

**EXHIBIT 16**

HONORABLE JOHN ERICK  
NOTED FOR HEARING: SEPTEMBER 12, 2007

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

1ST TECHNOLOGY LLC'S  
OPPOSITION TO BODOG'S  
MOTION FOR RELIEF FROM  
ENFORCEMENT OF WRIT OF  
EXECUTION

**Introduction**

Bodog Entertainment Group S.A. ("**Bodog**") moves for relief from an Order issued by this Court Ordering numerous domain names registered to Bodog to be transferred to 1st Technology LLC ("**1st Technology**"). Bodog is an "off-shore" entity which runs gambling sites which violate Washington and United States law. For this reason alone, Bodog is a flight risk. Additionally, Bodog admittedly has in place a web of corporate entities through which it runs its operations, and has an express policy of frustrating creditors using these corporate entities. While the Order allowed 1st Technology to liquidate the Domain Names, 1st

1 Technology agrees to not sell or dispose of the Domain Names pending  
2 resolution of the underlying Motion to Vacate – which was filed by Bodog in the  
3 District of Nevada (the “**Nevada Motion**”). Thus, there is no likelihood of  
4 irreparable harm to Bodog.  
5

6 Bodog was provided actual notice both in the underlying Nevada action  
7 and of 1<sup>st</sup> Technology’s Motion. Consistent with Bodog’s policy of ignoring  
8 United States laws and legal proceedings, Bodog did nothing. Now, Bodog  
9 seeks reversal of the Order (the “**Washington Order**”) based on its allegations  
10 under the Motion to Vacate. This is untenable, particularly given that (1) Bodog  
11 is not willing to post bond to cover the judgment; (2) Bodog is a flight risk; and  
12 (3) by transferring the Domain Names back to Bodog, the Court will enable  
13 Bodog to continue its illicit operations and drain the domain names of value.  
14  
15

### 16 Discussion

#### 17 **A. Rule 62 Provides the Appropriate Standard**

18 Bodog cites to Rule 60 in arguing that there was some mistake or  
19 irregularity in obtaining the Washington Order and that therefore it is entitled to  
20 relief from it. With respect to the Washington Order, 1<sup>st</sup> Technology properly  
21 registered the Nevada Judgment, provided Bodog notice as required, and  
22 obtained an order requiring a third party to turn over property held by “Bodog  
23 Entertainment Group S.A.” or its affiliates. Bodog does not – nor could it – allege  
24 that there was any mistake or irregularity with respect to the Washington Order.  
25  
26 Indeed, Bodog seeks relief from the Washington Order based on its collateral  
27

1 attack on the Nevada Judgment, which is currently before the court in Nevada.  
2 As such, Rule 62 provides the appropriate standard.

3 Rule 62 provides that the Court may stay execution of enforcement  
4 proceedings "in its discretion and on such conditions for the security of the  
5 adverse party as are proper." While there are not many Washington court  
6 decisions interpreting Rule 62, the text of the Rule speaks to "security" of the  
7 adverse party (i.e., 1st Technology). The comments to the Rule indicate that it  
8 parallels Federal Rule 62. As interpreted by the federal courts, "Rule 62 . . .  
9 indicates a policy against any unsecured stay of execution after the expiration  
10 of the time for filing a motion for new trial." Marcelletti & Son Constr. Co. v.  
11 Millcreek Township Sewer Authority, 313 F. Supp. 920, 928 (D. Pa. 1970). Rule 62  
12 thus counsels against granting Bodog relief from execution, unless Bodog posts  
13 security.  
14  
15  
16

17 **B. Bodog Was Properly Served**

18 1st Technology submits that Bodog's service-related arguments are better  
19 addressed in Nevada where Bodog's current Motion is pending and where  
20 evidence (if necessary) will be taken. Given that 1st Technology has agreed to  
21 not sell or dispose of the Domain Names pending resolution of the Nevada  
22 Motion, there is no prejudice to Bodog from this. However, in the event the  
23 Court feels it necessary to address the service issue, 1st Technology briefly  
24 addresses it.  
25  
26  
27

1 Bodog argues that a federal court plaintiff "must serve a corporate  
2 defendant by delivering a copy of the summons and complaint to an officer,  
3 managing or general agent, or to any other agent authorized . . . by law to  
4 receive service of process." This is incorrect. (It is easy to see how a company  
5 such as Bodog could use this rule to frustrate service.) Rule 4(h) of the Federal  
6 Rules provides that a foreign corporation may be served in the same manner as  
7 an individual in a foreign country. Rule (f)(2)(A) – dealing with service upon  
8 foreign individuals – provides that individuals may be served "in the manner  
9 prescribed by the law of the foreign country for service in that country." Thus,  
10 Rule 4(h)(1) does not provide the exclusive means of service upon Bodog, and  
11 Bodog may be served in accordance with Costa Rican law.  
12  
13

14 Bodog does not argue or put forth any evidence that service on Bodog  
15 was contrary to Costa Rican law, or contrary to the Federal Rules (which permit  
16 service in accordance with Costa Rican law). As such, Bodog's contentions  
17 regarding service are not persuasive. Indeed, Bodog was served at the address  
18 which (1) it maintains on its website, (2) it provided to eNom, and (3) it provided  
19 to the Patent and Trademark Office.  
20  
21

### 22 **C. Bodog Has Unclean Hands**

23 As acknowledged by Bodog, it seeks equitable relief. It is a long-standing  
24 maxim of equity that a court sitting in equity will not aid a wrongdoer.  
25

26 1<sup>st</sup> Technology argued in its Motion for a Writ of Execution Regarding  
27 Additional Domain Names that Bodog engages in an illegal gambling

1 operation. After this Motion was filed, on Friday (September 7) Bodog filed an  
2 Amended Motion in which it claimed that "Bodog Entertainment Group SA does  
3 not itself provide online entertainment services." Bodog makes this contention  
4 without citation to any factual authority whatsoever. Moreover, this contention  
5 is belied by the evidence. "Bodog Entertainment Group SA" filed and obtained  
6 a United States trademark registration for, among other things, "providing sports  
7 wagering, event wagering, casino tournaments, in the nature of online gaming  
8 competitions, and games of chance via the Internet and television."

