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

14  
 15 UNITED STATES DISTRICT COURT  
 16 DISTRICT OF NEVADA

17 1ST TECHNOLOGY LLC,  
 18 Plaintiff,  
 19 vs.  
 20 RATIONAL ENTERPRISES LTDA.,  
 RATIONAL POKER SCHOOL  
 LIMITED, BODOG  
 21 ENTERTAINMENT GROUP S.A.,  
 BODOG.NET, BODOG.COM, AND  
 22 FUTUREBET SYSTEMS LTD.,  
 23 Defendants.

Case No: 2:06-cv-1110-RLH-GWF  
**DEFENDANTS' EVIDENTIARY  
 OBJECTIONS TO THE  
 DECLARATION OF SCOTT W.  
 LEWIS DATED SEPTEMBER 20,  
 2007**  
**Date:** October 11, 2007  
**Time:** 9:00 a.m.  
**Courtroom:** 6C

1 Specially appearing defendants Bodog Entertainment Group S.A. (Costa Rica),  
2 Bodog.net, and Bodog.com (“Defendants”) (who challenge jurisdiction), hereby submit the  
3 following objections to the Declaration of Scott Lewis submitted in support of 1<sup>st</sup> Technology  
4 LLC’s Emergency Motion for a Permanent Injunction.

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6 1. PARAGRAPH 2 FROM LEWIS DECLARATION:

7 “My declaration explains why the Court should issue an Order for Injunctive  
8 Relief at this time to prevent Bodog from shifting its key assets outside the United  
9 States to avoid collection on the Default Judgment against them. The injunction is  
10 also needed to prevent Bodog from transferring assets outside of the United States,  
11 in case its Motion to Set Aside Default is denied and 1<sup>st</sup> Technology ultimately  
12 prevails in this matter.”

13 DEFENDANTS’ OBJECTIONS: Defendants objects to this entire paragraph  
14 as containing opinion/speculation, lacking an improper foundation, and lacking any  
15 personal knowledge.

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17 2. PARAGRAPH 3 FROM LEWIS DECLARATION:

18 “I have the requisite background to present this analysis of Bodog’s operations and  
19 domain name traffic alteration.”

20 DEFENDANTS’ OBJECTIONS: Defendants object to this assertion of  
21 expertise on the grounds that declarant has not established personal knowledge and  
22 the qualifications set for therein fail to satisfy the criteria set for in Daubert v.  
23 Merrell Dow Pharm., Inc., 509 U.S. 579, 597 (1993).

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25 3. PARAGRAPH 4 FROM LEWIS DECLARATION:

26 “[B]odog’s infringing activities are responsible for over \$65 billion of cumulative  
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1 transactions to date. These revenues were the basis for 1<sup>st</sup> Technology’s \$46.6  
2 million dollar Judgment against Bodog. Bodog’s infringing activities are  
3 generated from operation of their Bodog website that operates outside the United  
4 States via their U.S. registered domain name.”

5 DEFENDANTS’ OBJECTIONS: Defendants object to these assertions as  
6 irrelevant, not based on personal knowledge, and hearsay. Defendants further  
7 object that the declarant has not established that his calculations are valid under the  
8 criteria set for in Daubert v. Merrell Dow Pharm., Inc., 509 U.S. 579, 597 (1993).

9  
10 4. PARAGRAPH 5 FROM LEWIS DECLARATION:

11 “On August 21, 2007, 1<sup>st</sup> Technology received a Washington State Court Order  
12 turning over the control of the domain name and traffic of Bodog.com – the  
13 domain name traffic being the primary saleable asset to 1<sup>st</sup> Technology as  
14 creditor.”

15 DEFENDANTS’ OBJECTIONS: Defendants object on the grounds that this  
16 statement misstates the evidence. The Washington State Court Order says nothing  
17 about turning over control of traffic of Bodog.com. Defendants further object that  
18 the statement misconstruing the Washington State Court Order violates the best  
19 evidence rule.

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21 5. PARAGRAPH 6 FROM LEWIS DECLARATION:

22 “To evade the intent of the Court’s Order, on August 27, 2007, Bodog linked a  
23 new domain name created on August 27<sup>th</sup> to Bodog’s website. This new domain  
24 name was registered to a third-party, Lyon Finance Ltd. Of Malta, via a second  
25 Washington State registrar, dotRegistrar, with the name NewBodog.com. The  
26 redirecting of Bodog’s website via this new domain name in combination with  
27

1 Bodog's directions to its customers to use the new site transferred all of the Bodog  
2 traffic to "NewBodog.com" domain name. When 1<sup>st</sup> Technology discovered  
3 bodog's action in moving its traffic to the new site, 1<sup>st</sup> Technology moved for and  
4 was granted a Washington State Court Order on September 5, 2007, barring Bodog  
5 or any third-party from transferring and/or disposing of the NewBodog.com  
6 domain name. Bodog and their registrar subsequently received the Court Order of  
7 September 12<sup>th</sup> to lock the domain name."

8 DEFENDANTS' OBJECTIONS: Defendants object to the entire paragraph  
9 as irrelevant, lacking foundation, being based on hearsay, and constituting attorney  
10 argument and personal opinion.

