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Attorneys for Coeur d'Alene Tribe, Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

STATE OF IDAHO,)	Case No. 2:14-cv-00170-BLW
)	
Plaintiff,)	RESPONSE
)	TO PLAINTIFF'S MOTION
vs.)	FOR TEMPORARY
)	RESTRAINING ORDER AND
COEUR D'ALENE TRIBE,)	PRELIMINARY INJUNCTION FILED
)	ON 05/02/2014
Defendant.)	

INTRODUCTION

Under the Indian Gaming Regulatory Act (IGRA), the Coeur d'Alene Tribe (Tribe) has a sovereign right, confirmed by federal law, to offer as a "Class II game" any type of non-banked card game permitted, or not expressly prohibited, by the State of Idaho (State). 25 U.S.C. § 2703(7)(A)(ii). To the extent such games are permitted in any form, they are available to the Tribe without regard to any State limitation or regulation, with the exception of any wager or pot limits, or limits on hours of operation. *Id.* In all other respects, such Class II games fall under

the exclusive regulatory jurisdiction of the Tribe, with oversight by the National Indian Gaming Commission (NIGC). The Tribe's exclusive jurisdiction over Class II games is recognized by the 1992 Gaming Compact between Idaho and the Tribe (Compact). Dkt. 3-3, at 37 (Art. 22.1).

Although the State claims that it prohibits all forms of poker, Idaho law and public policy actually permit a wide range of poker and poker-style games under various exceptions to the general prohibition found in Idaho Code § 18-3801. These exceptions are found in provisions allowing for contests of skill (Idaho Code § 18-3801(1)), merchant promotional contests (Idaho Code § 18-3801(4)), and the Idaho Lottery (Idaho Const. Art III, § 20(1)(a)).¹ The Idaho Lottery even promotes a "Poker-based" game where "your Poker hand has to beat the dealer's or other players hand to win the prize."² Further, the State's general reluctance to enforce the actual prohibitions found in Idaho law against widespread social and charitable poker games shows that its public policy is to permit such games, at least in certain circumstances.³

While the State's widespread allowance of poker provides the Tribe with a federally recognized right under the IGRA to offer a range of card games as Class II games, the Tribe has elected to offer only Texas Hold'em tournaments where awards are made only to entrants.⁴

Texas Hold'em tournaments are widely recognized as a contest of skill and are routinely played

¹ Additionally, the State has argued that Idaho recognizes, a "family and friends" exception to the prohibition of gambling under § 18-3801. *See State v. Kasper*, Dist.Ct. of Idaho (4th Dist., Ada County), Case No. CRMD20139859 (May 15, 2014) (Magistrate's order granting motion to dismiss, slip op. at 7). Ex. 1.

² Available at <http://www.idaholottery.com/games/scratch/playStyles.html> . The Idaho Lottery also has offered Texas Hold'em style lottery games: <http://www.idaholottery.com/news/story.aspx?id=233>. Ex. 2.

³ Failure to prevent such games may be sufficient to give the Tribe a right under the IGRA to offer the same games. *See, e.g., Artichoke Joe's California Grand Casino v. Norton*, 353 F.3d 712, 722 (9th Cir. 2003) ("Under *Rumsey*, mere tolerance of class III gaming might be enough to satisfy § 2710(d)(1)(B)'s requirement that a state 'permit[] such gaming for any purpose by any person, organization, or entity.' § 2710(d)(1)(B).").

⁴ The Tribe's Gaming Board has directed the Tribe's casino to limit its games to Texas Hold'em-style tournaments pending the outcome of the present dispute with the State. Dkt. 15-2 ¶ 5. .

throughout the State. *See, e.g., State v. Kasper*, Dist.Ct. of Idaho (4th Dist., Ada County), Case No. CRMD20139859 (May 15, 2014) (slip op. at 4-5) (discussing the considerable and uncontroverted evidence that Texas Hold'em is a game of skill). Ex. 1.⁵

Nevertheless, the State claims, without alleging the facts to support such a conclusion, such contests are Class III and thus not permitted to the Tribe. As detailed below, the State's position is wrong as a matter of law and fails to appreciate the interplay between applicable federal, state and tribal law.⁶

For the reasons discussed in greater detail below, the State is not entitled to either the temporary restraining order or the injunction it seeks. The State fails to show it meets any of the requirements permitting this Court to grant either of these extraordinary remedies. The State cannot meet its high burden of demonstrating its interests outweigh those of the Tribe by simply mischaracterizing what the Tribe intends to offer. Furthermore, the balance of hardships in this case strongly favors the Tribe as the State's requested relief would directly interfere with Congress's purpose in enacting the IGRA. 25 U.S.C. § 2702(1), (3). Finally, the State has not demonstrated that it will suffer any "immediate and irreparable injury, loss, or damage," as required by Fed. R. Civ. P. 65(b)(1)(A), if the requested relief is denied.

⁵ As developed in detail below, an evolving body of authority has concluded that, just as in golf, skill is dominant in determining the outcome of the play of Texas Hold'em and even more so in Texas Hold'em tournament contests. *See* cases cited *infra* note 16 and discussion *infra*, at 14-16.

⁶ However, as set forth in the Defendant's Memorandum in Support of Its Motion to Dismiss Plaintiff's Complaint Filed on 05/02/2014 (Dkt. 15-1), this Court should not decide the classification of the Tribe's games because it lacks subject matter jurisdiction and because proper venue for the matter in controversy is established in the dispute resolution and arbitration clause agreed to by the parties in Article 21 of the Compact. *See, e.g., Idaho v. Shoshone-Bannock Tribes*, 465 F.3d 1095, 1099 (9th Cir. 2006) ("when the terms of a contract are clear, the intent of the parties must be ascertained from the contract itself").

STATEMENT OF THE CASE

I. Statutory Background

The Indian Gaming Regulatory Act

The IGRA defines Class II card games to mean:

(ii) card games that—

(I) are explicitly authorized by the laws of the State, or

(II) are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

25 U.S.C. § 2703(7)(A)(ii). The purpose for which the Class II gaming is permitted in the State is not relevant in determining the types of Class II games available to a tribe. 25 U.S.C.

§ 2710(b)(1)(a). Thus, as long as the State permits a single person, organization or entity to operate a game at any location in the State, whether for charity purposes or otherwise, the Tribe is entitled to operate such games in its gaming facility. *See Gaming Corp. of America v. Dorsey & Whitney*, 88 F.3d 536, 544 (8th Cir.1996); *Sycuan Band of Mission Indians v. Roache*, 54 F.3d 535, 539 (9th Cir. 1994).

Under the IGRA, the regulation of Class II gaming is conducted by tribal regulators, with oversight by the NIGC. 25 U.S.C. § 2710(b). The Tribe has established a Gaming Board (Gaming Board) to regulate gaming on the Tribe's Reservation, which exercises its regulatory responsibilities pursuant to an NIGC-approved gaming ordinance.⁷

Idaho State Law

The Idaho Constitution provides that:

- (1) Gambling is contrary to public policy and is strictly prohibited except for the following:

⁷ Available at <http://www.nigc.gov/LinkClick.aspx?fileticket=15U894gPB70%3d&tabid=909>.

- a. A state lottery . . . ;
 - b. Pari-mutuel betting . . . ; and
 - c. Bingo and raffle games . . .
- (2) No activities permitted by subsection (1) shall employ ***any form of casino gambling including***, but not limited to, blackjack, craps, roulette, poker, bacarrat [baccarat], keno and slot machines, or employ any electronic or electromechanical imitation or simulation of any form of casino gambling.

Idaho Const. Art. III, § 20 (emphasis added).

The Idaho Legislature has adopted a definition of "gambling" that provides:

Gambling defined. 'Gambling' means risking any money, credit, deposit or other thing of value for gain contingent in whole or in part upon lot, chance, the operation of a gambling device or the happening or outcome of an event, including a sporting event, the operation of casino gambling including, but not limited to, blackjack, craps, roulette, poker, bacarrat [baccarat] or keno, ***but does not include:***

(1) Bona fide ***contests of skill***, speed, strength or endurance ***in which awards are made only to entrants or the owners of entrants*** . . .

. . . .

(4) Merchant promotional contests and drawings conducted incidentally to bona fide nongaming business operations, if prizes are awarded without consideration being charged to participants . . .

Idaho Code § 18-3801 (emphasis added).⁸

The Attorney General of Idaho has explained that the contest of skill exception permits games played in a tournament format, noting that: "[t]his provision permits contestants to pay a fee to enter a contest, such as a golf tournament, and gain a prize or award depending on the contestant's performance." Legal Guideline Regarding Calcuttas, Op. Att'y Gen. Idaho (Sept. 17,

⁸ As used in Idaho Code § 18-3801, the term "poker" is not used as a stand-alone term in a list. The term "poker" is modified by the phrase "casino gambling." Further, the other games the Idaho legislature chose to list are all house-banked games which would be indicative of the legislature's intent to prohibit only casino, house-banked forms of poker. The Idaho Constitution and the Idaho Code do not define the term "casino gambling." See *Nez Perce Tribe v. Cenarrusa*, 125 Idaho 37, 42 (1993).

1993). Nothing in the authorization for contests of skill suggests that card games are excluded.⁹ Further, the Attorney General of Idaho has indicated in an opinion to the State Lottery that there is a distinction between "poker" and "Texas hold'em" ("card games such as *poker*, blackjack, *Texas hold'em* and gin rummy" and "casino games such as *poker* or *Texas hold'em*"). Dkt. 15-6 (emphasis added).

What is most significant for this case is that neither "poker" nor "contests of skill" are defined terms in Idaho Code § 18-3801.¹⁰ As the statute provides, even if the game of poker is prohibited, that prohibition does not apply if the game can be shown to be a "contest of skill." While the Idaho statute itself does not provide a definitive answer, the question whether the Texas Hold 'em tournaments that the Tribe is offering are contests of skill cannot be answered in a vacuum. As discussed below, there is extensive authority from other jurisdictions and in various academic studies to support a finding that Texas Hold'em, especially when played in a tournament format, is a contest of skill.

