

LOUISIANA STATE RACING COMMISSION
MINUTES – February 12, 2020 Meeting
As transcribed by Julia D. Harper, Certified Court Reporter

COMMISSIONERS IN ATTENDANCE

Bob F. Wright, *Chairman*
Judy W. Wagner, *First Vice Chairperson*
Dr. Patrick Bernard
Thomas B. Calvert
Donald "Don" Cravins
R. Hamilton "Hammy" Davis
K. R. "Ron" Finkelstein, O.D.
Louis Reine
Kenneth "Kenu" Romero

ABSENT

Benjamin J. Guilbeau, Jr.
Eric G. Johnson
Mike R. McHalfey
Mike Shelton

APPROVED

At the Commission Meeting of

6-12-2020

(Date)



Executive Director

Louisiana State Racing Commission

The meeting of the Louisiana State Racing Commission (LSRC) was called to order by the Chairman on Wednesday, February 12, 2020 at 9:06 AM in the Conference Room of the Louisiana State Racing Commission, 920 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana. Roll call was taken; a quorum was present.

I. REQUEST

A. CHURCHILL DOWNS LOUISIANA HORSERACING COMPANY, LLC
d/b/a FAIR GROUNDS RACE COURSE & SLOTS

1. SETTLEMENT CONSIDERATION

- a. **Consideration** of Joint Motion to Approve Settlement Agreement and to transfer to District Court regarding John Soileau, et al. v. Churchill Downs Louisiana Horseracing Company, L.L.C., and Churchill Downs Louisiana Video Poker Company, L.L.C. et al.; Civil District Court, Orleans Parish; Docket No. 2014-9873; Div. "G".

Attorneys –

Plaintiffs:

William L. Townsend, III, Esq. and Chris Guillot, Esq. for all non-objecting plaintiffs

Mike Singletary, Esq. and Mr. Alan Magenheim, Esq., for Mr. Alvin Brosett, Mr. Donald Watson, and Mr. Joe Manucy

Defendants:

David Waguespack, Esq., for Churchill Downs Louisiana Horseracing Co. LLC.

John L. Duvielh, Esq., for the Louisiana Horsemen's Benevolent and Protective Association (LaHBPA)

Mr. Singletary informs that his clients objects to the terms of the settlement agreement based on the provision that the settlement will be void ab initio if an aggregate of \$50,000 worth of claimants opt out.

Mr. Townsend states that there isn't currently a formal opt-out, so the objection is premature. Mr. Guillet says that the plaintiffs are requesting the Commission to approve the terms of the settlement agreement under primary jurisdiction and refer that back to the District Court Judge, Robin Giarrusso, who would then set deadlines for an opt-out period for the objecting plaintiffs.

Mr. Waguespack and Mr. Duvieilh state that their clients are in favor of the settlement agreement and request the Commission to approve it. Mr. Duvieilh informs that receiving the Commission's approval today and then meeting with Judge Giarrusso on February 18, 2020 to set a fairness hearing will give their team about 60 days to petition Legislative action to set their agreement into statute going forward for 12.5% of video poker funds up to a cap of \$1,000,000 for quarter horse purses at Fair Grounds. He clarifies that the other three racetracks would get 30% of video poker funds for quarter horse purses.

Mr. Townsend informs that he is providing a motion to withdraw from two other named plaintiffs, Mr. Lucas P. Constantin and Mr. Justin Dehart, who do not approve of the settlement agreement.

Mr. Duvieilh says that the agreement will include raising the minimum from 10 race days to 15 race days over a period of 5 weeks for future Fair Grounds quarter horse meets. Mr. Waguespack states that Fair Grounds agrees to adding the 5 race days as part of the settlement agreement and that the 15-day quarter horse meet has the option to be moved to another Louisiana racetrack with approval of the Commission, LaHBPA, the host track, and Fair Grounds.

A 10-minute recess is taken.

Mr. Duvieilh, on behalf of LaHBPA, submits and reads into the record an amendment to Page 12, Section V of the Settlement Agreement. Mr. Townsend and Mr. Guillet, on behalf of Mr. Kenneth L. Roberts, Ms. Jo Baia Foreman, Mr. Danny Lavergne, and Mr. John E. Hamilton, agrees to the amendment as read by Mr. Duvieilh. Mr. Waguespack, on behalf of Fair Grounds, agrees to the amendment as read by Mr. Duvieilh. Mr. Singletary, on behalf of Mr. Alvin Brosett, Mr. Donald Watson, and Mr. Joe Manucy, objects to the amendment as read by Mr. Duvieilh.

Commissioner Calvert motions to approve the amendment of the settlement agreement as presented; Commissioner Bernard seconds; motion carries.

Commissioner Reine motions to approve the joint motion to approve the settlement agreement as presented and amended for the sole purpose of referring it back to the District Court for its consideration of the entire agreement; Commissioner Calvert seconds; motion carries.

Commissioner Cravins motions to formally request that the next Commission Meeting be held in Opelousas, Louisiana; Commissioner Romero seconds; motion carries.

II. ADJOURNMENT

Commissioner Wagner motions to adjourn; Commissioners second; Chairman Wright adjourns the meeting.



Charles A. Gardiner III
Executive Director