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11 Attorneys for Specially Appearing Defendants
BODOG ENTERTAINMENT GROUP S.A., and
 erroneously named Specially Appearing Defendants
 12 **BODOG.NET** and **BODOG.COM**

13
 14 **UNITED STATES DISTRICT COURT**
 15 **DISTRICT OF NEVADA**

16 **FIRST TECHNOLOGY LLC,**

Case No: 2:06-cv-1110-RLH-GWF

17
 18 Plaintiff,

19 vs.

20 **RATIONAL ENTERPRISES LTDA.,**
RATIONAL POKER SCHOOL
 21 **LIMITED, BODOG**
ENTERTAINMENT GROUP S.A.,
 22 **BODOG.NET, BODOG.COM, AND**
 23 **FUTUREBET SYSTEMS LTD.,**

**MOTION OF SPECIALLY
 APPEARING DEFENDANTS
 BODOG ENTERTAINMENT
 GROUP S.A. AND ERRONEOUSLY
 NAMED SPECIALLY APPEARING
 DEFENDANTS BODOG.NET AND
 BODOG.COM TO SET ASIDE
 DEFAULT JUDGMENT**

24 Defendants.
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1 Specially Appearing Defendants Bodog Entertainment Group S.A., and
2 erroneously named Specially Appearing Defendants Bodog.net and Bodog.com
3 (collectively "Bodog Entertainment") hereby move the Court pursuant to Rule
4 55(c) of the Federal Rules of Civil Procedure to set aside the default judgment
5 entered by the Clerk on July 25, 2007.

6 This motion is brought on the ground that good cause to lift the default
7 judgment exists under Fed. R. Civ. P. 55(c) because service of the summons and
8 complaint was defective and because counsel for plaintiff First Technology LLC
9 ("First Technology") failed to notify counsel for Bodog Entertainment before
10 moving to enter default judgment.

11 This motion is made and based upon Fed. R. Civ. P. 55(c), the Memorandum
12 of Points and Authorities filed herewith, the Declaration of Diane E. Tucker, the
13 Declaration of Gerardo Umana, the entire court file in this action, and all other
14 evidence and argument that may be introduced at a hearing.

15 Dated: August 31, 2007

Respectfully submitted,

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18 By: /s/ Charles McCrea
19 Charles McCrea
20 **LIONEL SAWYER & COLLINS**

21 Attorneys for Specially Appearing Defendants
22 **BODOG ENTERTAINMENT GROUP S.A.**,
23 and erroneously named Specially Appearing
24 Defendants **BODOG.NET** and
25 **BODOG.COM**

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Having never effected proper service of this lawsuit; and without having first
4 inquired counsel for Bodog Entertainment of its intention to proceed, First
5 Technology caused the entry of default judgment in this case. Not only does this
6 District therefore have no jurisdiction over Bodog Entertainment, but counsel for
7 First Technology violated his obligation under Nevada Rule of Professional
8 Conduct 3.5A. Pursuant to Rules 55(c) and 60(b) of the Federal Rules of Civil
9 Procedure, there is good cause for this court to set aside an entry of default
10 judgment.

11 **II. FACTUAL BACKGROUND**

12 This lawsuit involves allegations of infringement of an Internet related
13 method patent by a prolific patent litigant. The merits of this case have never been
14 litigated. Instead, default judgment was simply entered against Bodog
15 Entertainment absent proper notice.

16 Within one week of the Clerk’s entry of default judgment in this case, First
17 Technology caused a judgment of \$48,937,456.00 to be enforced in Superior Court
18 of the State of Washington, King County. See Exhibit A. In accordance with the
19 state court’s enforcement, thousands of Bodog Entertainment’s registered domain
20 names (as well as domain names of other entities not defendants in this action)
21 were seized on August 21, 2007, and are currently being held to be liquidated in
22 satisfaction of the nearly \$50 million judgment in favor of First Technology. Even
23 worse, thousands of domain names were seized even though not authorized by the
24 Washington state seizure order.

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1 **III. THIS COURT SHOULD SET ASIDE THE DEFAULT JUDGMENT**
2 **AGAINST BODOG ENTERTAINMENT**

3 Rule 55(c) of the Federal Rules of Civil Procedure states that “for good
4 cause shown the court may set aside an entry of default and, if a judgment by
5 default has been entered, may likewise set it aside in accordance with Rule 60(b).”
6 Although Rule 55(c) requires a showing of “good cause” to vacate a default, as a
7 practical matter “when considering a motion to set aside a default entry, the
8 parallels between granting relief from a default entry and a default judgment
9 encourage utilizing the list of grounds for relief provided in Rule 60(b).” *Hawaii*
10 *Camenters’ Trust Funds v. Stone*, 794 F.2d 508, 513 (9th Cir. 1986). Rule 60(b)
11 states that “the Court may relieve a party or a party’s legal representative from a
12 final judgment, order, or proceeding for . . . any other reason justifying relief from
13 the operation of the judgment.” Moreover, “[d]efault judgments are ordinarily
14 disfavored, [as] [c]ases should be decided upon their merit whenever reasonably
15 possible.” *Eitel v. McCool*, 782 F.2d 1470, 1472 (9th Cir. 1986).

16 **A. Bodog Entertainment Was Never Properly Served In This Case**

17 When service of process is challenged, the party on whose behalf it is made
18 must bear the burden of establishing its validity. *Gallo v. Crawford*, 2007 U.S.
19 Dist. LEXIS 17291 (D. Nev. 2007). Failure to properly serve a defendant with
20 process pursuant to Fed. R. Civ. P. 4 constitutes good cause to set aside an entry of
21 default judgment. *See generally Veeck v. Commodity Enters., Inc.*, 487 F.2d 423,
22 425-26 (9th Cir. 1973) (failure to serve properly constituted a lack of jurisdiction
23 to enter default judgment, thus default judgment was set aside); *Mason v. Genisco*
24 *Tech. Corp.*, 960 F.2d 849, 851 (9th Cir. 1992) (default judgment is void where a
25 plaintiff fails to serve process properly); *Koninklijke Philips Elecs. N.V. v. KXD*
26 *Tech., Inc.*, 2007 U.S. Dist. LEXIS 60708 (D. Nev. 2007).

