

FILED
PROBATE DIVISION

APR 09 2025

Nebraska State Court Form REQUIRED cc 16:2:21 Rev. Neb. State. Stat. § 30-2602.01

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

Clerk of Court
DOUGLAS COUNTY COURT
OMAHA, NEBRASKA

IN THE MATTER OF THE
GUARDIANSHIP FOR:
LINDA LEFEBVRE DONAHUE

PR 22 1652

Ward/Protected Person

JUDGE JOHN E. HUBER

AFFADAVIT
FOR CLARIFICATION

Guardian's Lack of Communication with Linda or Donahue

1. I, Steven John Donahue, am the husband of Linda Lefebvre Donahue, the ward in this guardianship matter (PR 22-1652), and an interested person entitled to notice and participation under Neb. Rev. Stat. § 30-2602.01. At 71 years old, I serve as Linda's primary caregiver, having contacted her 238 times from January 15 to February 14, 2025, while guardian Carol Lefebvre Toto communicated with Linda only once for five minutes or more during that period, relying instead on attorneys and Prestige Care Center staff to control her care, in violation of Neb. Rev. Stat. § 30-2620(b) (guardian's duty to act in ward's best interests) and Neb. Rev. Stat. § 30-2613(3) (ward's right to family contact). Toto's failure to engage directly with me, despite my role as Linda's spouse and caregiver, further breaches Neb. Rev. Stat. § 30-2602.01 (communication with interested persons) and Neb. Rev. Stat. § 71-6018.01 (nursing home resident's right to family access), to Linda's detriment.



Prestige's Lack of Compliance in Providing their Rule Book

2. Pursuant to an agreement, Prestige Care Center was obligated to provide me, Steven Donahue, with its rule book governing visitor conduct, as required for transparency in Linda Lefebvre Donahue's care under Neb. Rev. Stat. § 30-2602.01 (interested person's right to information) and Neb. Rev. Stat. § 71-6018.01 (nursing home resident rights to access policies).

Prestige has failed to comply, despite multiple references to the rule book by guardian Carol Lefebvre Toto and her attorneys during these proceedings. Consequently, I filed a subpoena duces tecum under Neb. Rev. Stat. § 25-1273 (subpoena authority) and Nebraska County Court Rules § 6-1506 (discovery procedures) to compel production of the rule book, as the April 9, 2025, order provides no basis to distinguish Prestige's rules from those imposed by Toto and her attorneys, violating Neb. Rev. Stat. § 30-2620(b) (guardian's duty to act in ward's best interests).

Attorney Kathleen Pallesen's obstruction of this disclosure, while representing Toto, suggests a de facto representation of Prestige, creating a conflict of interest detrimental to Linda's welfare under Neb. Rev. Stat. § 30-2602 (guardianship due process) and ABA Model Rules of Professional Conduct, Rule 1.7 (conflict of interest).

Major Changes in Rules at Last Minute

3. On June 10, 2025, in the morning, the court clerk provided me, Steven Donahue, a copy of Judge Huber's order regarding visitation with Linda Lefebvre Donahue. That afternoon, I received a different order, accompanied by a motion from Carol Lefebvre Toto and her attorneys, which I had not previously seen and which significantly deviated from the Stipulated Visitation Rules sent to me by attorney Kathleen Pallesen on March 24, 2025, violating Neb. Rev. Stat. §§ 30-2602.01 (notice to interested persons), 30-2619(b) (right to participate in guardianship proceedings), and Nebraska County Court Rules § 6-1105 (service of documents). For example:

The March 24, 2025, plan stipulated:

10. Steven Donahue may bring only pre-packaged food to Linda, with no homemade items, subject to revisitation upon consultation with Prestige Care Center and Dr. Wester.

In contrast, the April 10, 2025, order included a major change:

10. Steven Donahue shall not bring food or drink into Prestige Care Center.

This unnotified alteration, likely resulting from ex parte submission of Toto's motion, breaches Nebraska Supreme Court Rule § 6-1509 (Code of Judicial Conduct, Rule 2.9 - Ex Parte Communications), ABA Model Code of Judicial Conduct, Rule 2.9, ABA Model Rules of Professional Conduct, Rule 3.5 (impartiality of tribunal), and ABA National Probate Court Standards, Standard 3.3 (guardianship due process), undermining my ability to advocate for Linda's best interests under Neb. Rev. Stat. § 30-2620(b).