II. The Compact

The Compact has been in effect for more than 20 years to govern tribal and state interests relating to the Tribe's Class III gaming activities within the State of Idaho. The Compact states that Article 21: "controls resolution of *all disputes* other than those expressly provided for in Article 6." Dkt. 3-3, at 35 (emphasis added).¹¹

⁹ Before its last amendment, Idaho Code § 18-3801 expressly provided that *all* card games ("or any game played with cards") were prohibited under the statute. The Idaho legislature has amended the provision to replace this broad prohibition and allow for various exceptions under which such games are permitted for play within the state.

¹⁰ See, e.g., *State v. Kasper*, Ex. 1, at 4 ("18-3801 ... is subject to interpretation what is meant by the phrase 'bona fide contest of skill.' However, the plain meaning would seem to indicate the legislative intent to exempt genuine contests of skill.").

¹¹ Article 21 refers to Article 6 to acknowledge "disputed issues" that were pending when the Tribe and the State entered into the partial Compact in December, 1992. At that time,

Article 21.2 requires written notice of the alleged non-compliance that triggers an informal dispute resolution conference within ten days. *Id.* If the matter is not resolved within 60 days, either party may pursue arbitration to enforce or resolve disputes under the Compact. *See id.* at 35-36 ("Once a party has given notice of intent to pursue binding arbitration and the notice has been sent to the non-complaining party, ***the matter in controversy may not be litigated in court proceedings.***") (emphasis added). Under the Compact, the parties agreed to binding arbitration by a three (3) arbitrator panel of the American Arbitration Association (AAA). *Id.* at 36.

Article 22 expressly recognizes the Tribe's exclusive rights regarding Class II gaming:

Nothing in this Compact shall be deemed to affect the operation by the Tribe of any Class II gaming as defined in the Act, whether conducted within or without the gaming facility or gaming facilities, or to confer upon the State any jurisdiction over such Class II gaming conducted by the Tribe.

Id. at 37.

III. The Current Dispute

More than a year ago, the Tribe informed the State that it was considering authorizing Class II poker games at its casino since such games are widely played within the State of Idaho. Dkt. 3-5, at 3. In response, the State informed the Tribe that it viewed poker as a prohibited form of gambling under Article III, § 20 of the Idaho Constitution. Dkt. 3-6.

Although the Tribe disagrees with the State's views regarding non-banked poker and believes it is entitled to offer a range of poker games on its Indian lands in Idaho, the Tribe has elected to offer only Texas Hold'em-style tournament contests in which skill predominates in

negotiations between the State and the Tribe had reached an impasse regarding the scope of Class III gaming under the IGRA. Article 6 provided a judicial remedy to resolve the dispute through a declaratory judgment action in federal court. *Coeur d'Alene Tribe v. State*, 842 F.Supp. 1268 (D. Idaho 1994), and its appeal, resolved the disputed issues under Article 6.

determining winners and awards are made only to entrants. *See* Dkt. 15-2, ¶ 5. Such games are closely regulated by the Tribe's Gaming Board. *See id.*, ¶ 6.

On May 1, 2014, the State sent a letter to the Tribe claiming that the planned tournaments would be Class III gaming under the Compact. Dkt. 3-9. Through this letter, the State provided written notice of non-compliance under Article 21.2 of the Compact and requested a meeting within ten days to discuss and resolve the dispute. *Id.* Additionally, the State proposed to waive the meeting requirement and proceed immediately to arbitration pursuant to Article 21.3. *Id.*

In reply, the Tribe noted the Article 21 process is the required process for resolution of disputes and the Article 21 process "is consistent with the government-to-government relationship between the parties." Dkt. 15-3. The Tribe noted it would be unfair to halt games the Tribe has a legal right to offer on its Reservation, but agreed to Idaho's proposal for expediting binding arbitration under Article 21 of the Compact, if it turned out the parties were unable to resolve the issue at the upcoming meeting. *Id.*

After Idaho invoked the Article 21 dispute resolution process, in contravention to Article 21's specific prohibition of litigation in court proceedings, the State filed this lawsuit for injunctive relief. Since the filing of this civil action, the Article 21 dispute resolution process initially continued. Dkt. 15-4. By letter dated May 6, 2014, the Tribe reaffirmed its commitment to an expeditious resolution of the dispute. Dkt. 15-5. The parties met telephonically on May 12, 2014, but did not reach an agreement to resolve the dispute. Further, the State indicated that it would not proceed with binding arbitration unless the Tribe first agreed to the State's demand that the Tribe cease offering any form of poker tournament.

STANDARD OF REVIEW

Temporary restraining orders are designed to preserve the status quo pending the outcome of litigation. The Federal Rules of Civil Procedure require the moving party to show that it clearly appears from "specific facts in an affidavit or a verified complaint . . . that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition . . ." Fed. R. Civ. P. 65(b); *Caribbean Marine Servs. Co. v. Baldrige*, 844 F.2d 668, 674 (9th Cir.1988) (a plaintiff may obtain a temporary restraining order only where he or she can "demonstrate immediate threatened injury"). The party seeking the temporary restraining order or preliminary injunction ***must prove the prerequisites by clear and convincing evidence***. *Granny Goose Foods, Inc. v. Brotherhood of Teamsters*, 415 U.S. 423, 441 (1974). (emphasis added). Injunctive relief is not obtained as a matter of right and is an extraordinary remedy that should not be granted unless the movant, by a clear showing, carries the burden of persuasion. *Brotherhood of Locomotive Engineers v. Missouri-Kansas-Texas R. Co.*, 363 U.S. 528 (1960); *Stanley v. Univ. of S. Cal.*, 13 F.3d 1313 (9th Cir. 1994).

In the Ninth Circuit, a party seeking preliminary injunctive relief must meet one of two tests. Under the first, or "traditional standard," a court may issue a preliminary injunction if:

(1) the [moving party] will suffer irreparable injury if injunctive relief is not granted, (2) the [moving party] will probably prevail on the merits, (3) in balancing the equities, the [non-moving party] will not be harmed more than [the moving party] is helped by the injunction, and (4) granting the injunction is in the public interest.

Martin v. Int'l Olympic Comm., 740 F.2d 670, 674-75 (9th Cir. 1984) (internal quotations and citations omitted). Under the second, or "alternative standard," the movant must show the existence of serious questions going to the merits, the balance of hardships tips sharply in its

favor, that irreparable injury is likely and the injunction is in the public interest. *Alliance for Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011).

ARGUMENT

The State Is Not Entitled to a Temporary Restraining Order or a Preliminary Injunction

I. The Rule 65 Standard

Where, as here, a party seeks a preliminary injunction, the court must deny such relief "unless the facts and law clearly favor the moving party." *See Stanley v. Univ. of S. Cal.*, 13 F.3d 1313, 1320 (9th Cir. 1994) (quotation and citation omitted). In deciding whether to issue a preliminary injunction, the court "is not bound to decide doubtful and difficult questions of law or disputed questions of fact." *Int'l. Molders' & Allied Workers' Local Union No. 164 v. Nelson*, 799 F.2d 547, 551 (9th Cir. 1986) (citing *Dymo Industries, Inc. v. Tapeprinter, Inc.*, 326 F.2d 141, 143 (9th Cir. 1964)).

The State meets none of the required showings under either the traditional or the alternative standard. The State cites to *Sammartano v. First Judicial Dist. Court*, 303 F.3d 959, 965 (9th Cir. 2002), to suggest the State is entitled to relief under a line of cases where violation of fundamental constitutional rights are at issue. *See* Dkt. 3-1, at 10 (claiming that "[i]f the movant 'has a 100% probability of success on the merits' this alone entitles it to reversal of the district court's denial of a preliminary injunction, without regard to the balance of the hardships"). Instances that threaten fundamental constitutional rights may render the balancing of hardships analysis unnecessary because the public interest is significant. Here, the contested issue is whether the Tribe is permitted under federal law to offer certain poker tournament contests at its existing casino on its Reservation in the face of widespread similar games being played statewide, not whether a constitutional right will be violated.

Even more remarkable is the State's suggestion that it has 100 percent certainty of a favorable outcome on the merits, therefore negating the need for anything more than a cursory consideration of the other factors required by Rule 65. Instead of demonstrating by clear and convincing evidence of how the State's concerns merit the extraordinary relief of enjoining the Tribe from conducting activities on its Indian land that are authorized under federal law, the State relies on its own self-serving legal conclusions. Accordingly, the Court should deny the relief requested by the State. *See Nelson*, 799 F.2d at 551.

II. A Showing of Probable Success on the Merits is Made by the Tribe, Not the State

Under the IGRA, a tribe may offer any Class II card game permitted by or not explicitly prohibited by the laws of the state. 25 U.S.C. § 2703(7)(A)(ii); 25 U.S.C. § 2710(b)(1)(a). The State incorrectly phrases the question as "whether poker, which includes the Texas Hold'em variant, constitutes class II gaming." Dkt. 3-1, at 12. The proper question is whether the Texas Hold 'em tournament contests that the Tribe offers constitutes Class II gaming. Both the specific manner of play and the applicable state laws are determinative. *See e.g.*, Letter from Stevens to Meskill of 05/29/13¹² ("Whether a particular card game is Class II or Class III under the IGRA requires an analysis of both the game itself - namely, how it is played – and the laws of the state in which it will be played.").

