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IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

NEBRASKA FIREARMS OWNERS ASSOCIATION, a Nebraska non-profit corporation; LONNY SUND; JUSTIN ARMSBURY; MICHAEL O'DONNELL; ROBERT ROBINSON; and ALAN KOZIOL, Plaintiffs, vs. CITY OF OMAHA, NEBRASKA, a municipal corporation; and JEAN L. STOTHERT, in her official capacity as the Mayor of the City of Omaha, Defendants.	Case No. CI 23-9905 ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT

THIS MATTER comes before the Court on cross-motions for summary judgment. The Plaintiffs, Nebraska Firearms Owners Association ("NFOA"), Lonny Sund, Justin Armsbury, Michael O'Donnell, Robert Robinson, and Alan Koziol filed their Motion for Summary Judgment on September 26, 2025.[1] Likewise, the Defendants, the City of Omaha ("the City") and Jean Stothert ("Mayor Stothert") filed their motion for summary judgment on September 26, 2025. A hearing on both motions was held on November 24, 2025. Seth Morris and Ryan Morrison appeared for the Plaintiffs. Assistant City Attorney Tyler Hiipakka appeared for the Defendants. Evidence was adduced, argument was heard, and the matter was taken under advisement. Having considered the evidence and arguments of counsel, the Court finds and orders as follows:

[1] The motion indicates that "Plaintiffs, Lonny Sund, Justin Armsbury, Michael O'Donnell, Robert Robinson, and Alan Koziol" are moving for summary judgment. The motion makes no reference to NFOA. Despite this omission, the subsequent briefing and hearing suggest that all the Plaintiffs are moving for summary judgment. The Court will, therefore, treat the omission as a scrivener's error. However, it ultimately makes no difference whether the omission was a scrivener's error, because, as discussed below, NFOA lacks standing to bring this action.

INTRODUCTION

NFOA and the individual Plaintiffs have filed an action for declaratory and injunctive relief against the City and Mayor Stothert. NFOA and the individual Plaintiffs' claims arise from actions taken by the City and Mayor Stothert after the Nebraska Legislature passed L.B. 77 in 2023. More specifically, NFOA and the individual Plaintiffs take issue with an executive order issued by Mayor Stothert and two ordinances passed by the Omaha City Council. The parties have filed cross-motions for summary judgment. Each party believes that no genuine issues of material fact remain and requests that the Court resolve this case in their favor. The Court finds that the City and Mayor Stothert are entitled to summary judgment on all of NFOA and the individual Plaintiffs' claims. The claims related to the executive order are moot. The claims related to the ordinances are not preempted by L.B. 77. As such, the Court grants the City and Mayor Stothert's Motion for Summary Judgment and denies NFOA and the individual Plaintiffs' Motion for Summary Judgment.

BACKGROUND

This case presents challenges to various actions taken by the Defendants. (*See* Compl.). According to the Complaint, NFOA is a non-profit corporation with over 10,000 members in Nebraska. (Compl. at ¶ 12). Sund, Armsbury, O'Donnell, Robinson, and Koziol possess firearms or firearm component parts that are subject to the actions taken by the Defendants. (*See* Ex. 37; Ex. 38; Ex. 39; Ex. 40; Ex. 41). The Defendants are the City and (former) Mayor Stothert. (*See* Compl.). Together, the Defendants are alleged to have enacted or issued several policies that conflict with legislation passed by the Nebraska Legislature and signed into law by the Governor. (*See id.*). The Court begins with the enactment of that legislation.

I. THE ENACTMENT OF L.B. 77 INTO LAW

In April 2023, the Governor of Nebraska signed L.B. 77 into law. (Compl. at ¶ 20; Answer at ¶ 3). L.B. 77 became effective on September 1, 2023. (Compl. at ¶ 23;

Answer at ¶ 3). L.B. 77 amended several sections of Nebraska's Revised Statutes for the following reasons:

> [T]o prohibit regulation of weapons by cities, villages, and counties; to provide for the carrying of a concealed handgun without a permit; to change provisions relating to other concealed weapons; to provide for requirements, limits, and offenses relating to carrying a concealed handgun; to provide an affirmative defense; to create the offense of carrying a firearm or destructive device during the commission of a dangerous misdemeanor; to change provisions of the Concealed Handgun Permit Act; to provide penalties; to change, provide, and eliminate definitions; to harmonize provisions; and to repeal the original sections.

(Ex. 32 at 1).

Section 1 of L.B. 77 contains findings and declarations of the Nebraska Legislature ("the Legislature"). (*See id.*). Section 1 specifically provides the following:

> (1) The Legislature finds and declares that the regulation of the ownership, possession, storage, transportation, sale, and transfer of firearms and other weapons is a matter of statewide concern.
>
> (2) Notwithstanding the provisions of any home rule charter, counties, cities, and villages shall not have the power to:
>
> > (a) Regulate the ownership, possession, storage, transportation, sale, or transfer of firearms or other weapons, except as expressly provided by state law; or
> >
> > (b) Require registration of firearms or other weapons.
>
> (3) Any county, city, or village ordinance, permit, or regulation in violation of subsection (2) of this section is declared to be null and void.

(*Id.*).

Relevant to this case, L.B. 77 repealed portions of statutes that allowed cities of the metropolitan class to punish and prevent "the carrying of concealed weapons, except the carrying of a concealed handgun in compliance with the Concealed Handgun Permit Act." (*Id.*). L.B. 77 now allows "a person, other than a minor or a prohibited person, [to] carry a concealed handgun anywhere in Nebraska, with or without a permit under the Concealed Handgun Permit Act." (*Id.* at 6). Still, L.B. 77 places some limits on the ability to carry a concealed handgun:

> [A] person shall not carry a concealed handgun into or onto any place or premises where the person, persons, entity, or entities in control of the place or premises or employer in control of the place or premises has prohibited the carrying of concealed handguns into or onto the place or premises.

(*Id.* at 6). L.B. 77 also limits some public places where a person may carry a concealed handgun, including law enforcement offices, jails, courtrooms, athletic events, schools, and hospitals. (*Id.*).

II. THE CITY'S RESPONSE TO THE ENACTMENT OF L.B. 77

In August 2023, the City approved Ordinance No. 43508, which "repeal[ed] all but three provisions of the [Omaha City Code] affecting weapons, including firearms." (Ex. 21 at 1). In total, the ordinance repealed 22 previously approved ordinances. (*Id.*). In a letter sent to the Omaha City Council, the City concluded with the following remarks:

> The Legislature has made it clear that they do not wish for the City of Omaha to have their own laws dealing with firearms. LB 77 requires that the City of Omaha repeal these ordinances because the Legislature has neutralized them.

