

1 Cyrus M. Sanai, SB#150387  
2 SANAIS  
3 433 North Camden Drive  
4 Suite 600  
5 Beverly Hills, California, 90210  
6 Telephone: (310) 717-9840  
7  
8 Counsel for Lary Kennedy

*Del*  
*David*  
*Minami*  
*A6033*  
*90024*

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES  
OCT 01 2009  
John A. Clarke, Executive Officer/Clerk  
By *[Signature]* Deputy  
RUGENA LOPEZ

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

**BC423036**

10 LARY KENNEDY, an individual, and GREG  
11 OMOTOY, an individual  
12 Plaintiffs,  
13 vs.  
14 FULL TILT POKER, an organization; CHRIS  
15 FERGUSON, an individual; HOWARD  
16 LEDERER, an individual; RAYMOND  
17 BITAR, an individual; PHILLIP GORDON, an  
18 individual; ANDY BLOCH, an individual;  
19 PHIL IVEY, an individual; PERRY  
20 FRIEDMAN, an individual; JOHN JUANDA,  
21 an individual; ERIK LINDGREN, an  
22 individual; ERIK SEIDEL, an individual;  
23 MICHAEL MATUSOW, an individual;  
24 ALLEN CUNNINGHAM, an individual; GUS  
25 HANSEN, an individual; PATRIK  
26 ANTONIUS, an individual; TILTWARE LLC,  
27 a California limited liability company; and  
28 DOES 1 through 60, inclusive,  
Defendants.

Case No. ~~XXXXXXXXXX~~  
**COMPLAINT FOR:**  
(1) FRAUD  
(2) RELIEF UNDER THE RACKETEER-  
INFLUENCED CORRUPT  
ORGANIZATIONS ACT ("RICO"), 18 U.S.C.  
§ 1964 et seq;  
(3) RELIEF UNDER CALIFORNIA  
BUSINESS AND PROFESSIONS CODE  
SECTION 17200 ET SEQ.  
(4) UNJUST ENRICHMENT  
(5) LIBEL  
(6) SLANDER

23 Plaintiffs, Lary Kennedy and Greg Omotoy hereby allege as follows:

**THE PARTIES**

25 1. Plaintiff, LARY KENNEDY ("Kennedy"), is a professional poker player who  
26 resides in the County of Los Angeles, State of California. Plaintiff, GREG OMOTOY  
27 ("Omotoy"), resides in the County of Los Angeles, State of California.

CIT/CASE: BC423036 LEA/DEF#:  
RECEIPT #: CCH477729029  
DATE PAID: 10/01/09 02:43:24 PM  
PAYMENT: \$355.00  
RECEIVED: 0310  
CHECK: \$5.00  
CASH:  
CHANGE:  
CARD:

1           2.     Defendant CHRIS FERGUSON ("Ferguson") is, and at all relevant times hereto  
2 was, an individual residing in the County of Los Angeles, State of California.

3           3.     HOWARD LEDERER ("Lederer") is, and at all relevant times hereto was, an  
4 individual residing in the County of Clark, State of Nevada. Lederer was convicted of illegal  
5 bookmaking, i.e. sports wagering.

6           4.     Defendant RAYMOND BITAR ("Bitar") is, and at all relevant times hereto was,  
7 an individual residing in the County of Los Angeles, State of California.

8           5.     Defendant PHILLIP GORDON ("Gordon") is, and at all relevant times hereto was,  
9 an individual residing in the County of County of Clark, State of Nevada.

10          6.     Defendant ANDY BLOCH ("Block") is, and at all relevant times hereto was, an  
11 individual residing in the County of Clark, State of Nevada.

12          7.     Defendant PHIL IVEY ("Ivey") is, and at all relevant times hereto was, an  
13 individual residing in the County of Clark, State of Nevada.

14          8.     Defendant PERRY FRIEDMAN ("Friedman") is, and at all relevant times hereto  
15 was, an individual residing in the County of Los Angeles, State of California.

16          9.     Defendant JOHN JUANDA ("Juanda") is, and at all relevant times hereto was, an  
17 individual residing in the County of Clark, State of Nevada.