Indeed, when poker is played as a banked card game, with the bank (the house) competing against all players, the IGRA expressly establishes that game as a Class III game. 25 U.S.C. § 2703(7)(B) ("The term 'class II gaming' does not include – (i) any banking card

¹² NIGC Gen. Couns. Op., Non-banked Poker, (2013), available at <http://www.nigc.gov/LinkClick.aspx?fileticket=3tF4Otkkf5c%3D&tabid=789>.

games"). The State is fully aware that Class III house-banked casino poker games are not a matter in dispute here.¹³

Even with respect to non-banked poker, there are numerous variations in the manner of play and the determination of its Class II or Class III status turns on such factors as the number of hands played, the design of prize structure and how the competition is organized when classifying a card game. *See, e.g.,* Letter from Coleman to Hernandez of 04/23/03;¹⁴ *see also* Letter from Cox to Demarest of 03/28/96¹⁵ (considering game participation and betting format, the house having no stake in the outcome of the game, and how a player wins as factors indicating that "Jack Attack" is a Class II game).

A. Texas Hold'Em Tournament Contests Are Games Permitted Under Idaho Law

The State has not provided any discussion regarding the manner in which the Tribe's tournaments are played. The State's reference to the NIGC's 2004 opinion regarding non-banked poker is insufficient as that letter does not address the unique attributes of the very different skill game at issue here. Dkt. 3-7, at 9-13. The State does not provide any of the analysis required under the IGRA and fails to show any grounds for success on the merits.

Classification of games under the IGRA requires greater scrutiny of state law than the State offers in its bare assertion that the State absolutely prohibits poker. For example, in its review of non-banked poker games under Connecticut law, the NIGC noted that Connecticut law

¹³ The Tribe sought to include a broad range of Class III casino games, such as banked card games, in its Compact 20 years ago and litigated that matter to a resolution as provided in Article 6.4 of the Compact. *See Coeur d'Alene Tribe v. State*, 842 F.Supp. 1268 (D. Idaho 1994) and discussion, *infra*, at p. 19.

¹⁴ NIGC Gen. Couns. Op., Tournament Blackjack Classification, (2003) available at <http://www.nigc.gov/Portals/0/NIGC%20Uploads/readingroom/gameopinions/card%20games/tournamentblackjack042303.pdf>.

¹⁵ NIGC Gen. Couns. Op., Classification of Jack Attack, (1996) available at <http://www.nigc.gov/Portals/0/NIGC%20Uploads/readingroom/gameopinions/Class%20II%20Games/jack%20attack%20is%20a%20class%20ii%20game.pdf>.

generally prohibits gambling, citing state law. Letter from Stevens to Meskill of 5/29/2013, at 3. Connecticut's definition of gambling is identical to Idaho's: "risking any money, credit, deposit or other thing of value for gain contingent in whole or in part upon lot, chance or the operation of a gambling device, including the playing of a casino gambling game such as blackjack, poker, craps, roulette or a slot machine . . ." Conn. Gen. Stat. § 53-278a(2); *see also* Idaho Code § 18-3801. But the inquiry under the IGRA does not end there. The IGRA requires examination of the exceptions in the state law. In the NIGC review of Connecticut law it found that Connecticut makes an exception to its general prohibition of gambling for social games. Letter from Stevens to Meskill of 5/29/2013, at 3. The NIGC concluded that the social game exception indicates that poker is not completely prohibited and the Tribe was therefore authorized to conduct poker as a Class II game. *Id.*, at 4.

By not looking to Idaho's exceptions to the definition of "gambling," the State mistakenly short-circuits its analysis. Dkt. 3-1, at 12-13. The State notes Idaho's general prohibition of gambling, but does not then offer any allegation or analysis with regard to Idaho's exceptions to that general prohibition. The State places great weight on poker being "specifically identified as a form of proscribed gaming." *Id.*, at 13. But the State has not addressed the specific exception, for instance, contained in § 18-3801(1) authorizing "bona fide contests of skill . . . in which awards are made only to entrants . . ." Further, as noted above, the Attorney General of Idaho has previously indicated that Texas Hold'em is a different game than "poker." Dkt. 15-6.

A body of authority has emerged in the past decade, including case law, law review articles and empirical studies, which conclude that Texas Hold'em is a game of skill.¹⁶ The fundamental conclusion can be summarized as follows:

As is true for similar games like golf, billiards, and bridge, when good poker players play against bad players, the good players consistently and routinely prevail. Players who enter golf and bridge tournaments pay a fee to enter, and earn a cash reward if they win, but these games are contests of skill because their outcome is determined principally by skill. *See Two Elec. Poker Game Machs.*, 465 A.2d at 977 ("[i]t cannot be disputed that football, baseball and golf require substantial skill, training and finesse" even though "the result of each game turns in part upon luck or chance"); *In re Allen*, 377 P.2d 280, 281 (Cal. 1962) (bridge requires skill and is not a "game of chance"). So too with poker. To be sure, there is some accumulation of luck over the course of a poker match that will affect how individual players perform. That is also true, for example, of golf, where "changes in the weather may produce harder greens and more head winds for the tournament leader than for his closest pursuers" or a "lucky bounce may save a shot or two." *PGA Tour, Inc. v. Martin*, 532 U.S. 661, 687 (2001).

Thomas Goldstein, *Poker as a Game of Skill White Paper*, Poker Players Alliance,

<http://www.gambling-law-us.com/Articles-Notes/poker-ppa.htm>.

In granting motions to dismiss charges under Idaho Code § 18-3802, the Magistrate Division of the District Court for the Fourth Judicial District of Idaho recently stated that the evidence showing Texas Hold'em to be a contest of skill was "considerable and uncontroverted." *Idaho v. Kasper*, (slip op. at 4).

¹⁶ Several recent cases have concluded that in Texas Hold'em, skill predominates. *See, e.g., United States v. Dicristina*, 886 F. Supp. 2d 164, 194 (E.D.N.Y. 2012) *rev'd on other grounds*, 726 F.3d 92 (2d Cir. 2013) (concluding, based on an exhaustive analysis, that "poker is predominately a game a skill"); *see also Town of Mt. Pleasant v. Chimento*, Case No. 98045DB (Mt. Pleasant Mun. Ct., S.C., Feb. 19, 2009) ("This Court . . . finds that Texas Hold-em is a game of skill. The evidence and studies are overwhelming that this is so."). Although on appeal the decision was reversed based on the state law's criminalization of the play "in any house used as a place of gaming... at any games with cards or dice," the court concluded that poker is nonetheless "a game in which skill predominates." *Town of Mt. Pleasant v. Chimento*, 737 S.E.2d 830, 837 (S.C. 2012).

The Attorney General of Idaho acknowledges golf tournaments as contests of skill. However, just as in golf, skill is dominant in Texas Hold'em, and even more so in Texas Hold'em tournaments.¹⁷ Since every hand of Texas Hold'em involves multiple decision points and innumerable factors that call for skill to evaluate each of those decisions (for example, the player's own cards, the odds of his hand improving, his sense of the strength of the other player's hand, his sense of the other players' perception of him), poker is a contest of skill. *Id.*

The State demonstrates that it is misinformed and misunderstands Texas Hold'em by asserting that "all players are subject to the 'chance' attendant to a hand drawn randomly from the distribution of cards from a 52-member standard deck." Dkt. 3-1, at 13. However, Texas Hold'em contests ultimately are not subject to such chance:

Over the long run everybody gets the same proportion of good and bad cards; beginning poker players rely on big hands and lucky draws while expert players use their skills to minimize their losses on their bad hands and maximize their profits on their big hands (Sklansky, 1999). A skillful poker player can use position, psychology, bluffing, and other methods to increase his chances to win the pot and increase the size of the pots he wins (Carson, 2001).

Hannum, R. C., & Cabot, A. N., Toward Legalization of Poker: The Skill vs. Chance Debate. 13 UNLV Gaming Research & Review Journal 1, 4 (2009).

Analysis has indicated that the strategic decision-making in Texas Hold'em (whether to fold or bet and how much to bet) is made of a player's own free will and is something at which a player can become skillful. Indeed, the outcome of 76% of all games played are determined by a

¹⁷ *See id.*; see also Steven D. Levitt, Thomas J. Miles, Andrew M. Rosenfield, Is Texas Hold 'Em A Game of Chance? A Legal and Economic Analysis, 101 Geo. L.J. 581, 585 (2013) ("The empirical evidence suggests that skill is the primary factor determining the distribution of player returns in no-limit Texas Hold 'Em."); Anthony Cabot and Robert Hannum, Toward Legalization of Poker: The Skill vs. Chance Debate, 13 UNLV Gaming Research and Review Journal 1, 2-4 (2009) (discussing various empirical studies concluding that decisions and strategies employed by players make winning or losing a "direct reflection of the player's level of skill").

player's betting strategy (as one player convinces all others to fold and wins without ever having to show his cards). *See id.* (citing Hope, Mizelle, & McCulloch (2009)). Hope, Mizelle, & McCulloch's examined 103 million hands of Texas Hold'em and determined that only about 12 percent "are won by the player at the table who would have had the best hand." *Id.*, at 6. The conclusion from these studies is that the player dealt the best cards, as a matter of chance or luck, rarely wins the hand. In the sequential play of the tournament format offered by the Tribe, winners are determined by skill of the players, not luck of the draw.

In addition to being a contest of skill, Texas Hold'em is also permitted under the exception for merchant promotional contests, as recognized by the Attorney General of Idaho:

Indeed, some merchants in the State of Idaho have advertised promotional contests in the form of casino games such as poker *or Texas hold'em*. In these instances, the Lottery strives to ensure that players are not charged anything or risking any money, services or thing of value to play. In rare instances, a player is charged to play, but absolutely no prize of any type is awarded.

Dkt. 15-6 (emphasis added). The fact that Texas Hold'em is permitted as a promotional contest is sufficient, in and of itself, to establish that the State permits the game in some forms. Thus, Texas Hold'em is available to the Tribe for purposes of federal law as a Class II game.¹⁸

Further, the exception for merchant promotional contests is listed in the same section as the exception for contests of skill. Thus, the Attorney General of Idaho has already recognized that Texas Hold'em is permitted if it complies with the requirements for a promotional contest, notwithstanding the general prohibition against "poker." The Tribe's position is that the parallel exception for contests of skill allows the same game to be played if it meets those requirements.

