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

25 UNITED STATES DISTRICT COURT  
26 DISTRICT OF NEVADA

27 FIRST TECHNOLOGY LLC,  
28 Plaintiff,  
vs.  
RATIONAL ENTERPRISES LTDA.,  
RATIONAL POKER SCHOOL  
LIMITED, BODOG  
ENTERTAINMENT GROUP S.A.,  
BODOG.NET, BODOG.COM, AND  
FUTUREBET SYSTEMS LTD.,  
Defendants.

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

**DECLARATION OF JAMES D.  
NGUYEN IN OPPOSITION TO  
PLAINTIFF 1ST TECHNOLOGY  
LLC'S "EMERGENCY MOTION  
FOR PERMANENT INJUNCTION"**

**Date:** October 11, 2007  
**Time:** 9:00 a.m.  
**Courtroom:** 6C

**DECLARATION OF JAMES D. NGUYEN**

I, James D. Nguyen, declare as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of California and am a partner with the law firm of Foley & Lardner LLP, counsel for specially appearing defendant Bodog Entertainment Group, S.A. and erroneously named specially appearing defendants Bodog.net and Bodog.com. I am over the age of 18, all of the matters stated within this declaration are within my personal knowledge, and I am fully competent to testify as to all of the matters contained within this declaration.

2. In support of its emergency motion for a permanent injunction, Plaintiff 1<sup>st</sup> Technology LLC submits a September 12, 2007 affidavit from its counsel Troy A. Wallin, purporting to summarize a conversation I had with him on September 11. A number of points made in Mr. Wallin's affidavit are inaccurate.

3. As an initial matter, I called Mr. Wallin on September 11 to discuss possible resolution of this case. I specifically began the conversation by telling Mr. Wallin that I wanted to discuss possible resolution, and asked him whether the conversation would be treated as confidential pursuant to applicable settlement privileges. Mr. Wallin agreed. Thus, all the of statements I made to Mr. Wallin during my September 11 conversation were done in furtherance of settlement discussion. I am quite disturbed to see that Mr. Wallin has submitted affidavits to this Court purporting to summarize statements made during that conversation, in breach of the settlement privilege and the expectation of confidentiality I had in my settlement conversation with Mr. Wallin.

4. Contrary to the statements made in paragraph 2 of Mr. Wallin's affidavit, I did **not** tell Mr. Wallin that "Bodog Entities intended to use their sovereign immunity [of the Mohawk Indians in Canada] as a shield to prevent Plaintiff 1<sup>st</sup> Technology LLC from pursuing their claims in the instance litigation." I merely told Mr. Wallin that the Bodog gaming business had recently announced (via a press release) that its North American gaming business was being licensed to the Morris Mohawk Gaming Group in Canada. I also told Mr. Wallin that such a license arrangement had been in the works for a long time

1 and even members of the gaming media had previously known about it -- before the  
2 Bodog businesses learned of 1<sup>st</sup> Technology's default judgment and the seizure of  
3 numerous domain names. I explained to Mr. Wallin that the Bodog gaming business  
4 would now be operated by the Morris Mohawk Gaming Group, that 1<sup>st</sup> Technology LLC  
5 would ultimately have to litigate its patent claims with the Morris Mohawk Gaming Group  
6 (not with any Bodog entity), and that the Morris Mohawk Gaming Group was sovereign.  
7 I never told Mr. Wallin that it was any of the Bodog Entities who intended to use the  
8 sovereign immunity of the Morris Mohawk Gaming Group to prevent 1<sup>st</sup> Technology LLC  
9 from pursuing its claims; I merely told him that 1<sup>st</sup> Technology would have to battle the  
10 Morris Mohawk Gaming Group.

11 5. Contrary to the statements made in paragraph 4 of Mr. Wallin's declaration, I  
12 did not tell Mr. Wallin that "Bodog believed it had already left U.S. jurisdiction by  
13 strategically aligning itself and/or joint venturing with the Mohawk Indians in Canada,  
14 thereby avoiding any possibility of collection." I did not, and in fact would not, have  
15 made such a statement because -- as is clear from Defendants' briefs in this case and in the  
16 Washington state court action initiated by 1<sup>st</sup> Technology LLC to execute on its default  
17 judgment -- Defendants are arguing that they are not and have not been subject to U.S.  
18 jurisdiction. So it would not have made any sense for me to say that Bodog "had already  
19 left U.S. jurisdiction" -- such as by entering into a deal with the Morris Mohawk Gaming  
20 Group -- and I never made that statement. Nor I did ever state, as Mr. Wallin implies, that  
21 any Bodog business entered into the license arrangement with the Morris Mohawk  
22 Gaming Group for the purposes of "avoiding any possibility of collection." As explained  
23 above, I told Mr. Wallin that the license arrangement with the Morris Mohawk Gaming  
24 Group had already been in the works for some time before the Bodog businesses became  
25 aware of 1<sup>st</sup> Technology LLC's default judgment.

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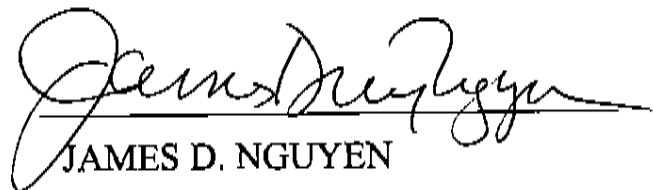
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 27<sup>th</sup> day of September, 2007 at Washington D.C.

  
JAMES D. NGUYEN