

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

Docket No 11 Civ. 2564 (LBS)

- against -

POKERSTARS; FULL TILT POKER;  
ABSOLUTE POWER; ULTIMATE BET, *et al.*,

**VERIFIED ANSWER AND  
COUNTERCLAIM OF  
CLAIMANT ADAM WEBB  
TO VERIFIED COMPLAINT**

Defendants.

ALL RIGHT, TITLE AND INTEREST IN THE  
ASSETS OF POKERSTARS; FULL TILT  
POKER; ABSOLUTE POKER;  
ULTIMATE BET, *et al.*,

Defendants-in-rem.

-----X

**TO THE HONORABLE COURT:**

Claimant Adam Webb (“Claimant”), by his attorney, Steven L.

Kessler, Esq., as and for his Verified Answer to the Verified Complaint, dated

April 20, 2011 (“the complaint”), respectfully alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “1”.

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “2”.

3. Denies knowledge or information sufficient to form a belief as

to the truth of the allegations set forth in the paragraph numbered “3”.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “4”.

5. With respect to the allegations set forth in the paragraph numbered “5”, refers to the Court documents referenced therein for the substance thereof, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “5”.

6. With respect to the allegations set forth in the paragraph numbered “6”, refers to the Complaint for the substance thereof, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “6”.

7. With respect to the allegations set forth in the paragraph numbered “7”, refers to the Complaint for the substance thereof, denies that the property to which Claimant has asserted a claim herein is subject to forfeiture, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “7”.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “8”.

9. With respect to the allegations set forth in the paragraph

numbered “9”, refers to the Court documents referenced therein for the substance thereof, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “9”.

10. With respect to the allegations set forth in the paragraph numbered “10”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “10”.

11. With respect to the allegations set forth in the paragraph numbered “11”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “11”.

12. With respect to the allegations set forth in the paragraph numbered “12”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “12”.

13. With respect to the allegations set forth in the paragraph numbered “13”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “13”.

14. With respect to the allegations set forth in the paragraph numbered “14”, admits that the pokerstars.com website provided real-money gambling on internet poker games to United States customers, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “14”.

15. With respect to the allegations set forth in the paragraph numbered “15”, admits that the fulltiltpoker.com website provided real-money gambling on internet poker games to United States customers, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “15”.

16. With respect to the allegations set forth in the paragraph numbered “16”, admits that the absolutepoker.com, ultimatebet.com and ub.com websites provided real-money gambling on internet poker games to United States customers, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “16”.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “17”.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “18”.

19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “19”.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “20”.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “21”.

22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “22”.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “23”.

24. With respect to the allegations set forth in the paragraph numbered “13”, refers all statements of law to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “24”.

25. With respect to the allegations set forth in the paragraph numbered “25”, admits various online poker companies publicly stated that they were continuing to offer internet poker in the United States, denies knowledge that internet poker violated the Unlawful Internet Gambling Enforcement Act subsequent to its enactment on or about October 13, 2006, and otherwise denies

knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “25”.

26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “26”.

27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “27”.

28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “28”.

29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “29”.

30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “30”.

31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “31”.

32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “32”.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “33”.

34. Denies knowledge or information sufficient to form a belief as

to the truth of the allegations set forth in the paragraph numbered “34”.

35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “35”, inclusive of subparagraphs (a) through (e).

36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “36”, inclusive of subparagraphs (a) through (e).

37. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “37”.

38. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “38”.

39. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “39”.

40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “40”.

41. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “41”.

42. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “42”, inclusive

of subparagraphs (a) through (I).

43. With respect to the allegations set forth in the paragraph numbered “43”, admits that on the websites set forth therein, players could deposit and withdraw money to play online poker and actually play online poker, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “43”.

44. With respect to the allegations set forth in the paragraph numbered “44 (a)-(g)”, declines to respond to technical background information regarding web addresses, domain names, DNS servers and IP addresses, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “44 (a)-(g)”.

45. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the second consecutive paragraph numbered “44”.

46. With respect to the allegations set forth in the paragraph numbered “45”, admits that pokerstars.com is an online platform for playing poker with real-money bets, admits that the site contains information relating to playing poker through the website, including for ‘real money’, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the



allegations set forth in the paragraph numbered “45”.

47. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “46”.

48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “47”.

49. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “48”.

50. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “49”.

51. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “50”.

52. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “51”.

53. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “52”.

54. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “53”.

55. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “54”.

56. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “55”.

57. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “56”.

58. With respect to the allegations set forth in the paragraph numbered “57”, admits that fulltilt.com is an online platform for playing poker with real-money bets, admits that the site contains information relating to playing poker through the website, including for ‘real money’, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “57”.

59. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “58”.

60. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “59”.

61. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “60”.

62. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “61”.

63. Denies knowledge or information sufficient to form a belief as

to the truth of the allegations set forth in the paragraph numbered “62”.

64. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “63”.

65. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “64”.

66. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “65”.

67. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “66”.

68. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “67”.

69. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “68”.

70. With respect to the allegations set forth in the paragraph numbered “69”, admits that absolutepoker.com is an online platform for playing poker with real-money bets, admits that the site contains information relating to playing poker through the website, including for ‘real money’, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “69”.

71. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “70”.

72. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “71”.

73. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “72”.

74. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “73”.

75. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “74”.

76. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “75”.

77. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “76”.

78. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “77”.

79. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “78”.

80. Denies knowledge or information sufficient to form a belief as

to the truth of the allegations set forth in the paragraph numbered “79”.

81. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “80”.

82. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “81”.

83. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “82”.

84. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “83”.

85. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “84”.

86. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “85”.

87. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “86”.

88. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “87”.

89. Denies knowledge or information sufficient to form a belief as

to the truth of the allegations set forth in the paragraph numbered “88”.

90. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “89”.

91. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “90”.

92. With respect to the allegations set forth in the paragraph numbered “91”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “91”.

93. With respect to the allegations set forth in the paragraph numbered “92”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “92”.

94. With respect to the allegations set forth in the paragraph numbered “93”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “93”.

95. With respect to the allegations set forth in the paragraph numbered “94”, refers all legal questions to the Court, and otherwise denies

knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “94”.

96. With respect to the allegations set forth in the paragraph numbered “95”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “95”.

97. With respect to the allegations set forth in the paragraph numbered “96”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “96”.

98. With respect to the allegations set forth in the paragraph numbered “97”, refers all legal questions to the Court, denies that Claimant’s property is subject to forfeiture, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “97”.

99. Repeats and realleges the responses previously made with respect to the allegations set forth in paragraphs “1” through “97” as if fully set forth herein.

100. With respect to the allegations set forth in the paragraph

numbered “96”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “99”.

101. With respect to the allegations set forth in the paragraph numbered “100”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “100”.

102. With respect to the allegations set forth in the paragraph numbered “101”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “101”.

103. With respect to the allegations set forth in the paragraph numbered “102”, refers all legal questions to the Court, denies that Claimant’s property is subject to forfeiture, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “102”.

104. With respect to the allegations set forth in the paragraph numbered “103”, refers all legal questions to the Court, denies that Claimant’s property is subject to forfeiture, and otherwise denies knowledge or information



sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “103”.

105. Repeats and realleges the responses previously made with respect to the allegations set forth in paragraphs “1” through “97” as if fully set forth herein.

106. With respect to the allegations set forth in the paragraph numbered “105”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “105”.

107. With respect to the allegations set forth in the paragraph numbered “106”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “106”.

108. With respect to the allegations set forth in the paragraph numbered “107”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “107”.

109. With respect to the allegations set forth in the paragraph numbered “108”, refers all legal questions to the Court, and otherwise denies

knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “108”.

110. With respect to the allegations set forth in the paragraph numbered “109”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “109”.

111. With respect to the allegations set forth in the paragraph numbered “110”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “110”.

112. With respect to the allegations set forth in the paragraph numbered “111”, refers all legal questions to the Court, denies that Claimant’s property is subject to forfeiture, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “111”.

113. Repeats and realleges the responses previously made with respect to the allegations set forth in paragraphs “1” through “97” as if fully set forth herein.

114. With respect to the allegations set forth in the paragraph

numbered “113”, refers all legal questions to the Court, denies that Claimant’s property is subject to forfeiture, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “113”.

115. With respect to the allegations set forth in the paragraph numbered “114”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “114”.

116. With respect to the allegations set forth in the paragraph numbered “115”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “115”.