9  
10  
11 (Balasubramani Decl., **Ex. C.**) Similarly, Bodog's own website,  
12 BodogConference.com, identifies Bodog Entertainment Group S.A. as,

13 Bodog Entertainment Group S.A. located at Oficentro Ejecutivo Sabana  
14 Sur Edificio 7 5 Piso, San Jose, Costa Rica, takes pride in being federally  
15 licensed by the Costa Rican government, and confidently holds 100% of  
all deposits plus winnings for all players in a segregated reserve account  
with Europe's largest Private Bank in Zurich, Switzerland.

16 (Balasubramani Decl., **Ex. E.**)

17 Additional facts that make Bodog Entertainment Group's position  
18 untenable are that Bodog Entertainment Group S.A. was itself the registrant of  
19 the Bodog online gambling domain names, before they were transferred to 1<sup>st</sup>  
20 Technology pursuant to the Court's Order. (Balasubramani Decl., **Ex. B.**)  
21 Defendant's Bodog domain names including Bodog.com and Bodog.net  
22 pointed to the same name servers (UDNS1.ULTRADNS.NET) as the  
23 newbodog.com, through which Bodog currently runs its operations.  
24

25  
26 (Balasubramani Decl., **Ex. B.**) Bodog established NewBodog.com in order to  
27

1 evade the intent of the Washington Order and continue its illegal business  
2 unhindered by U.S. law; aptly put in the words of Bodog's CEO Calvin Ayre:

3 "So, I present you with newbodog.com. You won't notice very many  
4 changes: same website, same brand, same product, and same service.  
5 Just a new domain name.... I sincerely apologize if you were affected by  
6 our interruption and assure you that I will update you soon. Regards,  
7 Calvin Ayre."

8 (Balasubramani Decl., **Ex. C**; Lewis Decl., **Ex. C**.) Bodog Entertainment Group SA  
9 has a sufficient connection to the operations of "Bodog" that it is part of the  
10 illicit Bodog operation. Bodog's attempts to distance itself only make clear that  
11 Bodog has in place a complex web of entities likely designed to evade U.S. law  
12 legal and/or to frustrate creditors.

13 **D. Bodog Poses a Flight Risk**

14 Due to reasons of illegality or otherwise, it's apparent that Bodog operates  
15 behind a web of off-shore corporate entities and has no corporate "presence"  
16 anywhere in the United States. While it conducts ample business in the United  
17 States, including in the State of Washington, it does not conduct any such  
18 business through entities formed pursuant to Washington state law or the laws of  
19 any other states. This itself is evidence that Bodog constitutes a flight risk. But  
20 Bodog has gone further, and made public statements (including through the  
21 media) that it is beyond the reach of United States law, and that it has an  
22 explicit policy of frustrating United States litigants by stretching out the litigation  
23 and leaving the plaintiff to find at the end that Bodog has no United States  
24 assets. (Balasubramani Decl., **Ex. D**.)  
25  
26  
27

1 Bodog's statements in this litigation should not engender confidence that  
2 Bodog is not a flight risk. First, despite the fact that "Bodog Entertainment Group  
3 SA" filed a trademark application in the United States, and was listed on various  
4 Bodog Entertainment Group S.A. registered webpages relating to the "Bodog"  
5 business and specifically linking Bodog Entertainment Groups S.A. to online  
6 gambling and online entertainment, Bodog claims that it "does not itself provide  
7 online entertainment services." Second, the initial Bodog.com name was  
8 registered in the name of "Bodog Entertainment Group S.A." Bodog registered  
9 a replacement domain name, directed its users to migrate to and start using  
10 "newbodog.com." Inexplicably, this new domain name is registered in the  
11 name of "Lyon Finance Ltd," with an address in Malta. As mentioned above,  
12 the new website points to the same place as did the old site. (Balasubramani  
13 Decl., **Ex. B.**)

14  
15  
16  
17 **E. Bodog Should Post Security**

18 Bodog acknowledges that some security is required in the event the court  
19 in Nevada refuses to vacate the underlying Judgment. Bodog argues that the  
20 registrar (eNom Incorporated) can place a lock on the domain names and this  
21 constitutes sufficient security. This is unconvincing for two reasons.  
22

23 First, eNom is a party not before the Court. Neither 1<sup>st</sup> Technology nor the  
24 Court have any assurances what a registrar lock will achieve. Given the  
25 uncertainty as to whether the Nevada court will grant the relief sought by  
26 Bodog, as between transferring the names back to Bodog and leaving them  
27



1 where they presently are (i.e., registered to 1<sup>st</sup> Technology), equity counsels  
2 leaving the domain names where they are. In a post-judgment setting this  
3 balance tips in favor of the judgment creditor. Second, Bodog seeks control of  
4 the names during the pendency of the Nevada Motion. Control grants Bodog  
5 power to exploit the Domain Names, which are admittedly assets containing  
6 value. If Bodog is given control of the Domain Names during the pendency of  
7 the Nevada Motion, Bodog may change its name altogether and issue a notice  
8 through bodog.com, directing its users to migrate to a third, "non-Bodog"  
9 named website. This will essentially frustrate 1<sup>st</sup> Technology's collection efforts  
10 altogether. In the event the Nevada Court refuses to set aside the Judgment  
11 amounting to \$49M, 1<sup>st</sup> Technology will be left to collect against domain names  
12 which have been sapped of their value.  
13  
14

### 15 CONCLUSION

16  
17 Bodog operates websites that violate Washington and United States laws.  
18 The Court should not aid Bodog's illicit efforts by transferring any domain names  
19 back to Bodog so that it can continue to operate its illegal websites.  
20 Additionally, Bodog constitutes a flight risk. Bodog does not have any  
21 Washington or United States entities, and operates its business through foreign  
22 entities, including entities based in Costa Rica and (now) Malta. This coupled  
23 with Bodog's public statements that it would work to frustrate creditors is  
24 sufficient to warrant denial of Bodog's Motion. In any event, Bodog should be  
25 required to post a bond equal to the amount of the judgment for execution  
26  
27

1 (\$49M) to obtain the relief it seeks. Absent posting of a bond, it is inappropriate  
2 to transfer these back to Bodog pending resolution of the Nevada Motion. This is  
3 particularly so, where 1<sup>st</sup> Technology is willing to agree to not dispose of the  
4 domain names pending resolution of the Nevada Motion.  
5

6 Respectfully submitted, this 10<sup>th</sup> day of September, 2007.

7  
8 

9  
10 Venkat Balasubramani  
11 Counsel for 1<sup>st</sup> Technology LLC  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**CERTIFICATE OF SERVICE**

I, Venkat Balasubramani, hereby certify and declare, that I caused the foregoing 1<sup>st</sup> Technology LLC's Opposition to Bodog's Motion for Relief from Writ of Execution, to be filed in King County Superior Court, and transmitted to opposing counsel:

Derek A. Newman/Randall Moeller  
505 Fifth Ave S., Suite 610  
Seattle, WA 98104  
(206) 274 2800

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 10<sup>th</sup> day of September, 2007.