18          10.    Defendant ERIK LINDGREN ("Lindgren") is, and at all relevant times hereto was,  
19 an individual residing in the County of Clark, State of Nevada.

20          11.    Defendant ERIK SEIDEL ("Seidel") is, and at all relevant times hereto was, an  
21 individual residing in the County of Clark, State of Nevada.

22          12.    Defendant MICHAEL MATUSOW ("Matusow") is, and at all relevant times  
23 hereto was, an individual residing in the County of Clark, State of Nevada.

24          13.    Defendant ALLEN CUNNINGHAM ("Cunningham") is, and at all relevant times  
25 hereto was, an individual residing in the County of Clark, State of Nevada.

26          14.    Defendant GUS HANSEN ("Hansen") is, and at all relevant times hereto was, a  
27 citizen of the Kingdom of Denmark.

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1           16. Defendant PATRIK ANTONIUS ("Antonius") is, and at all relevant times hereto  
2 was, a citizen of the Kingdom Denmark.

3           17. FULL TILT POKER ("Full Tilt") is an organization which developed software for  
4 an on-line poker room and robots to play in such rooms and operates an internet-based website  
5 called Full Tilt Poker at the URLs www.Full Tilt poker.com and www.Full Tilt poker.net. It was  
6 founded by Ferguson, Lederer, Bitar, Gordon, Block, Ivey, and Friedman (the "Founder  
7 Defendants") in 2003. Each of the Founder Defendants holds an interest in Full Tilt. Full Tilt  
8 originally comprised two companies under the common control of the Founder Defendants,  
9 Defendant TILTWARE, LLC, a California limited liability company with an address at 10866  
10 Wilshire Blvd. 4<sup>th</sup> Floor, Los Angeles, CA 90024 ("Tiltware"), and Vert Enterprises, a company  
11 ostensibly located in St. Kitts and Nevis. In fact Vert Enterprises had no independent existence  
12 from Tiltware, and was operated from Los Angeles, California for more than two years. Lederer  
13 and Bitar were ostensibly the head of Tiltware, and Ferguson, though playing no public role, was a  
14 de facto if not de jure director and executive of Full Tilt. Of the Founder Defendants, all but  
15 Lederer and Ivey have computer technology experience and all of them are professional or semi-  
16 professional poker players. Of the Founder Defendants, all but Bitar are held out to be part of  
17 "Team Full Tilt" or "Full Tilt Pros" who act as spokespersons and representatives of the business.

18           18. At some time after 2003 Defendants Lindgren, Seidel, Matusow, Cunningham,  
19 Hansen and Antonius acquired interests in Full Tilt and began exercising common control of Full  
20 Tilt with the Founder Defendants, all such Defendants being hereinafter referred to as the  
21 "Individual Defendants". The Full Tilt organization was expanded to include corporate entities in  
22 addition to Tiltware and Vert; however the actual organizational rights and responsibilities are  
23 unwritten and exercised in common among the Individual Defendants, with Lederer taking the  
24 pre-eminent position.

25           19. Plaintiffs are informed and believe and on that basis allege that all Defendants  
26 knowingly and willfully conspired to conduct the actions alleged herein. Each Defendant did the  
27 acts and things herein alleged pursuant to, and in furtherance of, the conspiracy, or lent aid and  
28 encouragement to the conspiracy.

1 COMMON ALLEGATIONS

2 20. The Defendants operate the websites Full Tilt poker.com and Full Tilt poker.net.  
3 These sites are ostensibly on-line poker rooms. An on-line poker room is a Internet-based version  
4 of California cardrooms such as the Bicycle Casino and the Commerce Casino (both located in  
5 Los Angeles County). At a cardroom players engage in poker and other cardgames against each  
6 other, and the owner of the cardroom has no stake in the outcome, instead charging a fee to play  
7 each hand.

8 21. To play at Full Tilt, a person signs up for an account with Full Tilt online and sends  
9 money to a bank account, on-line payment system or credit card. The person appears to other  
10 players as a two-dimensional "avatar" selected from a pool of stock images, and chooses a screen  
11 name. There is no ostensibly "house" to play against; instead the Full Tilt takes a small amount  
12 from each pot won by a player, called "rake". On-line cardrooms are not illegal in California and  
13 certain other American states, but unlicensed operation of a casino where the owner of the poker  
14 room makes or pays out wagers is illegal in every American state.