¹⁸ For purposes of the IGRA, it is sufficient that the "card game[]" of Texas Hold'em is "authorized." 25 U.S.C. § 2703(7)(A)(ii). While Idaho may limit the games to promotional contests, such limitations are not applicable to the Tribe under federal law. Instead, the only question is whether the State imposes any limits on wagers, pot limits or hours of operation. In this case, there are no such limitations.

Finally, it is instructive that the Idaho Lottery offers "Texas Hold'em" style games,¹⁹ notwithstanding the fact that it is seemingly prohibited from offering any lotto activities that take "any form of casino gambling including . . . poker" Idaho Const. Art. III § 20(2). This further demonstrates that the State's gambling prohibition, particularly as to Texas Hold'em, is less absolute than argued by the State.

B. Texas Hold'Em Is Widely Played in the State of Idaho

As discussed above, Texas Hold'em is permitted in Idaho under statutory exceptions for contests of skill and merchant promotional contests. The next question under the IGRA is: whether Texas Hold'em is played by others in the state? 25 U.S.C. § 2703(7)(A)(ii).²⁰

In fact, Texas Hold'em is widely played at a range of locations.²¹ Even a basic internet search yields a listing of numerous such events throughout the State. For example, Homepokergames.com lists numerous local real-money Texas Hold'em games and tournaments, <http://www.homepokergames.com/find-games-us-idaho.php>. Ex. 3. Other examples include: (1) "Annual Snake River Rugby Poker Tournament," with a \$40 buy-in and prizes for the winners, Ex. 4; (2) Texas Hold'em tournament with a \$25 buy-in and prizes such as VISA gift cards at the Sandstone Event Center in Nampa, Idaho, http://www.idahopress.com/calendar/rd-annual-nampa-wrestling-texas-hold-em-tournament/event_a3a44e5a-37ee-11e2-9998-772ac994e845.html, Ex. 5; (3) Vallivue High School Annual Texas Hold'Em Dinner, with

¹⁹ See, e.g., <http://www.idaholottery.com/news/story.aspx?id=233>.

²⁰ See also NIGC Gen. Couns. Op., Double Hand High-Low, (1999) (finding that states can influence class II gaming on Indian lands "only if they prohibit those games for everyone under all circumstances") available at <http://www.nigc.gov/Portals/0/NIGC%20Uploads/readingroom/gameopinions/card%20games/doublehandhighlow.pdf> and Letter from Stevens to Meskill of 5/29/2013, at 3 ("poker games are advertised as regularly occurring throughout the state.").

²¹ If the State disputes these facts, then the specific nature and legal authority for these operations could raise questions that would need to be resolved at a trial.

"free" (incidental to the donation) entry and prizes awarded to those who earn the most points, http://www.vallivuebaseball.com/uploads/1/4/2/5/14251044/texas_holdem_flyer_vallivue.pdf, Ex. 6; and (4) 2014 "Monte Carlo Casino Night" held by the McCall Area Chamber of Commerce, http://mccallchamber.org/carnival_monte_carlo_casino_night.html, Ex. 7. As a result, it is clear that Texas Hold'em is both permitted and widely played in the State of Idaho.

III. The State Has Failed to Meet its Burden on the Balance of Hardships

Under the IGRA, Congress allocated authority for Class II gaming to the Tribe and the United States. Indeed, Article 22 of the Compact recognizes this fact. Nevertheless, the State suggests the balance of hardships favors the State, yet it has not met its burden of showing how the games at issue constitute Class III games, nor how the Tribe's offer of Texas Hold'em tournaments causes *any* harm to the State. In the absence of a clear showing that the games at issue constitute Class III gaming under the IGRA, the State's asserted sovereignty interests are certainly not greater than the sovereignty interests the Tribe has at stake. *See e.g., United States v. Washington*, 2013 U.S. Dist. LEXIS 172358, 35 (W.D. Wash. Dec. 5, 2013) citing *Prairie Band of Potawatomi Indians v. Pierce*, 253 F.3d 1234, 1250-51 (10th Cir. 2001) ("The Tribes are correct that infringement of tribal sovereign immunity may constitute irreparable harm by invading tribal self-government in a way that "cannot be adequately compensated for in the form of monetary damages" and because the loss of tribal sovereignty may not be subject to remedy upon final determination on the merits); *and U.S. v. Spokane Tribe*, 139 F.3d 1297 (9th Cir. 1998).

Indeed, as the activity involves gaming authorized under the IGRA on the Tribe's Indian lands, the intrusion by the State's proposed injunction on the Tribe is considerably greater than any hardship suffered by the State without the relief. *See e.g., Seneca-Cayuga Tribe of*

Oklahoma v. Oklahoma, 874 F.2d 709, 716 (10th Cir. 1989) (upholding injunction against the state on the grounds that the state's attempted intrusion into the tribe's Class II gaming interest constituted irreparable injury with the threatened loss of revenues and jobs associated with the "prospect of significant interference with [tribal] self-government."). As the balance of hardships favors the Tribe, the State's requested relief must be denied.

IV. The Litigation 20 Years Ago is Not Applicable

The State's discussion of the Article 6.4 litigation is not relevant to the Tribe's non-banked, Texas Hold'em-style tournament contests. Contrary to the State's allegations, claim preclusion does not bar the Tribe from asserting here that different types of card games than those litigated previously are classified as Class II games pursuant to the IGRA at 25 U.S.C. § 2703(7)(A)(ii). *See W. Radio Servs. Co. v. Glickman*, 123 F.3d 1189, 1192 (9th Cir. 1997). Class II gaming was not even an issue in *Coeur d'Alene Tribe*. *Coeur d'Alene Tribe*, 842 F. Supp. at 1273 ("Only Class III gaming is at issue in this case."). Thus the Tribe did not, and could not have, raised any issues regarding whether a specific game was Class II in a case where all parties and the court recognized that only Class III gaming was at issue. *See Pedrina v. Han Kuk Chun*, 906 F. Supp. 1377, 1399 (D. Haw. 1995).

Likewise the doctrine of judicial estoppel is not applicable under the facts of the current situation. The Tribe in *Coeur d'Alene* never took a position on what did, or did not, constitute a specific Class II game because Class II gaming was not at issue in that case. *See Helfand v. Gerson*, 105 F.3d 530, 534-35 (9th Cir. 1997).

CONCLUSION

For the reasons set forth above, Plaintiff's motion for a temporary restraining order and preliminary injunction must be denied.

Respectfully submitted this 23th day of May, 2014.

/S/ Joseph H. Webster

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of May, 2014, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected in the Notice of Electronic Filings:

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By: /s/ Kinzo H. Mihara _____
Kinzo H. Mihara, Attorney for Defendant

Exhibit 1

State of Idaho v. Michael Kasper

MAY 16 2014

NO. _____ FILED _____
A.M. _____ P.M. _____

IN THE DISTRICT COURT OF THE 4TH JUDICIAL DISTRICT
OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

MAY 15 2014

CHRISTOPHER D. RICH, Clerk
By ELIZABETH CASTANEDA
DEPUTY

STATE OF IDAHO,
Plaintiff

CASE # CRMD20139859
CRMD20139864

VS.

ORDER GRANTING MOTION
"AS APPLIED" TO THE
DEFENDANTS

MICHAEL KASPER,
JARED LEVZINGER
Defendants

CLAIMS

The two Defendants stand charged with violating Idaho Code Section 18-3802 by playing No Limit Texas Hold'Em, a form of poker.

The Defendants motion this Court for dismissal contending that Idaho Code Section 18-3802 is unconstitutionally void for vagueness on its face and as applied to them in violation of the due process clause of the Fourteenth Amendment to the United States Constitution.

The Court received pleadings from both sides on the claims. The Court conducted a hearing on April 17, 2014, at which the Court heard the sworn testimony of several witnesses for the Defendants, and 1 witness for the State. The Court also received into evidence exhibits offered by the Defendants.

For this ruling the Court considers the parties' pleadings, the evidence presented at hearing, and the arguments of counsel.

This ruling is limited to the facts, evidence, and arguments presented in these two cases.

STANDARD FOR ANALYSIS

The party challenging a statute on constitutional grounds bears the burden of establishing that the statute is unconstitutional and “must overcome a strong presumption of validity.” *State v. Korsen*, 138 Idaho 706, 711 (2003); quoting *Olsen v. J.A. Freeman Co.*, 108 Idaho 5, 13, n.12 (1985). Courts are compelled to seek an interpretation of a statute that upholds its constitutionality. *Korsen*, 138 Idaho at 711.

The void for vagueness doctrine is founded upon the due process clause of the Fourteenth Amendment to the U.S. Constitution. It stands for the legal proposition that a statute defining criminal conduct be worded with sufficient clarity and definiteness that ordinary people can understand what conduct is prohibited and that it be worded in such a way that does not allow arbitrary and discriminatory enforcement. *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 102 S.Ct. 1186, 71 L.Ed.2d 362 (1982); *State v. Korsen, Id.* Due process requires a statute stand void for vagueness if its prohibitions are not clearly defined. *Grayned v. City of Rockford*, 408 U.S. 104, 92 S.Ct. 2294, 33 L.Ed.2d 222 (1972). Further, no individual should find themselves speculating about the meaning of a penal statute and be exposed to a loss of liberty. *United States v. Smith*, 795 F.2d 841, 847, n.4 (9th Cir. 1986), citing *Lanzetta v. New Jersey*, 306 U.S. 451, 453, 59 S.Ct. 618, 619, 83 L.Ed. 888, 890 (1939), *Smith v. United States, cert. denied*, 481 U.S. 1032, 107 S.Ct. 1964, 95 L.Ed.2d 535 (1987).

