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

16 BRUCE CRISPIN LEYSER,
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18 Plaintiff,
19
20 vs.
21
22 JAMIE MILES GOLD,
23
24 Defendant.

Case No. 2:06-cv-01072-RJH-LRL

ANSWER TO VERIFIED COMPLAINT

25 For its Answer to Plaintiff's Complaint, Defendant Jamie Miles Gold ("Gold"), admits,
26 denies, and alleges as follows:

27 **THE PARTIES**

28 1. Defendant lacks knowledge or information sufficient to form a belief as to the
truth or falsity of the factual allegations contained in paragraph 1 of the Complaint and on that
basis denies the allegations.

2. Defendant admits the allegations contained in paragraph 2 of the Complaint.

3. Responding to paragraphs 3 and 4 of Plaintiff's Complaint, Defendant lacks
knowledge or information sufficient to form a belief as to the truth or falsity of the factual
allegations contained therein, and on that basis denies the allegations. To the extent the
allegations contained in paragraphs 3 and 4 are meant to infer any liability on Defendant's behalf,
Defendant denies the allegations contained therein.

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JURISDICTION AND VENUE

4. Paragraph 5 of the Complaint states a legal conclusion to which no response is required.

FACTS COMMON TO ALL CLAIMS

5. Defendant admits the allegations contained in paragraph 6 of the Complaint.

6. Responding to paragraph 7, Defendant admits that he is in the entertainment industry. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining factual allegations.

7. Defendant denies the allegations contained in paragraph 8.

8. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the factual allegations contained in paragraph 9 of the Complaint and on that basis denies the allegations.

9. Defendant denies the allegations contained in paragraph 10.

10. Defendant admits the allegations contained in paragraph 11.

11. Responding to the paragraph 12, Defendant admits that he had a contract with Bodog, the terms of which speak for itself.

12. Defendant denies the allegations contained in paragraph 13 and 14 of the Complaint.

13. Defendant denies the allegations contained in paragraph 15.

14. Responding to paragraph 16, Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the Plaintiff's reasons for his alleged "disappointment," and on that basis denies the allegation.

15. Defendant admits the allegations contained in paragraph 17 of the Complaint.

16. Responding to paragraph 18, Defendant admits he played in the world series of poker tournament. Defendant denies the remaining allegations contained therein.

17. Defendant admits the allegations contained in paragraph 19, 20 and 21 of the Complaint.

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1 18. Defendant lacks knowledge or information sufficient to form a belief as to the
2 truth or falsity of the factual allegations contained in paragraph 22 of the Complaint and on that
3 basis denies the allegations.

4 19. Defendant admits the allegations contained in paragraph 23 of the Complaint.

5 20. Responding to paragraph 24, Defendant admits that Plaintiff made a demand for
6 50% of the jackpot, but denies the remaining allegations contained therein.

7 21. Responding to paragraph 25, Defendant admits he has refused to direct Rio to pay
8 Plaintiff, but denies the remaining allegations contained therein.

9 22. Defendant denies the allegations contained in paragraph 26 of the Complaint.

10 **FIRST CAUSE OF ACTION**

11 **INJUNCTIVE RELIEF**

12 23. Responding to paragraph 27, Defendant incorporates by reference its answers to
13 paragraphs 1 through 26 as if fully set forth herein.

14 24. Defendant denies the allegations contained in paragraph 28-33 of the Complaint.

15 **SECOND CAUSE OF ACTION**

16 **BREACH OF CONTRACT**

17 25. Responding to paragraph 34, Defendant incorporates by reference its answers to
18 paragraphs 1 through 33 as if fully set forth herein.

19 26. Defendant denies the allegations contained in paragraph 35 and 36 of the
20 Complaint.

21 27. Responding to paragraph 37, Defendant admits that he won the top prize of
22 \$12,000,000, but denies the remaining allegations contained therein.

23 28. Defendant denies the allegations contained in paragraph 38-41 of the Complaint.

24 **THIRD CAUSE OF ACTION**

25 **MISREPRESENTATION**

26 29. Responding to paragraph 42, Defendant incorporates by reference its answers to
27 paragraphs 1 through 41 as if fully set forth herein.

28 30. Defendant denies the allegations contained in paragraph 43-47 of the Complaint.

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FOURTH CAUSE OF ACTION

FRAUD

31. Responding to paragraph 48, Defendant incorporates by reference its answers to paragraphs 1 through 47 as if fully set forth herein.

32. Defendant denies the allegations contained in paragraph 49-57 of the Complaint.

FIFTH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

33. Responding to paragraph 58, Defendant incorporates by reference its answers to paragraphs 1 through 57 as if fully set forth herein.

34. Defendant denies the allegations contained in paragraph 59-61 of the Complaint.

SIXTH CAUSE OF ACTION

UNJUST ENRICHMENT

35. Responding to paragraph 62, Defendant incorporates by reference its answers to paragraphs 1 through 61 as if fully set forth herein.

36. Defendant denies the allegations contained in paragraph 63-64 of the Complaint.

GENERAL DENIALS

Any and all allegations in Plaintiff's Complaint not expressly admitted or otherwise responded to by Defendant Gold in this Answer are hereby denied.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Plaintiff's Complaint on file herein fails to state a claim against Defendant Gold upon which relief can be granted.

Second Affirmative Defense

Any damages sustained or suffered by Plaintiff, as alleged in his Complaint, were caused in whole, or in part, or were contributed to by the negligence, fault and want of care on the part of a third person or persons over whom Defendant Gold had no supervision or control.

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Third Affirmative Defense

Plaintiff's allegations of a contract, and breach thereof, fail for lack of bargained for consideration.

Fourth Affirmative Defense

As to the claim for misrepresentation, any damages sustained by Plaintiff as alleged in his Complaint were caused in whole or in part or were contributed to by the negligence, fault and want of care on the part of Plaintiff, and such negligence, fault and want of care on the part of Plaintiff was greater than that, if any, of Defendant.

Fifth Affirmative Defense

The alleged contract is governed by California law and violates the long-standing public policy prohibiting judicial resolution of civil claims arising out of lawful or unlawful gambling contracts.

Sixth Affirmative Defense

Recovery of punitive or exemplary damages is barred because NRS 42.005, under which punitive and exemplary damages are recoverable under Nevada law, is unconstitutionally vague under the due process clause of the Fifth Amendment to the United States Constitution and Section 8 of Article I of the Nevada Constitution, and as applied, authorizes an award of punitive or exemplary damages in violation of Defendant Gold's rights of equal protection of the law under the United States Constitution, and authorizes an award of punitive damages which would constitute an excessive fine in violation of Section 6 of Article I of the Nevada Constitution.

Sixth Affirmative Defense

All possible affirmative defenses may not have been alleged herein insofar as sufficient facts are not available after reasonable inquiry upon the filing of Plaintiff's Complaint and, therefore, Defendant reserves the right to amend its Answer to allege additional affirmative defenses if subsequent investigation warrants.

WHEREFORE, Defendant prays for Judgment as follows:

1. Plaintiff takes nothing by virtue of their Complaint on file herein, and that the same be dismissed with prejudice;

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **ANSWER TO VERIFIED COMPLAINT** was filed on the 14th day of September, 2006, and the following persons received copies via United States

District Court Electronic Filing:

David Z. Chesnoff, Esq.
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An Employee of Snell & Wilmer L.L.P.

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