Introduction of Ex Parte Materials

4. On April 7, 2025, attorneys Kelly Henry Turner and Kathleen Pallesen, representing guardian Carol Lefebvre Toto, read in court from their phones a version of the Stipulated Visitation Rules formulated on March 24, 2025, introducing materials without proper notice to me, Steven Donahue, an interested person under Neb. Rev. Stat. § 30-2602.01.

a. Notably, item 10 of the rules was significantly altered at the last minute—changing from allowing pre-packaged food to prohibiting all food and drink—without my informed consent, violating Neb. Rev. Stat. §§ 30-2602.01 (right to notice), 30-2619(b) (right to participate in guardianship proceedings), and Nebraska County Court Rules § 6-1105 (service of documents). The resulting April 10, 2025, order, marked “Refuses to Sign” by my signature line despite my lack of prior knowledge, may also hinder my ability to gather evidence and testimony for the contested hearing on June 30, 2025, contrary to Neb. Rev. Stat. § 30-2602 (due process in guardianships) and Nebraska Supreme Court Rule § 6-1509 (Code of Judicial Conduct, Rule 2.9 - Ex Parte Commu-

nications).

b. The April 7 hearing was scheduled to address two matters: (1) my motion for a successor guardian, and (2) a proposed mediation plan. Neither was discussed, breaching Neb. Rev. Stat. § 30-2602.01 (entitlement to a hearing on filed motions). Attorney Turner's March 27, 2025, statement, "We do not have a mediation taking place in this matter," indicates she had advance notice the mediation would not proceed, suggesting ex parte communication with the court in violation of Nebraska Supreme Court Rule § 6-1509, ABA Model Code of Judicial Conduct, Rule 2.9, and ABA Model Rules of Professional Conduct, Rule 3.5 (impartiality of tribunal), as I received no such information.

c. During the April 7 hearing, Toto was absent without prior notice to me, contravening Neb. Rev. Stat. § 30-2602.01 and Nebraska County Court Rules § 6-1403 (notice of hearings). Toto told Linda she was excused after speaking "directly with Judge Huber," who reportedly heard her "wheezing and coughing," implying an ex parte communication that violates Nebraska Supreme Court Rule § 6-1509 and ABA Model Code of Judicial Conduct, Rule 2.9. Toto's claim she "could get on the plane, but would come back in a body bag," and her video link's "technical" issues, deemed suspect, were not communicated to me in advance. Judge Huber's subsequent order requiring Toto's in-person appearance at the next hearing, agreed to by Pallesen, underscores the impropriety of her absence, yet I was denied notice of the hearing's altered scope—excluding the successor guardian and mediation discussions—in violation of Neb. Rev. Stat. § 30-2619(b) and ABA National Probate Court Standards, Standard 3.3 (guardianship due process).

Punitive Measure Against Linda

5. Linda was moved from room 504, where she resided for nearly two years, to room 509, which has an outside view completely blocked by a separating divider, receives no natural light, and measures approximately 6 feet by 8 feet (48 square feet). Unlike other rooms, room 509 faces both

the bathroom and hall doors, further restricting space. Linda cannot use her recliner for sleep, the television is uncomfortably close, and the cramped conditions seriously impair her quality of life, violating Neb. Rev. Stat. §§ 30-2620(a) (guardian's duty to provide suitable living conditions), 30-2613(2) (ward's right to a safe environment), and 71-6018.01 (nursing home resident rights to dignity and comfort). The guardian, Carol Lefebvre Toto, has refused to provide means to alleviate Linda's suffering, breaching Neb. Rev. Stat. § 30-2620(b) (duty to act in the ward's best interests) and potentially constituting intentional infliction of emotional distress under Nebraska common law (*Heitzman v. Thompson*, 270 Neb. 600, 705 N.W.2d 426 (2005)). Based on these facts, I conclude Toto is inflicting punishment on her sister, as poignantly captured by W.H. Auden's line, consigning Linda "away like lost luggage," contrary to Neb. Rev. Stat. § 30-2602.01 (interested person's right to seek court review).

