

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

ANTHONY NEAL,
Applicant,

v.

**JAN DANA BESSON, PER A. BESSON, CAROL C. JONASSON,
JUDITH H. LIDSTROM, ANN MARTIN HILL, and
HAZARDOUS PROPERTY MANAGEMENT, LLC,**
Respondents.

On Application for Extension of Time to File a Petition for a Writ of Certiorari
to the Oregon Court of Appeals

**APPLICATION FOR EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI**

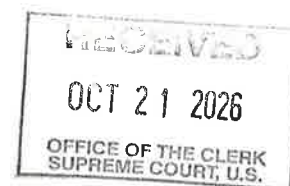
To the Honorable Elena Kagan
Associate Justice of the Supreme Court of the United States
and Circuit Justice for the Ninth Circuit

Oregon Supreme Court No. S072744

Oregon Court of Appeals No. A184778

Clackamas County Circuit Court No. 19CV17248

Anthony Neal
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APPLICATION FOR EXTENSION OF TIME

To the Honorable Elena Kagan, Circuit Justice for the Ninth Circuit:

1. Applicant Anthony Neal, proceeding pro se, respectfully requests under Rules 13.5, 22, and 30 a 60-day extension of time, to and including January 11, 2027, to file a petition for a writ of certiorari seeking review of Besson v. Neal, 346 Or. App. 237 (2025). The current filing deadline is November 12, 2026. This request is made solely for Anthony Neal.
2. The Oregon Court of Appeals affirmed the general judgment against Applicant on December 31, 2025, in Case No. A184778, and denied reconsideration on February 3, 2026. The Oregon Supreme Court denied review on May 21, 2026, in Case No. S072744. Applicant filed a timely petition for reconsideration on June 4, 2026, which that court denied on August 13, 2026. Copies of the opinion and relevant orders are included in Appendices A through D.
3. Under Rule 13.3, the time for filing runs from the August 13, 2026 denial of reconsideration. The 90th day is November 11, 2026, a federal legal holiday. Rule 30.1 therefore makes November 12, 2026 the current deadline. The requested extension is authorized by 28 U.S.C. § 2101(c) and Rule 13.5.
4. This Court's jurisdiction would be invoked under 28 U.S.C. § 1257(a). Applicant intends to present a question under the Due Process Clause of the Fourteenth

Amendment concerning the adjudication of his claimed property rights while an appeal concerning title to the same property remained pending. The proposed petition will address whether that adjudication deprived Applicant of a fair proceeding and effective review of the interconnected title dispute.

5. Applicant expressly raised Fourteenth Amendment due process in the "Constitutional Issue" section of his Court of Appeals opening brief, pages 7-8. His Court of Appeals petition for reconsideration, page 7, renewed the concern under the heading "Due Process and Meaningful Appellate Review." These portions of the filings are reproduced in Appendices E and F.

6. Applicant is proceeding pro se and needs additional time to research and prepare the petition. The necessary research includes the federal due process standards applicable to the challenged adjudication, their relationship to Oregon's allocation of trial and appellate authority, and the proper scope and presentation of the federal question.

7. Additional time is also needed to examine the record and presentation of the federal issue, research this Court's requirements for review under § 1257(a) and Rules 10 and 14, and prepare a concise petition. The requested period will allow Applicant to complete this research and preparation. The request is made to prepare the petition properly and not merely for delay.

8. For these reasons, Applicant respectfully requests that the time to file his petition for a writ of certiorari be extended to and including January 11, 2027.

Respectfully submitted this 13th day of October 2026.



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APPENDIX INDEX

Appendix A

Oregon Court of Appeals opinion, Besson v. Neal, 346 Or. App. 237, Case No. A184778, December 31, 2025.

Appendix B

Oregon Court of Appeals order denying reconsideration, Case No. A184778, February 3, 2026.

Appendix C

Oregon Supreme Court order denying review, Case No. S072744, May 21, 2026.

Appendix D

Oregon Supreme Court order denying reconsideration, Case No. S072744, August 13, 2026.

Appendix E

Excerpts from Applicant's opening brief, Case No. A184778, filed February 24, 2025, pages 7-8.

