



Lawsuit: Governor should not have taken land for Keystone pipeline

October 2, 2013

Three Nebraska landowners contend the legislature illegally gave the governor power to take their land for TransCanada's Keystone XL oil pipeline project.

The landowners, Randy Thompson, Susan Luebbe and Susan Dunavan are being represented by the Domina law firm in Lancaster County Court. Attorney Dave Domina says they presented a strong case last week in asking that the legislation giving the governor eminent domain power be struck down.

Domina says, "Our argument is that the legislature violated the state constitution by improperly delegating its responsibility to the governor, bypassing the Public Service Commission, passing a special law for a single special person, and failing to provide for judicial review."

Domina says only oral arguments were presented and the judge took the case under advisement. He is expected to issue a written decision later.

"The trial was conducted on stipulated facts, so the evidence simply consisted of offering exhibits that either were not objected to or they were written objections, so there was no drama with the evidence," Domina says. "The case was then orally argued to the court on the legal points involved."

State Assistant Attorney General Katherine Spohn argued the residents' rights were not violated, telling the judge the measure complied with the state's constitution. The judge gave no time frame for when the decision would be issued.