(*Id.*).

Mayor Stothert issued Executive Order No. S-48-23 on August 30, 2023. (Ex. 24).[2] The executive order was entitled, "Prohibition of Firearms on City of Omaha Property." (*Id.* at 1). A portion of the executive order provided:

> No person shall have in his or her possession any firearm on any City Property. City Property is defined as all City managed buildings/facilities/Parks/public spaces and surrounding areas such as

[2] The Court notes that the Plaintiffs largely dispute the facts surrounding the executive order solely on the grounds that "[a] mayoral executive order cannot exist under Nebraska law." (*See* Pls.' Statement of Disputed Facts, ¶¶ 22–31). While the Plaintiffs may hold this belief, they have not followed the summary judgment court rules, which require "an Annotated Statement of Disputed Facts setting forth concise, numbered paragraphs reciting each proposed material fact of the moving party as to which the opposing party contends there is a genuine dispute, *annotated by pinpoint citation to the supporting evidence in the Evidence Index in Opposition.*" Neb. Ct. R. § 6-1526(B)(2) (amend. 2021) (emphasis added). The Plaintiffs have not cited any evidence to dispute these paragraphs, and their dispute does not contest that these events occurred; rather, the Plaintiffs appear to suggest that the Court treat these events as if they never happened because, in the Plaintiffs' view, Mayor Stothert lacked the authority to issue an executive order. Putting differing views of the law aside, the Court cannot say that these facts are truly disputed for purposes of these cross-motions for summary judgment.

> sidewalks, driveways, and parking lots under the City's control. In determining whether something is City Property, it does not matter whether the City owns or leases the property.

(*Id.*). Executive Order No. S-48-23 became effective on September 2, 2023. (*Id.* at 2). Mayor Stothert later rescinded Executive Order No. S-48-23 on February 24, 2025. (Ex. 25).

On October 31, 2023, the Omaha City Council passed Ordinance No. 43579. (Ex. 22 at 3). The ordinance amended sections of the Omaha City Code "to provide for a prohibition of the possession of unfinished firearm frames and firearm receivers; and to provide an effective date thereof." (*Id.* at 2). The ordinance defined a "firearm frame" as "the lower portion of a pistol that provides housing for the sear or equivalent component." (*Id.* at 3). Additionally, the ordinance defined a "firearm receiver" as "the portion of a shotgun or rifle that provides housing for the bolt, breechblock, or equivalent." (*Id.*). Further, the phrase "unfinished frame or receiver" was defined as "a blank, a casting, or other material that has the shape, form or appearance of an actual pistol frame, a rifle receiver, or a shotgun receiver, but is not a functional frame or receiver and may readily be made into a functional frame or receiver through milling, drilling, or other means." (*Id.*).

Under Ordinance No. 43579, it became unlawful for "a person who is not a licensed firearms importer or licensed manufacturer to knowingly possess an unfinished frame or receiver that does not contain a serial number placed by a licensed importer or licensed manufacturer." (*Id.*). Ordinance No. 43579 also contained a "safe harbor" provision that allowed "[a]ny person in possession of an unfinished frame or unfinished receiver prior to the effective date of this ordinance and who either disposes of or destroys the unfinished frame or unfinished receiver prior to January 31, 2024." (*Id.*). Ordinance No. 43579 was approved by Mayor Stothert on November 2, 2023. (*Id.* at 3).

Weeks later, on November 14, 2023, the Omaha City Council passed Ordinance No. 43580, which prohibits "the manufacturing, transfer, use, and possession of trigger activator devices that accelerate the rate of fire of a semiautomatic firearm."

(Ex. 23 at 2). The ordinance defined "bump stock" as "any manufactured device that allows a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of the semi-automatic firearm so that the firearm mimics the rate of fire of an automatic firearm." (*Id.* at 2–3). Additionally, the ordinance defined "trigger crank" as "any manufactured device that, when installed in or attached to a semiautomatic firearm, repeatedly activates the trigger of the firearm through the use of a crank, a lever, or any other part that is turned in a circular motion so that the firearm mimics the rate of fire of an automatic firearm." (*Id.* at 3). Under the ordinance, it became unlawful for "any person to sell, manufacture, transfer, or possess a bump stock or trigger crank." (*Id.* at 3). Ordinance No. 43580 was approved by Mayor Stothert on November 16, 2023. (*Id.*).

III. THE CURRENT LAWSUIT

The Plaintiffs commenced this action on December 18, 2023, by filing a two-count Complaint. (Compl.). Under Count 1, the Plaintiffs allege that the executive order and the ordinances are preempted by L.B. 77. (*Id.* at ¶¶ 43–54). Under Count 2, the Plaintiffs allege that Mayor Stothert's executive order violated the Nebraska Constitution's separation of powers because it had the effect of law. (*Id.* at ¶¶ 55–62). Based on the allegations in the Complaint, the Plaintiffs seek several forms of relief, including, in relevant part:

> A. A judgment declaring that LB 77 preempts the Firearms Order, Ordinance 43579, and Ordinance 43580, and that the order and ordinances are therefore void under Article XI, Section 2 of the Nebraska Constitution;
>
> B. A judgment declaring that the Firearms Order violates Article II, Section 1 of the Nebraska Constitution;
>
> C. A permanent injunction prohibiting Defendants from enforcing the Firearms Order, Ordinance 43579, and Ordinance 43580[.]

(*Id.* at p. 20). The Court understands the Plaintiffs' action as one for declaratory and injunctive relief. (*See id.*). More specifically, the Plaintiffs request that the Court declare Ordinance No. 43579 and Ordinance No. 43580 void and permanently enjoin

enforcement of either ordinance. (*See id.*). Moreover, the Plaintiffs ask the Court to declare that Executive Order No. S-48-23 is void and declare that it violates of Article II, Section 1 of the Nebraska Constitution. (*See id.*). The Plaintiffs further request that the Court permanently enjoin enforcement of Executive Order No. S-48-23. (*See id.*).

A. Preliminary Injunction

The Plaintiffs filed a Motion for Preliminary Injunction on December 18, 2023. (Mot. Prelim. Inj.). As part of that motion, the Plaintiffs requested that the Court issue "a temporary injunction enjoining the Defendants from enforcing their executive order prohibiting firearms from public spaces (Executive order S-48-23), ordinance banning possession of gun parts (Ordinance 43579), and ordinance banning bump stocks and trigger cranks (Ordinance 43580) until the Court can rule on the merits of the complaint." (*Id.* at 1–2).