1 The requirements for service upon corporations pursuant to Fed. R. Civ. P.
2 4(h)(1) is instructive on this issue. Rule 4(h) requires that service on a corporation
3 must be effected by delivering a copy of the summons and complaint to “an
4 officer, managing or general agent, or to any other agent authorized by
5 appointment or by law to receive service of process.” On November 23, 2006,
6 First Technology allegedly served Bodog Entertainment by leaving Victoria Mora
7 with the Summons and Complaint in this action at an office address in San Jose,
8 Costa Rica. However, Victoria Mora, an administrative assistant at Bodog
9 Entertainment, is neither an officer, managing or general agent, or any other agent
10 authorized to accept service of process on behalf of Bodog Entertainment. Umana
11 Decl., ¶ 3.

12 Consequently, having never been properly served in this lawsuit, this
13 District Court lacks jurisdiction over Bodog Entertainment. *Direct Mail*
14 *Specialists v. Eclat Computerized Techs., Inc.*, 840 F.2d 685, 688 (9th Cir. 1988)
15 (citing *Jackson v. Hayakawa*, 682 F.2d 1344, 1347 (9th Cir. 1982) (“[A] federal
16 court does not have jurisdiction over a defendant unless the defendant has been
17 served properly under Fed. R. Civ. P. 4.”). First Technology’s default judgment
18 against Bodog Entertainment is therefore void. *Veeck v. Commodity Enters., Inc.*,
19 487 F.2d 423, 425-26 (9th Cir. 1973).

20 “Bodog.com” and “Bodog.net” were also allegedly served in the same
21 manner. First Technology bears the burden to sufficiently specify the identity of a
22 defendant such that the Court can determine whether the defendant is a real person
23 or entity amenable to suit in federal court. *See Columbia Ins. Co. v.*
24 *Seescandy.com*, 185 F.R.D. 573, 579 (N.D. Cal. 1999). Since domain names are
25 not proper entities, they too were improperly served. Accordingly, the default
26 judgment against the domain names must also be void.

1 **B. Counsel for Plaintiff Failed to Notify Bodog Entertainment Before**
2 **Entering Default**

3 The Nevada Rule of Professional Conduct 3.5A provides that, “[w]hen a
4 lawyer knows or reasonably should know the identity of a lawyer representing an
5 opposing party, he or she should not take advantage of the lawyer by causing any
6 default or dismissal to be entered without first inquiring about the opposing
7 lawyer’s intention to proceed.”

8 The Nevada Supreme Court has held that the language currently in the
9 Nevada Rule of Professional Conduct 3.5A requires one party to notify the
10 opposing party before entering default. *Cen Val Leasing Corp. v. Bockman*, 99
11 Nev. 612, 668 (Nev. 1983); *Estes v. S. Nev. Adult Mental Health*, 2006 U.S. Dist.
12 LEXIS 81550 (D. Nev. 2006). Failure to do so requires a district court to set aside
13 default judgment. *Id.*

14 In late December 2006, First Technology had filed a separate lawsuit against
15 Riptown.com Media captioned *First Technology, LLC v. Riptown.com Media*,
16 District of Nevada, Case No. 2:06-CV-1650-JCM-GWF. Service was attempted
17 on Riptown.com Media. The lawsuit was personally served on Diane E. Tucker,
18 General Counsel for various “Bodog” businesses.

19 In late April 2007, Diane E. Tucker, General Counsel for various “Bodog”
20 businesses, sent to L. Kristopher Rah, counsel for First Technology, a letter
21 regarding *First Technology, LLC v. Riptown.com Media*. Declaration of Diane E.
22 Tucker (“Tucker Decl.”), ¶ 1-2, *See* Exhibit B. The letter explained that
23 Riptown.com Media is a fictitious business name of another entity, and thus
24 attempted service was defective. Tucker Decl., Exhibit B. Following that
25 correspondence, Mr. Rah never contacted Ms. Tucker regarding *First Technology,*
26 *LLC v. Riptown.com Media*. Nor did Mr. Rah ever contact Ms. Tucker regarding
27 this case (until his attempted service on or about August 21, 2007 of a Judgment
28

1 Enforcement Action in Washington state court. Of course, by then, default
2 judgment had already been entered in this District). Tucker Decl., ¶ 3.

3 Having previously received correspondence relating to *First Technology,*
4 *LLC v. Riptown.com Media*, Mr. Rah should have reasonably known that Ms.
5 Tucker also or likely represented Bodog Entertainment. Mr. Rah's failure to cause
6 the entry of a default judgment against Bodog Entertainment without first inquiring
7 about Ms. Tucker's intention to proceed violates Nevada Rule of Professional
8 Conduct 3.5A. As a consequence, this district court must set aside the default.
9 *Cen Val Leasing Corp.*, 99 Nev. 612, 668 (1983) (“[T]he district court was
10 **required** to set aside the default.” Emphasis added.); *Estes v. S. Nev. Adult Mental*
11 *Health*, 2006 U.S. Dist. LEXIS 81550 (D. Nev. 2006) (The District Court of
12 Nevada set aside an entry of default because plaintiff's counsel failed to contact
13 defendants' counsel prior to moving for the clerk's entry of default).