Prohibition Against Robert Donahue Visitation

6. Linda's prior room, 504, was made comfortable with assistance from my brother, Robert Donahue, who was banned from visitation on January 30, 2025, without stated cause, violating Neb. Rev. Stat. § 30-2613(3) (ward's right to family contact) and Neb. Rev. Stat. § 71-6018.01 (nursing home resident's right to family access). This restriction, while Toto and Linda's other family reside in Florida and have never visited, is a detriment to Linda, whose welfare depends on close family support, as affirmed by Neb. Rev. Stat. § 30-2620(b) (guardian's duty to act in ward's best interests). Allowing Robert to resume visitation is essential to alleviate Linda's suffering, consistent with Neb. Rev. Stat. § 30-2602.01 (interested person's right to seek court review).

Requested Relief

7. I request relief through this affidavit, pursuant to Neb. Rev. Stat. §§ 30-2602.01 (interested person's rights), 30-2613 (ward's rights), 30-2619 (guardianship procedures), 30-2620 (guardian's duties), 71-6018.01 (nursing home resident rights), and 25-1148 (ex parte orders); Nebraska Supreme Court Rule § 6-1509 (Code of Judicial Conduct, Rule 2.9 - Ex Parte Communications); Nebraska County Court Rules §§ 6-1105 (service of documents), 6-1403 (notice of hearings), 6-1506 (discovery procedures); ABA Model Code of Judicial Conduct, Rule 2.9 (ex parte communications); ABA Model Rules of Professional Conduct, Rules 1.7 (conflict of interest) and 3.5 (impartiality of tribunal); and ABA National Probate Court Standards, Standard 3.3 (guardianship due process), to address violations of procedural fairness, improper ex parte communications, and actions contrary to Linda Lefebvre Donahue's best interests:

- a) Enforcement of the April 9, 2025, order compelling Prestige Care Center to provide its rule book by April 19, 2025, under Neb. Rev. Stat. § 25-1273 and Nebraska County Court Rules § 6-1506.
- b) Clarification that the April 10, 2025, Stipulated Visitation Plan, item 10 ("food or drink"), excludes my personal hydration and Linda's independent orders (e.g., DoorDash), pursuant to Neb. Rev. Stat. §§ 30-2602.01 and 30-2620(b).
- c) Restoration of Linda to a suitable room accommodating her furniture, as required by Neb. Rev. Stat. §§ 30-2620(a) and 71-6018.01.
- d) Protection of Linda's autonomy to order food absent medical restrictions, under Neb. Rev. Stat. § 30-2613(4) (ward's right to personal autonomy) and Neb. Rev. Stat. § 71-6018.01.
- e) A hearing within 10 days, by April 21, 2025, with Carol Lefebvre Toto ordered to appear in person to explain her minimal communication with Linda and me and her role in Prestige's actions, pursuant to Neb. Rev. Stat. § 30-2602.01.
- f) If urgent, an ex parte order ensuring my visitation and Linda's room suitability pending the hear-

ing, given Prestige's prior block on April 8, 2025, and Linda's distress, under Neb. Rev. Stat. § 25-1148.

g) An order requiring Toto to provide communication records with Linda since January 30, 2025, to verify her engagement, under Neb. Rev. Stat. § 30-2620(b).

h) An order allowing Robert Donahue to visit Linda, his sister-in-law, consistent with Neb. Rev. Stat. §§ 30-2613(3) and 71-6018.01.

5. The following persons are required by law to be notified and be given notice and time and place of the hearing on this Petition:

SSA
604 109th Ct.
Omaha, NE 68154

Linda Lefebvre Donahue
Prestige Care Center
602 S. 18th Street
Plattsmouth, NE 68048

Richard Lefebvre
3 Oceans Blvd. Unit 5C3
Daytona Beach, FL 32118

Carol Lefebvre Toto
2100 S. Ocean Lane No. 1503

Fort Lauderdale, FL 33316

Kathleen Pallesen, esq.
11819 Miracle Hills Drive
Suite 104 Omaha, Nebraska 68145

Kelly Henry Turner, esq.
Goosman Law Firm
17838 Burke St. Omaha, NE 68118

Jeffrey P. Heineman, esq.
Office of Public Guardian
1540 South 70th Street, Suite 202
Lincoln, NE 68506

DATED this 11th day of April, 2025.

Steven John Donahue 1511 Farnam St., Apt. 110, Omaha, NE 68102

402-889-9047

donahue.steven@gmail.com

Nebraska State Court Form REQUIRED cc 16:2:21 Rev. Neb. State. Stat. § 30-2602.01

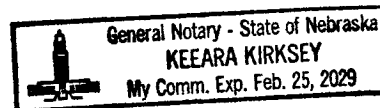


I understand that any interested person that submits an affidavit under this section in bad faith, or submits an affidavit that the court determines lacks a factual basis, shall be ordered to pay the opposing party reasonable attorney's fees and costs.