The Defendants filed their Answer to the Complaint and a Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction on January 18, 2024. (Answer; Defs.' Br. Opp. Prelim. Inj.). The Court held a hearing on the Motion for Preliminary Injunction on January 19, 2024. (Ord. Temp. Inj. at 1). After the hearing, the Court issued an Order granting the Motion for Preliminary Injunction in part and denying it in part. (*Id.* at 17). More specifically, the Court "issue[d] a temporary injunction restraining enforcement of Executive Order S-48-23, which prohibits "possession [of] any firearm on any City Property" but denied the "Plaintiffs' request for a temporary injunction enjoining City Ordinance 43579 and City Ordinance 43580." (*Id.*).

B. Summary Judgment

Both parties filed motions for summary judgment on September 26, 2025. (Defs.' Mot. Summ. J.; Pls.' Mot. Summ. J.). The Court held a hearing on November 24, 2025. Both parties offered evidence in support of their respective motions and in opposition to each other's motions. Among the exhibits offered are an affidavit from Sergeant Brian Dembinski ("Sergeant Dembinski") and two affidavits from Matthew Larosiere ("Larosiere"). (Ex 18; Ex. 42; Ex. 44). The Defendants also offered an

affidavit from Elizabeth Butler ("Butler"). (Ex. 20). The Court recalls the relevant details from those affidavits below.

1. Affidavit from Sergeant Dembinski

The Defendants offered an affidavit from Sergeant Dembinski. Sergeant Dembinski is a sergeant with the Omaha Police Department's fugitive and SWAT units. (Ex. 18 at ¶ 1). Sergeant Dembinski is familiar with the "firearm parts, components, and accessories." (*Id.*). Sergeant Dembinski is also familiar with "build-at-home firearm kits consumers can use to build operational firearm[s]." (*Id.* at ¶ 2). According to Sergeant Dembinski, "build-at-home kits come with unfinished frames and receivers" and "it is not possible to assemble an operable firearm from the unfinished frame or receiver" without drilling. (*Id.* at ¶ 3).

Additionally, Sergeant Dembinski is "familiar with trigger activating devices that are commonly referred to as bump stocks and trigger cranks." (*Id.* at ¶ 5). In his words, "[t]hese devices are aftermarket accessories which can be installed on a semiautomatic firearm to increase the rate of fire of the firearm. The accessories have the practical impact of converting a semiautomatic firearm to an automatic firearm." (*Id.*). Sergeant Dembinski further provides that bump stocks and trigger cranks are not required to operate a firearm. (*Id.* at ¶¶ 6, 7).

2. Affidavits from Larosiere

The Plaintiffs offered two affidavits from Larosiere. (Ex. 42; Ex. 44). Larosiere holds a JD and an LLM from the University of Alabama School of Law. (Ex. 42 at ¶ 2). Larosiere is a small-arms designer and licensed firearms manufacturer. (*Id.* at ¶ 3). Larosiere also writes scholarly articles on firearms and small-arms history. (*Id.* at ¶ 4). Larosiere prepared an expert report for the Plaintiffs, which is contained in Exhibit 42. (*Id.* at ¶ 5). The Court, however, did not receive Larosiere's expert report during the hearing and will not consider it here.

Larosiere authored another affidavit after he reviewed Sergeant Dembinski's affidavit. (Ex. 44). According to Larosiere, "[Sergeant] Dembinski's affidavit reflects some relatively common misunderstandings of firearms technology." (*Id.* at ¶ 2). On

the issue of restrictions to unfinished frames or receivers, Larosiere noted the following:

> Because there is no way to create a firearm without a frame or receiver, and because one cannot start making a receiver without it being for some period of time, a prohibition on unfished frames or receivers operates as a categorical prohibition on craft-made firearms.

(*Id.* at ¶ 18).

Additionally, Larosiere noted observations on the issue of restrictions to trigger cranks and bump stocks. (*Id.* at ¶¶ 19–39). Larosiere appears to dispute Sergeant Dembinski's assertion that bump stocks and trigger cranks have the practical impact of converting a semiautomatic firearm to an automatic firearm. (*See id.* at ¶¶ 19–39). Larosiere noted, in part, the following:

> 34. Neither a bump stock nor a trigger crank adds or emulates the function of an automatic sear.
>
> 35. Neither a bump stock nor a trigger crank allow a weapon to fire more than one shot per function of that weapon's trigger. Instead of the timing of the release of the hammer or striker being governed by an automatic, self-acting mechanism, the release of the hammer or striker is timed by an independent function of the trigger for each shot fired.
>
> 36. Neither a bump stock nor a trigger crank enables a weapon to fire faster than it could have otherwise. It simply changes the muscle movement necessary to fire the weapon, in much the same way a release trigger does.
>
> 37. The distinction between a fully automatic weapon and a semiautomatic weapon is not its theoretical cyclic rate. Rather, it is whether the firearm will continue firing by a self-acting mechanism, or if it requires additional mechanical inputs from the user.

(*Id.*, ¶¶ 34–37).

Further, Larosiere appears to dispute Sergeant Dembinski's assertion that bump stocks and trigger cranks are accessories. (*Id.* at ¶¶ 40–49). Larosiere maintains that triggers and stocks are essential components of a firearm. (*See id.*). According to Larosiere, "categorizing triggers and stocks as 'mere accessories'

suggests any and all firearm subcomponents are mere accessories, or that some platonic ideal of firearm exists." (*Id.* at ¶ 48).

3. Affidavit from Butler

As stated, the Defendants also offered an affidavit from Butler. (*See* Ex. 20). Butler is the Omaha City Clerk. (*Id.* at 1). Butler provides that Mayor Stothert ceased being the Mayor of Omaha on June 10, 2025. (*Id.* at 2). Mayor John Ewing, Jr. ("Mayor Ewing"), succeeded Mayor Stothert. (*See id.*). According to Butler, after Mayor Stothert ceased being mayor, all executive orders issued by her were rescinded. (*Id.*). Mayor Ewing has issued his own executive orders, but he did not reissue Executive Order No. S-48-23 or any executive order like it. (*Id.*).

LEGAL STANDARDS

This case presents several issues that implicate different legal standards. The Court recalls the applicable legal standards before conducting its analysis.

