

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

AMERICAN AMUSEMENT CO.,)

CASE NO. CI21-177

Plaintiff,)

vs.)

NEBRASKA DEPARTMENT OF)
REVENUE; TONY FULTON,)
NEBRASKA TAX COMMISSIONER;)
and BRIAN ROCKEY, NEBRASKA)
DEPARTMENT OF REVENUE,)
DIRECTOR OF LOTTERY AND)
CHARITABLE GAMING,)

ORDER OF DISMISSAL

Defendants.)

Upon consideration of the Joint Motion and Stipulation for Injunction and Dismissal filed by the parties,

IT IS HEREBY ORDERED that Defendants are permanently enjoined from enforcing NAC 316, Ch. 54, §§ 104.02C (functioning and resembling games regulated by the Department) and 104.02D (progressively growing jackpots). The third claim of the amended complaint (challenge to definition of "Distributor" in NAC 316, Ch. 54, § 101.07 and "Operator" in NAC 316, Ch. 54, § 101.14) is dismissed without prejudice. The parties are to pay their own costs.

DATED: this 9 day of April, 2021.

BY THE COURT



The Honorable Darla S. Ideus
District Judge

LANCASTER COUNTY
2021 APR -9 PM 2:05
CLERK OF THE
DISTRICT COURT



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AMERICAN AMUSEMENTS CO.,)

Plaintiff,)

vs.)

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NEBRASKA TAX COMMISSIONER;)
and BRIAN ROCKEY, NEBRASKA)
DEPARTMENT OF REVENUE,)
DIRECTOR OF LOTTERY AND)
CHARITABLE GAMING,)

Defendants.)

CASE NO. CI21-177

**JOINT MOTION AND
STIPULATION FOR
INJUNCTION AND DISMISSAL**

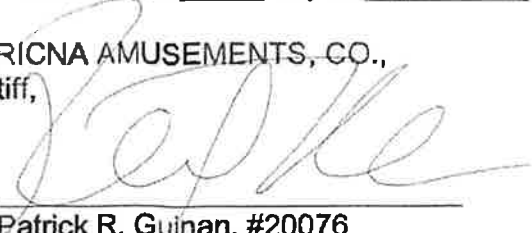
The parties, by and through their counsel of record, jointly move and stipulate to entry of the following order:

1. The Department is permanently enjoined from enforcing NAC 316, Ch. 54, §§ 104.02C (functioning and resembling games regulated by the Department) and 104.02D (progressively growing jackpots).
2. The third claim of the amended complaint (challenge to definition of "Distributor" in NAC 316, Ch. 54, § 101.07 and "Operator" in NAC 316, Ch. 54, § 101.14) is dismissed without prejudice.
3. The parties will pay their own costs.

Dated: this 2nd day of April, 2021.

AMERICNA AMUSEMENTS, CO.,
Plaintiff,

BY:


Patrick R. Guinan, #20076
Erickson Sederstrom, P.C.
Regency Westpointe, Suite 100
10330 Regency Parkway Drive
Omaha, NE 68114-3761
Tel: (402) 397-2200

NEBRASKA DEPARTMENT OF
REVENUE; TONY FULTON,
NEBRASKA TAX COMMISSIONER;
and BRIAN ROCKEY, NEBRASKA
DEPARTMENT OF REVENUE,
DIRECTOR OF LOTTERY AND
CHARITABLE GAMING, Defendants,

BY: DOUGLAS J. PETERSON, #18146
Attorney General

BY:


Jason M. Bergevin, #24114
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509-8920
Tel: (402) 471-8046

Certificate of Service

I hereby certify that on Friday, April 02, 2021 I provided a true and correct copy of the Motion Filed to the following:

Rockey,Brian, represented by Jason Bergevin (Bar Number: 24114) service method: Electronic Service to jason.bergevin@nebraska.gov

American Amusements Co represented by Heather Veik (Bar Number: 23463) service method: Electronic Service to hveik@eslaw.com

American Amusements Co represented by Guinan,Patrick,R, (Bar Number: 20076) service method: Electronic Service to guinan@eslaw.com

Signature: /s/ Ben M. Goins (Bar Number: 26034)