

Rex Moats v. Republican Party of Nebraska

by: Kyle Michaelis

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In the talk of who might replace Mark Laker as the Democratic nominee for Governor, the name of Omaha attorney **David Domina** has been mentioned. **Domina** is one of the finest attorneys in the state, whose best known in politics for his losing bid for the Democratic gubernatorial nomination in 1986 and for his masterful 2006 prosecution of former NU Regent David Hergert for violating the state's campaign finance laws.

While I don't expect Domina to be the Democrat's 2010 nominee, I am glad that the discussion led me to the website of [Domina's law firm](#), which contains [video](#) of his recent argument before the Nebraska Supreme Court in the case of *Rex Moats v. Republican Party of Nebraska*. Moats was a challenger for the open seat in Legislative District 39 (Elkhorn) in the 2008 election. He lost to Beau McCoy after a series of vicious and deceitful attacks paid for by the Nebraska Republican Party. The [AP](#) reported in May:

The Nebraska Supreme Court will hear the appeal of a former legislative candidate suing the state Republican party over accusations that he profited from a failed insurance company that left about 500,000 people without coverage....

Moats' lawsuit says the Republican mailings were "deliberate and unsubstantiated accusations intended to foment distrust or hatred" against him. Moats' appeal says the lower court was mistaken in failing to recognize that the GOP mailings violated the Nebraska Consumer Protection Act. It also says the lower court did not recognize that the statements constituted defamation and that the mailings placed Moats "in a false light in violation of Nebraska statutes relating to the right of privacy".....

Moats' lawsuit seeks \$50,400 in lost salary for four years as a state legislator and additional compensation to cover the expense of campaign materials to deny Republican claims, lost earning capacity and emotional distress.

"It's obviously a suit about principle; it's not a suit about money," said Moats' attorney, David Domina of Omaha. "The objective is quality campaigning, as contrasted with what we've experienced in recent years as Americans."

So far, there's been no ruling on Moats' appeal. Regardless of the outcome, he deserves our thanks for having the courage to first run for elected office and then not back down in the fight for honesty, integrity, and fair play in our elections - despite what was undoubtedly a very painful defeat. At the same time, hats off to Domina for his work holding the Nebraska Republican Party accountable. Maybe, one day, he'll find the spirit to once again take them on outside the courtroom and back in the political arena.

[Kyle Michaelis :: Rex Moats v. Republican Party of Nebraska](#)