I. Standing

Standing is a jurisdictional component of a party's case, because only a party who has standing may invoke the jurisdiction of a court; determination of a jurisdictional issue which does not involve a factual dispute presents a question of law. *Zeiler v. Reifschneider, Tr. of Kenneth E. Reifschneider Living Tr.*, 315 Neb. 880, 885, 1 N.W.3d 880, 884 (2024).

II. Mootness

A mootness determination that does not involve a factual dispute presents a question of law. *See City of Hastings v. Sheets*, 317 Neb. 88, 94–95, 8 N.W.3d 771, 776–77 (2024).

III. Statutory Interpretation

Statutory interpretation is a question of law. *State ex rel. Douglas Cnty. Sch. Dist. No. 66 v. Ewing*, 319 Neb. 663, 670, 24 N.W.3d 861, 868 (2025).

IV. Interpretation of a Municipal Ordinance

Interpretation of a municipal ordinance is a question of law. *Malone v. City of Omaha*, 294 Neb. 516, 521, 883 N.W.2d 320, 327 (2016).

V. SUMMARY JUDGMENT

Cross-motions for summary judgment should generally be considered separately, applying the same familiar standards that govern all summary judgment motions. *Pine Tree Neighborhood Ass'n v. Moses*, 314 Neb. 445, 452, 990 N.W.2d 884, 891 (2023). However, this does not mean that overlapping issues in cross-motions may not be addressed together. *Id.* at 453, 990 N.W.2d at 891. But if a court elects to do so, it must not lose sight of the burdens of proof imposed on the moving and nonmoving party. *Id.*

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. *Henderson State Co. v. Garrelts*, 319 Neb. 485, 499, 23 N.W.3d 444, 459 (2025). If the burden of proof at trial would be on the nonmoving party, then the party moving for summary judgment may satisfy its prima facie burden either by citing to materials in the record that affirmatively negate an essential element of the nonmoving party's claim or by citing to materials in the record demonstrating that the nonmoving party's evidence is insufficient to establish an essential element of the nonmoving party's claim. *Id.* 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.*

ANALYSIS

The Court structures its analysis primarily around the arguments raised by the parties. The Court first addresses whether NFOA has standing. The Court next addresses whether the Plaintiffs' claims related to the Executive Order No. S-48-23 are moot; as part of that section, the Court also considers whether it can grant the Plaintiffs' request for declaratory relief regarding whether Executive Order No. S-48-23 violated the separation-of-powers clause under Article II, Section I of the Nebraska Constitution. The Court then addresses whether the ordinances are preempted by L.B. 77. Based on the analysis that follows, the Court grants the Defendants' Motion for Summary Judgment and denies the Plaintiffs' Motion for Summary Judgment.

I. STANDING

The Court begins by considering whether NFOA has standing to bring this action.

A party must have standing before a court can exercise jurisdiction. *Chatterjee v. Chatterjee*, 313 Neb. 710, 714, 986 N.W.2d 283, 287 (2023). Either a party or the court can raise a question of standing at any time during the proceeding. *Id.* Standing refers to whether a party had, at the commencement of the litigation, a personal stake in the outcome of the litigation that would warrant a court's exercise of its subject matter jurisdiction and remedial powers on that party's behalf. *Id.* at 715, 986 N.W.2d at 287. Standing relates to a court's power to address the issues presented and serves to identify those disputes which are appropriately resolved through the judicial process. *Pres. the Sandhills, LLC v. Cherry Cnty.*, 313 Neb. 590, 596, 985 N.W.2d 599, 606 (2023).

A plaintiff does not generally have standing to bring a case on behalf of a third party. *Chatterjee*, 313 Neb. at 715, 986 N.W.2d at 287. The focus of the standing inquiry is not whether the claim the plaintiff advances has merit; it is on whether the plaintiff is the proper party to assert the claim. *Id.* Generally, a party has standing only if he or she has suffered or will suffer an injury in fact. *Pres. the Sandhills*, 313 Neb. at 597, 985 N.W.2d at 607. An injury must be "concrete in both a qualitative and temporal sense," and it must be "distinct and palpable, as opposed to merely abstract." *Id.* (quoting *Egan v. Cnty. of Lancaster*, 308 Neb. 48, 53, 952 N.W.2d 664, 669 (2020)). The alleged harm from such an injury must be "actual or imminent, not conjectural or hypothetical." *Id.* (quoting *Egan*, 308 Neb. at 53, 952 N.W.2d at 669). The Nebraska Supreme Court has said, "a person seeking to restrain the action of a governmental body must show some special injury peculiar to himself or herself aside from and independent of the general injury to the public unless it involves an illegal expenditure of public funds or an increase in the burden of taxation." *Id.*

The Nebraska Supreme Court recently considered a similar standing-based issue concerning NFOA in *Nebraska Firearms Owners Association v. City of Lincoln*, 319 Neb. 723, 24 N.W.3d 891 (2025). In that case, the Nebraska Supreme Court

considered whether NFOA had standing to bring an action challenging whether an executive order and several local ordinances were preempted by state law. *Id.* at 724–27, 24 N.W.3d at 895–97. The complaint alleged that NFOA was as a "501(c)(4)" organization with "over 10,000 members, many of whom lived in Lincoln and [were], therefore, subject to the executive order and ordinances." *Id.* at 731, 24 N.W.3d at 899. The complaint also alleged that NFOA's members regularly visited the city's parks and trails and that they refrained from purchasing firearms in Lincoln because of the ordinances. *Id.* Critically, the complaint did not allege NFOA's representative capacity or its authority to appear on behalf of its membership. *Id.* at 732, 24 N.W.3d at 899. The Nebraska Supreme Court held that NFOA did not have standing because the complaint did not allege any details regarding the identity of its membership, its representative capacity, or its authority to act on behalf of its members. *See id.* at 732–33, 24 N.W.3d at 899–900.

Here, the Complaint suffers the same issues as the one in *Nebraska Firearms Owners Association, supra.* Similar to that case, the Complaint includes many of the same allegations regarding NFOA's legal status and that its members have allegedly been affected by the City's ordinances. But, like that case, there are no allegations regarding NFOA's identity of its membership, its representative capacity, or its authority to act on behalf of its members. As such, the Court must follow the opinion in *Nebraska Firearms Owners Association, supra,* and dismiss NFOA from this action for lack of standing. The individual Plaintiffs remain parties to this action.

II. Executive Order No. S-48-23

The Defendants argue that the Plaintiffs' claims related to Executive Order No. S-48-23 are moot because Mayor Stothert rescinded the executive order. The Plaintiffs, on the other hand, argue that these claims are not moot because the public interest exception applies. The Court will address each argument in turn, keeping in mind that this mootness determination presents a question of law, as there are no genuine issues of material fact.