15 22. Though Full Tilt represents that its business is not gambling and is a cardroom both  
16 statements are false. Poker is considered a form of gambling in every American state, though  
17 some states, like California, treat it differently from other kinds of gambling. Full Tilt has never  
18 been a cardroom because the house, that it is to say the Full Tilt business, regularly plays. The  
19 presence of the Full Tilt "house" is manifested in at least two different ways. First, the Individual  
20 Defendants and certain other professional poker players sponsored by Full Tilt will play on the  
21 site, utilizing the funds of Full Tilt as their stakes in the game. The appearances of the Individual  
22 Defendants and the other professionals is in some cases open to other players and in some cases  
23 not, however the fact that they play with Full Tilt's money is completely hidden to players.

24 23. A second means by which Full Tilt takes a position in the games in which it  
25 operates are through "robots" which are computer programs that play poker by interacting with an  
26 on-line poker room in a manner similar to a human being. Ferguson and Bloch (graduates of  
27 UCLA and MIT respectively) created poker robots to play on Full Tilt's websites. The purpose of  
28 the robots were twofold: first, they filled out virtual poker tables which were slow; second, the

1 poker robots play a very consistent game and can beat unskilled or moderately skilled players,  
2 increasing the site's revenues.

3 24. On-line poker players hate robots, because they play a boring, conservative and  
4 error-free game. On-line players avoid those poker sites which allow or tolerate their customers to  
5 play via robots, and many consider it a form of cheating.

6 25. The use of poker robots on Full Tilt created a customer relations problem, because  
7 players would complain about other account holders they suspected were robots or whose card  
8 play was dictated by robot programs. The Individual Defendants therefore created a "zero-  
9 tolerance" policy toward robots and robot-assisted players that were reported by its customers. Of  
10 course, most of the robots reported were Full Tilt's own, but the player accounts for Full Tilt's  
11 own robots could simply be shut down and a new one assigned to Full Tilt's robots in a minute. In  
12 addition, certain players who repeatedly lost to a skilled player would start on-line jihads against  
13 the successful player, accusing that player of being a robot. Full Tilt discovered over time that  
14 cancellation of real player accounts accused as being a "robot" was another profit center, as the  
15 player account money of the wrongly-accused player was confiscated. While a portion of that  
16 money was handed out as bounties, Full Tilt kept a significant proportion.

17 **FIRST CAUSE OF ACTION**

18 **FRAUD**

19 (By Omotoy and Kennedy As Against Full Tilt and the Individual Defendants and Does 1 through  
20 10, inclusive)

21 26. Plaintiffs hereby incorporate, by this reference, paragraphs 1 through 25, inclusive,  
22 as if set forth in full.

23 27. Fulltilt makes many representations about its site through various means. Full Tilt  
24 communicates through text on its websites, through emails to its account holders, through print  
25 and television advertising, through use of the United States mails, through use of the interstate  
26 telephone system, through statements made in public and in the press by the Individual  
27 Defendants, and through statements made by the Individual Defendants on their personal websites

1 which are transmitted through the United States interstate telephone communication system.

2 These statements, made and repeated from 2004 to date, include without limitation, the following:

- 3 a. Poker is a game of skill and is not deemed to be gambling under federal or state  
4 law.
- 5 b. Full Tilt operates a cardroom where everyone plays for their own account,  
6 including the Individual Defendants.
- 7 c. Full Tilt does not tolerate the operation of robots on its site.
- 8 d. The money of players deposited and won on Full Tilt is safe.
- 9 e. Full Tilt treats its customers fairly and consistently in accordance with the highest  
10 standards of the poker community.

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12 28. Kennedy is a professional poker player specializing in "heads up" play, which is  
13 poker played between two persons only. She was aware of the statement made in the immediately  
14 preceding paragraph through some or all of the modes of communication specified above. She  
15 reasonably relied on these representations and sent money to Full Tilt to fund her player account  
16 and played on that site for many years.