14 **C. Setting Aside The Default Judgment Will Not Prejudice First**
15 **Technology**

16 “To be prejudicial, the setting aside of a judgment must result in greater
17 harm than simply delaying resolution of the case.” *TCI Group Life Ins. Plan v.*
18 *Knoebber*, 244 F.3d 691, 701 (9th Cir. 2001). For instance, “the delay must result
19 in tangible harm such as loss of evidence, increased difficulties of discovery, or
20 greater opportunity for fraud or collusion.” *Id.* (quoting *Thompson v. American*
21 *Home Assur. Co.*, 95 F.3d 429, 433-34 (6th Cir. 1996)). “[M]erely being forced to
22 litigate on the merits cannot be considered prejudicial for purposes of lifting a
23 default.” *TCI Group*, 244 F.3d at 701. Since cases should be decided upon their
24 merits whenever reasonably possible, Bodog Entertainment should be allowed to
25 litigate this case on the merits. *Eitel v. McCool*, 782 F.2d 1470, 1472 (9th Cir.
26 1986).

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1 **IV. CONCLUSION**

2 For the reasons set forth above, defendants respectfully request that this
3 Court lift the default entered against them on July 25, 2007, and permit them to
4 defend this case on the merits. Should this Court issue an order lifting the default,
5 defendants are prepared to file a response to the Complaint within 20 days of the
6 entry of such order.

7 Dated: August 31, 2007

Respectfully submitted,

8
9 By: /s/ Charles McCrea

10 Charles McCrea

11 **LIONEL SAWYER & COLLINS**

12 Attorneys for Specially Appearing Defendants
13 **BODOG ENTERTAINMENT GROUP S.A.**
14 and erroneously named Specially Appearing
15 Defendants **BODOG.NET** and
16 **BODOG.COM**
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EXHIBIT A

EXHIBIT A

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

1st Technology LLC,
Plaintiff,
v.
BODOG ENTERTAINMENT GROUP S.A.,
BODOG.NET, AND BODOG.COM,
Defendants.

Case No. No. 07-2-25305-0 SEA
NOTICE TO BODOG OF ORDER
GRANTING WRIT OF EXECUTION
AND SALE

TO: **BODOG ENTERTAINMENT GROUP S.A., BODOG.NET, AND
BODOG.COM**

Plaintiff 1st Technology LLC hereby provides you notice (pursuant to RCW
RCW 6.17.130) that the Court entered the Order granting its Motion for a Writ
of Execution, a copy of which is attached. Plaintiff further provides notice
that it may commence auction/sales procedures with respect to any or all of
the domain names listed in Exhibit A to the Order – such auction may
commence on or after August 31, 2007. Copies of RCW 6.15.010 and
6.15.060 are attached hereto.



Venkat Balasubramani, WSBA No. 28269
Attorney for 1st Technology LLC

CERTIFICATE OF SERVICE

I hereby certify and declare that on August 24, 2007, I caused (i) the attached Notice of Order and Sale; (ii) copies of the Order; (iii) copies of RCW 6.15.010 and 6.15.060; and (iv) copies of appraisals for the following domain names:

BODOG.COM, BODOG.NET, BODOGMUSIC.COM,
BODOGBATTLEOFTHEBANDS.COM, BODOG.CO.UK, BODOGPOKER.COM,
BODOGCASINO.COM, BODOGFIGHT.COM, BODOGNATION.COM,
BODOGSPORTSBOOK.COM, BODOGAFFILIATE.COM, BODOGAFFILIATES.COM, to be mailed via (1) first class US Mail and (2) registered mail to Defendants at the following address:

**Oficentro Ejecutivo Sabana Sur, Edificio 7
5 Piso San Jose
San Jose, Costa Rica 01017**

I declare under penalty of perjury that the foregoing is true and correct.
Executed on August 24th, 2007, at Seattle, Washington.



Venkat Balasubramani, WSBA No. 28269
Attorney for 1st Technology LLC

FILED

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KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

1st Technology LLC,
Plaintiff,

v.

BODOG ENTERTAINMENT GROUP S.A.,
BODOG.NET, AND BODOG.COM,
Defendants.

CASE NO: 07-2-25305-0 SEA

~~PROPOSED~~ ORDER GRANTING
MOTION FOR WRIT OF
EXECUTION RE DOMAIN NAMES

BODOG.COM;
BODOG.NET;
BODOG.CO.UK;
BODOGPOKER.COM;
BODOGCASINO.COM;
BODOGSPORTSBOOK.COM;
BODOGAFFILIATE.COM;
BODOGAFFILIATES.COM;
BODOGNATION.COM;
BODOGFIGHT.COM; AND

ANY OTHER DOMAIN NAMES
LISTED IN EXHIBIT A

TO: the eNom Inc., and any other registrar(s) of the domain names
listed on **Exhibit A**, attached hereto (the "**Registrar**");

(1) The Registrar is DIRECTED to confirm registration of the foregoing
domain names and to produce a list of any other domain names registered to
Defendants or any of Defendants' affiliated entities ("**Defendants**"), including
those registered through an entity affiliated with Registrar;

~~PROPOSED~~ ORDER GRANTING MOTION FOR WRIT
OF EXECUTION RE DOMAIN NAMES - 1

BALASUBRAMANI LAW
8426 40TH AVE SW
SEATTLE, WASHINGTON 98136
telephone (206) 529-4827
fax (206) 260-3966

1 (2) With respect to the domain names that are registered to
2 Defendants (the "**Domain Names**"), the Registrar is hereby ORDERED to transfer
3 control over all of the Domain Names to Plaintiff;

4 (3) The Registrar is hereby ORDERED to cooperate with Plaintiff with
5 respect to the selling, liquidation (via the Registrar's auction mechanism or
6 another mechanism of Plaintiff's choosing), or other use of all of the Domain
7 Names.

8 (4) In the event Plaintiff desires to auction any of the Domain Names,
9 Plaintiff shall set reserve pricing at 10% of the amount determined via an
10 appraisal for the Domain Names either through the Registrar or through any
11 other reputable third party (the "**Appraisal**"). Plaintiff shall then transmit the
12 Appraisal to the Court as part of the official record of the auction procedure
13 (i.e., at the conclusion of the auction; prior notice is not required) (with a copy
14 to Defendants at their last known address, as listed on the Application of Transfer
15 for Foreign Judgment). Provided Plaintiff complies with the procedure set forth
16 herein, Plaintiff shall not be held liable for breach or violation of any duties with
17 respect to the auction of the Domain Names. Nothing herein shall preclude
18 Plaintiff, or any third parties affiliated with it from bidding on and registering (and
19 subsequently exploiting or using) any of the Domain Names.