117. With respect to the allegations set forth in the paragraph numbered “116”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “116”.

118. With respect to the allegations set forth in the paragraph numbered “117”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in the paragraph numbered “117”.

119. With respect to the allegations set forth in the paragraph numbered “118”, refers all legal questions to the Court, denies that Claimant’s property is subject to forfeiture, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “118”.

120. Repeats and realleges the responses previously made with respect to the allegations set forth in paragraphs “1” through “97” as if fully set forth herein.

121. With respect to the allegations set forth in the paragraph numbered “120”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “120”.

122. With respect to the allegations set forth in the paragraph numbered “121”, refers all legal questions to the Court, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph numbered “121”.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

122. The Court lacks subject matter jurisdiction over the defendant property.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

123. The complaint fails to state a claim against Claimant's property upon which relief may be granted.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

124. Claimant's property is the proceeds of lawful earnings.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

125. Claimant's property was intended to be used for a lawful purpose.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

126. Without waiving any defense asserted herein, to the extent that plaintiff seeks forfeiture of any property in which Claimant has an interest,

Claimant is an innocent owner of said interest within the meaning of 18 U.S.C. § 983(d).

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

127. Without waiving any defense asserted herein, Claimant asserts that any interest he may have in any of the property sought to be forfeited is not subject to forfeiture in that his interest in such property is neither used in violation of, derived from, traceable to, or otherwise involved in, any “specified unlawful activity” or any other crime within the meaning of 18 U.S.C. § 1955, § 981(a)(1)(c), 18 U.S.C. § 1956(c)(7), 18 U.S.C. § 1961(1)(b), or any other applicable federal or state statute.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

128. Without waiving any defense asserted herein, Claimant asserts that any interest of Claimant’s in property sought to be forfeited herein is not subject to forfeiture in that said forfeiture would be disproportionate to any alleged criminal activity within the meaning of 18 U.S.C. § 983(g) and would constitute an excessive fine under the Eighth Amendment of the United States Constitution. *See United States v. Bajakajian*, 524 U.S. 321 (1998).

**AS AND FOR A FIRST COUNTERCLAIM**

129. Claimant requests costs, pre- and post-judgment interest and attorneys' fees pursuant to the Civil Asset Forfeiture Reform Act of 2000 ("CAFRA"), Pub. L. 106-185, 106<sup>th</sup> Cong. (2000), 114 Stat. 211 (Apr. 25, 2000), and the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA").

130. Claimant reserves the right to supplement the foregoing responses in the event that additional information becomes available.

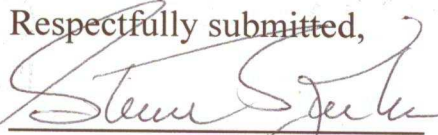
**WHEREFORE**, Claimant **ADAM WEBB** prays this Honorable Court will:

1. **DISMISS** Plaintiff's complaint and enter judgment on behalf of Claimant, directing that Plaintiff take nothing in forfeiture by reason of this action, directing that Plaintiff not be legally entitled to recover any property by reason of forfeiture and directing the release and/or return of all property heretofore seized, attached and/or restrained in which Claimant has an interest; and
2. **AWARD** Claimant costs, pre- and post-judgment interest and attorneys' fees pursuant to CAFRA and the EAJA; and
3. **PROVIDE** such other and further relief, both legal and equitable, as

the Court deems just and proper.

Dated: New York, New York  
August 4, 2011

Respectfully submitted,



**STEVEN L. KESSLER**

*Attorney for Claimant Adam Webb*  
122 East 42<sup>nd</sup> Street, Suite 606  
New York, New York 10168  
(212) 661-1500

To: Clerk of the Court  
U.S. District Court  
Southern District of New York

Michael D. Lockard  
Assistant U.S. Attorney  
Southern District of New York  
One St. Andrew's Plaza  
New York, New York 10007



VERIFICATION

STATE OF MINNESOTA        )  
  ) ss.:  
COUNTY OF HENNEPIN        )

I, **ADAM WEBB**, declare under penalty of perjury that the statements set forth in the attached Verified Answer are true and correct to the best of my knowledge, information and belief.

  
\_\_\_\_\_ **ADAM WEBB**

Sworn to before me this  
4th day of August, 2011

  
\_\_\_\_\_  
Notary Public