17 29. In November, 2007, a poker player whom Full Tilt has favored with his own  
18 personal virtual tables, "TheComplainer", accused Kennedy's avatar, "pokergirl\_z", of being a  
19 "robot" in various on-line poker forums and discussion groups. "TheComplainer" player regularly  
20 compiled and distributed large lists of player accounts he contended were robots.

21 30. Kennedy has never used a robot or computer program to assist her play. To prove  
22 her skill, she has even used webcams to broadcast images of her playing live online.

23 31. The Individual Defendants and Full Tilt ignored this evidence and confiscated in  
24 excess of \$80,000 in the Full Tilt accounts of Kennedy and/or Omotoy (whose account Kennedy  
25 utilized after Omotoy abandoned the game) on or about January of 2008. Virtually all of such  
26 funds were the property of Kennedy. From and after that time Full Tilt and the Individual  
27 Defendants have publicly stated that Kennedy's success as a player was due to her employing or  
28 being assisted by a poker robot.



1           37. Full Tilt has conducted at least one Internet gambling transaction in violation of the  
2 law of Illinois, Indiana, Louisiana, Massachusetts, Nevada, Oregon, South Dakota, New Jersey,  
3 Nevada, Washington State, Missouri, Kentucky and Utah each year since 2004. As of the date of  
4 this Complaint the state of Kentucky seeks to obtain control over Full Tilt's domain names for  
5 violation of Kentucky anti-gambling law, accusations that Full Tilt has declined to contest in the  
6 Kentucky state courts. In addition the United States has confiscated millions of dollars of funds  
7 dispatched by Full Tilt to its customers in the United States.

8           38. Each of the actions identified in paragraphs 33 through 35 constitutes a  
9 "racketeering activity" under 18 U.S.C. § 1961(1), and in aggregate they constitute a "pattern of  
10 racketeering activity" under 18 U.S.C. § 1961(5). Full Tilt is an "enterprise" under 18 U.S.C. §  
11 1961(4). Each of the Individual Defendants maintains an interest in and controls Full Tilt through  
12 which they engage in the above referenced pattern of racketeering activity. Each of the Individual  
13 Defendants participates in the conduct of Full Tilt's affairs through a pattern of racketeering  
14 activities.

15           39. Plaintiffs have been injured by the pattern of racketeering activities conducted by  
16 the Individual Defendants, who are jointly and severally liable to Plaintiffs for three times the  
17 amount of economic losses arising from the pattern of racketeering activities plus attorney's fees.  
18 These include not only out of pocket losses but also the income Kennedy would otherwise have  
19 made playing in lawful poker venues.

20           40. The Individual Defendants conducted the pattern of racketeering activity alleged  
21 above with malice and/or willful intent to deprive players, including Plaintiffs, of property rights,  
22 legal rights and money. This despicable conduct subjected Plaintiffs to cruel and unjust hardship  
23 in conscious disregard of Plaintiffs' rights, so as to justify an award of exemplary and punitive  
24 damages.

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**THIRD CAUSE OF ACTION**

**VIOLATION OF BUSINESS AND PROFESSION CODE SECTION 17200, *et seq.***

(By Kennedy As Against the Individual Defendant, Full Tilt and Does 31-40)

41. Plaintiff Kennedy hereby incorporate by this reference paragraphs 1 through 25, 27 through 32, and 35 through 39 inclusive, as if set forth in full.

42. The conduct the Individual Defendants and Full Tilt was and will be unlawful business acts or practices because they repetitively violated, *inter alia*, Penal Code §330, 18 U.S.C. § 1323, and 18 U.S.C. § 1962.

43. The conduct of the Individual Defendants and Full Tilt set forth above was and will be a fraudulent business act or practice and deceptive or misleading advertisement because it was likely to deceive members of the general public to induce them to play on Full Tilt's website and send Full Tilt money.

44. In engaging in conduct that constitutes unfair competition and false advertising, the Individual Defendants and Full Tilt have acquired money or property from members of the general public who reside in California, including Kennedy.