The Idaho Supreme Court has held that due process requires that all “be informed as to what the State commands or forbids” and that individuals “of common intelligence” not be forced to guess at the meaning of the criminal law. *State v. Korsen*, 138 Idaho at 712 (2003), *State v. Cobb*, 132 Idaho 195, (1998), citing *Smith v. Goguen*, 415 U.S. 566, 574, 94 S.Ct. 1242, 1248, 39 L.Ed.2d 605, 612 (1974). A statute is void for vagueness if it fails to give adequate notice to people of ordinary intelligence concerning the conduct it proscribes, or if it fails to establish minimal guidelines to govern law enforcement or others who must enforce the statute. *State v. Larsen*, 135 Idaho 754, 756; *Korsen* 138 Idaho at 712.

A challenge of this nature may be made in two ways. A statute may be void for vagueness on its face, by fact of being impermissibly vague in all its applications. *Hoffman Estates*, 455 U.S. at 497, 102 S.Ct. at 1193, 71 L.Ed.2d at 371; *Korsen* 138 Idaho at 712. A statute may also be impermissibly vague as applied to a defendant’s conduct. Specifically, the statute is impermissibly vague by failing to provide fair notice that the defendant’s conduct was prohibited, or, failed to provide sufficient guidelines such that the police had unbridled discretion in determining whether to arrest an individual. *Korsen* 138 at 712.

In this case the Defendants are charged with violating Idaho Code Section 18-3802. This statute charges two ways a person can commit the misdemeanor of gambling. Subsection (1)(b) provides a person is guilty of gambling if they knowingly permit gambling to occur

in any form upon or in any personal or real property in which they have an ownership interest. No evidence was presented, nor were any claims made that this is the subsection under which these Defendants are charged. In fact, the evidence was to the contrary.

The State can only be proceeding under 18-3802 (1)(a) which provides a person is guilty of gambling if that person participates in gambling.

Idaho Code Section 18-3801 defines gambling. It is defined as “risking any money, credit, deposit or other thing of value for gain contingent in whole or in part upon lot, chance, the operation of a gambling device or the happening or outcome of an event, including a sporting event, the operation of casino gambling, including”, among other games, poker.

18-3801 (1) provides that “bona fide contests of skill” in which “awards are made only to entrants” are not included in the definition of gambling.

Article III, Section 20 of the Idaho Constitution expresses Idaho’s prohibition on gambling. Subsection (2) prohibits casino gambling. Poker is specifically listed as a form of casino gambling.

ANALYSIS

Idaho Law

Article III, Section 20 of the Idaho Constitution declares gambling contrary to public policy and specifically prohibits poker as a form of casino gambling. It also commands the legislature to provide penalties for violation of the Idaho constitutional prohibition on gambling.

The Court finds the language of the Constitution straight forward and direct. Equally illuminating is the fact that as amended in 1988, this section permitted certain forms of gambling. In legalizing the lottery and pari-mutuel betting, Idaho did not legalize poker.

Idaho Code Section 18-3802 sets out penalties for violations of the prohibitions enacted by the Idaho Constitution. 18-3801 defines what constitutes gambling. However, in two key respects 18-3801 differs from the constitutional language. First, 18-3801 prohibits the “operation” of casino gambling which includes poker. Second, the legislature provided that genuine contests of skill which award prizes only to entrants are not included in the definition of gambling as prohibited conduct.

Article III, Section 20 does not ever limit the prohibition on poker playing to just the “operation” of the game. While the word operation is subject to several definitions it is fair to say in its context within 18-3801 that its plain meaning relates to the running of, or engaging in the enterprise of poker. A number of the word’s definitions apply to or within a business context, or, relate to the exercise of control over something. The New American Heritage Dictionary 1233 (4th ed. 2000). The point the Court is making is that

the clear language prohibiting the playing of poker found in our constitution gets narrowed or modified by the legislative use of the word “operation”.

One interpretation opposed to that just written is that the legislature modified or narrowed none of the constitutional language in 18-3801. The full definition of gambling found in 18-3801 covers a broad swath of gaming and speculative action for anything of value. Thus, 18-3801 is wholly consistent with Article III, Section 20. It lays down a broad definition of gambling covering a multitude of activities played or wagered for absolutely anything of value, and further prohibits the operation of casino gambling. However, even this interpretation does not resolve the issue pertaining to notice of proscribed conduct. The reason is Idaho Code Section 18-3801(1).

18-3801(1) states a bona fide contest of skill which awards entrants is not prohibited conduct under the definition of gambling. It is subject to interpretation what is meant by the phrase “bona fide contests of skill”. However, the plain meaning would seem to indicate the legislative intent to exempt genuine contests of skill. More pointedly, it means contests in which skill predominates in the determination of the outcome of the contest. All things, all contests in the course of human endeavor, are subject to some chance, to some lucky or unlucky bounce of the ball, some unforeseen, uncontrollable circumstance. It is the skill of the entrants, not chance, which must be the most important factor in who prevails.

At the evidentiary hearing conducted in these two cases evidence was presented that a form of poker known as No Limit Texas Hold’Em is a game which fits into this exception. In fact, on this point, the evidence was considerable and uncontroverted.

The Evidence of the Defendants

There were numerous witnesses from the pursuits of golf, pool, and tournament bass fishing. They were the Director of Golf for the City of Boise, a 7-time Idaho Pool Champion, and a Championship Bass Fisherman from Idaho. They testified that in tournaments within their respective disciplines entry fees are paid to participate. Awards are made based on how well a person finishes. Only the top finishers are awarded prizes. Similarly, the testimony of other defense witnesses established that in No Limit Texas Hold’Em tournaments, players pay an entry fee to play. They receive chips. Hands of the game are played until one person wins all the chips. Awards are made to individual entrants thereafter based upon order of finish.

Also testifying was an Idaho attorney practicing in the Treasure Valley. He is a former federal and state prosecutor. In addition, he plays No Limit Texas Hold’Em. He has participated on more than one occasion in The World Series of Poker. This witness testified that this variant of poker is in fact a game where skill predominates and based on his expertise and knowledge of the game, and his reading and understanding of Idaho law, Texas Hold’Em was not prohibited under the definition of gambling in 18-3801.

Professor James McManus testified for the defense. Professor McManus is a gentleman who is a professor of literature and writing in Illinois. He is an author, journalist, and commentator. He is involved in ongoing research related to game, business, and statistical theory through the Mind Sports Research Network of the Berkman Center for Internet & Society at Harvard University. He was the Defendants' expert witness.

For 54 years Professor McManus has played poker for fun, among friends, and in tournaments. He has played and won money at the highest levels of competition. He finished 5th at the World Series of Poker. His extensive background as an author, journalist, and commentator deals in large part with poker. His books on the subject have won awards, and his work as a journalist, writer, and commentator on the subject are for some of the nation's major publications and media organizations. He is especially knowledgeable concerning the form of poker known as No Limit Texas Hold'Em. His expertise covers the history of the game, the science of the game, and its play through countless hours of research, study, observation, and playing the game at its highest levels of competition.

In his testimony he detailed for a considerable period of time numerous ways in the play of No Limit Texas Hold'Em in which skill predominates. He described the game and the skill involved from the outset of a hand to the final play in a tournament. It was noted that the number of skill sets about which he testified was not an exhaustive list.

Also admitted during the testimony of Professor McManus were examples of scientific research concluding skill predominates in Texas Hold'Em. Research was presented from fields such as economics, risk analysis and gaming. The statistical research was rooted in sound scientific principles and all come to the same conclusion: skill predominates in Texas Hold'Em.

Another aspect to these studies presented by Professor McManus was the context in which these studies have taken place. Over approximately the last 15 years, beginning with the broadcast of the World Series of Poker by ESPN, Texas Hold'Em has exploded in popularity. (Texas Hold'Em is the form of poker played at the World Series of Poker.) As a consequence the game has grown in acceptance and understanding. The game has become well known and lost the stigma normally associated with card playing and is widely regarded within the playing community as a clean game. As a result of its increasing popularity academic research has focused on the game leading to the studies of the skill involved.

This evidence from the Defendants was never contradicted, or impeached in any form by the State.

The State's Case

The State's response to the Defendants' claims was bewildering. It came in three forms.

The first form is its written response to the motions filed by the Defendants. The State argues that Idaho Code Section 18-3802 provides legally sufficient notice to what conduct is prohibited. The State cites to definitions of gambling from Wikipedia, Merriam Webster's On-line Dictionary, and Google. The State's theory is that in this day and age people seek information on the internet. These definitions cited are on the internet. These internet definitions are similar to the Idaho Code. Thus, the State contends, notice is therefore fine because when people search on the internet, they will see these definitions. While the Court understands and appreciates the logic of this theory, this approach to the analysis is problematic.

It is the language of the law that is determinative, not its similarity to information that might be found on the internet, or may otherwise be readily accessible.

While the use of language that may be readily understood or is in common usage aids understanding and notice, the citation to the internet, especially a search engine, presents its own set of problems. Suppose that in existence are sites on the internet which stand for the proposition that Texas Hold'Em is a game of skill. Does this mean the statute's notice is suspect? Does it mean Texas Hold'Em might be legal? What if there are sites taking either side of this issue?

As noted, it is the language of the law that is determinative in this analysis. The analysis is straight forward. There is a legal predicate – the language of the statute prohibiting conduct; which is then paired with a factual predicate – the conduct in which a defendant engaged.

The second form of response the State made is in the form of the evidence it presented at hearing. The State's sole witness was the investigating officer.

The officer detailed the nature of the investigation. It is clear these two Defendants were participants in No Limit Texas Hold'Em tournaments. They did not rent the place where the tournaments were held, own any of the equipment, notify anyone of the games to be played, or profit in any form from the games except in terms of the outcome of the tournaments. They were not among the individuals running or operating the games. Interestingly, the State never presented any of the evidence it claimed to have in its responsive pleadings.

The investigating officer testified that he also plays this game. He like the Defendants' witnesses, like Professor James McManus, like the academic research introduced by the defense, agrees that No Limit Texas Hold'Em is a game of skill.

