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

24 UNITED STATES DISTRICT COURT
 25 DISTRICT OF NEVADA

26 1ST TECHNOLOGY LLC,
 27 Plaintiff,
 28 vs.
 29 RATIONAL ENTERPRISES LTDA.,
 30 RATIONAL POKER SCHOOL LIMITED,
 31 BODOG ENTERTAINMENT GROUP S.A.,
 32 BODOG.NET, BODOG.COM, AND
 33 FUTUREBET SYSTEMS LTD.,
 34 Defendants.

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

**DEFENDANT'S EVIDENTIARY
 OBJECTIONS TO AFFIDAVITS OF MR.
 McANDREWS AND MR. WALLIN**

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

1 Specially appearing defendants, Bodog Entertainment Group S.A. (Costa Rica), Bodog.net,
2 and Bodog.com (“Defendants”) (who challenge jurisdiction), hereby submit the following
3 objections to the affidavits of Mr. McAndrews and Mr. Wallin, submitted in support of 1st
4 Technology LLC’s Response to Motion to Set Aside Default Judgment.

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6 In addition to the factual contentions raised in the Declaration of James D. Nguyen in
7 support of Defendant’s Motion to Set Aside Default Judgment, Defendant raises the following
8 evidentiary objections to the affidavits:

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10 1. AFFIDAVIT OF MATTHEW McANDREWS, LINES 11–15:

11 “In January 2007, I attempted to contact Mr. James Nguyen to discuss the aforementioned case. It
12 was my understanding that Mr. Nguyen had represented the Bodog Entities in previous litigation
13 and I wanted to determine whether he would be representing them for this lawsuit which, by that
14 time, had already been filed and served.”

15 DEFENDANT’S OBJECTIONS: Defendant objects on the grounds that this statement
16 misstates the evidence, lacks proper foundation, and contains attorney’s arguments.

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18 2. AFFIDAVIT OF MATTHEW McANDREWS, LINES 15–17:

19 “I left a voice mail message for Mr. Nguyen in which I indicated that I was representing 1st
20 Technology LLC in a patent infringement lawsuit against Bodog Entertainment Group and which
21 had been served on the Bodog Entities.”

22 DEFENDANT’S OBJECTIONS: Defendant objects on the grounds that this statement
23 misstates the evidence, lacks proper foundation, and contains attorney’s arguments.

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25 3. AFFIDAVIT OF TROY A. WALLIN, LINES 7–25:

26 “On September 11, 2007, I spoke with Mr. James Nguyen, an attorney representing the
27 Bodog Entities. At that time, Mr. Nguyen informed me that Bodog Entities had recently entered
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1 into a strategic alliance and/or joint venture with the Mohawk Indians in Canada, that an
2 announcement had already been made publicly to that effect and that Bodog Entities intended to use
3 their sovereign immunity as a shield to prevent Plaintiff 1st Technology LLC from pursuing their
4 claims in the instant litigation.

5 Mr. Nguyen also informed me that Bodog had already shifted its business to the new Bodog
6 domain names, was happy with the results, and had already been working with the top search
7 engines to “optimize” their listings with the new domain names to again be at the top of all related
8 search results.

9 In the same discussion, I informed Mr. Nguyen of 1st Technology LLC’s intention to fully
10 pursue Bodog’s assets to satisfy its claims in the event that the Nevada Judgment was upheld. To
11 this, Mr. Nguyen replied that this would be impossible since in such an event Bodog believed it had
12 already left U.S. jurisdiction by strategically aligning itself and/or joint venturing with the Mohawk
13 Indians in Canada, thereby avoiding any possibility of collection.”

14 DEFENDANT’S OBJECTIONS: Defendant objects on the grounds that these statements
15 were made in compromise negotiations, and thus are inadmissible under FRE 408(2) (“Compromise
16 and Offers to Compromise”).

17 The statements are also irrelevant because they bear no logical connection to the underlying
18 issues of patent infringement and proper service of process.

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20 4. AFFIDAVIT OF TROY A. WALLIN, LINES 22–24:

21 “As such, it appears that Bodog Entities are again attempting to hide assets and put them beyond the
22 reach of United States Courts so that they can equate impunity and evade United States laws and
23 litigation.”

24 DEFENDANT’S OBJECTIONS: Defendant objects on the grounds that this statement
25 misstates the evidence, is argumentative, contains an attorney’s argument, and is irrelevant.
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Dated: October 1, 2007

By: /s/ Charles McCrea

Charles McCrea

LIONEL SAWYER & COLLINS

Attorneys for Specially Appearing Defendants

BODOG ENTERTAINMENT GROUP S.A., and

erroneously named Specially Appearing Defendants

BODOG.NET and **BODOG.COM**