45. It is impossible for Plaintiff Kennedy to determine the exact amount of money due to the general public without a detailed review of the financial books and records of the Individual Defendants and Full Tilt. Accordingly, Plaintiff Kennedy seeks, among other things, an accounting of the Individual Defendants and Full Tilt and/or the appointment of a receiver over Full Tilt.

46. The aforementioned business practices of the Individual Defendants and Full Tilt are likely to continue and therefore will continue to violate the law and deceive the public.

47. The Individual Defendants and Full Tilt should be enjoined from conducting illegal gambling enterprises in California and to California residents and should be required to restore all money taken from players in California, including Plaintiff Kennedy.



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**SIXTH CAUSE OF ACTION**

**SLANDER**

(By Kennedy As Against Full Tilt and Does 51-60)

53. Kennedy hereby incorporates by this reference paragraphs 1 through 25, and 27 through 33, inclusive, as if set forth in full.

54. Executives, employees, and representatives of Full Tilt stated orally, and by mechanical or electronic means, to players and directly or indirectly to the general public in numerous circumstances that Kennedy's account had been terminated due to her playing with or through a robot. This was a false statement made with knowledge of, or reckless disregard of, its truth or falsity. Because Kennedy is a professional poker player, this statement tended to directly injure Kennedy in her profession by imputing to her general disqualification in those respects which her occupation peculiarly requires, and imputed that Kennedy was dishonest and incapable of playing as well as she did, which imputation has a natural tendency to lessen the profits of her profession.

**WHEREFORE**, Plaintiffs Lary Kennedy and Greg Omoty respectfully demands the following relief:

On the First Cause of Action

1. Compensatory damages according to proof at trial;
2. An award of punitive or exemplary damages;
3. Reasonable costs incurred in this action;

On the Second Cause of Action

1. Compensatory damages according to proof at trial, tripled in accordance with 18 U.S.C. § 1964(c);
2. An award of punitive or exemplary damages;

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3. Reasonable costs incurred in this action, including reasonable attorney fees pursuant to 18 U.S.C. § 1964(c);

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On the Third Cause of Action

1. For preliminary and permanent injunctive relief pursuant to Business & Professions Code Section 17203 and restraining and enjoining the Individual Defendants and Full Tilt from continuing the violations acts of illegal, unfair, or fraudulent competition or advertising set forth above and requiring the Individual Defendants and Full Tilt to take any acts needed to prevent further violations;
2. For an order requiring the Individual Defendants and Full Tilt to provide an accounting of all moneys which they may have received from identifiable victims in California as a result of the acts and practices found to constitute unfair competition under Business and Professions Code Section 17200 *et seq.*;
3. For an order that Full Tilt and the Individual Defendants make restitution by restoring to identifiable victims all funds acquired by the acts of unfair competition set forth above, including payments acquired by defendants from players on Full Tilt's website, and all additional orders necessary to accomplish this purpose, pursuant to Business and Professions Code Section 17203;
5. Reasonable costs incurred in this action, including reasonable attorney fees pursuant to Code of Civil Procedure Section 1021.5 and/or as an equitable private attorney general and prejudgment interest;

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On the Fourth Cause of Action

1. Restitution of all amounts confiscated by Full Tilt, in an amount according to proof.
2. Reasonable costs incurred in this action;

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On the Fifth Cause of Action

1. As to Kennedy only, General Damages in an amount to be determined at trial
2. As to Kennedy only, an award of punitive or exemplary damages;

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3. Reasonable costs incurred in this action, including reasonable attorney fees under the law;

On the Sixth Cause of Action

1. As to Kennedy only, General Damages in an amount to be determined at trial
2. As to Kennedy only, an award of punitive or exemplary damages;
3. Reasonable costs incurred in this action, including reasonable attorney fees under the law;

As to All Causes of Action

1. For costs of suit incurred herein;
2. For such other and further relief as the Court deems just and proper.

Dated: **Oct 1**, 2009

By: *Cyrus Sanai*  
CYRUS SANAI  
Attorney for Plaintiffs

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
 Cyrus M. Sanai, SB#150387  
 SANAIS  
 433 North Camden Drive #600  
 Beverly Hills, California 90210  
 TELEPHONE NO.: 310-717-9840 FAX NO.: 310-279-5101  
 ATTORNEY FOR (Name): Brenda Boschetto and David Lukas