The third form of the State's response to the claims of the Defendants came in argument at hearing. Granted, it is only argument of the attorneys. However, it weighs upon the Court's analysis. It weighs so, not just because of its confounding reasoning, but because

it highlights the seeming arbitrary application of this law to these two individuals presented at hearing.

The State at hearing and in argument never articulated a factual or legal theory under which these two individuals had clear notice of the proscribed conduct and engaged in such conduct. The State took the astonishing position that playing Texas Hold'Em was not illegal, if one was participating in playing this brand of poker among family or friends. Where the State got this "family and friends" exception to gambling is anyone's guess. The State even conceded at one point in argument that it was difficult to figure all the conduct that might be prohibited under 18-3801 and 3802.

We arrive at the crux of the problem with the State's position and why based on its position and presentation the Defendants have met their burden to show that this law is void for vagueness as applied to them in these two cases.

The State has charged these two individuals with playing Texas Hold'Em in violation of Idaho Code Section 18-3802. The testimony at hearing seemed to give rise to the strong inference that these players knew one another. The games seemed collegial and friendly. In other words, these tournaments were played among friends.

How can the prosecution and enforcement of the gambling laws against individuals who are mere players be anything other than arbitrary in these two cases? They played among friends. The State's witness plays among friends. The State argues a "friends and family" exception to the prohibited conduct of 18-3801. The State argues that this is not illegal to engage in this type of play of Texas Hold'Em. After months of notice and time to prepare, the State cannot articulate a line of argument or present any evidence that shows how these individuals violated the statute in light of their "friends and family" exception. This is an exception which is not codified, or for which the State cites no legal authority.

One piece of previously unmentioned testimony highlights why this line of reasoning looms large in the Court's consideration. The attorney from the Treasure Valley who testified for the defense testified that he had previously participated in games held at the locations subject to the investigation in these cases. He described on two occasions, approximately three years apart, law enforcement officers happened upon their games in progress. The appearance of these officers were unrelated to the playing of poker by these individuals, but related to the discharge of other duties by the officers. He described that on these two occasions that the officers never admonished them about their conduct, issued no warnings, or issued any citations. On one occasion they were told the police were not there to break up their game.

In these two specific cases, in light of the arguments and evidence presented, the Court cannot discern how a person of common intelligence could know from these cases what conduct was prohibited. All these things, in their totality, the uncontroverted evidence of the defense, the nature of the State's evidence and argument, leave the Court in a position where it still must guess as to the conduct the State now seeks to prosecute.

That other individuals involved in the investigation that led to these two cases were operating casino gambling is prohibited, illegal conduct. The Court understands that there are a myriad of reasons which might explain the context of the nature of the enforcement of the gambling laws in these two particular cases. The reasons could range from law enforcement discretion to any number of other valid law enforcement related strategies or protocols. None of those things were ever presented or argued at hearing. The nature of the State's evidence corroborates the defense claims.

It is a very perplexing picture of sometimes you can play Texas Hold'Em, and sometimes you cannot. The State cannot explain with any clarity when you can and when you cannot, or how one would know when you could or when you could not. Based on the evidence of the defense, based upon the State's presentation and argument at hearing, the prosecution and enforcement is transformed into a miasma of inconsistent and injudicious randomness.


Conclusion

Article III, Section 20 of the Idaho Constitution contains a clear prohibition against poker.

Idaho Code Section 18-3801 and 3802 are constitutional and are not void for vagueness on their face.

However, based on the plain language of 18-3801 and 3802, based upon the uncontroverted evidence presented at hearing, based upon the State's interpretation of the gambling statutes which seems to sanction rather than enforce the prohibited conduct of 18-3801 and Article III, Section 20, the Court FINDS that this prosecution under 18-3802 is unconstitutional as applied to these two individuals in these two cases.

May 15th, 2014.


Magistrate Judge

CERTIFICATE OF MAILING

I hereby certify that on this 15 day of May, 2014, I mailed (served) a true and correct copy of the within instrument to:

Boise City Prosecutor- Generic
INTERDEPARTMENTAL MAIL

Michael J Bartlett
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Bo Davies
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737 North 7th Street
Boise, ID 83792

CHRISTOPHER D. RICH
Clerk of the District Court

By: 
Deputy Court Clerk

Exhibit 2

Idaho Lottery Games

SCRATCH GAMES™ |

match 3 & tic-tac-toe

These Scratch Games are super easy and fun to play. If you are playing a "Match Three" style Scratch Game, it's as easy as it sounds.

Just scratch the play area on the scratch ticket. If you match three of the same prize amounts in the same game, you win that prize. If you get a "Tic-Tac-Toe" style Scratch Game™, remember it's just like the good old Tic-Tac-Toe game you played when you were younger. Sometimes the Scratch Game will feature the traditional "X"s and "O"s and sometimes they will have other symbols like money bags and more. Just match-up three specified identifiable marks in a row, column, or diagonal and you win the prize shown in the prize box.

These Scratch Games can also have exciting features such as instant wins, doublers, triplers and wild symbols.

cashword

Hey wordsmiths! If you love crossword puzzles, then you'll love playing Cashword, the Scratch Games.

Cashword is a Scratch Game that's played like a crossword puzzle. What you're going to do is simple – match your letters to those in the crossword.

Scratch off the "YOUR 18 LETTERS" box to reveal your letters. For each one of your 18 letters, scratch off each corresponding letter in the CASHWORD puzzle and the bonus word area below. As you scratch off the letters, you will start to complete whole words. Here's where it gets exciting. If you uncover 3 or more complete words in a game, you win the prize shown in the matching game legend. Don't forget to look for extra features like doublers, triplers or bonus words. Complete words are at least 3 letters long and must appear in an unbroken string. A word cannot be formed diagonally, from right to left, or from bottom to top. And yes, a word can only read from left to right or top to bottom.

bingo & coordinate

Do you like Bingo? I know I do. And I especially love Bingo Scratch Games. Once you learn how to play I'm sure you will too. First, you need to understand that Bingo Scratch Games have a play style that takes a little more time to scratch than your average Scratch Game. But this is what makes it so fun.

To play Bingo, just scratch off the Caller's numbers. Then scratch the coordinating call numbers in the player's cards. If you uncover a complete row, diagonal or column in any one player's card, you win the prize shown in the legend for that card. In Big Bingo, you only need to uncover a complete row to win the prize shown. Many Bingo Scratch Games have extra features such as doublers, triplers or bonus call numbers.

There are other Scratch Games similar to Bingo known as Coordinate Scratch Games. On these games, you scratch your numbers or letters, and then scratch the corresponding coordinates in the play area. The game instructions will let you know what you need to uncover to win.

key symbol match

With key number or symbol matches. This kind of play style can be found on a variety of Scratch Games of all price points. Key number or symbol matches are easy. First, uncover the "key" number or symbol. If any of your numbers match the key number or symbol, you win the prize for that number or symbol.

These Scratch Games can also have exciting features such as instant wins, doublers, triplers and wild symbols.

slingo

Slingo® Scratch Games™ are a cross between slots and bingo. You heard right. These games take a little more time to scratch than your average Scratch Game and that makes for more fun.

To get started, just scratch each horizontal spin line to reveal your Slingo® numbers. Scratch the corresponding numbers in the Slingo® Grid. Match all five numbers in a complete horizontal, vertical, or diagonal line in the Slingo® Grid, and win the corresponding prize amount shown in the legend.

You can win additional cash for every “Gold Coin” revealed in the spins. Depending on the Slingo® game, there might be special features or symbols that give you additional chances to win.

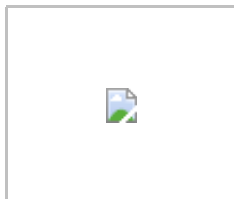
yours beats theirs

Do you like high-stakes poker or the fast action of blackjack? What about good ol’ fashioned high card wins or just getting more fish than your buddy? Well if you do, then you’ll love “yours-beats-theirs” or poker-style scratch games.

Some of the most exciting scratch games offered are the “yours-beats-theirs” scratch games. Often these games have some of the biggest instant prizes.

All of the “yours-beats-theirs” scratch games have basic similarities. Whatever the game, your set of number, or numbers, or your hand of cards must beat the other set of numbers. For example, if “Your number” is EIGHT and “Their number” is THREE, you win. When yours beats theirs, you win the prize shown!

If you like to take the challenge up a notch, then you might play a Poker-based “Yours-Beats-Theirs” game. Here, your Poker hand has to beat the dealer’s or other players hand to win the prize. The back of Poker games have a key for ranking of hands.



Benefiting Idaho public schools and buildings

IMMEDIATE NEWS RELEASE

FOR IMMEDIATE RELEASE
April 12, 2007

CONTACT: David Workman
(208) 334-2600

Collegiate Student Ticket Design Winners Announced

Boise – Are you ready for some high stakes poker? Deal us in! During the 2008 Fiscal Year, the Idaho Lottery will debut two new poker tickets, both top winners from this year Collegiate Scratch Ticket Design contest.

This year's winner Jeff Wolfley, a senior Mass Communications major at Idaho State University, wanted to create a scratch ticket that blended something famous from Idaho with something else very popular – poker.

"I started with potatoes and went on to Spuds," explained Wolfley, 52, a non-traditional student who hails originally from Star Valley in Wyoming and winner of a \$1000 scholarship. "And what rhymes with Spuds? Studs, like in seven card stud poker."

The Scratch Ticket Design contest is sponsored by the Idaho Lottery for the purposes of helping students utilize their graphic design skills and techniques in a real-life scenario. "It's a way to continue our mission of benefiting Idaho public schools and buildings at the collegiate level," said Moody-St. Clair.

Sean Watkins, a 27-year old graphic arts student at Lewis-Clark State College went "All-in" when he designed "Idahold'em," this year's second place winner. A play on the popular poker card game Texas Hold'em, Watkins found a need in the Idaho Lottery scratch ticket line-up and decided to fill it – to the tune of a \$500 winner's scholarship.