Signatures: [Signature] Date: April 11, 2025
Printed Name: Steven Donahue
Street Address/P.O. Box: 1511 Farnam Street #110
City/State/ZIP Code: Omaha, NE 68102
Telephone Number: 402-889-9047
Email address: donahue.steven@gmail.com

If completed by an attorney:
Bar Number: _____

State of Nebraska)
County of Douglas) ss.

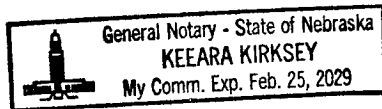


This document was acknowledged before me by Keeara Kirksey,
this 11th day of April, 2025.
[Signature] Notary commission expires: Feb 25 2029
Signature of Judge/Clerk of the Court/Notary Public
Title: _____ Serial Number (if any): _____

NOTARY ACKNOWLEDGMENT

State/Commonwealth of Nebraska
County of Douglas } ss.
On this the 11th day of April, 2025, before me,
Keelara Kirksey, the undersigned Notary Public, personally appeared
Steven John Donahue
Name of Notary Public Name(s) of Signer(s)

☐ Personally known to me – OR –
☒ Proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) is/are subscribed
to the within instrument, and acknowledged to me
that he/she/they executed the same for the purposes
therein stated.



Place Notary Seal/Stamp Above

WITNESS my hand and official seal.
Keelara Kirksey
Signature of Notary Public
Expires: Feb 25 2029
Any Other Required Information (Printed
Name of Notary, Expiration Date, etc.)

Optional: This section is required for notarizations performed in Arizona but is optional in other states.
Completing this information can deter alteration of the document or fraudulent reattachment of this form
to an unintended document.

Description of Attached Document:

Title or Type of Document: Certificate of Mailing
Document Date: April 11 2025 Number of Pages: 2
Signer(s) Other Than Named Above: _____

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

IN THE MATTER OF
Linda Lefebvre Donahue
Ward/Minor Ward/Protected Person.

Case No. PR 22 1652

CERTIFICATE OF MAILING

I swear or affirm, under the penalties of perjury, that on April 11, 2025,

I mailed copies of :

Application and Affidavit for Intervention

Notice of Right to Object form (if required).

to all interested persons and bonding company, if any, at the addresses set forth below:

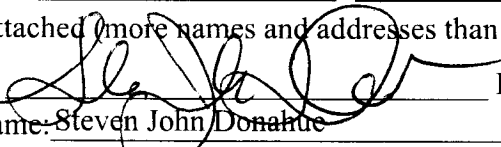
NAME(S) OF

ADDRESS(ES)

INTERESTED PERSON(S)

(See Attached)

☒ See attached (more names and addresses than above)

Signature: 

Date: April 11, 2025

Printed Name: Steven John Donahue

(of guardian and/or conservator or their attorney)

Street Address/P.O. Box: 1511 Farnam Street #110

City/State/ZIP Code: Omaha, Nebraska 68102

Telephone Number: (402) 889-9047

Email address: donahue.steven@gmail.com

If completed by an attorney:

Bar Number: _____

Is there more than one guardian and/or conservator? ☐ yes ☒ no

SSA
604 109th Ct.
Omaha, NE 68154

Linda Lefebvre Donahue
Prestige Care Center
602 S. 18th Street
Plattsmouth, NE 68048

Richard Lefebvre
3 Oceans Blvd. Unit 5C3
Daytona Beach, FL 32118

Carol Lefebvre Toto
2100 S. Ocean Lane No. 1503
Fort Lauderdale, FL 33316

Kathleen Pallesen, esq.
11819 Miracle Hills Drive
Suite 104 Omaha, Nebraska 68145

Kelly Henry Turner, esq.
Goosman Law Firm
17838 Burke St. Omaha, NE 68118

Jeffrey P. Heineman, esq.
Office of Public Guardian
1540 South 70th Street, Suite 202
Lincoln, NE 68506

FILED
PROBATE DIVISION
APR 09 2025
Clerk of Court
DOUGLAS COUNTY COURT
OMAHA, NEBRASKA