

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

CITY OF PEORIA, a municipal corporation,

Plaintiff,

v.

BOYD GAMING CORPORATION, a
Nevada corporation, PAR-A-DICE GAMING
CORPORATION, d/b/a Par-A-Dice Hotel
Casino, an Illinois corporation, ILLINOIS
GAMING BOARD, and CITY OF EAST
PEORIA, a municipal corporation,

Defendants.

Case No.: 2026 CH 01032

Calendar 6, Courtroom 2508

Judge Patrick T. Stanton

PLAINTIFF'S MOTION TO VOLUNTARILY DISMISS

Plaintiff, the City of Peoria, by its undersigned attorneys, moves this Court to voluntarily dismiss this case pursuant to 735 ILCS § 2-1009(a) (1982) (as amended), and states as follows:

1. On February 3, 2026, the City of Peoria filed this action for declaratory and injunctive relief against the Defendants to enjoin the approval and construction of an alleged land-based casino in East Peoria. As alleged, the Illinois Gaming Board (“IGB”) was moving forward to modify a casino gaming license held by Par-A-Dice Gaming Corporation, which is wholly owned by its parent Boyd Gaming Corporation (collectively “Boyd”). As alleged, Boyd sought the permit modification to build and operate a land-based casino in East Peoria.

2. As alleged, Boyd’s proposed land-based casino design would violate the Illinois Gambling Act, and an Inter-Governmental Agreement between the City of Peoria and East Peoria.

3. On February 3, 2026, the parties entered into an agreed order without prejudice to their respective rights and defenses (which effectively allowed the IGB to vote on Boyd’s contested casino design on February 5, 2026), authorizing the City of Peoria to amend the relief it sought in its Verified Complaint and Emergency Motion for TRO, setting a briefing schedule on

the amended Emergency Motion for TRO, and setting the amended Emergency TRO for argument on February 13, 2026.

4. Two days later, on February 5, 2026, the IGB conducted its regularly scheduled meeting, where the IGB was set to vote on Boyd's proposed land-based casino design.

5. At that meeting, Boyd withdrew its proposed design for a land-based casino in East Peoria, and presented to the IGB a new proposed design for a casino to be built on barges and moored on the Illinois River. The IGB has taken the matter under advisement and, according to its website, has scheduled a meeting for February 26, 2026, to consider Boyd's barge-based casino design.

6. In light of Boyd's withdrawal of its land-based casino design for its barge-based/river casino design, and in the interests of judicial economy and fairness to the parties, the City of Peoria moves to voluntarily dismiss this case at this time, without prejudice. Should Boyd revert back to a land-based casino design the City of Peoria will reinstate the lawsuit to protect its interests.

WHEREFORE, the City of Peoria moves this Court for entry of an order voluntarily dismissing this action pursuant to 735 ILCS § 2-1009 (1982) (as amended) and for any additional necessary relief in furtherance of this Motion.

Dated: February 13, 2026

Respectfully submitted,

CITY OF PEORIA

/s/ John F. Kennedy

John F. Kennedy
Elizabeth E. Babbitt
Elizabeth A. Winkowski
Spencer J. Parts

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