Venkat Balasubramani  
Counsel for 1<sup>st</sup> Technology LLC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**Honorable John Erlick**

Noted for Hearina: September 12, 2007

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

DECLARATION OF VENKAT  
BALASUBRAMANI IN  
OPPOSITION TO BODOG'S  
REQUEST FOR RELIEF FROM  
ORDER GRANTING WRIT OF  
EXECUTION

I, Venkat Balasubramani, declare as follows:

1. I am over eighteen years of age. I am competent to testify to the matters stated in this declaration. I am counsel to Plaintiff, 1<sup>st</sup> Technology LLC ("1<sup>st</sup> Technology") in this matter.
2. 1<sup>st</sup> Technology provided Bodog Entertainment Group S.A. ("Bodog") notice of the underlying lawsuit and of this proceeding. Attached as **Exhibit A** are proofs or service/mailling for both.
3. Attached as **Exhibit B** are the publicly available WHOIS information for certain of the Bodog names.

- 1 4. Attached as **Exhibit C** is the trademark registration for the "Bodog" mark –  
2 the registration is in the name of "Bodog Entertainment Group S.A." The  
3 address listed on the registration is the same address at which Bodog was  
4 served by 1<sup>st</sup> Technology.  
5
- 6 5. Attached as **Exhibit D** are newspaper articles in which Bodog (through its  
7 principals or counsel) make statements to the effect that they will take  
8 action to frustrate creditors and are beyond the reach of United States  
9 courts.  
10
- 11 6. Attached as **Exhibit E** is a description of Bodog Entertainment Group S.A.  
12 and its address from a Bodog website.  
13

14 Executed this 10<sup>th</sup> day of September, 2007, at Seattle, Washington.  
15

16 

17 \_\_\_\_\_  
18 Venkat Balasubramani  
19

**EXHIBIT A**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**AFFIDAVIT**

**COURT:** UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

**CASE:** 1<sup>ST</sup> TECHNOLOGY LLC, Plaintiff  
v.  
RATIONAL ENTERPRISES LTDA., et al., Defendants

**CASE NO.:** 2:06 cv 1110-RLH-GWF

**COSTA RICA** )  
City of San José ) ss.

I declare that I, Allan Hernández Vargas, am a citizen of Costa Rica, over the age of twenty-one, not a party nor an attorney for any party in this action, received the following documents on November 14, 2006, and performed the following service:

Service upon **BODOG Entertainment Group S.A.**, was accomplished by delivering the Summons and Complaint for Patent Infringement, personally and in person to **BODOG Entertainment Group S.A.**:

By Leaving with (Name and Title): Victoria Mora (in charge)

At the address of: Oficina Ejecutiva Lagunas Sur  
Eduardo 7, piso 5, San José Costa Rica

On the 23 day of November, 2006 at 12:30 a.m./p.m.

**Description of person served:**

Race W Hair color Brown Height: 5.2 Weight 80 Sex F Age 38

Signature of Server [Signature]

SUBSCRIBED AND SWORN to before me this 9th day of February, 2006

Notary Public in Costa Rica  
Province & City of San José  
Ministry of the General Secretariat of Justice

[Signature]  
Juan C. Surinach-Consular Associate  
Notary

AO 440 (Rev. 1/80) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

1ST TECHNOLOGY LLC,

Plaintiff,

v.

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

Defendants.

## SUMMONS IN A CIVIL ACTION

CASE NUMBER: 2:06-cv-1110-RLH-GWF

TO: (Name and Address of Defendant)

BODOG ENTERTAINMENT GROUP S.A.  
Oficentro Ejecutive Sabana Sur, Edificio 7  
5 Piso San Jose  
San Jose, Costa Rica 01017

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court and serve upon Plaintiff's attorney (name and address)

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

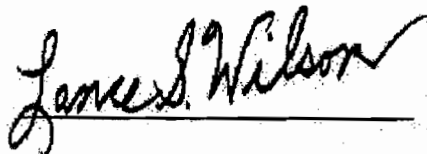
an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Lance S. Wilson

September 8, 2006

Clerk

Date





AO 440 (Rev. 1/80) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me <sup>1</sup>	DATE	
NAME OF SERVER (PRINT)	TITLE	
<p><i>Check one box below to indicate appropriate method of service</i></p> <p><input type="checkbox"/> Served personally upon the defendant. Place where served:</p> <p><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left:</p> <p><input type="checkbox"/> Returned unexecuted:</p> <p><input type="checkbox"/> Other (specify):</p>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____  <span style="margin-left: 100px;"><i>Date</i></span></p> <p style="text-align: right;">_____  <i>Signature of Server</i></p> <p style="text-align: right;">_____  <i>Address of Server</i></p>		

<sup>1</sup> As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



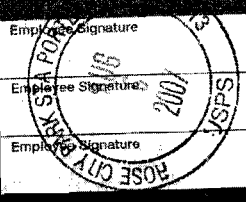
EB 634833565 US

UNITED STATES POSTAL SERVICE®

Post Office to Address See

ORIGIN (POSTAL SERVICE USE ONLY)		
PO ZIP Code 98107	Day of Delivery Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day <input type="checkbox"/>	Postage \$ 2.50
Date Accepted 8/16/07	Scheduled Date of Delivery Month Day 8 16	Return Receipt Fee \$
Mo. Day Year 8 16 07	Scheduled Time of Delivery Noon <input type="checkbox"/> 8 PM <input type="checkbox"/>	COD Fee \$ Insurance Fee \$
Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/>	Total Postage & Fees \$ 2.50
Flat Rate <input type="checkbox"/> or Weight lbs. ozs.	Int'l Alpha Country Code	Acceptance Emp. Initials

DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
Mo. Day	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
Mo. Day	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
Delivery Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
Mo. Day	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM



CUSTOMER USE ONLY	
PAYMENT BY ACCOUNT Express Mail Corporate Acct. No.	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if customer's signature is not present on the item. Delivery is made without obtaining signature of addressee. Addressee's signature is required on packages that require signature. Signature and address must be legible. Employee's signature constitutes valid proof of delivery.
Federal Agency Acct. No. or Postal Service Acct. No.	

