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 FRANKLIN CIRCUIT COURT
 SALLY JUMP, CLERK

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION II
CIVIL ACTION NO.: 08-CI-1409

ENTERED
 MAR 0 8 2012
 FRANKLIN CIRCUIT COURT
 SALLY JUMP, CLERK

COMMONWEALTH OF KENTUCKY
 ex rel. J. Michael Brown, Secretary,
 Justice And Public Safety Cabinet,

PLAINTIFF

vs.

ORDER OF FORFEITURE
OF DOMAIN DEFENDANTS

141 INTERNET DOMAIN NAMES

DEFENDANTS

This matter having come before the Court on motion of the Plaintiff, Commonwealth of Kentucky ex rel. J. Michael Brown, Secretary of the Justice and Public Safety Cabinet, for an Order Of Forfeiture of Domain Defendants; no claimant with standing having appeared to contest said forfeiture; the record containing sufficient evidence to support the forfeiture of the domain defendants; and the Court being sufficiently advised;

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. This Court takes notice of, and so finds, the fact that no party made any attempt, in accordance with paragraph 3 of the Court's Opinion and Order dated October 16, 2008, to establish to this Court that it installed any software or device to geographically block or otherwise deny access to their illegal, unregulated internet gambling websites from users within the territorial boundaries of the Commonwealth.

2. The Court previously heard the evidence presented by the Commonwealth and filed of record herein, and found that probable cause existed to justify the seizure of the Domain Defendants.

3. Seizure of the property *in rem* constituted notice to any persons who may claim an interest, pursuant to KRS 500.090, in the seized property.

4. No party has appeared with standing to contest the forfeiture or submit evidence to this Court.

5. The Court finds that no lawful owner or claimant of any of the Domain Defendants subject to this Order has been identified or is identifiable.

6. The Court finds that the evidence previously submitted by the Commonwealth, standing alone or in consideration of the record as a whole, establishes by a preponderance of the evidence - indeed *by overwhelming evidence* - that the Domain Defendants are gambling devices and gambling records used in violation of KRS Chapter 528 and are therefore properly forfeit to the Commonwealth pursuant to KRS 528.100.

7. The Court has considered the amendment to KRS 500.090 and the enactment of KRS 500.092. The court's previous findings and conclusions are not affected by these amendments. The Court notes specifically, however, that the legislature did define in relation to other forfeiture statutes that "device" includes "or other device by which communication or information is transmitted, including computers, the Internet or other electronic network." The Court finds the language of KRS 500.092 is additional persuasive authority that the legislature defines "device" broadly and intends that it can and does include a domain name.

8. The Court re-adopts and incorporates herein the findings of fact, conclusions of law and holdings contained in its September 18, 2008 Order of Seizure Of Domain Names

(attached as Exhibit B hereto), its September 18, 2008 Findings of Fact and Conclusion of Law (attached as Exhibit C hereto), and its October 16, 2008 Opinion and Order (attached as Exhibit D hereto).

9. The Domain Defendants identified on Exhibit A hereto are hereby forfeited to the Commonwealth of Kentucky pursuant to KRS 528.100.

10. Plaintiff shall cause a copy of this Order to be delivered to both VeriSign and each Domain Defendants' Registrar. The Commonwealth shall electronically serve this Order upon VeriSign and each Registrar via the procedures set forth in each Registrar's written policies and the written policies of VeriSign and/or ICANN, by overnight courier, or electronic mail delivery. Any of the aforesaid methods shall be sufficient.

11. VeriSign and the respective Registrar shall cause each Domain Defendant to be immediately transferred to the ownership of the Commonwealth and deposited in an account of the Plaintiff, Commonwealth of Kentucky, at each Registrar or, if Plaintiff so specifies, to such other Registrar as Plaintiff may designate. The domain names shall be unlocked and otherwise unencumbered for Plaintiff's use, transfer or direction so that disposition by Plaintiff may proceed in accordance with KRS 500.090.

12. The VeriSign and the respective Registrars are specifically ordered to direct each domain to the IP address or addresses as subsequently directed by Plaintiff or its counsel.

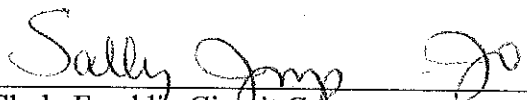
DONE AND ORDERED this 7 day of March, 2012.


FRANKLIN CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been sent by U.S. Mail, postage prepaid, to the following this 8 day of March, 2012:

D. Eric Lycan
William H. May, III
William C. Hurt, Jr.
127 W. Main Street
Lexington, Kentucky 40507
Attorneys for Plaintiff



Clerk, Franklin Circuit Court