Appendix F

Excerpt from Applicant's petition for reconsideration, Case No. A184778, filed January 14, 2026, page 7.

PROOF OF SERVICE

I declare that on October 13, 2026, I served a copy of the foregoing Application for Extension of Time to File a Petition for a Writ of Certiorari and its accompanying appendix on all parties required to be served under Supreme Court Rule 29. The recipients and method of service are stated below:

Brooks F. Cooper

Attorney for Jan Dana Besson, Per A. Besson, Carol C. Jonasson,
Judith H. Lidstrom, and Ann Martin Hill

16869 SW 65th Avenue, No. 290

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Hazardous Property Management, LLC

Counsel of record:

Trevor Robins

200 NW Division St

Gresham OR 97030

Telephone: (503) 341-7072

Email: trevor@law-oregon.com

Method of service: U.S. first-class mail, postage prepaid, and email

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 13, 2026, at Clackamas, Oregon.



Anthony Neal, Applicant, Pro Se

P.O. Box 754

Boring, Oregon 97009

Email: nealanthonyc@gmail.com

FILED: December 31, 2025

IN THE COURT OF APPEALS OF THE STATE OF OREGON

Jan Dana Besson, Per A. Besson, Carol C. Jonasson, Judith H. Lidstrom, and Ann Martin
Hill,
Plaintiffs-Respondents,

v.

Anthony Neal,
Defendant-Appellant,

and

Hazardous Property Management, LLC, a New Mexico limited liability company,
Defendant.

Clackamas County Circuit Court
19CV17248

A184778

Marilyn E. Litzenberger, Senior Judge.

Argued and submitted on November 05, 2025.

Anthony Neal filed the briefs *pro se*.

Brooks F. Cooper argued the cause for respondents. Also on the brief was Matthew
Whitman.

Before Ortega, Presiding Judge, Joyce, Judge, and Hellman, Judge.

HELLMAN, J.

Affirmed.

DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS

Prevailing party: Respondents

☐ No costs allowed.

☒ Costs allowed, payable by Appellant.

1 HELLMAN, J.

2 Defendant Anthony Neal appeals from a general judgment that quieted title
3 to certain real property in Clackamas County in plaintiffs' favor. In a single assignment
4 of error, Neal argues that the trial court did not have jurisdiction to enter the general
5 judgment. Specifically, Neal contends that the co-defendant's pending appeal from a
6 limited judgment extinguished the trial court's jurisdiction to adjudicate matters "factually
7 and legally intertwined" with that appeal, including quieting title between plaintiffs and
8 Neal. For the reasons below, we readily affirm.

9 We briefly state the relevant facts. This case arises from a decades-long
10 ownership dispute between plaintiffs and Neal's family. In 2018, Neal conveyed any
11 interest he possessed in the disputed property to Hazardous Property Management, LLC
12 (Hazardous), by deed (2018 deed). In April 2019, plaintiffs filed a quiet title action
13 against Neal and Hazardous, raising two claims. The first sought to quiet title of the
14 disputed property in favor of plaintiffs, and the second sought to remove a cloud from
15 title by declaring the 2018 deed invalid. Neal counterclaimed, seeking adverse
16 possession of the property and a prescriptive easement.

17 In July 2019, Hazardous reconveyed any interest it had in the disputed
18 property back to Neal via deed (2019 deed). In his deposition, Neal explained that the
19 reconveyance occurred because "it would make more sense" for him to "represent the
20 reason why [he] own[s] the property in the lawsuit rather than [Hazardous] being the
21 intermediary in why [he] would own the property."

1 In June 2023, plaintiffs separately moved for partial summary judgment
2 against Hazardous on their first claim of relief. Plaintiffs argued that, in light of the 2019
3 deed, they were entitled to a limited judgment on their quiet title claim against
4 Hazardous. In September 2023, the trial court granted summary judgment in favor of
5 plaintiffs and signed a limited judgment that declared that Hazardous "has no right, no
6 title, nor any other interest" in the disputed property.¹

7 With title quieted against Hazardous, plaintiffs then moved for partial
8 summary judgment against Neal on their first claim of relief and Neal's counterclaims.
9 While that motion was pending, Hazardous filed a notice of appeal from the limited
10 judgment.² Soon after, the trial court held a hearing on plaintiffs' summary judgment
11 motion, at which Neal failed to appear.