FROM: (PLEASE PRINT) PHONE ( )  
 BODOG ENTERTAINMENT GROUP SA  
 5110 4th Ave S  
 Seattle WA 98136

NO DELIVERY	
<input type="checkbox"/> Weekend	<input type="checkbox"/> Holiday
Mailing Signature	
TO: (PLEASE PRINT) PHONE ( )	
BODOG ENTERTAINMENT GROUP SA 5110 4th Ave S Seattle WA 98136 Attention: San Jose San Jose Costa Rica 01017	
ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.)	
FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW. COSTA RICA	

FOR PICKUP OR TRACKING  
 Visit [www.usps.com](http://www.usps.com)  
 Call 1-800-222-1811

Registered No.

To Be Completed By Post Office	Reg. Fee \$	\$10.15	Date Stamp 0013 03 08/10/07
	Handling Charge	\$0.00	
	Postage \$	\$0.65	
	Received by	<i>[Signature]</i>	
	Return \$	\$2.15	
	Restricted \$	\$0.00	
	Delivery	\$0.00	

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	Customer Must Declare Full Value \$	\$0.00	<input type="checkbox"/> With Postal Insurance
			<input type="checkbox"/> Without Postal Insurance
FROM	BALASUBRAMANILAN		
	YENKAT BALASUBRAMANI		
TO	98136		
	5110 4th Ave S		
	SEATTLE, WA 98136		
	BODOG ENTERTAINMENT GROUP SA		
	BODOG.NET & BODOG.COM		
	ATTENTION: EXECUTIVE SABANA SUR		
	SAN JOSE COSTA RICA 01017		

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer June 2002 (See Information on Reverse)

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

**EXHIBIT B**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

Bodog Registrar Enom Inc Bellvue Washington

**eNom, Inc.**  
15801 NE 24th St.  
Bellevue, WA 98008 USA  
**eNom, Inc.:**  
425.274.4500  
**Support Fax:**  
425.974.4791

<http://www.enom.com/aboutus.asp>

Bodog.com :

Our WhoIs (Who Is?) page lets the public see information about the owner (the "registrant") of a particular domain name as well as other information about the domain name. Some of this information is maintained by eNom (the "registrar") and some is maintained by the "registry". Only names that are registered by eNom (the "registrar") appear here. Names that are maintained by other registrars will not show up in our WhoIs, even though they are already registered (i.e. taken). You can [see if a name is already taken here](#)

Access to eNom's Whois information is for informational purposes only. eNom makes this information available "as is," and does not guarantee its accuracy. The compilation, repackaging, dissemination or other use of eNom's Whois information in its entirety, or a substantial portion thereof, is expressly prohibited without the prior written consent of eNom. By accessing and using our Whois information, you agree to these terms.

#### Contact Type Registrant

Bodog Entertainment Group SA  
Null  
NULL  
Oficentro Ejecutivo Sabana Sur, Edificio  
7, 5 Piso

San Jose  
CR  
00000  
CR  
+1.8882630000

[dnsadmin@gkworldlink.com](mailto:dnsadmin@gkworldlink.com)



#### Contact Type Administrative

Bodog Entertainment Group

DNS  
Administrator  
Oficentro Ejecutivo Sabana Sur, Edificio  
7, 5 Piso

San Jose

no zip code  
CR  
+1.8882630000

[dnsadmin@gkworldlink.com](mailto:dnsadmin@gkworldlink.com)

### Contact Type Billing

Bodog Entertainment Group  
DNS  
Administrator  
Oficentro Ejecutivo Sabana Sur, Edificio  
7, 5 Piso

San Jose

no zip code  
CR  
+1.8882630000

[dnsadmin@bodog.com](mailto:dnsadmin@bodog.com)

### Contact Type Technical

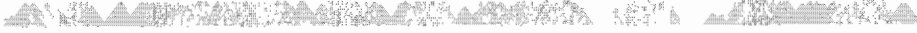
Bodog Entertainment Group  
DNS  
Administrator  
Oficentro Ejecutivo Sabana Sur, Edificio  
7, 5 Piso

San Jose

no zip code  
CR

+1.8882630000

dnsadmin@gkworldlink.com



**Other Information**

UDNS1.ULTRADNS.NET  
UDNS2.ULTRADNS.NET

2007-02-17 01:41:07.000

2000-02-21 16:01:21.000

2015-02-21 16:01:20.000

registrar-lock  
clientDeleteProhibited

bodog.com



Bodog.net :

Our WhoIs (Who Is?) page lets the public see information about the owner (the "registrant") of a particular domain name as well as other information about the domain name. Some of this information is maintained by eNom (the "registrar") and some is maintained by the "registry". Only names that are registered by eNom (the "registrar") appear here. Names that are maintained by other registrars will not show up in our WhoIs, even though they are already registered (i.e. taken). You can [see if a name is already taken here](#)

Access to eNom's Whois information is for informational purposes only. eNom makes this information available "as is," and does not guarantee its accuracy. The compilation, repackaging, dissemination or other use of eNom's Whois information in its entirety, or a substantial portion thereof, is expressly prohibited without the prior written consent of eNom. By accessing and using our Whois information, you agree to these terms.

### Contact Type Registrant

Bodog Entertainment Group SA  
Null  
NULL  
Oficentro Ejecutivo Sabana Sur, Edificio  
7, 5 Piso

San Jose  
CR  
00000  
CR  
+1.8882630000

[dnsadmin@gkworldlink.com](mailto:dnsadmin@gkworldlink.com)

### Contact Type Administrative

Bodog Entertainment Group SA  
Null  
NULL  
Oficentro Ejecutivo Sabana Sur, Edificio  
7, 5 Piso

San Jose  
CR  
00000  
CR  
+1.8882630000

dnsadmin@gkworldlink.com

**Contact Type Billing**

Bodog Entertainment Group SA  
Null  
NULL  
Oficentro Ejecutivo Sabana Sur, Edificio  
7, 5 Piso  
  
San Jose  
CR  
00000  
CR  
+1.8882630000

dnsadmin@gkworldlink.com

**Contact Type Technical**

Bodog Entertainment Group SA  
Null  
NULL  
Oficentro Ejecutivo Sabana Sur, Edificio  
7, 5 Piso  
  
San Jose  
CR  
00000  
CR  
+1.8882630000

dnsadmin@gkworldlink.com

**Other Information**

UDNS1.ULTRADNS.NET  
UDNS2.ULTRADNS.NET  
2007-02-17 01:41:07.000



2000-02-21 16:02:25.000

2015-02-21 16:02:25.000

registrar-lock  
clientDeleteProhibited

bodog.net

## WHOIS Search Results



### WHOIS Record For



#### **newbodog.com**

Services from Network Solutions:

- [Certified Offer Service](#) - Let us help you get this domain name!
- [Backorder](#) - Try to get this name when it becomes available.
- [SSL Certificates](#) - Get peace of mind with a secure certificate.