FOR COURT USE ONLY  
**FILED**  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF LOS ANGELES  
 OCT 01 2009  
 John A. Clarke, Executive Officer/Clerk  
 By RUGENA LOPEZ Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles  
 STREET ADDRESS: 111 North Hill Street  
 MAILING ADDRESS: 111 North Hill Street  
 CITY AND ZIP CODE: Los Angeles, 90012  
 BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:  
 Kennedy v. Full Tilt Poker

CASE NUMBER:  
**BC428086**

**CIVIL CASE COVER SHEET**

Unlimited (Amount demanded exceeds \$25,000)     Limited (Amount demanded is \$25,000 or less)

**Complex Case Designation**

Counter     Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

JUDGE:  
 DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- |   |   |  |
|---|---|--|
| <p><b>Auto Tort</b></p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p><b>Other PIP/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PIP/D/W/D (23)</p> <p><b>Non-PIP/D/W/D (Other) Tort</b></p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-PIP/D/W/D tort (35)</p> <p><b>Employment</b></p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p> | <p><b>Contract</b></p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p><b>Real Property</b></p> <p><input type="checkbox"/> Eminent domain/inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p><b>Unlawful Detainer</b></p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p><b>Judicial Review</b></p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p> | <p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b></p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p><b>Enforcement of Judgment</b></p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p><b>Miscellaneous Civil Complaint</b></p> <p><input checked="" type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p><b>Miscellaneous Civil Petition</b></p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p> |
|---|---|--|

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a.  Large number of separately represented parties    d.  Large number of witnesses
- b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve    e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c.  Substantial amount of documentary evidence    f.  Substantial postjudgment judicial supervision
3. Type of remedies sought (check all that apply):
- a.  monetary    b.  nonmonetary; declaratory or injunctive relief    c.  punitive
4. Number of causes of action (specify): 6
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 1, 2009  
 Cyrus Sanai

Cyrus Sanai  
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

(TYPE OR PRINT NAME)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

### To Plaintiffs and Others Filing First Papers

If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 5 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. You do not need to submit a cover sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

### To Parties in Complex Cases

In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

### CASE TYPES AND EXAMPLES

#### Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

#### Other P/IPD/W/D (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability *(not asbestos or toxic/environmental)* (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other P/IPD/W/D (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/W/D (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other P/IPD/W/D

#### Non-P/IPD/W/D (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice *(not medical or legal)*  
Other Non-P/IPD/W/D Tort (35)

#### Employment

Wrongful Termination (36)  
Other Employment (15)

#### Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract *(not unlawful detainer or wrongful eviction)*  
Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage *(not provisionally complex)* (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

#### Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

#### Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

#### Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor Commissioner Appeals

#### Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

#### Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment *(non-domestic relations)*  
Sister State Judgment  
Administrative Agency Award *(not unpaid taxes)*  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

#### Miscellaneous Civil Complaint RICO (27)

Other Complaint *(not specified above)* (42)  
Declaratory Relief Only  
Injunctive Relief Only *(non-harassment)*  
Mechanics Lien  
Other Commercial Complaint Case *(non-tort/non-complex)*  
Other Civil Complaint *(non-tort/non-complex)*

#### Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition *(not specified above)* (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief from Late Claim  
Other Civil Petition

SHORT TITLE:  
Kennedy v. Full Tilt Poker

CASE NUMBER

BC428036

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL 6  HOURS/  DAYS

Item II. Select the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 6.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

Non-Personal Injury/Property Damage/  
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Judicial Review Unlawful Detainer

SHORT TITLE: Kennedy v. Full Tilt Poker	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (08) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 8. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer- Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

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Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input checked="" type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: Kennedy v. Full Tilt Poker	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: Wilshire & Westwood Blvd's.
CITY: Los Angeles	STATE: CA	ZIP CODE: 90024	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subs. (b), (c) and (d)).

Dated: October 1, 2009

*Cyrus Panari*  
(SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.