20 (5) The Court makes clear that the intent of this Order is to allow Plaintiff
21 to liquidate or otherwise monetize the Domain Names without incurring any
22 expense. Plaintiff may decide not to auction the Domain Names, and instead
23 may operate the Domain Names in any manner it sees fit, including exploiting
24 any traffic to the sites accessible via the Domain Names. In the event Plaintiff
25 wishes to transfer the Domain Names to itself, it may obtain an appraisal either
26 through the Registrar or through any other reputable third party (the
27 "**Appraisal**"). Plaintiff shall transmit the Appraisal to the Court as part of the

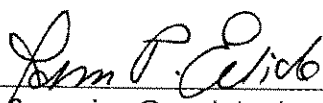
1 official record of the transfer (with a copy to Defendants at their last known
2 address, as listed on the Application of Transfer for Foreign Judgment).

3 (6) Plaintiff shall have the right to use Defendant's trademarks (and shall
4 be granted a license to such trademarks, as necessary) if required to effect this
5 Order and Plaintiff shall not otherwise be interfered with by Defendants,
6 Defendants' agents, the Registrar or ICCAN (Internet Corporation for Assigned
7 Names and Numbers), in effecting this Order. The Registrar and ICCAN are to
8 comply with this Order.

9 (7) Defendants and any third parties are forever ENJOINED from using
10 in any way the Domain Names and are prohibited from attempting to re-register
11 the Domain Names (either directly or through an agent) with any entity
12 whatsoever.

13 (8) The Registrar is hereby ORDERED to reject any request to change
14 registrars or otherwise move, transfer, or cancel the Domain names unless
15 directed otherwise in writing by the Plaintiff.

16
17 Herein fail not, and have you then and there this Writ.

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19 
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Hon. Superior Court Judge
this 21st day of August, 2007.

21
22 (9) Plaintiff shall provide statutory notice to
23 defendants of entry of this order granting motion
for writ of execution. *JPE*

24
25 (10) In the event of sale or transfer of
26 the above-matured assets upon which plaintiff
has executed, any surplus funds shall be
27 deposited into the Registry of the Court. *JPE*

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EXHIBIT A

DOMAIN NAMES

bodog.com
bodog.net
bodog.co.uk
bodogpoker.com
bodogcasino.com
bodogsportsbook.com
bodogaffiliate.com
bodogaffiliates.com
bodognation.com
bodogfight.com

bodog.org
bodog.info
bodog.mobi
bodog.biz
bodog.us
bodog.co.uk
bodog.tv
bodog.cc
bodog.eu
bodog.nu
bodog.ca
bodog.name
bodog.ac
bodog.me.uk
bodog.am
bodog.ms
bodog.at
bodog.net.cn
bodog.be
bodog.nl
bodog.bz
bodog.cn
bodog.org.cn
bodog.org.nz
bodog.co.nz
bodog.com.cn
bodog.org.uk
bodog.com.mx
bodog.com.tw
bodog.de
bodog.fm

bodog.tc
bodog.in
bodog.io
bodog.it
bodog.jp
bodog.vg
bodog.ws
bodog.la
bodogpoker.com
bodogpoker.net
bodogpoker.org
bodogpoker.info
bodogpoker.mobi
bodogpoker.biz
bodogpoker.us
bodogpoker.co.uk
bodogpoker.tv
bodogpoker.eu
bodogpoker.ca
bodogpoker.nl
bodogpoker.cn
bodogpoker.de
bodogpoker.ws
bodogpoker.za.com
bodogcasino.com
bodogcasino.net
bodogcasino.org
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bodogfight.be
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bodogfight.bz
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bodogfight.com.mx
bodogfight.de
bodogfight.in
bodogfight.it
bodogfight.ws
bodogmusic.com
bodogmusic.net
bodogmusic.org
bodogmusic.info
bodogmusic.mobi
bodogmusic.biz
bodogmusic.us
bodogmusic.co.uk
bodogmusic.tv
bodogmusic.cc
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bodogmusic.name
bodogmusic.at
bodogmusic.be
bodogmusic.nl
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bodogmusic.ws
bodogmusic.la
bodognation.com
bodognation.net
bodognation.org
bodognation.info
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bodogaffiliate.com.mx
bodogaffiliate.de
bodogaffiliate.sa.com
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bodogbeat.co.uk
bodogbeat.tv
bodogbeat.eu
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bodogbeat.at
bodogbeat.be
bodogbeat.cn
bodogbeat.co.nz
bodogbeat.com.mx
bodogbeat.com.tw
bodogbeat.de
bodogbeat.in
bodogbeat.it
bodogbeat.jp
bodogbeat.ws
bodogbeat.za.com
bodoglotto.net
bodoglotto.org
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calvinayre.net
calvinayre.org
calvinayre.info
calvinayre.mobi
calvinayre.biz
calvinayre.us
calvinayre.tv

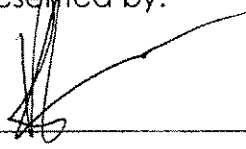
calvinayre.ca
calvinfoundation.com
calvinfoundation.net
calvinfoundation.org
calvinfoundation.biz
calvinfoundation.us
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Presented by:



Balasubramani Law (Venkat Balasubramani)
Attorneys for Plaintiff
Bar No. 28269

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Except as provided in RCW [6.15.050](#), the following personal property shall be exempt from execution, attachment, and garnishment:

- (1) All wearing apparel of every individual and family, but not to exceed one thousand dollars in value in furs, jewelry, and personal ornaments for any individual.
- (2) All private libraries of every individual, but not to exceed fifteen hundred dollars in value, and all family pictures and keepsakes.
- (3) To each individual or, as to community property of spouses maintaining a single household as against a creditor of the community, to the community:
- (a) The individual's or community's household goods, appliances, furniture, and home and yard equipment, not to exceed two thousand seven hundred dollars in value for the individual or five thousand four hundred dollars for the community, said amount to include provisions and fuel for the comfortable maintenance of the individual or community;

(b) Other personal property, except personal earnings as provided under RCW [6.15.050](#)(1), not to exceed two thousand dollars in value, of which not more than two hundred dollars in value may consist of cash, and of which not more than two hundred dollars in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities;

(c) For an individual, a motor vehicle used for personal transportation, not to exceed two thousand five hundred dollars or for a community two motor vehicles used for personal transportation, not to exceed five thousand dollars in aggregate value;

(d) Any past due, current, or future child support paid or owed to the debtor, which can be traced;

(e) All professionally prescribed health aids for the debtor or a dependent of the debtor; and

(f) To any individual, the right to or proceeds of a payment not to exceed sixteen thousand one hundred fifty dollars on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or the right to or proceeds of a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor. The exemption under this subsection (3)(f) does not apply to the right of the state of Washington, or any agent or assignee of the state, as a lienholder or subrogee under RCW [43.20B.060](#).

(4) To each qualified individual, one of the following exemptions:

(a) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed five thousand dollars in value;

(b) To a physician, surgeon, attorney, clergyman, or other professional person, the individual's library, office furniture, office equipment and supplies, not to exceed five thousand dollars in value;

(c) To any other individual, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed five thousand dollars in value.

For purposes of this section, "value" means the reasonable market value of the debtor's interest in an article or item at the time it is selected for exemption, exclusive of all liens and encumbrances

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thereon.

(5) Tuition units, under chapter 28B.95 RCW, purchased more than two years prior to the date of a bankruptcy filing or court judgment.

[2005 c 272 § 6; 2002 c 265 § 1; 1991 c 112 § 1; 1988 c 231 § 5; 1987 c 442 § 301; 1983 1st ex.s. c 45 § 8; 1979 ex.s. c 65 § 1; 1973 1st ex.s. c 154 § 13; 1965 c 89 § 1; 1886 p 96 § 1; Code 1881 § 347; 1879 p 157 § 1; 1877 p 73 § 351; 1869 p 87 § 343; 1854 p 178 § 253; RRS § 563. Formerly RCW 6.16.020.]

Notes:

Severability -- 1988 c 231: See note following RCW 6.01.050.

Severability -- 1973 1st ex.s. c 154: See note following RCW 2.12.030.

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RCWs > Title 6 > Chapter 6.15 > Section 6.15.010

Beginning of Chapter << 6.15.010 >> [6.15.020](#)

RCW 6.15.010

Exempt property.

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- (2) All private libraries of every individual, but not to exceed fifteen hundred dollars in value, and all family pictures and keepsakes.
- (3) To each individual or, as to community property of spouses maintaining a single household as against a creditor of the community, to the community:
 - (a) The individual's or community's household goods, appliances, furniture, and home and yard equipment, not to exceed two thousand seven hundred dollars in value for the individual or five thousand four hundred dollars for the community, said amount to include provisions and fuel for the comfortable maintenance of the individual or community;
 - (b) Other personal property, except personal earnings as provided under RCW [6.15.050](#)(1), not to exceed two thousand dollars in value, of which not more than two hundred dollars in value may consist of cash, and of which not more than two hundred dollars in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities;
 - (c) For an individual, a motor vehicle used for personal transportation, not to exceed two thousand five hundred dollars or for a community two motor vehicles used for personal transportation, not to exceed five thousand dollars in aggregate value;
 - (d) Any past due, current, or future child support paid or owed to the debtor, which can be traced;
 - (e) All professionally prescribed health aids for the debtor or a dependent of the debtor; and
 - (f) To any individual, the right to or proceeds of a payment not to exceed sixteen thousand one hundred fifty dollars on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or the right to or proceeds of a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor. The exemption under this subsection (3)(f) does not apply to the right of the state of Washington, or any agent or assignee of the state, as a lienholder or subrogee under RCW [43.20B.060](#).
- (4) To each qualified individual, one of the following exemptions:
 - (a) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed five thousand dollars in value;
 - (b) To a physician, surgeon, attorney, clergyman, or other professional person, the individual's library, office furniture, office equipment and supplies, not to exceed five thousand dollars in value;
 - (c) To any other individual, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed five thousand dollars in value.

For purposes of this section, "value" means the reasonable market value of the debtor's interest in an article or item at the time it is selected for exemption, exclusive of all liens and encumbrances

thereon.

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Notes:

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EXPRESS DOMAIN NAME APPRAISAL - 08/21/2007

Appraisal Number: 115959
Domain Name Appraisal for: BODOG.COM
Estimated Value: \$630.00 - \$1,638.00

Provided by GoDaddy.com The #1 Domain Name Registrar

Your appraisal is based on a variety of factors related to the name itself. We have compared the name to recent sales of similar domains, evaluated recent market trends, and applied a desirability factor based on these trends. Your appraisal is backed by the #1 Domain Registrar in the World, *GoDaddy.Com*.

EXPRESS DOMAIN NAME APPRAISAL - 08/21/2007

Appraisal Number: 115966
Domain Name Appraisal for: BODOG.NET
Estimated Value: \$536.00 - \$1,394.00

Provided by GoDaddy.com The #1 Domain Name Registrar

Your appraisal is based on a variety of factors related to the name itself. We have compared the name to recent sales of similar domains, evaluated recent market trends, and applied a desirability factor based on these trends. Your appraisal is backed by the #1 Domain Registrar in the World, *GoDaddy.Com*.