"Working with the Idaho Lottery is a great opportunity for our students to interact with real clients and real deadlines," explained Brian Kolstad, Lewis-Clark State College Instructor of Graphic Design and Printing Technology. "This is very valuable to the students who have to meet client expectations."

Soon, those lucky numbers on fortune cookies might actually bring you a fortune. At least that is what will happen next year for Angela Heilson, a junior Studio Art and Graphic Design student at the University of Idaho Student, who placed third in the Idaho Lottery's in this year's contest with her ticket "Break a Fortune." Heilson won a \$200 scholarship from the Lottery.

The Idaho Lottery received 42 additional entries from three other Idaho college campuses this year

including the University of Idaho, North Idaho College, and Lewis-Clark State College. All entries were judged by a panel of lottery ticket experts for their design/visual appeal, creativity, play style, and overall marketability.

“Spuds and Studs”, “Idahold’em”, and “Break a Fortune will all be printed as part of the official Idaho Lottery line-up in Fiscal Year 2008. As part of the artwork, each ticket will be printed with the designers name and the college they attend.

#

Exhibit 3

Homepokergames.com



Home Poker Online Poker Poker Info Poker Tools Gambling Info Community MyHPG HPG

United States

» search by zip

- » Alabama
- » Alaska
- » Arizona
- » Arkansas
- » California
- » Colorado
- » Connecticut
- » Delaware
- » District of Columbia
- » Florida
- » Georgia
- » Hawaii
- » Idaho
- » Illinois
- » Indiana
- » Iowa
- » Kansas
- » Kentucky
- » Louisiana
- » Maine
- » Maryland
- » Massachusetts
- » Michigan
- » Minnesota
- » Mississippi
- » Missouri
- » Montana
- » Nebraska
- » Nevada
- » New Hampshire
- » New Jersey
- » New Mexico
- » New York
- » North Carolina
- » North Dakota
- » Ohio
- » Oklahoma
- » Oregon
- » Pennsylvania
- » Rhode Island
- » South Carolina
- » South Dakota
- » Tennessee
- » Texas
- » Utah
- » Vermont
- » Virginia
- » Washington
- » West Virginia
- » Wisconsin
- » Wyoming

Canada

- » Alberta
- » British Columbia
- » Manitoba
- » New Brunswick
- » Newfoundland
- » Northwest Territories
- » Nova Scotia
- » Nunavut
- » Ontario
- » Prince Edward Island
- » Quebec
- » Saskatchewan
- » Yukon

Other Countries

- » Australia
- » France
- » Germany
- » Ireland
- » Israel
- » Japan
- » New Zealand

Find games - Idaho

Dec 14th, 2013. The state listing pages are back. The listings are sorted by "Last Activity Date". Only the last 100 listings are shown.

NOTE: Reloading these pages will NOT push your listing to the top. To learn about the sorting of games, read the [FAQ](#) section on the Help page.



overace's Game

Twin Falls / Kimberly

Created: Mar 22, 2012
Last Activity: Mar 20, 2013

1 0 0
Members Pictures Posts



98steps's Game

Boise

Created: Mar 13, 2012
Last Activity: Mar 11, 2013

1 0 0
Members Pictures Posts



2C POKER's Game

2C - Nampa

Created: Dec 31, 2010
Last Activity: Jan 26, 2013

1 0 0
Members Pictures Posts



waderaceway's Game

Nampa

Created: Dec 08, 2012
Last Activity: Dec 21, 2012

1 0 0
Members Pictures Posts



ajpoker's Game

Downtown Boise

Created: Jun 09, 2010
Last Activity: Apr 21, 2012

1 0 0
Members Pictures Posts



junior1981's Game

Eagle

Created: Feb 23, 2012
Last Activity: Feb 23, 2012

1 0 0
Members Pictures Posts



IF Poker's Game

Idaho Falls

Created: Feb 12, 2012
Last Activity: Feb 12, 2012

1 0 0
Members Pictures Posts



downtown poker's Game

boise

Created: Sep 21, 2011
Last Activity: Sep 21, 2011

1 0 0
Members Pictures Posts

puppydawg101's Game

Login

remember me?

[Forgot password](#)

or

HPG - Social

Like 56

Play Poker



Trade Options

\$3.95
STOCK TRADES

100
COMMISSION-FREE TRADES

A Better Option for Your Online Trading.

optionshouse.△

- » Peru
- » Philippines
- » Switzerland
- » United Kingdom



boise

Created: Sep 01, 2011
Last Activity: Sep 01, 2011

1 0 0
Members Pictures Posts



[boisepoker6's Game](#)

Meridian

Created: Apr 17, 2011
Last Activity: Jul 09, 2011

1 0 0
Members Pictures Posts



[Sneaky Sun Tzu's Game](#)

Idaho Falls

Created: May 01, 2011
Last Activity: May 01, 2011

1 0 0
Members Pictures Posts



[emmettbob's Game](#)

Emmett

Created: Sep 03, 2010
Last Activity: Mar 01, 2011

1 0 0
Members Pictures Posts



[kbtw0824's Game](#)

boise

Created: Jan 02, 2011
Last Activity: Jan 02, 2011

1 0 0
Members Pictures Posts



[crazygunner101's Game](#)

Boise, Idaho

Created: Aug 22, 2010
Last Activity: Oct 02, 2010

1 0 0
Members Pictures Posts



[jamie111599's Game](#)

Boise

Created: Sep 28, 2010
Last Activity: Sep 28, 2010

1 0 0
Members Pictures Posts



[RichardWilmott's Game](#)

Nampa

Created: Feb 08, 2010
Last Activity: Jun 27, 2010

1 0 0
Members Pictures Posts



[Steveo1namd's Game](#)

Boise/Meridian

Created: Jul 14, 2009
Last Activity: May 27, 2010

1 0 0
Members Pictures Posts



[KieleKarin's Game](#)

Boise

Created: Aug 23, 2009
Last Activity: May 27, 2010

1 0 0
Members Pictures Posts



[idahoptc's Game](#)

Boise

Created: Mar 12, 2010
Last Activity: Mar 26, 2010

1 0 0
Members Pictures Posts

[lough_trav's Game](#)



Boise

Created: Aug 15, 2009
Last Activity: Oct 06, 2009

1 0 0
Members Pictures Posts

Tyce_DP's Game



Boise

Created: Jul 17, 2009
Last Activity: Jul 17, 2009

1 0 0
Members Pictures Posts



Labs24's Game

Boise

Created: Apr 29, 2009
Last Activity: May 11, 2009

1 0 0
Members Pictures Posts



Tucker9890's Game

boise

Created: Mar 16, 2009
Last Activity: Apr 10, 2009

1 0 0
Members Pictures Posts



pornstar's Game

rexburg

Created: Mar 20, 2009
Last Activity: Mar 20, 2009

1 0 0
Members Pictures Posts



ashortfatguy's Game

Boise, Meridian, Nampa

Created: Dec 17, 2008
Last Activity: Dec 17, 2008

1 0 0
Members Pictures Posts



Jay LONG's Game

Boise

Created: Nov 10, 2008
Last Activity: Nov 14, 2008

1 0 0
Members Pictures Posts



Steve McCoy's Game

Boise

Created: Oct 25, 2008
Last Activity: Oct 25, 2008

1 0 0
Members Pictures Posts



BDAWG013's Game

Pocatello

Created: May 20, 2008
Last Activity: May 21, 2008

1 0 0
Members Pictures Posts



boisetexasholdem's Game

Boise

Created: Sep 02, 2007
Last Activity: May 03, 2008

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Members Pictures Posts

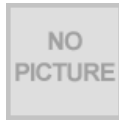


1979Tiger's Game

Boise

Created: Apr 08, 2008
Last Activity: Apr 08, 2008

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Members Pictures Posts

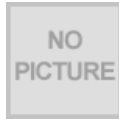


[elkaholic94's Game](#)

Boise

Created: Feb 27, 2008
Last Activity: Feb 27, 2008

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Members Pictures Posts

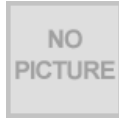


[hadley0702's Game](#)

Emmett

Created: Jan 25, 2008
Last Activity: Jan 25, 2008

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Members Pictures Posts

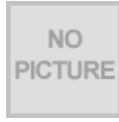


[amebenson3's Game](#)

Star

Created: Dec 07, 2007
Last Activity: Dec 07, 2007

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Members Pictures Posts

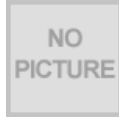


[Shadiest71's Game](#)

Meridian

Created: Oct 23, 2007
Last Activity: Oct 23, 2007

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Members Pictures Posts



[mrvalentino's Game](#)

kuna idaho

Created: Jul 15, 2007
Last Activity: Jul 15, 2007

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Members Pictures Posts

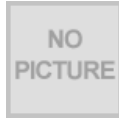


[djwillie1's Game](#)

Pocatello

Created: Apr 21, 2007
Last Activity: Apr 21, 2007

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Members Pictures Posts

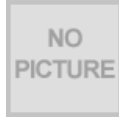


[jason_neagle's Game](#)

caldwell

Created: Mar 09, 2007
Last Activity: Mar 22, 2007

1 0 0
Members Pictures Posts



[tuckermitchell's Game](#)

Idaho Falls

Created: Jan 31, 2007
Last Activity: Jan 31, 2007

1 0 0
Members Pictures Posts



[stackedpoker's Game](#)

Pocatello

Created: Nov 15, 2006
Last Activity: Nov 15, 2006

1 0 0
Members Pictures Posts



[djwillie's Game](#)

30 minutes from Ashton

Created: Oct 20, 2006
Last Activity: Oct 20, 2006

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Members Pictures Posts



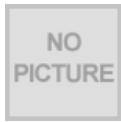
[acvsystems's Game](#)