A. Mootness

The Court starts by considering whether the Plaintiffs' claims related to Executive Order No. S-48-23 are moot.

Mootness refers to events occurring after the filing of a suit that eradicate the requisite personal interest in the dispute's resolution that existed at the beginning of the litigation. *City of Hastings v. Sheets*, 317 Neb. 88, 96, 8 N.W.3d 771, 777 (2024). An action becomes moot when the issues initially presented in the proceedings no longer exist or the parties lack a legally cognizable interest in the outcome of the action. *Id.* at 96, 8 N.W.3d at 777–78. A moot case is one that seeks to determine a question that no longer rests upon existing facts or rights—i.e., a case in which the issues presented are no longer alive. *Id.* at 96, 8 N.W.3d at 778. The central question in a mootness analysis is whether changes in circumstances have forestalled any occasion for meaningful relief. *Id.* A moot case is subject to dismissal. *Id.*

In an action for declaratory relief, a court has the power "to declare rights, status, and other legal relations." Neb. Rev. Stat. § 25-21,149 (Reissue 2016). The existence of a justiciable issue is a fundamental requirement for a court's exercise of its discretion to grant declaratory relief. *Id.* at 97, 8 N.W.3d at 778. A justiciable issue requires a present, substantial controversy between parties having adverse legal interests susceptible to immediate resolution and capable of present judicial enforcement. *Id.* The appropriateness of a declaratory judgment is ascertained by the precise relief sought. *Id.*

The purpose of an injunction is to restrain actions that have not yet been taken. *Nesbitt v. Frakes*, 300 Neb. 1, 6, 911 N.W.2d 598, 604 (2018). The Nebraska Supreme Court has said, "'injunctive relief is preventive, prohibitory, or protective, and equity usually will not issue an injunction when the act complained of has been committed and the injury has been done.'" *Id.* (quoting *Stoetzel & Sons, Inc. v. City of Hastings*, 265 Neb. 637, 645, 658 N.W.2d 636, 643 (2003)). The Nebraska Supreme Court has also said, "'Since the purpose of an injunction is not to afford a remedy for what is past but to prevent future mischief, not being used for the purpose of punishment or to compel persons to do right but merely to prevent them from doing wrong, rights

already lost and wrongs already perpetrated cannot be corrected by injunction.'" *Id.* (quoting *Putnam v. Fortenberry*, 256 Neb. 266, 271, 589 N.W.2d 838, 843 (1999)).

With Executive Order No. S-48-23 rescinded, there is no longer anything to permanently enjoin, and a declaratory judgment regarding the executive order's validity would have no effect. The Court, therefore, cannot grant any effective relief. Under these circumstances, the Plaintiffs' claims for injunctive and declaratory relief as they relate to Executive Order No. S-48-23 are moot. The Defendants are entitled to summary judgment on these claims unless the public interest exception applies. The Court will address that next.

B. Public Interest Exception

Because the Plaintiffs' claims related to Executive Order No. S-48-23 are moot, the Court considers whether the public interest exception applies.

Nebraska recognizes a public interest exception to the mootness doctrine. *Sheets*, 317 Neb. at 98, 8 N.W.3d at 779. The public interest exception to the mootness doctrine requires the consideration of (1) the public or private nature of the question presented, (2) the desirability of an authoritative adjudication for the guidance of public officials, and (3) the likelihood of recurrence of the same or a similar problem. *Id.* The Nebraska Supreme Court has said, "[a]n application of the public interest exception to the mootness doctrine is inappropriate when the issues presented on appeal do not inherently evade appellate review." *Nesbitt*, 300 Neb. at 10, 911 N.W.2d at 606.

Here, the Court declines to apply the public interest exception. There is little doubt that the issues raised by the Plaintiffs are a matter of public interest. The problem with applying this exception lies in the third element. The Plaintiffs largely argue that this action is likely to reoccur because the Mayor of Omaha continues to issue executive orders. This argument, however, challenges the Mayor of Omaha's ability to issue executive orders at all. The legal questions regarding Executive Order No. S-48-23 are narrower. The first question is whether executive order is preempted by L.B. 77. The second question is whether Mayor Stothert violated the separation of powers under Article II, Section 1 of the Nebraska Constitution. (*See* Compl. at p. 20).

As discussed further below, the Court has serious doubts regarding whether a mayor can violate the separation of powers *under* the Nebraska Constitution. But even if the Court assumes that a mayor can do so, the question is still whether Mayor Stothert violated that provision by issuing *this* executive order. The pleadings do not request any other relief on that issue. This Court declines to entertain arguments that are not implicated by the pleadings when the claim, as here, is based on the precise relief sought. *See Sheets*, 317 Neb. at 97, 8 N.W.3d at 778 ("The appropriateness of a declaratory judgment is ascertained by the precise relief sought."). Further, the evidence seems to suggest that this issue is unlikely to reoccur in this Court. Mayor Stothert has left office, and there is no evidence suggesting that Mayor Ewing will issue an executive order to the same effect. The Plaintiffs also have not provided any evidence suggesting that the issues here inherently evade review. Accordingly, the Court declines the Plaintiffs' invitation to apply the public interest exception.

C. Separation of Powers

Having determined that the Plaintiffs' requests for declaratory judgment and injunctive relief concerning Executive Order No. S-48-23 are moot, it is ultimately unnecessary to consider the merits of the separation-of-powers claim. Nevertheless, the Court will briefly explain why it cannot grant the relief sought for this claim.

In their Complaint, the Plaintiffs request "[a] judgment declaring that the Firearms Order violates Article II, Section 1 of the Nebraska Constitution." (Compl. at p. 20). That section provides in part:

> (1) The powers of *the government of this state* are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments shall exercise any power properly belonging to either of the others except as expressly directed or permitted in this Constitution.

Neb. Const. art. II, § 1 (emphasis added). The Nebraska Supreme Court has said, "[t]he purpose of this section was to establish and maintain the independence of 'the three branches' of the government." *State v. Gnewuch*, 316 Neb. 47, 70, 3 N.W.3d 295, 314 (2024). The Nebraska Supreme Court has also said, "'[t]his arrangement gives

each department a certain independence, which operates as a restraint upon such action of the others as might encroach on the rights and liberties of the people, and makes it possible to establish and enforce guaranties against attempts at tyranny.'" *Id.* (quoting Thomas M. Cooley, *The General Principles of Constitutional Law in the United States of America* 43 (1880)).