This whois service shows the information for .COM and .NET domains only if they are registered thru DotRegistrar.com. For ORG, .BIZ, .US .INFO and .NAME domains, the information is displayed regardless of the sponsoring registrar for said domains.

The fact that your query returns "NOT FOUND" does not necessarily mean that the domain may be available for registration. To search all domains, please go to the shared registry whois located at:  
<http://www.internic.net/whois.html>

#### Registrant:

Domin Ad Min (NEWBODOG-COM-DOM)  
Lyon Finance Ltd  
Giusseppe Cali Street  
Ta Xbiex, MT 14  
MT  
+1888 2630000  
[bodogmedia@gmail.com](mailto:bodogmedia@gmail.com)

Domain Name: NEWBODOG.COM  
Status: PROTECTED

#### Administrative Contact:

Ad Min Domin [bodogmedia@gmail.com](mailto:bodogmedia@gmail.com)  
Giusseppe Cali Street  
Ta Xbiex, MT 14  
MT  
+1888 2630000

#### Technical Contact, Zone Contact:

Domin Ad Min [bodogmedia@gmail.com](mailto:bodogmedia@gmail.com)  
Giusseppe Cali Street  
Ta Xbiex, MT 14  
MT  
+1888 2630000

Record last updated on 07-Sep-2007.  
Record expires on 27-Aug-2008.  
Record created on 27-Aug-2007.

Domain servers in listed order:

Name Server: pdns1.ultradns.net

 Learn how securing your Web site helps your business.

[Download our FREE SSL Certificates whitepaper!](#)

Choose Your Domain Name Provider Wisely and Transfer Domains for \$9.99/yr

Learn the do's and don'ts of search engine optimization. [Download our Guide to Getting Found Online](#) now.

## Learn the Secrets of Search Engine Optimization

Attend our SEO Seminar

[Learn More](#)

Search Engines

TOP SECRET

think local.com

Help your customers find you. Take advantage of a free ThinkLocal listing today!

[Join Now!](#)

It's smart to ThinkLocal™

Name Server: pdns2.ultradns.net  
Name Server: pdns3.ultradns.org

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

[Show underlying registry data for this record](#)

**Current Registrar:** DSTR ACQUISITION VII, LLC  
**IP Address:** 66.212.245.170 (ARIN & RIPE IP search)  
**IP Location:** CR(COSTA RICA)  
**Lock Status:** clientTransferProhibited  
**DMOZ:** no listings  
**YI Directory:** [see listings](#)  
**Data as of:** 14-Jun-2005

Search

your domain name registration be included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information visit [www.internetprivacyadvocate.org](http://www.internetprivacyadvocate.org).

**NOTICE AND TERMS OF USE:** You are not authorized to access or query our WHOIS database through the use of high-volume, automated, electronic processes or for the purpose or purposes of using the data in any manner that violates these terms of use. The Data in Network Solutions' WHOIS database is provided by Network Solutions for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. Network Solutions does not guarantee its accuracy. By submitting a WHOIS query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via direct mail, e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to Network Solutions (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of Network Solutions. You agree not to use high-volume, automated, electronic processes to access or query the WHOIS database. Network Solutions reserves all rights and remedies it now has or may have in the future, including, but not limited to, the right to terminate your access to the WHOIS database in its sole discretion, for any violations by you of these terms of use, including without limitation, for excessive querying of the WHOIS database or for failure to otherwise abide by these terms of use. Network Solutions reserves the right to modify these terms at any time.

**BUY THE AVAILABLE EXTENSIONS FOR THIS DOMAIN NAME**

- newbodog  .cc
- newbodog  .bz
- newbodog  .vg
- newbodog  .gs
- newbodog  .tc
- newbodog  .ms

Continue

**SEARCH AGAIN**

Enter a search term:

e.g. networksolutions.com

Search by:

- Domain Name**
- NIC Handle**
- IP Address**

Search



**PerformanceClicks™ from Network Solutions**

Create and manage your pay per click advertising from as low as **\$125/month** plus **\$99 one time set-up fee**



**Need to get your business online?**

Our professional designers can build a custom Web site for your business. **\$11.95/month**, plus a **\$499.00** design fee



"An outstanding customer service experience"  
J.D. Power and Associates

© Copyright 2007 Network Solutions. All rights reserved.

**EXHIBIT C**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101 and 107**

**Reg. No. 2,930,682**

**United States Patent and Trademark Office**

**Registered Mar. 8, 2005**

**SERVICE MARK  
PRINCIPAL REGISTER**

**BODOG**

BODOG ENTERTAINMENT GROUP S.A. (COSTA RICA CORPORATION)  
OFICENTRO EJECUTIVO SABANA  
SUR EDIFICIO 7, 5 PISO  
SAN JOSE, COSTA RICA

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING SPORTS WAGERING, EVENT WAGERING, CASINO TOURNAMENTS, IN THE NATURE OF ONLINE GAMING COMPETITIONS, AND GAMES OF CHANCE VIA THE INTERNET AND TELEVISION, SUCH GAMES OF CHANCE INCLUDING BUT NOT LIMITED TO CARD GAMES, INCLUDING BLACKJACK, POKER, ROULETTE, BINGO, LET IT RIDE, WAR, RED DOG, BACCAR-

AT/MINI BACCARAT, SPANISH 21, BIG SIX, BIG 2, CRAPS, KENO, PAI GOW TILES, PAI GOW POKER, SIC BO, SLOT MACHINES, VIDEO POKER, LOTTERY, BLACKJACK SWITCH, CASINO HOLD 'EM, SCRATCH AND WIN, SOLITAIRE, FREE CELL, HEARTS, SPADES, HANGMAN, MINE SWEEPER, 9 BALL POOL, 8 BALL POOL AND LOTTERIES , IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-15-2001; IN COMMERCE 3-15-2001.

