

COMMONWEALTH OF KENTUCKY
COURT OF APPEALS
CASE NOS. 2008-CA-002000; 2008-CA-002019; 2008-CA-002036

(ORIGINAL ACTIONS ARISING FROM
FRANKLIN CIRCUIT COURT ACTION 08-CI-1409)

INTERACTIVE MEDIA ENTERTAINMENT AND
GAMING ASSOCIATION, INC.

PETITIONERS

AND

PLAYERONLY.COM, SPORTSBOOK.COM,
SPORTSINTERACTION.COM,
MYSportsBOOK.COM, LINESMAKER.COM

AND

VICSBINGO.COM AND INTERACTIVE GAMING
COUNCIL

v.

**NOTICE OF APPEAL
TO KENTUCKY SUPREME COURT**

HON. THOMAS D. WINGATE, JUDGE

RESPONDENT

AND

COMMONWEALTH OF KENTUCKY
EX REL. J. MICHAEL BROWN, SECRETARY,
JUSTICE AND PUBLIC SAFETY CABINET

REAL PARTY IN INTEREST

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Pursuant to CR 76.36(7), and in conformity with the requirements of CR 73.03, notice is hereby given that the Respondent, Commonwealth of Kentucky *ex rel.* J. Michael Brown, Secretary, Justice and Public Safety Cabinet ("Commonwealth"), by and through counsel, hereby appeals the January 20, 2009 Order Granting Petition for Writ of Prohibition.

1. The Appellant is the Commonwealth of Kentucky *ex rel.* J. Michael Brown, Secretary, Justice and Public Safety Cabinet.

2. The trial court judge is the Hon. Thomas D. Wingate, Judge, Franklin Circuit Court.

3. The names of the Appellees are: (a) Interactive Media Entertainment & Gaming Association, Inc. ("iMEGA"), a purported trade association; (b) Interactive Gaming Council ("ICG"), a trade association purporting to represent the owners of 61 Domain Defendants; (c) domain name "vicsbingo.com"; and (d) domain names "playersonly.com", "sportsbook.com", "sportsinteraction.com", "mysportsbook.com", and "linesmaker.com".

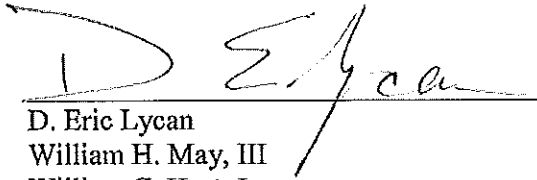
4. Counsel for the Appellant and each Appellee are identified on the attached Certificate of Service, incorporated herein by reference.

5. Petitioners appeal from the Order and Opinion of the Kentucky Court of Appeals entered on January 20, 2009, prohibiting the Franklin Circuit Judge from enforcing his Orders and conducting a hearing to consider forfeiture of the Domain Defendants.

6. A copy of the Court of Appeals' Order Granting Petition For Writ Of Prohibition dated January 20, 2009, from which this appeal is being taken is attached hereto as Exhibit "A."

7. Pursuant to Ky.R.Civ.Pro. 62.03 and 81A, enforcement of the Order Granting Petition For Writ Of Prohibition dated January 20, 2009 is stayed pending resolution of the appeal.

Respectfully submitted,



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I hereby certify that a true copy of this Motion was served, this the 21st day of January, 2009 by U.S. Mail and email to the following:

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