The issue with this request for relief is that the applicable separation-of-powers clause should be derived from the Omaha City Charter, not the Nebraska Constitution. Although both documents create a permanent framework for systems of government in our State, they are separate. The Omaha City Charter creates a framework for local government, while the Nebraska Constitution creates a framework for our State government. As one commentator has noted:

> State constitutional provisions mandating separation of powers are construed to be inapplicable to local government organization. The appropriate focus in resolving contests over the ambit of local executive authority, therefore, turns on the construction of the pertinent statutory or charter provisions allocating authority among the various branches of local government to determine whether or not there was an intent to create a separation of powers.

John Martinez, Local Government Law, Executive Powers § 11:2 (available on Westlaw).

Critically, the Complaint asks the Court to declare that Executive Order No. S-48-23 violated the separation-of-powers clause of the Nebraska Constitution. The Complaint, however, does not ask the Court to declare that Executive Order No. S-48-23 violated the Omaha City Charter's separation-of-powers clause. Because the powers of the mayor are defined by the Omaha City Charter, the Court cannot declare that Mayor Stothert violated the separation-of-powers clause under the Nebraska Constitution by issuing Executive Order No. S-48-23. *See Sheets*, 317 Neb. at 97, 8 N.W.3d at 778 ("The appropriateness of a declaratory judgment is ascertained by the precise relief sought.").

The Court cautions that this should not be read as any indication that a mayor can disregard the Nebraska Constitution; rather, that issue implicates other

concepts. Namely, here, the issue implicates the doctrine of preemption, because it challenges whether the mayor could issue Executive Order No. S-48-23, which was allegedly inconsistent with state law. *See generally* 5 McQuillin Mun. Corp. § 15:18 (3d ed.) ("It is fundamental that municipal ordinances are inferior in status and subordinate to the laws of the state. The purpose of the preemption doctrine is to establish a priority between potentially conflicting laws enacted by various levels of government."). As noted, the Plaintiffs have requested relief based on preemption, and the Court will address that below.

The Court concludes that the Plaintiffs' claims for injunctive and declaratory relief as they relate to Executive Order No. S-48-23 are moot. Consequently, the Court does not reach the Defendants' argument that they can legally prohibit firearms on or in City property. The Defendants' Motion for Summary Judgment is granted on these claims. The Plaintiffs' Motion for Summary Judgment is denied on these claims.

III. ORDINANCE NOS. 43579 AND 43580

The Court next considers whether summary judgment is appropriate on the Plaintiffs' claims for injunctive and declaratory relief as they relate to Ordinance Nos. 43579 and 43580. These claims implicate the doctrine of preemption. The Court will begin by identifying the applicable type of preemption before considering whether Ordinance Nos. 43579 and 43580 are preempted by L.B. 77.

A. Type of Preemption

The Court begins by identifying the applicable type of preemption in this case. The Plaintiffs appear to somewhat mix express preemption and field preemption together. Conversely, the Defendants argue that the preemption at issue here is express preemption.

Preemption of municipal ordinances by state law is based on the fundamental principle that municipal ordinances are inferior in status and subordinate to the laws of the state. *Johnson v. Vill. of Polk*, 319 Neb. 352, 365–66, 23 N.W.3d 96, 108 (2025). State preemption arises with respect to municipal ordinances or township laws and flows from the principle that municipal legislation is invalid if it is repugnant to, or inconsistent with, state law. *Id.* at 366, 23 N.W.3d at 108. When a court considers

preemption claims, it is obligated to harmonize, to the extent it legally can be done, state and municipal enactments on the identical subject. *Id.* at 366, 23 N.W.3d at 108.

There are three types of preemption: (1) express preemption, (2) field preemption, and (3) conflict preemption, although these categories are not "analytically air-tight." *State v. Albarenga*, 313 Neb. 72, 84, 982 N.W.2d 799, 810 (2022) (internal quotation marks omitted). In all three cases, the touchstone of preemption analysis is legislative intent. *Id.* at 84, 982 N.W.2d at 810. The central question in a preemption case is not whether the Legislature intended to grant authority to municipalities to act concerning a particular matter, but, rather, whether the Legislature intended to deny municipalities the right to legislate on the subject. *Johnson*, 319 Neb. at 366, 23 N.W.3d at 109.

Express preemption occurs when the Legislature has expressly declared in explicit statutory language its intent to preempt local laws. *Hauptman, O'Brien, Wolf & Lathrop, P.C. v. Auto-Owners Ins. Co.*, 310 Neb. 147, 154, 964 N.W.2d 264, 270 (2021). Field preemption and conflict preemption arise in situations where the Legislature did not explicitly express its intent to preempt local laws, but such can be inferred from other circumstances. *Id.* In field preemption, legislative intent to preempt local laws is inferred from a comprehensive scheme of legislation. *Id.* The mere fact that the Legislature has enacted a law addressing a subject does not mean that the subject matter is completely preempted. *Id.* In conflict preemption, legislative intent to preempt local laws is inferred to the extent that a local law actually conflicts with state law. *Id.*

Here, the type of preemption is clear. The Legislature expressly declared in L.B. 77 that "the regulation of the ownership, possession, storage, transportation, sale, and transfer of firearms and other weapons is a matter of statewide concern." Additionally, the Legislature expressly declared that "counties, cities, and villages shall not have the power" to "[r]egulate the ownership, possession, storage, transportation, sale, or transfer of firearms or other weapons, except as expressly provided by state law." The Legislature also declared that "[a]ny county, city, or village ordinance, permit, or regulation in violation of subsection (2) of this section is

declared to be null and void." Given this express language, the Legislature clearly intended to deny municipalities the right to implement legislation regarding firearms or other weapons. The Defendants seemingly recognized this in a letter to the Omaha City Council in August 2023, providing "[t]he Legislature has made it clear that they do not wish for the City of Omaha to have their own laws dealing with firearms." Yet, the Defendants still issued the ordinances at issue in this case. The Court turns to whether those ordinances are expressly preempted by L.B. 77.

B. Express Preemption As Applied to the Ordinances

The Court's preemption analysis requires it to consider whether the plain language of the municipal ordinances are expressly preempted by L.B. 77. In doing so, the Court must recall the general principles for interpreting both statutes and municipal ordinances. After recalling those general principles, the Court will consider whether the ordinances are expressly preempted by L.B. 77.