EXPRESS DOMAIN NAME APPRAISAL - 08/21/2007

Appraisal Number: 115967

Domain Name Appraisal for: BODOGMUSIC.COM

Estimated Value: \$35,740.00 - \$92,924.00

Provided by GoDaddy.com The #1 Domain Name Registrar

Your appraisal is based on a variety of factors related to the name itself. We have compared the name to recent sales of similar domains, evaluated recent market trends, and applied a desirability factor based on these trends. Your appraisal is backed by the #1 Domain Registrar in the World, *GoDaddy.Com*.

EXPRESS DOMAIN NAME APPRAISAL - 08/21/2007

Appraisal Number: 115975

Domain Name Appraisal for: BODOGBATTLEOFTHEBANDS.COM

Estimated Value: \$48.00 - \$139.00

Provided by GoDaddy.com The #1 Domain Name Registrar

Your appraisal is based on a variety of factors related to the name itself. We have compared the name to recent sales of similar domains, evaluated recent market trends, and applied a desirability factor based on these trends. Your appraisal is backed by the #1 Domain Registrar in the World, *GoDaddy.Com*.

EXPRESS DOMAIN NAME APPRAISAL - 08/22/2007

Appraisal Number: 116030

Domain Name Appraisal for: BODOG.CO.UK

Estimated Value: \$254.00 - \$660.00

Provided by GoDaddy.com The #1 Domain Name Registrar

Your appraisal is based on a variety of factors related to the name itself. We have compared the name to recent sales of similar domains, evaluated recent market trends, and applied a desirability factor based on these trends. Your appraisal is backed by the #1 Domain Registrar in the World, *GoDaddy.Com*.

EXPRESS DOMAIN NAME APPRAISAL - 08/21/2007

Appraisal Number: 115971

Domain Name Appraisal for: BODOGPOKER.COM

Estimated Value: \$3,050.00 - \$7,930.00

Provided by GoDaddy.com The #1 Domain Name Registrar

Your appraisal is based on a variety of factors related to the name itself. We have compared the name to recent sales of similar domains, evaluated recent market trends, and applied a desirability factor based on these trends. Your appraisal is backed by the #1 Domain Registrar in the World, *GoDaddy.Com*.

EXPRESS DOMAIN NAME APPRAISAL - 08/21/2007

Appraisal Number: 115970

Domain Name Appraisal for: BODOGCASINO.COM

Estimated Value: \$56.00 - \$162.00

Provided by GoDaddy.com The #1 Domain Name Registrar

Your appraisal is based on a variety of factors related to the name itself. We have compared the name to recent sales of similar domains, evaluated recent market trends, and applied a desirability factor based on these trends. Your appraisal is backed by the #1 Domain Registrar in the World, *GoDaddy.Com*.

EXPRESS DOMAIN NAME APPRAISAL - 08/21/2007

Appraisal Number: 115968

Domain Name Appraisal for: BODOGFIGHT.COM

Estimated Value: \$3,722.00 - \$9,677.00

Provided by GoDaddy.com The #1 Domain Name Registrar

Your appraisal is based on a variety of factors related to the name itself. We have compared the name to recent sales of similar domains, evaluated recent market trends, and applied a desirability factor based on these trends. Your appraisal is backed by the #1 Domain Registrar in the World, *GoDaddy.Com*.

EXPRESS DOMAIN NAME APPRAISAL - 08/21/2007

Appraisal Number: 115969

Domain Name Appraisal for: BODOGNATION.COM

Estimated Value: \$48.00 - \$134.00

Provided by GoDaddy.com The #1 Domain Name Registrar

Your appraisal is based on a variety of factors related to the name itself. We have compared the name to recent sales of similar domains, evaluated recent market trends, and applied a desirability factor based on these trends. Your appraisal is backed by the #1 Domain Registrar in the World, *GoDaddy.Com*.

EXPRESS DOMAIN NAME APPRAISAL - 08/21/2007

Appraisal Number: 115972

Domain Name Appraisal for: BODOGSPORTSBOOK.COM

Estimated Value: \$48.00 - \$134.00

Provided by GoDaddy.com The #1 Domain Name Registrar

Your appraisal is based on a variety of factors related to the name itself. We have compared the name to recent sales of similar domains, evaluated recent market trends, and applied a desirability factor based on these trends. Your appraisal is backed by the #1 Domain Registrar in the World, *GoDaddy.Com*.

EXPRESS DOMAIN NAME APPRAISAL - 08/21/2007

Appraisal Number: 115973

Domain Name Appraisal for: BODOGAFFILIATE.COM

Estimated Value: \$54.00 - \$140.00

Provided by GoDaddy.com The #1 Domain Name Registrar

Your appraisal is based on a variety of factors related to the name itself. We have compared the name to recent sales of similar domains, evaluated recent market trends, and applied a desirability factor based on these trends. Your appraisal is backed by the #1 Domain Registrar in the World, *GoDaddy.Com*.

EXPRESS DOMAIN NAME APPRAISAL - 08/21/2007

Appraisal Number: 115974

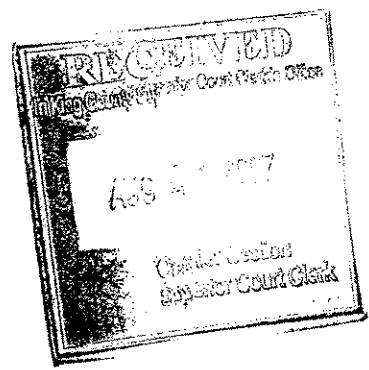
Domain Name Appraisal for: BODOGAFFILIATES.COM

Estimated Value: \$48.00 - \$134.00

Provided by GoDaddy.com The #1 Domain Name Registrar

Your appraisal is based on a variety of factors related to the name itself. We have compared the name to recent sales of similar domains, evaluated recent market trends, and applied a desirability factor based on these trends. Your appraisal is backed by the #1 Domain Registrar in the World, *GoDaddy.Com*.

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**SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

07-2-25305-0 SEA

1st Technology LLC,
Plaintiff,
v.
BODOG ENTERTAINMENT GROUP
S.A., BODOG.NET, AND
BODOG.COM,
Defendants.