SER. NO. 78-315,417, FILED 10-17-2003.

GENE MACIOL, EXAMINING ATTORNEY

**EXHIBIT D**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27



The World's Billionaires

## Catch Me If You Can

Matthew Miller 03.27.06

### **Calvin Ayre has gotten very rich by taking illegal bets over the Internet.**

On a warm, bright morning just outside San José, Costa Rica, Calvin Ayre, slightly hungover, was lounging in his bathrobe at a poolside office in his new \$3.5 million, 10,000-square-foot compound. Sipping coffee poured by one of his five servants, the entrepreneur declared, paraphrasing Sun Tzu's *The Art of War*, "I'm going to win this war without fighting battles. I've put a lot of energy into finding ways not to fight my enemies."

From this tropical oasis, Ayre has dodged and taunted those enemies, the main one being the U.S. Department of Justice. His Bodog Entertainment Group is in the not very kosher business of Web gambling. It takes bets from 16 million customers, most of them in the U.S. And that appears to violate the law--Title 18, Section 1084 of the U.S. Code--which forbids using telephones or other communication devices "in interstate or foreign commerce" in order to take bets. "Online gambling, whether it is located offshore or not, is illegal when it comes to the United States and its citizens," says a Justice Department official who works on Internet gambling crimes.

But Bodog has no physical presence in the U.S., Ayre is not an American citizen, and the extraterritorial reach of U.S. law is not clear. Ayre, at any rate, has no assets in the U.S. for the G-men to seize.

Last year the privately held Bodog handled \$7.3 billion in online wagers, triple the volume of 2004. Ayre says all this betting gave him sales of \$210 million, and that he took 26% of the revenue to the bottom line. What's his business worth? Two similar ventures that are publicly traded (in Europe) go for well over 18 times trailing earnings. At that multiple, Bodog, along with other assets, gives Ayre a net worth of at least \$1 billion.

Ayre presumably has not just the vice squad but the tax collectors in a huff. While 95% of his sales come from the U.S., the 44-year-old doesn't pay a nickel in corporate or personal income tax here. Is that legit? Foreigners are supposed to pay federal tax on income derived from U.S. business activities. The suckers are stateside, the electronic roulette wheels and digitized sports pools in Costa Rica. Where's the action? It remains to be seen whether IRS agents could make Ayre pay, assuming they could get their mitts on either him or his money.

His taunting analysis of the law: "We run a business that can't actually be described as gambling in each country we operate in. But when you add it all together, it's Internet gambling."

There are 2,400 Internet gaming sites, estimates tracker Casino City, a few hundred of them operating in Costa Rica's tax and regulatory haven. According to research company Christlansen Capital Advisors, they pulled in revenue (vigorish, that is) of \$12 billion last year, double the volume on the Las Vegas Strip. Ayre gets his share with a smorgasbord of offerings (sports, poker and casino games), a heavy dose of marketing and a lot of repeat business. Bodog.com claims 145,000 regulars who bet at least once a week. Their average wager: \$60 for sports, \$13 for casino games.

Bodog is spending \$80 million this year to nudge beyond gaming into a kind of MySpace for adults. Most of it is pretty cheesy entertainment, like his recent hosting of the Lingerie Bowl, a raunchy pay-per-view cable alternative to the Super Bowl halftime show. Ayre is also supporting the careers of a dozen lesser-known rock and hip-hop acts (Bif Naked and Syndicated Villain among them) and producing a poker show on cable TV with a slew of C-list celebrities like Rob Mariano (a contestant on CBS' *Survivor*) and card shark David Williams. Hardly any of these ventures makes money, though Ayre insists they will one day. But it probably lures customers to try their luck on Bodog.com. Its 1.5 million unique visitors per month, according to Internet tracker Hitwise, rivals that of Sportsbook.com, which is owned by London Stock Exchange-traded Sportingbet Group, the world's largest sports betting company.

Ayre likes to be seen--especially with attractive women. He is unmarried and has no steady girlfriend ("It would be unfair to the girl," he says). He has himself driven around in a black Hummer by a chauffeur who was trained as a sniper in the Canadian military and practiced in Somalia, Bosnia, Afghanistan and Iraq. Why the heavy metal? Ayre says he and three friends were robbed at gunpoint on the streets of San José a few years ago. His rivals say there's about as much need for a bodyguard in Costa Rica as in Boca Raton.

Raised in Lloydminster, Sask., Calvin Edward Ayre (pronounced "air") is the son of grain and pig farmers. He placed his first bet during his teens, playing blackjack for pennies with his mates on long hockey trips across the Canadian tundra. By the time he attended the University of Waterloo, Ayre was betting on sports (for beers, he says), and developing a taste for business. Over the summer he bought a five-ton truck, loaded it with cherries and peaches he'd picked and sold the fruit to motorists on the side of the road. He also organized trips to Florida and Cuba for his party-going classmates.

It didn't take him long to land in trouble. With an M.B.A. from City University in Seattle, Ayre took a job in June 1990 as president of Bicer Medical Systems, a Vancouver, B.C. heart-valve maker. The company was underfinanced, he says. According to British Columbia Securities Commission documents, Ayre sold 300,000 Bicer shares without releasing a prospectus. He also moved millions of shares between several accounts, including his own, without filing insider trading reports. "I knew that I wasn't following all the rules," he says. "But I also knew I had to do it to keep the budget alive." Though he was never charged, Ayre settled in 1996 for a \$10,000 fine and a 20-year prohibition from running a company listed on the Vancouver Exchange.

Meantime Ayre borrowed Cisco training manuals and taught himself network design, then tried launching several Web-based ventures, including a voice-over-IP company. All of them flopped. Then he read a newspaper story about Ronald (the Cigar) Sacco, a U.S. bookie who had set up an offshore phone-in betting operation in the Dominican Republic to elude felony charges in the States. "There was a loud bang in my head and the whole universe came together," Ayre recalls. (Sacco pleaded guilty in 1994 to money-laundering charges and went to prison a year later. His operation later moved to Costa Rica.) Ayre invested \$10,000 to build a Web-based system for betting online, providing software to offshore bookmakers.

