

1 JAMES B. HICKS, SBN 109117
2 GARY W. PARK, SBN 173390
3 HICKS | PARK LLP
4 824 Wilshire Blvd., Suite 200
5 Los Angeles, California 90017
6 Tel.: (213) 612-0007

7 Attorneys for Plaintiff
8 JAMES B. HICKS

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CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
BY [Signature]

 ORIGINAL

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

11 JAMES B. HICKS, an individual,
12 Plaintiff,
13 vs.

Case No.
- CV09-03009 FMC PIWx

14 TILTWARE, LLC, a limited liability
15 company, dba "FullTiltPoker.com";
16 FULLTILTPOKER.COM, a business
17 organization, form unknown; TILT
18 PROOF, INC., a corporation; CHRIS-
19 TOPHER FERGUSON, an individual;
20 and DOES 1 through 10, inclusive,
21 Defendants.

COMPLAINT

22 Plaintiff alleges:

- 23 1. Plaintiff James B. Hicks is an individual doing business within this
24 District.
25 2. On information and belief, defendant Tiltware, LLC ("Tiltware") is a
26 limited liability company doing business within this District as "FullTiltPoker.com",
27 including by means of the interactive website www.fulltiltpoker.com, and which has
28 a registered address with the California Secretary of State at 10866 Wilshire Blvd.,
4th floor, Los Angeles, California 90024.

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1 3. On information and belief, defendant FullTiltPoker.com is a business
2 organization, form unknown, doing business within this District, including by means
3 of the interactive website www.fulltiltpoker.com.

4 4. On information and belief, defendant Tilt Proof, Inc. is a corporation doing
5 business within this District, including by means of the interactive website
6 www.fulltiltpoker.com, and with its registered office at 217 - 610 Sixth Street, New
7 Westminster, British Columbia, Canada. On information and belief, such defendant
8 is the customer support center for defendants Tiltware and FullTiltPoker.com; and in
9 addition to handling customer support queries, it also processes all incoming and
10 outgoing financial transactions to the www.fulltiltpoker.com website, including
11 payments to and from the defendants' accounts.

12 5. On information and belief, defendant Christopher Ferguson is an
13 individual doing business within this District, including playing poker by means of
14 the interactive website www.fulltiltpoker.com, and who has a listed address with the
15 California Secretary of State at 10866 Wilshire Blvd., 4th floor, Los Angeles, Calif-
16 ornia 90024. Upon information and belief, Mr. Ferguson is also the President (and
17 in his own words, "something like chairman of the board") of Tiltware.

18 6. Plaintiff does not know the true names and capacities of the defendants
19 sued herein as Does 1 through 100, inclusive, and therefore sues such defendants by
20 such fictitious names. Plaintiff is informed and believes, and thereon alleges that
21 each such defendant is responsible in some manner for the wrongful conduct alleged
22 below, and that the injuries alleged below were proximately caused by such
23 defendants' acts. Plaintiff will amend this pleading to allege such defendants' true
24 names and capacities after they are ascertained.

25 7. On information and belief, each defendant was an agent of the other
26 defendants, and the wrongful conduct alleged herein was done within the scope of
27 that agency, and was done with the consent, knowledge and/or ratification of each of
28 the other defendants.

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JURISDICTION AND VENUE

8. The Court has subject matter jurisdiction over plaintiff's claim pursuant to 28 U.S.C. §1331 and 31 U.S.C. §5365.

9. Venue is proper in this Court pursuant to 28 U.S.C. §§1391(b) and (d).

GENERAL FACTUAL ALLEGATIONS

10. Defendants operate an internet gambling website across state lines, by which the defendants solicit consumers to play poker for money on the www.fulltilt.com website. Although poker is a game which utilizes skill, it is a game subject to chance. As defendant Christopher Ferguson has explained, "you'll never outplay me," but "you might get lucky and beat me" – thus admitting the elements of chance and luck in poker.