1. General Principles of Statutory Interpretation

The fundamental objective of statutory interpretation is to ascertain and carry out the Legislature's intent. *Dirt Rd. Dev. LLC v. Hirschman*, 316 Neb. 757, 763, 7 N.W.3d 438, 443 (2024). Statutory interpretation begins with the text, and the text is to be given its plain and ordinary meaning. *Id.* It is not within the province of a court to read a meaning into a statute that is not warranted by the language; neither is it within the province of a court to read anything plain, direct, or unambiguous out of a statute. *Id.* In construing a statute, the legislative intention is to be determined from a general consideration of the whole act with reference to the subject matter to which it applies and the particular topic under which the language in question is found, and the intent as deduced from the whole will prevail over that of a particular part considered separately. *Id.* at 763, 7 N.W.3d at 443–44. Statutes pertaining to the same subject matter should be construed together; such statutes, being in pari materia, must be construed as if they were one law, and effect must be given to every provision. *Id.* at 763, 7 N.W.3d at 444. To give effect to all parts of a statute, a court will attempt to reconcile different provisions so they are consistent, harmonious, and

sensible and will avoid rejecting as superfluous or meaningless any word, clause, or sentence. *Id.*

These same principles of interpretation apply when a court must interpret a municipal ordinance. *See State v. Taylor*, 310 Neb. 376, 384, 966 N.W.2d 510, 517 (2021) ("We apply the same principles to interpret ordinances that we do to interpret statutes.").

With these principles in mind, the Court addresses each ordinance independently. However, before doing so, the Court takes a moment to consider the expert evidence offered by both parties. As noted, the parties have offered expert testimony to explain why their interpretations of the ordinances and L.B. 77 are correct. Seemingly, these differences in expert opinion give the appearance of a dispute of fact that would ordinarily prevent summary judgment. The Court, nevertheless, reminds the parties that the interpretations of L.B. 77 and the ordinances are based on their plain and ordinary meaning. The parties do not argue that L.B. 77 or the ordinances are ambiguous, and the Court does not find any ambiguity in either.

Moreover, the Court finds the following discussion from *State v. Merchant*, 285 Neb. 456, 464, 827 N.W.2d 473, 481 (2013) instructive:

> In *Kaiser v. Western R/C Flyers*, the issue at trial was whether the relevant zoning ordinance barred operation of a model airplane airfield near Springfield, Nebraska. Both parties introduced expert testimony in support of their respective interpretations of the ordinance. We held both parties' expert evidence to be irrelevant and explained:
>
> > [E]xpert testimony is relevant and admissible only if it tends to help the trier of fact understand the evidence or to determine a fact issue [,] and . . . expert testimony concerning the status of the law does not tend to accomplish either of these goals. Expert testimony concerning a question of law is generally not admissible in evidence . . . . The interpretation of a zoning ordinance presents a question of law, and we decline to consider any expert testimony as to what constitutes a "commercial" or a "private" recreational use under the Springfield zoning ordinances.

(Citations omitted.)

> In *Sports Courts of Omaha v. Brower*, a law professor testified, over objection, that the actions taken by an attorney serving as monitor and agent of a corporation constituted a disposition of collateral under provisions of the Nebraska Uniform Commercial Code and that appropriate notice was not given. We rejected this testimony as irrelevant, because the testimony did not help the trier of fact understand the evidence or determine a fact issue.9 Likewise, in *Sasich v. City of Omaha*, the plaintiff brought an action seeking an injunction against certain Omaha, Nebraska, zoning ordinances. In dicta, we criticized the trial court for admitting expert testimony from a legal scholar on the status of the zoning laws. We stated that such evidence is irrelevant and inadmissible and noted that such scholarship "should not reach a judge's attention by way of the witness stand."

Returning to our case, the expert testimony offered by the parties is irrelevant. Like *Kaiser*, the parties offered this expert testimony in support of their respective interpretations of the ordinances. The meaning of the words and phrases contained in L.B. 77 and the ordinances, however, are questions of law. The Court declines to define terms contained in legislative enactments based on expert testimony. The definitions of those terms are controlled by the text passed by the Legislature and the Omaha City Council. Accordingly, the Court declines to consider the expert testimony in its analysis and relies on the plain and ordinary meaning of the text passed by the Legislature and the Omaha City Council.

2. The Ordinances

Having considered the general principles for statutory interpretation and why the expert testimony is irrelevant, the Court considers whether each ordinance is preempted by L.B. 77, separately.

(A) Ordinance No. 43579

The Plaintiffs argue that Ordinance No. 43579's ban on the possession of an unfinished frame or receiver is preempted by L.B. 77. In support of this argument, the Plaintiffs largely argue that the unfinished frames and receivers effectively constitute a firearm. The Defendants, on the other hand, argue that they are only

preempted from the regulation of firearms and that the unfinished frame or receiver is only a component of a firearm.

Some of the statutory revisions in L.B. 77 concerned Neb. Rev. Stat. § 28-1201, which contains Nebraska's definition of a firearm. (Ex. 32 at 5). Under § 28-1201(3), "Firearm means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon." The term weapon is undefined, but the common definition is "something (such as a club, knife, or gun) used to injure, defeat, or destroy." *Weapon*, Merriam-Webster, https://www.merriam-webster.com/dictionary/weapon.

The Plaintiffs argue that the plain language of this statute appears to include future use, meaning that incomplete firearms fall within the statute because they can be turned into firearms. The Court disagrees with such a reading of the statute. It does not appear that an incomplete firearm, without a frame or receiver, falls within the definition of a firearm or a weapon. However, it may be argued, as the Plaintiffs do, that the incomplete firearms are designed to expel projectiles. But the Court cannot say that incomplete firearms without their integral parts meet the statutory definition of a firearm.

The Court's reading of the statute becomes clearer when it looks at the federal definition of a firearm, which is cited by the Plaintiffs. 18 U.S.C. § 921(a)(3) provides:

> The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

Subsection (A) uses language that is like § 28-1201(3)'s definition, with the addition of the phrase "(including a starter gun)." Notably, Subsection (B) explicitly states that a firearm also means "the frame or receiver of any such weapon." Although this language is not the statutory language at issue here, it does show that the federal government does not consider the phrase "any weapon . . . which will or is designed to or may readily be converted to expel a projectile by the action of an explosive" to include the frame or receiver. Instead, the federal government felt the need to

expressly provide that a firearm can also include "the frame or receiver of any such weapon." The statutory definition under § 28-1201(3) is not as expansive. If the Legislature intended for a firearm to mean an unfinished frame or receiver on their own, it would have done so. The Court declines to read meaning into L.B. 77 or find that a firearm—as defined by the Legislature—includes an unfinished frame or receiver.