By 1996 he was in Costa Rica, helping to launch some of the first online casinos, like WinSports and GrandPrix, for other bookmakers. Internet gambling was basically unheard-of, and there was a strong disconnect between the kid and the old coots taking the bets. Ayre not only wanted to encourage smaller bets to generate more predictable revenue and profits, he also wanted to settle accounts with online checks, instead of suitcases of cash. "I was pioneering a new industry," he says. That's half true. Sportsbook.com was championing a similar model, taking bets from customers using credit cards issued by European banks.



Ayre launched his own site in April 2000, starting with sports betting. There were options to pay with credit cards and online checks (wired from U.S. accounts to Bodog's London accounts), a \$5,000 maximum and plenty of pictures of pretty girls. Later he added online poker and casino games. In the event that you are a winner, you collect via wire transfer. Presumably, you declare your winnings on your 1040, but Ayre does not file reports with the IRS.

---

To create some attention, Ayre begat the fictitious "Cole Turner" as the public face of Bodog. He convinced Christopher Costigan, owner of Gambling911, an online tabloid promoting Web gambling, to post stories of Turner, an Indiana Jones-like character. In 2003, for example, Ayre turned his vacation to Thailand into a Cole Turner Internet adventure. Using a digital camera, a machete, fake blood and a cast of taxi drivers and massage-parlor girls, Ayre spun the tale of Turner leading an expedition into Cambodia to fight a cell of Buddhist terrorists. Along the way Turner was captured by the Cambodian army, double-crossed by opium warlords in a lost ancient city and wounded in a knife duel while escaping the country. Ayre wrote the eight-story series on the plane back to Costa Rica. It was released during the college bowl season.

The series got noticed. Disgusted bookies at rival companies posted notes on Internet forums saying Turner was a terrible businessman because he was off on an adventure rather than at his desk during one of the busiest betting times of the year. One gambler called Bodog and said he wouldn't place another bet until he knew if Turner was alive.

But the joke got old. After being quoted in a 2004 *Cigar Aficionado* magazine story as Cole Turner, Ayre got tired of explaining to reporters that Turner was just a marketing trick. Still Ayre hasn't lost his crude touch: He sometimes hands out thong underwear as business cards. For an April Fool's gag last year he released a statement apologizing to customers for losing Bodog to Virgin's Richard Branson in a drunken poker match.

Bodog is based in Costa Rica, where 150 bookmakers and customer service reps guide the action. The government doesn't charge businesses on money earned from other countries, and since Ayre doesn't take bets from Costa Ricans, all Bodog revenues come from foreign lands. He pays no personal income taxes in Costa Rica since all his assets--cash, cars, houses and other properties--are in Bodog's name, not Ayre's. He says he has \$25 million invested in Costa Rican and Canadian real estate and \$40 million in Swiss banks.

In Vancouver, 200 graphic designers and computer programmers work at Riptown Media, whose only client is Bodog. But producing advertising copy is not a crime and Bodog itself doesn't keep an office in Canada, which has legal restrictions against online gambling similar to those in the U.S. Ayre says his citizenship isn't a reason for not setting up operations in Canada, though he still carries that insider trading settlement on his record and admits he doesn't want to "tempt fate."

The U.S. Justice Department hasn't had much luck prosecuting online gambling operators. Jay Cohen, an American who co-owned World Sports Exchange in Antigua, is the only known proprietor ever put on trial. Found guilty of accepting bets from America over the Internet in August 2000, he was sentenced to 21 months. But some American offshore operators haven't been touched, even though they sometimes return to the States. Among them: Ruth Parasol and J. Russell DeLeon, a married couple who, along with Indian partner Anurag Dikshit, got very rich when they took PartyGaming, a Gibraltar company, public in London last June. Dikshit is worth \$3.3 billion, Parasol and DeLeon \$1.8 billion each.

Uncle Sam has found ways to make those who help Web casinos sweat. In 2003 Ebay's PayPal operation paid the U.S. \$10 million to settle charges of enabling online betting with money

transfers. In January the tabloid *Sporting News* surrendered \$7.2 million to the government, money it earned advertising gambling sites. Ayre has a clever work-around. Most broadcasters in the U.S. don't want to pay fines for running Bodog.com ads but happily take money for advertising Bodog.net, a free "educational" site that looks almost identical to the Bodog.com money machine.

There is some risk that Congress will give the DOJ more weapons with which to attack offshore gamblers. Senator Jon Kyl (R--Ariz.) has introduced a handful of bills to stop online gambling. One made it to the floor and was voted down in November 1999; Kyl's handler blames "shadowy forces." Rep. James Leach (R--Iowa) introduced similar legislation last November. "Internet gambling has dangerous implications for families and society," Leach says. "It's also a front for money laundering and terrorism," though he has only anecdotal evidence.

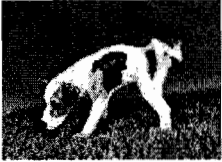
Ayre, paradoxically, might also be in trouble if Congress went the other way and legalized online gambling. That, he says, would encourage the likes of Google, Microsoft and Ebay to open sites. But other powers disagree. "Do you think the Internet or gambling is going to disappear in the next ten years?" asks Nigel Payne, Sportingbet's chief, who spends much of his time lobbying for regulation. (His largest stockholders include Fidelity Investments and Merrill Lynch.) "The U.S. needs to regulate it, license it and tax it." Payne says the U.S. government could have reaped \$900 million from online gambling taxes last year. He has a strong ally in Terri Lanni, chief executive of MGM Mirage, which owns the Bellagio and MGM Grand in Las Vegas. Washington is "making a major mistake by not legalizing this type of gambling, considering that almost all wagers going to offshore sites come from the United States," he says.

Whatever happens, Ayre will try to make sport of it. "One of the things that drives me is the excitement that I could fail," he says. "What better buzz can you get?"

<http://pokerbiz411.com>

**Thursday, June 01, 2006**

**LEGAL AND REGULATORY: Bodog Conceal Assets as FSN Lawyers Sidestep the Press**



**BODOG/FOX SPORTS NET LEGAL UPDATE**

***Bodog Unveils Strategy to Appeal and Conceal Assets as FSN Lawyers Sidestep the Press***

As PokerBiz411 reported previously, Bodog initially sent mixed signals regarding its strategy for the expanding lawsuit involving its poker reality series on Fox Sports Net (FSN). All the while FSN and the plaintiff, Bluemoon Entertainment, were keeping a very low profile.

