruling on straightforward questions of statutory interpretation, it further confirms the central thesis: that Nebraska's institutions have abandoned their constitutional duties when faced with inconvenient truths.

This case demonstrates the actual, logical consequence of a compromised or neutered judiciary. In a functioning system, a single judicial order from a single judge at any point would have halted this pattern of abuse. Instead, every judge at every level - local, district, appeals, and federal - has effectively granted implicit permission for this misconduct to continue through their collective inaction and procedural obstruction. The judiciary's refusal to fulfill its constitutional role has created a permission structure for increasingly brazen violations.

The evidence is undeniable: When courts refuse to act as a check on executive power, that power expands to fill the vacuum. This is not theoretical - it is playing out in real time as agencies grow more confident and more aggressive in their obstruction with each passing day of judicial silence. Just as nature abhors a vacuum, power abhors restraint. Remove the restraint of judicial oversight, and what remains is unchecked authority exercised with growing impunity.

The irony cannot be overstated. A single self-represented litigant has effectively exposed and overwhelmed an entire state's legal apparatus not through complex legal maneuvering, but through the simple act of documenting undeniable facts and refusing to acquiesce to institutional gaslighting. When the combined resources and authority of Nebraska's executive branch,

Attorney General's office, district courts, and now this very Court of Appeals have been rendered immobile by nothing more than persistent truth-telling from one citizen, the façade of functional governance has shattered beyond repair.

The continued silence and delay from this Court speaks volumes. It demonstrates not judicial deliberation but institutional paralysis when confronted with evidence it cannot refute and conclusions it cannot escape. Every additional day without a substantive response only compounds the evidence of systemic failure and judicial abdication.

The courts were designed to be the final backstop against government overreach and corruption. When they too join in the obstruction, through strategic delay and procedural manipulation, they transform from guardians of constitutional order into accomplices in its dismantling. No amount of legal jargon or procedural justification can obscure this fundamental betrayal of judicial purpose.

The fact that this is the seventh supplemental brief submitted since the initial appeal - with one being filed nearly every Friday while the Court remains silent - further demonstrates that Nebraska's judiciary has chosen institutional self-protection over its sworn constitutional duty. The Court's tolerance for clearly documented lawbreaking while simultaneously enforcing Byzantine procedural requirements against citizens represents not judicial neutrality but active complicity in the breakdown of the rule of law.

History will record that when presented with irrefutable evidence of systematic obstruction of justice, this Court had a clear choice between upholding constitutional principles or protecting institutional interests. The longer it delays making that choice, the more definitively it makes it.

The choice before this Court is stark and unavoidable: Restore the rule of law or confirm its collapse through continued delay and procedural deflection. Every day without substantive action further validates the central thesis of this brief - that Nebraska's legal institutions have abandoned their constitutional obligations when faced with inconvenient truths from a single persistent citizen.

The meticulously documented record will not disappear, no matter how long this Court delays. It will remain accessible to journalists, researchers, future litigants, federal authorities, and historians. The question is not whether these facts will be known, but whether Nebraska's legal

institutions will demonstrate the integrity to address them or continue proving through their silence and inaction that a single self-represented litigant has indeed exposed the hollow core of Nebraska's justice system.

Respectfully submitted,

Justin Riddle
Pro Se Litigant

402-813-2156

I certify under penalty of perjury that every single word contained in this document is true to the best of my knowledge and service was performed To Steve Davidson at Baird Holm via email