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

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

16 **1ST TECHNOLOGY LLC,**

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 18 Plaintiff,

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 20 vs.

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

24
 25 Defendants.

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

**DECLARATION OF ULESES C.
 HENDERSON, JR. IN SUPPORT OF
 DEFENDANTS' MOTION TO QUASH
 SUBPOENA**

Date:
Time/Dept.:

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DECLARATION OF ULESES C. HENDERSON, JR

I, Uleses C. Henderson, Jr., declare as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of California and am an associate 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.

Efforts to Resolve the Dispute

2. On September 24, 2007, I sent an email to Plaintiff 1st Technology LLC's counsel, Kristopher Rath, seeking to meet and confer regarding the subpoena served by Plaintiff on ION Media Networks, on September 7, 2007. (A true and correct my recent email communications with Mr. Rath is attached hereto as Exhibit B). Mr. Rath never responded to my September 24 email.

3. On October 2, 2007, I sent Mr. Rath a follow-up email requesting to meet and confer on the issue. (See Exhibit B). In that email, I informed Mr. Rath that I would call him at 2:00 p.m. to discuss that matter. Mr. Rath and I spoke later that day, via telephone, regarding the matter. During our conversation, I asked Mr. Rath to state Plaintiff's basis for serving the subpoena on ION. Mr. Rath had no answer. I also asked that, in light of Defendants' pending motion set aside default judgment, Plaintiff agree to withdraw or stay the subpoena pending the outcome of the motion. Mr. Rath sated that he "did not expect to receive any documents from ION," however, he would not agree to withdraw or stay the subpoena until he heard from ION Media; at which time he stated that "he would take it under consideration." Later that day, James Nguyen, Defendants' other counsel of record in the matter, sent an email to ION Media asking them to contact Mr. Rath, with hopes of resolving the matter. (A true and correct copy of James Nguyen's October 2, 2007 email to ION Media is attached hereto as Exhibit C).

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4. On October 3, 2007, I had a telephone conversation with Robert Murillo and Adam Weinstein at ION Media to discuss the status of the subpoena. Robert told me that he and Adam spoke with Mr. Rath, via telephone, earlier that day to discuss the matter. To my surprise, they told me that Mr. Rath insisted that ION Media comply with the subpoena and, further, refused to withdraw or stay the subpoena. This was not the understanding that I had with Mr. Rath during our conversation the day before. Following my conversation with Mr. Murillo and Mr. Weinstein, I emailed Mr. Rath asking Plaintiff to reconsider its position on the issue, or Defendants' will seek to quash the subpoena. (See Exhibit B). Shortly thereafter, Mr. Rath responded to my email, confirming that Plaintiff will not withdraw or stay the subpoena. (A true and correct copy of Mr. Rath's October 3, 2007 email reply is attached hereto as Exhibit D).

ION Media Has Consented to Consideration of This Motion

5. It is my understanding that ION Media has had some prior conversations with James Nguyen regarding the subpoena. During my October 3 telephone conversation with Mr. Murillo and Mr. Weinstein I informed them that it was our belief that the subpoena was invalid and that Defendants' intended to move to quash the subpoena in the District Court of Nevada. Later that day, Mr. Murillo sent a email to Mr. Rath confirming that ION Media has no agreements with any of the Defendants in this action, and further, that ION has been informed that Plaintiff's subpoena is invalid and that its production of documents will depend on the outcome of Defendants' motion to quash and Plaintiff's service of a valid subpoena. (A true and correct copy of Robert Murillo's October 3, 2007 email is attached hereto as Exhibit E).

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

Executed this 4TH day of October, 2007 at Los Angeles, California

/s/
ULESES C. HENDERSON, JR.