12 In May 2024, the trial court entered a general judgment that granted
13 summary judgment in plaintiffs' favor. The general judgment declared that plaintiffs are
14 the sole owners of, and that "[d]efendant Anthony Neal holds no title, right or interest" in,
15 the disputed property. This appeal followed.

16 "An issue of jurisdiction is a legal question, and we review the trial court's

¹ Although the trial court did not address plaintiffs' second claim regarding the 2018 deed's validity, it appears that claim may have become moot once Hazardous relinquished any interest it had in the disputed property via the 2019 deed.

² Although it does not bear on our analysis, we note that this court affirmed the limited judgment without opinion in September 2025. *Besson v. Neal*, 343 Or App 653, 577 P3d 364 (2025).

1 decision to continue to exercise jurisdiction for legal error." *Stachlowski v. 1000*
2 *Broadway Building LP*, 305 Or App 174, 185, 470 P3d 376 (2020).

3 We first briefly address plaintiffs' preservation argument. Plaintiffs
4 contend that Neal failed to preserve his argument because he neither attended the
5 summary judgment hearing nor previously claimed a jurisdictional defect. However, a
6 notice of appeal's jurisdiction-stripping effect on the remaining claims and parties is a
7 jurisdictional issue, and subject matter jurisdiction may be raised at any time.
8 *Multnomah County Sheriff's Office v. Edwards*, 361 Or 761, 777, 399 P3d 969 (2017);
9 see *Stachlowski*, 305 Or App at 185 (treating the impact of one defendant's limited
10 interlocutory appeal on a trial court's ability to enter summary judgment against another
11 defendant as a jurisdictional issue).³

12 We next turn to the merits of Neal's argument. When a party files a notice
13 of appeal from a limited judgment, an appellate court assumes jurisdiction over the
14 "cause." ORS 19.270(1). Thereafter, "the lower court cannot proceed in any manner so
15 as to affect the jurisdiction acquired by the appellate court or defeat the right of the
16 appellants to prosecute the appeal with effect." *State v. Jackson*, 228 Or 371, 382, 365
17 P2d 294 (1961). The "cause" may include "any part" of a proceeding addressed by a

³ Although jurisdiction can technically be raised at any time, doing so for the first time on appeal is an inefficient use of limited court resources, especially when the purported jurisdictional issue was apparent during the trial court proceedings and the party raising the issue failed to appear for a critical summary judgment hearing in the trial court. All legitimate interests are better served when parties who wish to raise jurisdictional issues do so at the earliest possible opportunity.

1 limited judgment. *State ex rel Gattman v. Abraham*, 302 Or 301, 311, 729 P2d 560
2 (1986). Importantly, "the 'cause' is not always the entire case." *State v. Branstetter*, 332
3 Or 389, 403, 29 P3d 1121 (2001).

4 In fact, ORS 19.270(7) makes clear that "[i]f a limited or supplemental
5 judgment is appealed, the jurisdiction of the appellate court is limited to the matters
6 decided by the limited or supplemental judgment, and the trial court retains jurisdiction
7 over all other matters in the proceeding." *See also Gattman*, 302 Or at 310-11
8 (explaining that the appellate court assumes exclusive jurisdiction only of the appeal's
9 "issue or subject matter"). Accordingly, the filing of a notice of appeal from a limited
10 judgment does not "divest[] the trial court of jurisdiction to try the remaining claims
11 against other parties not affected by the [limited] judgment."⁴ *Id.* at 303.

12 Therefore, to resolve whether the trial court retained jurisdiction to quiet
13 title against Neal after Hazardous filed its notice of appeal, we must consider whether the
14 appeal related to a "distinct set of issues involving a different defendant" such that it
15 "effectively split the case into two separate and parallel parts." *Id.* at 188. Because it is
16 the filing of the notice of appeal itself, as opposed to the appeal's assignments of error

⁴ We note that where a trial court retains jurisdiction over a remaining claim and defendant, it possesses *discretion* "either to set the case for trial or to postpone the trial until the appeal is determined." *Gattman*, 302 Or at 303. Because Neal argues only that the trial court lost jurisdiction upon Hazardous's appeal, we do not address whether the trial court abused its discretion in granting summary judgment against Neal. *See Stachlowski*, 305 Or App at 188-89 (declining to address whether the trial court abused its discretion to enter summary judgment where the defendant did not raise that argument on appeal).