CASE NO.
JUDGMENT SUMMARY

JUDGMENT SUMMARY

Judgment Creditor:	1 st Technology LLC
Judgment Debtor:	BODOG ENTERTAINMENT GROUP S.A., BODOG.NET, AND BODOG.COM
Total Judgment Including pre and post-judgment interest:	\$48,937,456
Judgment Amount:	\$46,597,849
Interest (319 pre , 49 days post- judgment):	\$2,339,607 (4.98% /2,028,078 (pre) + \$311,529 (post))
Attorney's Fees/Costs:	\$0.00 (Plaintiff reserves the right to petition for collection costs and fees)
Attorney for Judgment Creditor:	Venkat Balasubramani
Original Filing Date of Judgment in Court	June 13, 2007

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Expiration Date of Judgment June 13, 2017
Under the Law in the State of its
Entry

Attached as **Exhibit A** hereto is an exemplified copy of the
Judgment
DATED this 1st day of August, 2007.

BALASUBRAMANI LAW

By:



Venkat Balasubramani, WSBA No. 28269

8426 40th Ave SW
Seattle, Washington 98136
(206) 529-4827 phone
(206) 206-3966 fax

ATTORNEYS FOR 1ST TECHNOLOGY LLC

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EXHIBIT A
CERTIFIED COPY OF JUDGMENT

AO 132 (Rev. 12/03) Exemplification Certificate

UNITED STATES DISTRICT COURT

District of _____

EXEMPLIFICATION CERTIFICATE

I, Lance S. Wilson, Clerk of this United States District Court, keeper of the records and seal, certify that the attached documents: 2:06-cv-01110-RLH-GWF 1st Technology LLC v. Rational Enterprises Ltda. et al Document # 33, DEFAULT JUDGMENT

are true copies of records of this Court.

In testimony whereof I sign my name and affix the seal of this Court, in this District, at Las Vegas

on 7/25/2007

City

Date

LANCE S. WILSON

[Handwritten signature]

Clerk

(By) Deputy Clerk

I, Judge Roger L. Hunt, a Judicial Officer of this Court, certify that Lance S. Wilson, named above, is and was on the date noted, Clerk of this Court, duly appointed and sworn, and keeper of the records and seal, and that this certificate, and the attestation of the record, are in accordance with the laws of the United States.

7/30/07

Date

[Handwritten signature of Judge Roger L. Hunt]

Signature of Judge

Honorable Judge Roger L. Hunt

Title

I, Lance S. Wilson, Clerk of this United States District Court, keeper of the seal, certify that the Honorable Judge Roger L. Hunt, named above, is and was on the date noted a Judicial Officer of this Court, duly appointed, sworn and qualified, and that I am well acquainted with the Judge's official signature and know and certify the above signature to be that of the Judge.

In testimony whereof I sign my name, and affix the seal of this Court at Las Vegas in this State, on 07-30-07

City

07-30-07

LANCE S. WILSON

[Handwritten signature]

Clerk

(By) Deputy Clerk



1 L. Kristopher Rath (5749)
2 Hutchison & Steffen, LLC
3 Peccole Professional Park
4 10080 Alta Drive, Suite 200
5 Las Vegas, Nevada 89145
6 Telephone: (702) 385-2500
7 Facsimile: (702) 385-2086

8 Attorneys for Plaintiff
9 1st TECHNOLOGY LLC

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 1ST TECHNOLOGY LLC,
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28)
Plaintiff,

2:06-cv-01110-RLH-GWF

v.

**ORDER GRANTING PLAINTIFF
1ST TECHNOLOGY LLC'S
APPLICATION FOR DEFAULT
JUDGMENT AGAINST
DEFENDANTS BODOG
ENTERTAINMENT GROUP S.A.;
BODOG.NET; AND BODOG.COM
AND ENTRY OF DEFAULT
JUDGMENT**

RATIONAL ENTERPRISES LTDA.,
RATIONAL POKER SCHOOL LIMITED,
BODOG ENTERTAINMENT GROUP
S.A., BODOG.NET, BODOG.COM, and
FUTUREBET SYSTEMS LTD.,
Defendants.

HUTCHISON & STEFFEN

A PROFESSIONAL LLC
PECCOLE PROFESSIONAL PARK
10080 ALTA DRIVE, SUITE 200
LAS VEGAS, NEVADA 89146

The Court has considered Plaintiff 1st Technology LLC's (hereinafter "1st Technology") Application for Default Judgment Against Defendants Bodog Entertainment Group, S.A.; Bodog.Net; and Bodog.Com (hereinafter the "Bodog Entities"), including the affidavit and all exhibits attached thereto. Pursuant to Federal Rule of Civil Procedure 55(b)(2), the Court has determined that an evidentiary hearing is not necessary and that the information and affidavit provided by Plaintiff is sufficient to enter default in this matter. *Time Warner Cable of New York City v. Foote*, 2002 WL 1267993 (E.D.N.Y. 2002) (citing *Auction S.A. v. Marc Rich & Co.*, 951 F.2d 504, 508 (2nd Cir. 1991), cert. denied, 503 U.S. 1006 (1992); *Fustok v. Conticommodity Services Inc.*, 873 F.2d 38, 40 (2nd Cir. 1989)).

The Court further finds that the amount of the default judgments is reasonably calculable as set forth in detail in Mr. Lewis' Affidavit and the attached documentary evidence.

///

HUTCHISON & STEFFEN

A PROFESSIONAL LLC
PECCOLE PROFESSIONAL PARK
10080 ALTA DRIVE, SUITE 200
LAS VEGAS, NEVADA 89145


1 Accordingly, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that judgment is
2 entered in this matter in favor of Plaintiff 1st Technology LLC and against the Bodog Entities,
3 jointly and severely, in the amount of FORTY SIX MILLION FIVE HUNDRED NINETY SEVEN
4 THOUSAND EIGHT HUNDRED AND FORTY-NINE DOLLARS (\$46,597,849.00). Pre and
5 post judgment interest shall accrue on said judgment at the statutory rate.

