

NEBRASKA SUPREME COURT

Flinn v. Strode

320 Neb. 813 (2026) · No. S-25-064, S-25-065 · Decided February 6, 2026

SUMMARY

The Nebraska Supreme Court dismissed consolidated appeals from harassment protection orders as moot because the orders had expired. Applying the public interest exception to mootness, the court interpreted the phrase “which serves no legitimate purpose” in Neb. Rev. Stat. § 28-311.02(2)(a). The court held that the inquiry asks whether the actor genuinely holds a justifiable purpose and whether the course of conduct logically serves that purpose under the circumstances.

CASE DETAILS

COURT	Nebraska Supreme Court
WRITING FOR THE COURT	Bergevin, J.; Funke, C.J.; Cassel, J.; Stacy, J.; Papik, J.; Freudenberg, J.; Welch, Judge
JURISDICTION	Nebraska Supreme Court
DECIDED	February 6, 2026
DOCKET	S-25-064, S-25-065
DISPOSITION	dismissed
PROCEDURAL POSTURE	Consolidated appeals from the district court's affirmances of ex parte harassment protection orders. The protection orders expired while the appeals were pending, but the Nebraska Supreme Court addressed the statutory meaning of legitimate purpose under the public-interest exception to mootness.
STANDARD OF REVIEW	A mootness determination not involving a factual dispute is reviewed as a matter of law independently of the lower court's decision. Statutory interpretation and other questions of law are reviewed de novo, with the appellate court reaching an independent, correct conclusion.
PRECEDENTIAL VALUE	Published Nebraska Supreme Court opinion; precedential.
PARTIES	Adam Strode, Amy Strode v. Jordyn Flinn

TOPICS

mootness

appellate procedure

statutory interpretation

plain meaning rule

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

statutory interpretation

harassment protection orders

QUESTIONS PRESENTED

1. Whether the expiration of harassment protection orders rendered the Strodes' appeals moot.
2. Whether the public interest exception to mootness permitted the court to address the meaning of a course of conduct that serves no legitimate purpose under Neb. Rev. Stat. § 28-311.02(2)(a).
3. Whether serving a legitimate purpose under § 28-311.02(2)(a) means merely engaging in lawful conduct or instead requires a genuine justifiable purpose and conduct logically serving that purpose.

HOLDINGS

1. The expiration of the harassment protection orders rendered the Strodes' appeals moot because they no longer had a legally cognizable interest in the outcome and no meaningful relief remained available.
2. The Nebraska Supreme Court applied the public interest exception to mootness and addressed the meaning of legitimate purpose under § 28-311.02(2)(a).
3. The inquiry whether a course of conduct directed at a specific person serves a legitimate purpose has two parts: whether the actor genuinely holds a justifiable purpose for engaging in the conduct and whether the conduct is in logical service of that purpose under the circumstances.

KEY QUOTATIONS

“Accordingly, we hold that under § 28-311.02(2)(a), 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.” (821)

“The expiration of the harassment protection orders has forestalled any occasion for meaningful relief.” (817)

FACTUAL BACKGROUND

The Strodes and Flinn were neighboring homeowners whose backyards were separated by a narrow commons area, and substantial animosity existed between them. Flinn alleged that the Strodes used police resources to obtain information about her, allowed their dogs to run at large, installed a work light shining into her home, and stopped their vehicle to photograph her while she was walking her dog. The district court issued one-year ex parte harassment protection orders and later affirmed them after show cause hearings. The orders expired while the Strodes' appeals were pending.

PROCEDURAL HISTORY

Jordyn Flinn obtained ex parte harassment protection orders against Adam and Amy Strobe in the Lancaster County District Court. After show cause hearings, the district court affirmed the orders, which were effective for one year. The Strodes separately appealed, and the appeals were consolidated and moved to the Nebraska Supreme Court's docket. Because the orders expired during the appeals, the court dismissed the appeals as moot but reached the statutory interpretation issue under the public interest exception.

DISPOSITION

dismissed

CASES CITED

- Weatherly v. Cochran, 301 Neb. 426, 918 N.W.2d 868 (2018)
- Hron v. Donlan, 259 Neb. 259, 609 N.W.2d 379 (2000)
- City of Hastings v. Sheets, 317 Neb. 88, 8 N.W.3d 771 (2024)
- State v. Dolinar, 319 Neb. 565, 24 N.W.3d 30 (2025)
- NP Dodge Mgmt. Co. v. Holcomb, 314 Neb. 748, 993 N.W.2d 105 (2023)
- Khaitov v. Greater Omaha Packing Co., 319 Neb. 932, 25 N.W.3d 739 (2025)
- Johnson v. City of Omaha, 319 Neb. 402, 23 N.W.3d 420 (2025)
- In re Interest of Jeffrey K., 273 Neb. 239, 728 N.W.2d 606 (2007)
- Diedra T. v. Justina R., 313 Neb. 417, 984 N.W.2d 312 (2023)
- Nastal v. Henderson & Associates Invest., 471 Mich. 712, 691 N.W.2d 1 (2005)