1 and arguments, that affects a trial court's jurisdiction, we do not look beyond the face of
2 the judgment itself to answer the jurisdictional question. ORS 19.270(1); *see also*
3 *Interstate Roofing, Inc. v. Springville Corp.*, 347 Or 144, 163-64, 218 P3d 113 (2009)
4 (explaining that, "[i]n determining whether the trial court made a concluding decision on
5 one or more claims in an action, an appellate court is limited to the terms of the limited
6 judgment document itself").

7 Here, the limited judgment quieted title in favor of plaintiffs as against
8 Hazardous. Nothing in the limited judgment indicated that the trial court's decision
9 affected plaintiffs' claims against Neal or his counterclaims against plaintiffs in any way.
10 Thus, the subject matter of the appeal related only to whether plaintiffs had a superior
11 title over the disputed property *vis-à-vis* Hazardous and had nothing to do with whether
12 plaintiffs had a superior title *vis-à-vis* Neal. Hazardous's filing of the notice of appeal
13 thus "effectively split the case into two separate and parallel parts." *Stachlowski*, 305 Or
14 App at 188. As a result, the trial court retained jurisdiction over plaintiffs' quiet title
15 claim against Neal and over Neal's counterclaims, because they were left unresolved by
16 the limited judgment and involved a "distinct set of issues involving a different
17 defendant." *Id.* We therefore conclude that the trial court had jurisdiction to enter the
18 general judgment, which quieted title in favor of plaintiffs and against Neal.⁵

⁵ We also reject Neal's contention that the trial court incorrectly applied the summary judgment standard by not "acknowledging" the existence of Hazardous's pending appeal or "constru[ing]" the jurisdictional issue in his favor. The summary judgment standard is concerned with construing factual issues in the non-movant's favor.

See ORCP 47 C ("No genuine issue as to a material fact exists if, based on the record before the court viewed in a manner most favorable to the adverse party, no objectively reasonable juror could return a verdict for the adverse party on the matter that is the subject of the motion for summary judgment."). But whether a notice of appeal divests a trial court of jurisdiction implicates a question of law, not a question of fact, and has no bearing on the question as to whether plaintiffs were entitled to summary judgment on their quiet title claim against Neal.

IN THE COURT OF APPEALS OF THE STATE OF OREGON

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v.

Anthony Neal,
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and

Hazardous Property Management, LLC, a New Mexico limited liability company,
Defendant.

Clackamas County Circuit Court No. 19CV17248

Court of Appeals No. A184778

ORDER DENYING RECONSIDERATION

Appellant petitions for reconsideration of the court's decision dated December 31, 2025. The court has considered the petition and orders that the petition is denied.

The petition for reconsideration is denied.



Darleen Ortega
Presiding Judge
2/3/2026

c: Anthony Neal

Brooks Cooper

ORDER DENYING RECONSIDERATION

Appellate Court Administrator, Appellate Court Records Section
1163 State Street, Salem, Oregon 97301-2563
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IN THE SUPREME COURT OF THE STATE OF OREGON

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Respondents on Review,

v.

Anthony Neal,
Defendant-Appellant,
Petitioner on Review,

and

Hazardous Property Management, LLC, a New Mexico limited liability company,
Defendant.

Oregon Court of Appeals
A184778

S072744

ORDER DENYING REVIEW

Upon consideration by the court.

The court has considered the petition for review and orders that it be denied.



Meagan A. Flynn
Chief Justice, Supreme Court
May 21, 2026

c: Anthony Neal

Brooks F Cooper

ORDER DENYING REVIEW

Appellate Court Administrator, Appellate Court Records Section, Oregon Supreme Court
1163 State Street, Salem, Oregon 97301-2563 (503) 986-5555
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IN THE SUPREME COURT OF THE STATE OF OREGON

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and

Hazardous Property Management, LLC, a New Mexico limited liability company,
Defendant.