11  
12 6. PARAGRAPH 7 FROM LEWIS DECLARATION:

13 "On September 15<sup>th</sup>, Bodog CEO bragged on his website that 1<sup>st</sup> Technology's  
14 creditor actions to secure judgment using the Court Ordered Bodog.com and other  
15 related domain names left 1<sup>st</sup> Technology "... with nothing to show for all their  
16 efforts but a group of domains that is rapidly losing value ... The domain is just  
17 the doorway. And if you move that doorway, customers will easily find and  
18 readily come to the new one. Shit, we can even change the name entirely and the  
19 customers will still come." This plan to move assets off-shore as soon as possible  
20 was also confirmed by Bodog's legal counsel."

21 DEFENDANTS' OBJECTIONS: Defendant objects to the entire paragraph  
22 as hearsay, lacking foundation, misstating the evidence, and constituting attorney  
23 argument.

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25 7. PARAGRAPH 8 FROM LEWIS DECLARATION:

26 "On September 18, 2007, according to Bodog and web reports, Bodog began  
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1 redirecting their customers from the locked NewBodog.com domain in  
2 Washington State to a new domain name, BodogLife.com registered to a registrar  
3 outside of the U.S., Gandi SAS of France. One his website, the CEO and owner of  
4 Bodog, Mr. Calvin Ayre, bragged that he had taken away any chance of 1<sup>st</sup>  
5 Technology gaining access to the assets of Bodog stating, “. . . BodogLife.com is  
6 our new permanent domain. BodogLife.com is not registered in the U.S. and is not  
7 subject to being claimed by a U.S. (court case). . . In this move . . . 1<sup>st</sup> Technology  
8 have been defeated.”

9 DEFENDANTS’ OBJECTIONS: Defendants object to the entire paragraph  
10 as hearsay and irrelevant.

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12 8. PARAGRAPH 9 FROM LEWIS DECLARATION:

13 “The report set forth in Exhibit B demonstrates that the bulk of traffic into  
14 NewBodog.com is being quickly siphoned away to the new domain name  
15 registered outside of the United States, BodogLife.com.

16 DEFENDANTS’ OBJECTIONS: Defendants object to this statement and  
17 the accompanying exhibit as unreliable and unauthenticated hearsay.

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19 9. PARAGRAPH 9 FROM LEWIS DECLARATION:

20 “This is clearly a blatant attempt on Bodog’s part to drain the attached assets of  
21 any value and to transfer assets outside of the United States to prevent collection of  
22 the Default Judgment or any other judgment rendered in this case.”

23 DEFENDANTS’ OBJECTIONS: Defendants object to this statement as  
24 argumentative and based on personal opinion, without personal knowledge,  
25 without foundation, and irrelevant.

1           10.   PARAGRAPH 9 FROM LEWIS DECLARATION:

2           “If Bodog is not enjoined from this activity immediately, 1<sup>st</sup> Technology will suffer  
3           irreparable harm because it will become impossible for it to collect on the Default  
4           Judgment or, should the Default Judgment be set aside, to collect on any other  
5           judgment ultimately awarded in favor of 1<sup>st</sup> Technology against Bodog. As a  
6           result, an Order is needed to enjoin Bodog from redirecting traffic to new illegal  
7           gaming website.”

8                     DEFENDANTS’ OBJECTIONS: Defendants object to these statements on  
9           the grounds that they are irrelevant, lack foundation, and are argumentative.

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11           11.   PARAGRAPH 10 FROM LEWIS DECLARATION:

12           “Such an Order can be accomplished in two steps which would not result in any  
13           harm to Bodog and would also prevent irreparable harm to 1<sup>st</sup> Technology.”

14                     DEFENDANTS’ OBJECTIONS: Defendants object to this assertion on the  
15           grounds that it is irrelevant, without proper foundation, based on opinion, and not  
16           based on personal knowledge.

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18           12.   PARAGRAPH 11 FROM LEWIS DECLARATION:

19           “This would not harm Bodog and would preserve the U.S. traffic based asset value  
20           of NewBodog.com.”

21                     DEFENDANTS’ OBJECTIONS: Defendants object on the grounds that this  
22           assertion is irrelevant, lacking personal knowledge, based on opinion, and lacking  
23           proper foundation.

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25           13.   PARAGRAPH 12 FROM LEWIS DECLARATION:

26           “It is imperative that the Court issue an order to force Bodog to post security to  
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1 prevent them from further transferring and secreting their assets outside of the  
2 United States.”

3 DEFENDANTS’ OBJECTIONS: Defendants object to the statement as  
4 being based on personal opinion/speculation, without foundation, and irrelevant.  
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6 14. PARAGRAPH 13 FROM LEWIS DECLARATION:

7 “As already set forth in the papers before this Court, Bodog has a vast internet  
8 gaming empire reaping millions and millions of dollars illegally from the United  
9 States and Nevada residents and through infringing 1<sup>st</sup> Technology LLC’s ‘001  
10 Patent. Furthermore, Bodog and its counsel have already evinced a disdain for  
11 United States law and an intent to operate above and beyond the law going into the  
12 foreseeable future.”

13 DEFENDANTS’ OBJECTIONS: Defendants object to the entire paragraph  
14 as irrelevant, lacking foundation, misstating the evidence, being based on personal  
15 opinion and speculation, and as constituting attorney argument.  
16

17 Dated: September 27, 2007

17 By: /s/ Charles McCrea

18 Charles McCrea

19 **LIONEL SAWYER & COLLINS**  
20 Attorneys for Specially Appearing  
21 Defendants **BODOG ENTERTAINMENT**  
22 **GROUP S.A.**, and erroneously named  
23 Specially Appearing Defendants  
24 **BODOG.NET** and **BODOG.COM**  
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