

IN THE DISTRICT COURT OF
LANCASTER COUNTY, NEBRASKA

CITY OF LINCOLN, NEBRASKA,
a municipal corporation,

Plaintiffs,

v.

INDIAN CENTER, INC., a Nebraska
non-profit corporation; KEVIN
ABOUREZK, RENEE SANS SOUCI,
ERIN POOR, and KATHLEEN
DANKER,

Defendants.

Case No. CI 22 3270

DEFENDANTS'
MOTION TO DISMISS

COMES NOW Defendants Indian Center, Inc., Kevin Abourezk, Renee Sans Souci, Erin Poor, and Kathleen Danker, and pursuant to Neb. Sup. Ct. Rule § 6-1112(b)(1) and (6) hereby move to dismiss Plaintiff's Complaint for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted.

Respectfully submitted this 21st day of October 2022

INDIAN CENTER, INC., a Nebraska non-profit corporation; KEVIN ABOUREZK, RENEE SANS SOUCI, ERIN POOR, and KATHLEEN DANKER, Defendants.

By: /s/ Nicole E. Ducheneaux

Nicole E. Ducheneaux, #25386

Rose Weckenmann, *Pro Hac Vice pending*

Olivia Lehman

Big Fire Law & Policy Group, LLP

1905 Harney Street, Suite 300

Omaha, NE 68102

Phone: (531) 466-8725

nducheneaux@bigfirelaw.com

olehman@bigfirelaw.com

rweckenmann@bigfirelaw.com

/s/ Rose Godinez

Rose Godinez #25925

Mindy Rush Chipman #24499

American Civil Liberties Union of Nebraska

134 South 13th Street #1010

Lincoln, NE 68508

Phone: (402) 476-8091

rgodinez@aclunbraska.org

mrushchipman@aclunbraska.org

Attorneys for Indian Center Inc., Kevin

Abourezk, Erin Poor, and Renee Sans Souci

/s/ Kenneth C. Winston

Kenneth C. Winston #16961

1327 H St. Ste 300

Lincoln, NE 68508

Phone: (402) 212-3737

kwinstonne@gmail.com

Attorney for Kathleen A. Danker

NOTICE OF HEARING

Please take notice that the above Motion to Dismiss will be heard before the Honorable Darla S. Ideus, District Court Judge, Lancaster County District Courtroom 350, 555 S. 10th Street, Lincoln, Nebraska, on November 18th, 2022 at 2:30p.m. or as soon thereafter as counsel may be heard.

Certificate of Service

I hereby certify that on Friday, October 21, 2022 I provided a true and correct copy of the Motion-Dismissal to the following:

Indian Center LLC represented by Rosangela Godinez (Bar Number: 25925) service method: Electronic Service to rgodinez@aclunabraska.org

Sans Souci,Renee, represented by Rosangela Godinez (Bar Number: 25925) service method: Electronic Service to rgodinez@aclunabraska.org

Poor,Erin, represented by Mindy Rush Chipman (Bar Number: 24499) service method: Electronic Service to mrushchipman@aclunabraska.org

Danker,Kathleen, service method: Email

Poor,Erin, represented by Rosangela Godinez (Bar Number: 25925) service method: Electronic Service to rgodinez@aclunabraska.org

Abourezk,Kevin, represented by Rosangela Godinez (Bar Number: 25925) service method: Electronic Service to rgodinez@aclunabraska.org

Indian Center LLC represented by Mindy Rush Chipman (Bar Number: 24499) service method: Electronic Service to mrushchipman@aclunabraska.org

Abourezk,Kevin, represented by Mindy Rush Chipman (Bar Number: 24499) service method: Electronic Service to mrushchipman@aclunabraska.org

Sans Souci,Renee, represented by Mindy Rush Chipman (Bar Number: 24499) service method: Electronic Service to mrushchipman@aclunabraska.org

City of Lincoln represented by Sieh,Timothy Scott (Bar Number: 22971) service method: Electronic Service to tsieh@lincoln.ne.gov

Signature: /s/ Nicole Ducheneaux (Bar Number: 25386)