Oregon Court of Appeals
A184778

S072744

ORDER DENYING PETITION FOR RECONSIDERATION

Upon consideration by the court.

The court has considered the petition for reconsideration and orders that it be denied.

A handwritten signature in black ink, reading "Meagan A. Flynn". The signature is fluid and cursive, with the first name "Meagan" being the most prominent. It is written above a horizontal line.

Meagan A. Flynn
Chief Justice, Supreme Court
August 13, 2026

c: Anthony Neal
Brooks F Cooper

ORDER DENYING PETITION FOR RECONSIDERATION

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1163 State Street, Salem, Oregon 97301-2563 (503) 986-5555
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by the pending appeal and that it lacked authority to proceed. Notably, the trial court completely failed to address the appeal or jurisdictional issue at any point during the hearing (ER-15, Transcript), despite notice of the appeal being entered into the trial court's register eleven days prior on November 6, 2023 (ER-8).

Despite this clear bar on its authority, the circuit court failed to consider its jurisdictional deficiency and improperly proceeded with the summary hearing and then judgment, rendering a decision that was void ab initio. The trial court's actions not only violated the statutory framework governing appellate jurisdiction but also undermined fundamental due process principles by adjudicating Neal's rights in a forum that no longer had the power to do so.

Because a judgment entered without jurisdiction is legally void, the appellate court must reverse the trial court's ruling and remand with instructions to vacate the judgment for lack of jurisdiction.

Constitutional Issue

The circuit court's decision to proceed with the summary judgment hearing and enter judgment against Appellant Anthony Neal, despite the pending appeal by co-defendant Hazardous Property Management (HPM), constitutes a fundamental structural due process violation. Under ORS 19.270(1) and well-established case law, a trial court is divested of jurisdiction once an appeal is pending on an issue that is legally and factually intertwined with the remaining claims.

The Oregon Supreme Court has made clear that once appellate jurisdiction is attached, a lower court cannot proceed in any manner that affects the appeal.

See State v. Jackson, 228 Or. 371 (1961):

“It is a well-settled rule that after jurisdiction has been vested in an appellate court by the taking of an appeal the lower court cannot proceed in any manner so as to affect the jurisdiction acquired by the appellate court or defeat the right of the appellants to prosecute the appeal with effect.”

Beyond the statutory and procedural violations, the trial court’s actions raise serious due process concerns under the Fourteenth Amendment. The U.S. Supreme Court has long held that a court exceeding its jurisdiction deprives litigants of fundamental fairness. In Bowles v. Russell, 551 U.S. 205 (2007), the Court reaffirmed that jurisdictional requirements are absolute and that any ruling issued without proper jurisdiction is a nullity.

By proceeding without jurisdiction, the circuit court compromised the integrity of the judicial process and deprived Neal of his constitutional right to a fair proceeding before a legally authorized tribunal. This structural due process violation nullifies the validity of the judgment and underscores the necessity of vacating the trial court’s ruling as void.

VI. Due Process and Meaningful Appellate Review

The jurisdictional limitation codified in ORS 19.270 protects more than judicial efficiency; it protects due process.

An appeal is not meaningful if the trial court may proceed in a way that neutralizes the appellate court's decision before it is rendered. *Jackson's* "with effect" language captures this constitutional concern.

By permitting a merits-dispositive general judgment while an appeal over title to the same property was pending, the opinion allows the very harm the rule is designed to prevent.

Reconsideration is necessary to ensure that ORS 19.270 continues to function as a safeguard of meaningful appellate review, not merely as a rule of procedural convenience.

VII. Clarification Regarding Jurisdictional Objections

The opinion correctly recognizes that subject-matter jurisdiction may be raised at any time. To the extent the opinion's discussion of "inefficient use of limited court resources" could be read to cast doubt on that principle, clarification is warranted.

Jurisdiction is structural. It is not forfeited by litigation choices, nor diminished by a party's failure to appear at a hearing conducted without jurisdiction. Any suggestion otherwise would undermine settled Oregon law and