6 DATED: June 13, 2007.

7
8 
9 Chief United States District Judge

10 Respectfully Submitted by:

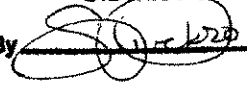
11 HUTCHISON & STEFFEN, LLC

12 
13 L. Kristopher Rath (5749)
14 Peccole Professional Park
15 10080 Alta Drive, Suite 200
16 Las Vegas, Nevada 89145

Attorneys for Plaintiff
1st TECHNOLOGY LLC

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20 I hereby attest and certify on 7-25-07
21 that the foregoing document is a full, true
22 and correct copy of the original on file in my
23 legal custody.

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

24 By  Deputy Clerk





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**SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

1st Technology LLC,
Plaintiff,
v.
BODOG ENTERTAINMENT GROUP
S.A., BODOG.NET, AND
BODOG.COM,
Defendants.


~~2007-20300-0~~ ~~0000~~
CASE NO.
**NOTICE OF FILING OF FOREIGN
JUDGMENT AND CERTIFICATION OF
MAILING**

TO: BODOG ENTERTAINMENT GROUP S.A., BODOG.NET, AND
BODOG.COM.

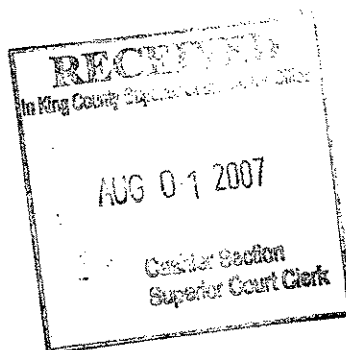
PLEASE TAKE NOTICE that an application for transfer of a foreign
judgment, a copy of which is attached hereto, will be filed in Court on or
before August 1, 2007.

DATED this 1st day of August, 2007.

BALASUBRAMANI LAW

By: 
Venkat Balasubramani, WSBA No. 28269
8426 40th Ave SW
Seattle, Washington 98136
(206) 206-3966 fax

ATTORNEYS FOR 1ST TECHNOLOGY LLC



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**SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

1st Technology LLC,
Plaintiff,
v.
BODOG ENTERTAINMENT GROUP
S.A., BODOG.NET, and
BODOG.COM,
Defendants.

CASE NO. ~~07-2~~ 2-25305-0 SEA

**APPLICATION CERTIFICATE FOR
TRANSFER OF FOREIGN JUDGMENT**

1. I, Venkat Balasubramani, certify under RCW 6.36.025 and 6.36.035 as follows.
2. I am one of the attorneys for Plaintiff and make this certificate on its behalf.
3. Plaintiff has a foreign judgment dated June 13, 2007, from the United States District Court, District of Nevada in the amount of \$48,937,456.00 (including pre- and post-judgment interest to date), entered against Defendants (jointly and severally). The Judgment is wholly unpaid and unsatisfied.
4. Plaintiff is a Nevada Limited Liability Company.
5. Defendants are foreign entities headquartered in Costa Rica.

**APPLICATION CERTIFICATE OF
TRANSFER OF
FOREIGN JUDGMENT- 1**

BALASUBRAMANI LAW

8426 40th Ave SW
Seattle, Washington 98136
(206) 529-4827

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Defendants were not represented by counsel in the foreign action.

Defendants' last known address is:

Oficentro Ejecutivo Sabana Sur, Edificio 7
5 Piso San Jose
San Jose, Costa Rica 01017

6. Defendants have registered to them several domain names which are registered through a Washington registrar. It is presently unknown whether Defendants have offices or other assets in the State of Washington.

DATED this 1st day of August, 2007.

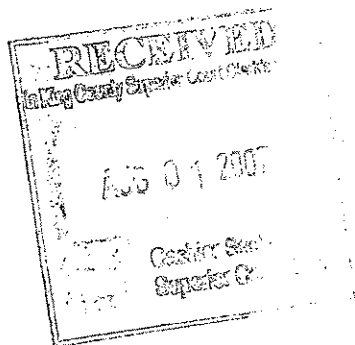
BALASUBRAMANI LAW

By:



Venkat Balasubramani, WSBA No. 28269

8426 40th Ave SW
Seattle, Washington 98136
(206) 529-4827 phone
(206) 206-3966 fax



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**SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

1st Technology LLC,
Plaintiff,

v.

BODOG ENTERTAINMENT GROUP
S.A., BODOG.NET, and
BODOG.COM,
Defendants.

07-12-25305-0 SEA
CASE NO.

CERTIFICATE OF MAILING

The undersigned hereby certifies that I caused the following
(1) Notice of Filing of Foreign Judgment; (2) Application Certificate for
Transfer of Foreign Judgment; (3) Copy of Foreign Judgment; and
(4) Judgment Summary, to be mailed to DEFENDANTS at their last known
address below:

Oficentro Ejecutivo Sabana Sur, Edificio 7
5 Piso San Jose
San Jose, Costa Rica 01017

I declare under penalty of perjury under the laws of the United States that
the forgoing is true and correct and that this declaration was executed on
August 1, 2007, at Seattle, Washington.



Venkat Balasubramani

CERTIFICATE OF SERVICE

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I hereby certify that on **August 31, 2007**, I caused the following document:
MOTION OF SPECIALLY APPEARING DEFENDANTS BODOG ENTERTAINMENT GROUP S.A. AND ERRONEOUSLY NAMED SPECIALLY APPEARING DEFENDANTS BODOG.NET AND BODOG.COM TO SET ASIDE DEFAULT JUDGMENT to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

L. Kristopher Rah
HUTCHINSON & STEFFEN, LLC
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145

Dated: August 31, 2007

/s/ Charles McCrea
Charles McCrea
LIONEL SAWYER & COLLINS