

## Nebraska judge dismisses lawsuit by Big Red Keno over rights to develop casino in Lincoln

Written by Administrator  
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LINCOLN — A lawsuit filed by Big Red Keno over who gets to provide casino gaming at the Lincoln Race Course has been dismissed.

The ruling Monday means that the Nebraska Horsemen's Benevolent & Protective Association can continue its partnership with a wing of the Winnebago Tribe of Nebraska to provide expanded gambling at its racetrack in Lincoln.

"We actually chose our partner in 2015, and we're going to stick with the partner who will lead us to the greatest success," Lynne McNally, the CEO of the horsemen's association, said Tuesday.

Lance Morgan, the CEO of Ho-Chunk Inc. and chairman of the board of its casino subsidiary, Warhorse, said he had never considered the lawsuit serious. Big Red Keno worked against allowing expanded gambling in Nebraska.

Steve Mossman, a Lincoln attorney who represented Big Red Keno, said the entity is evaluating its options. Appealing the decision would be one option.

### **Lawsuit filed last year**

Big Red Keno had filed a lawsuit in June 2021 against the horsemen, the Lincoln track and the past operators of the racetrack, Omaha Exposition and Racing, as well as Ho-Chunk Inc. and Warhorse, maintaining that Big Red Keno had the exclusive rights to provide expanded gambling at the Lincoln facility.

The keno entity claimed that Omaha Exposition and Racing was reneging on an agreement to allow it to provide keno gambling through 2033, as well as any other expanded forms of gambling.

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But Lancaster County District Judge Robert Otte, in a 14-page ruling Monday, dismissed Big Red Keno's lawsuit, saying Omaha Exposition and Racing lacked the authority to grant such an exclusive agreement under its lease on the Lincoln racetrack with the horsemen's association.

Otte did rule that Big Red Keno had a valid claim against the Omaha racing company for damages. The judge gave Big Red Keno 30 days to file an amended lawsuit on that issue.

Nebraska voters, in November 2020, voted by a 2-to-1 margin to approve a trio of ballot initiatives allowing casino gambling at Thoroughbred and quarterhorse racetracks.

McNally and Morgan said they are awaiting the final approval of casino rules and regulations by Gov. Pete Ricketts, who has opposed casino gaming.

### **Only at existing tracks**

Once that happens, the racetracks can apply for a state gaming license and work to establish temporary casinos and start construction of permanent casinos.

Initially, casinos will be allowed only at the state's six existing racetracks in Omaha, Lincoln, Columbus, Grand Island, South Sioux City and Hastings. A bill passed by the State Legislature requires other communities seeking racetrack-casinos (or "racinos") to complete comprehensive studies on the impact of additional locations on horse racing and gambling.

Warhorse is planning to build \$200-million casinos at the Lincoln Race Course, which is just southwest of the Capital City along U.S. Highway 77, and at Omaha's Horsemen's Park, which is at 60th and Q Streets.

McNally said the horsemen's group took over management of the Lincoln and Omaha racetracks Jan. 1. That is also the date when keno gambling ended at the Lincoln track, Morgan said.

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