11. On information and belief, defendants have taken income of several billion dollars from their internet gambling operations.

FIRST CAUSE OF ACTION FOR UNFAIR AND UNLAWFUL BUSINESS PRACTICES

(against all defendants)

12. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 11, inclusive, as if stated in full herein.

13. Plaintiff is a member of the defendants' website www.fulltilt.com, and has standing to bring this claim.

14. The Unlawful Internet Gambling Enforcement Act, 31 U.S.C. §5361 *et seq.*, generally prohibits the funding or acceptance of any payment for unlawful internet gambling, and defines an illegal bet or wager as including "the staking or risking by any person of something of value upon the outcome of . . . a game subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome," with exceptions not applicable here.

1 15. Upon information and belief, the United States Department of Justice's
2 view is that all forms of internet gambling, including card games, are illegal under
3 federal law, including the Unlawful Internet Gambling Enforcement Act.

4 16. As more fully alleged above, defendants operate an internet gambling
5 website across state lines; solicit consumers to play poker for money on the
6 www.fulltilt.com website; and are funding and/or accepting payments for unlawful
7 internet gambling, by which they have taken income of several billion dollars from
8 their internet gambling operations. Such conduct violates the Unlawful Internet
9 Gambling Enforcement Act.

10 17. Defendants have thus engaged in unfair and illegal business practices, to
11 the detriment of plaintiff and the public, in violation of California Business &
12 Professions Code §17200.

13 18. Plaintiff is therefore entitled to temporary, preliminary and permanent
14 injunctive relief against defendants, and each of them, and all persons acting in
15 concert with them and with knowledge of such orders, restraining and enjoining
16 them from operating an internet gambling website across state lines in California,
17 including without limitation the www.fulltilt.com website; soliciting California
18 consumers to play poker for money on the www.fulltilt.com website, or any other
19 website; or funding or accepting any payment for unlawful internet gambling within
20 California, including without limitation through the www.fulltilt.com website.

21 19. Plaintiff is further entitled to an award of his reasonable costs and
22 attorney's fees against defendants.

23 WHEREFORE, Plaintiff prays for judgment against defendants as follows:

24 **ON THE FIRST CAUSE OF ACTION**

25 1. For temporary, preliminary and permanent injunctive relief against
26 defendants, and each of them, and all persons acting in concert with them and with
27 knowledge of such orders, restraining and enjoining them operating an internet
28 gambling website across state lines in California, including without limitation the
www.fulltilt.com website; soliciting California consumers to play poker for money

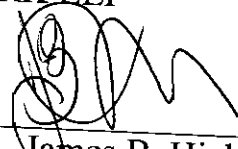
1 on the www.fulltilt.com website, or any other website; or funding or accepting any
2 payment for unlawful internet gambling within California, including without
3 limitation through the www.fulltilt.com website; and

4 2. For an award of his reasonable costs and attorney's fees against
5 defendants.

6 Dated: April 29, 2009


HICKS | PARK LLP

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8 By: _____


James B. Hicks
Attorneys for Plaintiff

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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) JAMES B. HICKS	DEFENDANTS TILTWARE, LLC; FULLTILTPOKER.COM; TILTPROOF, INC.; CHRISTOPHER FERGUSON and DOES 1 through 100
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) James B. Hicks, SBN 109117 HICKS PARK LLP, 824 Wilshire Blvd., Suite 200, Los Angeles, CA 90017	Attorneys (If Known) 

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify):
 6 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

31 U.S.C. Section 5365 - Unfair and unlawful practices claim for illegal internet gambling

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Forclosures <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	CRIMINAL SENTENCES <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) UNEMPLOYMENT <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:
(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles - Tiltware, LLC	Los Angeles - Christopher Ferguson


(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles - FullTiltPoker.com	British Columbia, Canada - Tiltproof, Inc.

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	British Columbia, Canada

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date April 29, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))