Accordingly, the Court finds that the plain language of § 28-1201(3) does not include the unfinished frame or receiver mentioned in Ordinance No. 43579. This ordinance is not preempted by L.B. 77. The Defendant's Motion for Summary Judgment is granted on this claim; the Plaintiff's Motion for Summary Judgment is denied on this claim.

(B) Ordinance No. 43580

The Plaintiffs argue that Ordinance No. 43580's ban on the possession of bump stocks and trigger cranks is preempted by L.B. 77. The Plaintiffs maintain that this ban effectively regulates a firearm because triggers and stocks are necessary components of firearms. Conversely, the Defendants argue that L.B. 77's preemption does not cover the restrictions set forth in Ordinance No. 43580 because bump stocks and trigger cranks are mere accessories, not firearms.

L.B. 77 prohibits cities from "[r]egulat[ing] the ownership, possession, storage, transportation, sale, or transfer of firearms or other weapons, except as expressly provided by state law." The issue is whether trigger activators and bump stocks fall within the meaning of "firearms." Again, the Court looks to Neb. Rev. Stat. § 28-1201(3), which defines a firearm as "any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon." Additional phrasing, other than "firearm and other weapons," is notably absent from L.B. 77. By way of illustration, the Defendants direct the Court to legislation from several other jurisdictions to show the limited scope of L.B. 77. The Court recalls the legislation from those states below.

The Ohio Legislature passed Ohio Rev. Code Ann. § 9.68 (West 2025), which provides legislative findings like L.B. 77. Section 9.68 provides, in part:

> Except as specifically provided by the United States Constitution, Ohio Constitution, state law, or federal law, a person . . . may own, possess, purchase, acquire, transport, store, carry, sell, transfer, manufacture, or keep *any firearm, part of a firearm, its components, and its ammunition*, and any knife, without being required to have firearm liability insurance, and without being required to pay a fee for the possession of a firearm, part of a firearm, its components, its ammunition, or a knife.

Id. (emphasis added).

The Iowa Legislature has passed similar legislation. Iowa Code Ann. § 724.28 (West 2025). Section 724.28 provides in part:

> A political subdivision of the state shall not enact an ordinance, motion, resolution, policy, or amendment regulating the ownership, possession, carrying, legal transfer, lawful transportation, modification, registration, or licensing of *firearms, firearms attachments, or other weapons* when the ownership, possession, carrying, transfer, transportation, or modification is otherwise lawful under the laws of this state. An ordinance regulating firearms, firearms attachments, or other weapons in violation of this section existing on or after April 5, 1990, is void.

Id. (emphasis added).

Likewise, the Arizona Legislature has enacted legislation, which provides the following:

> A political subdivision of this state shall not require the licensing or registration of *firearms or ammunition or any firearm or ammunition components or related accessories* or prohibit the ownership, purchase, sale or transfer of *firearms or ammunition or any firearm or ammunition components, or related accessories.*

Ariz. Rev. Stat. Ann. § 13-3108 (emphasis added).

The Court notes that these statutes are not limited to the states mentioned above, which the Defendants' included in their brief. *See, e.g.*, Mo. Ann. Stat. § 21.750 (West 2025) ("No . . . municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies . . . ."); Kan. Stat. § 12-16,124 (West 2025) ("No city or county shall adopt or

enforce any ordinance, resolution or regulation . . . governing the requirement of fees, licenses or permits for, the commerce in or the sale, purchase, transfer, ownership, storage, carrying, transporting or taxation of firearms or ammunition, or any component or combination thereof."); S.D. Codified Laws § 9-19-20 (West 2025) ("No municipality may pass an ordinance that restricts or prohibits, or imposes any licensure requirement or licensure fee on the possession, storage, transportation, purchase, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components.").

Here, the Court's inquiry begins and ends with the plain and ordinary meaning of the statutory text passed by the Legislature. The limits of L.B. 77's express preemption are restricted to "firearms and other weapons." Unlike the other jurisdictions mentioned, the language employed by the Legislature does not expand L.B. 77's preemptive scope to "components," "ammunition," or "supplies." To be sure, the statutes enacted in other jurisdictions do not impact how this Court interprets L.B. 77's text. Rather, those statutes help illustrate why the text of L.B. 77 does not expressly preempt ordinances related to bump stocks or trigger activators.

The Plaintiffs seemingly recognize this when they argue that bump stocks or trigger activators fall within the meaning of firearms because they are essential components to the operation of a firearm. The Defendants, on the other hand, argue that bump stocks or trigger activators are mere accessories. Regardless of whether a bump stock or trigger activator is a component or an accessory, the Court is limited to the terms included in L.B. 77 and their plain and ordinary meaning. Even giving a generous reading of § 28-1201(3), the Court cannot find support for the Plaintiffs' assertion that a bump stock or trigger activator qualifies as "any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon." The Court declines the Plaintiffs' invitation to read meaning into L.B. 77 or § 28-1201(3). If the Legislature had intended for L.B. 77's preemptive scope to include bump stocks or trigger activators, it would have expressly done so or used language like the other jurisdictions

mentioned above. It is not the province of this Court to read a meaning into L.B. 77 or craft definitions that are not warranted by the language passed by the Legislature.

CONCLUSION

Based on the reasoning stated above, the Court makes several conclusions. First, NFOA lacks standing to bring this action. Second, the Plaintiffs' requests for declaratory and injunctive relief, as they relate to Executive Order No. S-48-23, are moot; the public interest exception does not apply to the moot claims. Third, Ordinance No. 43579 is not preempted by L.B. 77. Fourth, Ordinance No. 43580 is not preempted by L.B. 77. As such, the Plaintiffs' various claims for declaratory and injunctive relief fail as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that

(1) The Plaintiffs' Motion for Summary Judgment, filed on September 26, 2025, is **DENIED** in its entirety.

(2) The Defendants' Motion for Summary Judgment, filed on September 26, 2025, is **GRANTED** in its entirety.

(3) The Temporary Injunction is **VACATED** as all issues raised in the Plaintiffs' Motion for Preliminary Injunction and Order on Plaintiffs' Motion for Temporary Injunction are now moot.

(4) All claims, defenses and other requests, of any party, not specifically addressed in this Order, are **DENIED.**

DATED this 21 day of January, 2026.

BY THE COURT:

LeAnne M. Srb
District Court Judge