But it appears that the case is shifting to a new phase as Bodog recently laid its cards on the table, while the folks at Bluemoon have begun to feel a bit less media shy.

According to a recent story in *Interactive Gaming News*, Bodog's lawyers (led by James Nguyen of Foley & Lardner) told Bluemoon reps (led by David Beitchman of Beitchman & Zekian) that if Bluemoon wins a judgement, they will "appeal, appeal, and keep appealing," and in the end, make sure Bodog has no assets in the U.S. to collect. In addition, it was reported that Bluemoon Principal Babette Pepaj was told directly during an April 27 meeting that if she did not withdraw all claims within 24 hours, Bodog would file a countersuit. As of May 15, PokerBiz411 has been unable to confirm if a countersuit was filed. These threats were made during a "settlement" meeting that reportedly lasted just eight minutes.

Pepaj told IGN it was clear that the purpose of the meeting was to intimidate and threaten Bluemoon. She also said that Bluemoon is prepared to vigorously pursue the case against Bodog and Fox Sports Net.

FSN appears to have nothing to say regarding Bodog's "appeal and conceal" strategy or the network's increasing involvement in the lawsuit (the complaint was amended on April 25 to include FSN as a defendant). Attempts to contact Fox Sports Net's lawyer, Julie Shepard of Hogan & Hartson, as well as FSN PR reps Justin Simon and Emily Corliss, were unanswered. (See Kings & Jokers story for related coverage)

To understand what's happening behind the scenes, PokerBiz411 recently discussed the case with two legal experts specializing in intellectual property and entertainment litigation.

With respect to Bodog's threatened counterclaim, Robert N. Klieger, a partner at the Los Angeles office of Irell & Manella LLP, says that while many defendants do not have a genuine basis for a counterclaim, the mere threat can help level the playing field for settlement discussions. He adds, however, "asserting a counterclaim without a good faith legal basis for doing so can expose the defendant to significant sanctions."

Klieger also explained that Bluemoon could invoke "unclean hands" as a defense for any counterclaim asserted by Bodog, by arguing that Bodog's business model is based on U.S. citizens engaging in illegal gaming activities, and that Bodog therefore should not be entitled to equitable relief, regardless of the nature of the counterclaim.

Washington D.C. attorney Joy Butler, who authored the forthcoming book *The Permission Seeker's Guide Through the Legal Jungle*, agrees that the threat of filing a countersuit is often used as a negotiation tactic after being sued. "Unfortunately, people do sometimes use litigation as a bargaining chip," she said.



As for Bodog's ability to conceal assets and deflect culpability to FSN, Butler said "If the court finds all the defendants jointly and severally liable, Bluemoon can choose to collect the entire judgment from just one of the defendants." In such a scenario, the defendant who paid the judgment, whether it be Bodog or FSN, would then look to its co-defendant for reimbursement.

No doubt it will be interesting to see if Bodog, led by the man who has publicly challenged U.S. authorities to "catch me if you can," will be equally smug in a U.S. courtroom.

**Editor's Note (7/5/06):** There's a fantastic article about the Bodog/Bluemoon lawsuit we found at [Haley's Poker Blog](#) that references PokerBiz411.com and deserves mentioning. Definitely worth the read -

**Recent PokerBiz411.com articles:**

**CALVIN AYRE'S WILD RIDE**

**SEVEN TOP PROS FILE LAWSUIT AGAINST WPTE**

**CARRUTHERS DETENTION**

**BODOG LEGAL UPDATE**

**WPTE INVITES LIU, ROUSSO, GALAJIAN & SCHOENBERG TO LADIES NIGHT IV**

**PARTYPOKER AMENDS TERMS AND CONDITIONS**

**HOUSE PASSES LEGISLATION TO BAN ONLINE GAMING**

**BODOG BACKLASH: Efforts to Turn Frontman Calvin Ayre into a Celebrity Begin to Backfire**

**AIRLINE CANCELS BODOG AD DEAL: Allegiant Air Cites Concerns Over the Bodog Brand**

**KINGS & JOKERS: WPTE - Fox Sports Net and Bodog - Bluff Magazine - Bet Fair and Ladbrokes - Mansion - PartyPoker**

**WPTE SHARES JUMP 15%**

**PARTYPOKER SIGNS WITH HARRAH'S TO SPONSOR WSOP**

**NEW DATABASE PROBLEM GAMBLERS FROM OPENING ONLINE ACCOUNTS**

**ESPN EXTENDES CONTRACT WITH HARRAHS**

**MANSION LIFTS AIRCRAFT BRANDING OUT OF THE DOGHOUSE:**

**GAMEBOOKERS.COM LAUNCHES POKERROOM:**

**RETURN TO HOME PAGE**

**EXHIBIT E**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

DECLARATION OF VENKAT BALASUBRAMANI IN  
OPPOSITION TO BODOG'S REQUEST FOR RELIEF  
FROM ORDER OF EXECUTION / PAGE - 7

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

# SPORTS · CASINO · POKER

## About Bodog Sportsbook Casino & Poker

Headquartered in San José, Costa Rica, Bodog is a fully licensed wagering and entertainment company providing the very best in sports betting, casino wagering and online poker to thousands of people daily. Founded in 1995, Bodog is now the global leader in safe and secure online wagering. A trusted source of sports betting information by such organizations as ESPN and CNN, Bodog Sportsbook Casino and Poker is the most respected brand in the business.

Bodog Entertainment Group, S.A., located at Oficentro Ejecutivo Sabana Sur Edificio 7-5 Piso, San José, Costa Rica, takes pride in being federally licensed by the Costa Rican government, and confidently holds 100% of all deposits plus winnings for all players in a segregated reserve account with Europe's largest Private Bank in Zurich, Switzerland.

Whatever sport is your passion, Bodog will take you front and center. Get the entire fast-paced and high-octane sports world right at your fingertips, from NFL Football all to the Madness of NCAA Basketball and everything in-between. Plus you can step into a full Las Vegas style casino experience with over 50 games, easily downloadable at the click of a button, and you can play on Bodog's exciting and growing multi-player online poker community featuring Texas HoldEm, Omaha, and Omaha High Low, 7 Card Stud, 7 Card Stud High Low, 5 Card Stud.