

## **FOR IMMEDIATE RELEASE**

### **Knox County Board of Supervisors**

#### **Knox County Substantially Prevails in Federal Court lawsuit.**

March 17, 2025

Center, Nebraska

On March 14, 2025, Senior United States District Court Judge John M. Gerrard granted in part and denied in part the Knox County's Motion to Dismiss the federal court lawsuit filed by North Fork Wind, LLC and landowners in Knox County. In a 40-page Memorandum and Order, only the Takings Clause claims and state law claims relating to nonpublication of zoning ordinances were allowed to proceed. All other claims against the County were dismissed. Furthermore, discovery on the Takings Clause claim was limited.

Jim Sokol, the Chairman of the Knox County Board of Supervisors, said, "This is a substantial victory for the citizens and taxpayers of Knox County. It is significant that at this early stage of the litigation, the bulk of lawsuit was dismissed. The possibility remains that the entire lawsuit could be dismissed on summary judgment."

In footnote 6 the judge wrote, "[T]here's no mechanism under Nebraska or federal law that prevents Knox County from banning commercial wind farms, so long as there is a conceivably or hypothetically rational reason to do so."

In light of this, the Knox County Board of Supervisors is contemplating taking the appropriate actions to ban new commercial wind farms in Knox County.

The full opinion accompanies this press release.

Omaha attorney David D. Begley served as Special Knox County Attorney in this matter.

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