Meridian

Created: Sep 19, 2006
Last Activity: Sep 19, 2006

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Members Pictures Posts

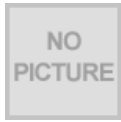
[rynichole's Game](#)



pocatello

Created: May 07, 2006
Last Activity: Aug 19, 2006

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Members Pictures Posts

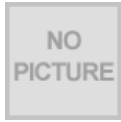


[fire947's Game](#)

Ontario/Fruitland/Payette

Created: Aug 12, 2006
Last Activity: Aug 12, 2006

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Members Pictures Posts

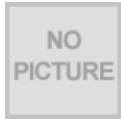


[crusaderguy1515's Game](#)

Nampa, Meridian, Boise, Caldwell

Created: Aug 02, 2006
Last Activity: Aug 02, 2006

1 0 0
Members Pictures Posts

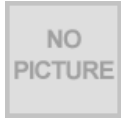


[jonathan's Game](#)

Meridian

Created: Jun 05, 2006
Last Activity: Jun 05, 2006

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Members Pictures Posts

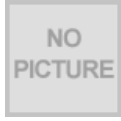


[jww37's Game](#)

Sun Valley

Created: May 21, 2006
Last Activity: May 21, 2006

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Members Pictures Posts

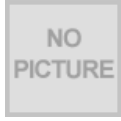


[jarem's Game](#)

Pocatello

Created: Feb 16, 2006
Last Activity: Feb 16, 2006

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Members Pictures Posts

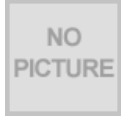


[anthony_smola's Game](#)

twin falls

Created: Feb 08, 2006
Last Activity: Feb 08, 2006

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Members Pictures Posts

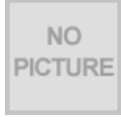


[danddhunting's Game](#)

Idaho Falls

Created: Dec 29, 2005
Last Activity: Dec 29, 2005

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Members Pictures Posts

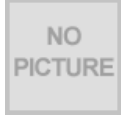


[texasholdem4's Game](#)

Nampa

Created: Oct 23, 2005
Last Activity: Oct 24, 2005

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Members Pictures Posts

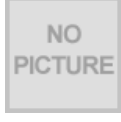


[fadingtheline's Game](#)

Boise

Created: Oct 18, 2005
Last Activity: Oct 19, 2005

1 0 0
Members Pictures Posts



[a_tac03's Game](#)

Boise

Created: Jul 29, 2005
Last Activity: Jul 30, 2005

1 0 0
Members Pictures Posts

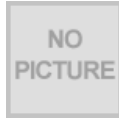


boisepoker's Game

Boise

Created: Jul 24, 2005
Last Activity: Jul 25, 2005

1 0 0
Members Pictures Posts

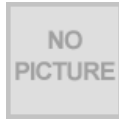


sheepgobahhly's Game

my house IDAHO FALLS

Created: Jul 13, 2005
Last Activity: Jul 14, 2005

1 0 0
Members Pictures Posts

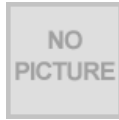


Bigdaddyrhino71's Game

Meridian

Created: Jun 22, 2005
Last Activity: Jun 23, 2005

1 0 0
Members Pictures Posts



uhlmannz's Game

Boise

Created: Apr 03, 2005
Last Activity: Apr 03, 2005

1 0 0
Members Pictures Posts



jeremy1's Game

Boise

Created: Mar 28, 2005
Last Activity: Mar 28, 2005

1 0 0
Members Pictures Posts



thejoker78's Game

Nampa

Created: Mar 24, 2005
Last Activity: Mar 24, 2005

1 0 0
Members Pictures Posts



Evmort's Game

Idaho Falls

Created: Feb 28, 2005
Last Activity: Feb 28, 2005

1 0 0
Members Pictures Posts



wedde's Game

Caldwell

Created: Feb 16, 2005
Last Activity: Feb 16, 2005

1 0 0
Members Pictures Posts



treasurevalleystove's Game

Nampa

Created: Jan 04, 2005
Last Activity: Jan 04, 2005

1 0 0
Members Pictures Posts



capmkrmsr21's Game

pocatello

Created: Jan 01, 2005
Last Activity: Jan 01, 2005

1 0 0
Members Pictures Posts



ifhockey24's Game

Idaho Falls

Created: Dec 26, 2004
Last Activity: Dec 26, 2004

1 0 0
Members Pictures Posts



[jacobsmorris's Game](#)

Moscow

Created: Dec 12, 2004
Last Activity: Dec 12, 2004

1 0 0
Members Pictures Posts



[Dave61's Game](#)

Idaho Falls

Created: Nov 29, 2004
Last Activity: Nov 30, 2004

1 0 0
Members Pictures Posts



[big_red_toro42's Game](#)

Idaho Falls

Created: Nov 03, 2004
Last Activity: Nov 03, 2004

1 0 0
Members Pictures Posts



[dacavy's Game](#)

Boise

Created: Sep 15, 2004
Last Activity: Sep 16, 2004

1 0 0
Members Pictures Posts



[wells2269's Game](#)

Boise

Created: Jul 21, 2004
Last Activity: Jul 22, 2004

1 0 0
Members Pictures Posts



[tayboog's Game](#)

Emmett

Created: Jul 03, 2004
Last Activity: Jul 07, 2004

1 0 0
Members Pictures Posts



[thadrow's Game](#)

Jerome

Created: Jun 21, 2004
Last Activity: Jun 22, 2004

1 0 0
Members Pictures Posts



[jimropp's Game](#)

Moscow

Created: Jun 21, 2004
Last Activity: Jun 22, 2004

1 0 0
Members Pictures Posts



[Derek1's Game](#)

Nampa

Created: Jun 20, 2004
Last Activity: Jun 21, 2004

1 0 0
Members Pictures Posts



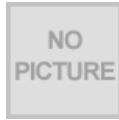
[mike2's Game](#)

Nampa

Created: Jun 17, 2004
Last Activity: Jun 18, 2004

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Members Pictures Posts

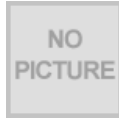
[zrtelford's Game](#)



Nampa

Created: May 12, 2004
Last Activity: May 13, 2004

1 0 0
Members Pictures Posts



[lv2basketball's Game](#)

Rexburg

Created: Jan 26, 2004
Last Activity: Jan 26, 2004

1 0 0
Members Pictures Posts



[eric1's Game](#)

eagle idaho

Created: Jan 25, 2004
Last Activity: Jan 25, 2004

1 0 0
Members Pictures Posts



[badiemer's Game](#)

Boise

Created: Jan 18, 2004
Last Activity: Jan 18, 2004

1 0 0
Members Pictures Posts

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Exhibit 4

Annual Snake River Rugby Poker Tournament



JAN 18

Annual Snake River Rugby Poker Tournament

Public · Hosted by Snake River Rugby

Join Maybe

Saturday, January 18 at 7:00pm in MST
about 3 months ago

Crossfit Refinery
528 N. Americana Blvd., Boise, Idaho 83702

Show Map

GUESTS

29 going	25 maybe	755 invited
--------------------	--------------------	-----------------------

SUGGESTED EVENTS



On The Run Tour: Beyoncé an...
Mon, Jul 7 at M and T Bank Sta...
9,828 guests



Dinner & A Movie – Hawaiian: ...
Friday at Smithsonian's Nation...
9 guests



Symposium - Looking to the F...
Thursday at Smithsonian's Na...
33 guests

Come down to our annual Snake River Rugby poker tournament!

Details:

- Doors open at 7:00pm and cards fly at 8:00pm
- \$40 buy in or \$10 at the door for food and drink. Food and drink is included in the buy in.
- Awesome prizes for the winners
- Apparel and SWAG will be for sale at the event

Snake River Rugby Team:

- Not required to play but please come to attend and help out if you can.
- Please bring a food dish to share with all the supporters. Similar to the Christmas party we will supply food for everyone like a potluck.

It will be a great event and we would love to see you all there.

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Create

UMUC: Military Educator
learn-more.umuc.edu

Exhibit 5

Sandstone Event Center in Nampa, Idaho

Subscriber Services Sign up for Email News & Alerts (/services/email_alerts/) E-Trib Login (/site/e-trib-changes/) Digital Membership \$4.95/mo. (/subscriptions)

 Search

77°
Clear

Welcome to the site!
 Login or Signup below.
 Login (/users/login/?

Home (<http://www.idahopress.com>) News (/news) Sports (/sports/) Opinion (/opinion/) You Report (/you-report/) Blogs (/blogs/) Features
 Community (/community) Extra (/extra) Obituaries (<http://www.legacy.com/obituaries/idahopress>) Deals (<http://www.oureallybigdeals.com>)
 Classifieds (/classifieds/) Homes (<http://www.canyoncountyhomes.com>) Jobs (/careers)



Calendar (/calendar)

Nampa, ID

+ Post your event (https://idahopress-dot-com.bloxcms.com/users/admin/calendar/event/?referer_url=/calendar/rd-annual-nampa-wrestling-texas-hold-em-tournament/event_a3a44e5a-37ee-11e2-9998-772ac994e845.html)

Event Tools

share
 print listing
 (/calendar/rd-annual-nampa-wrestling-texas-hold-em-tournament/event_a3a44e5a-37ee-11e2-9998-772ac994e845.html?mode=print)
 Ask a question
 (mailto:klester@nsd131.org?subject=3rd Annual Nampa Wrestling Texas Hold'em Tournament)

Details Contact

Forget Black Friday! Save your money for the 3rd Annual Nampa Wrestling Texas Hold'em Tournament taking place at the 12th Ave Sandstone building in downtown Nampa on Friday November 30th.

This event is open to the public and is for adults 21 or older. There will be a no-host bar and complimentary snacks; unlimited \$25 buy in's through the first hour and a half AND all proceeds will benefit the Nampa High School wrestling team. Top prizes include VISA cash cards, gift certificates as well as other prizes to be raffled throughout the evening.

Let your friends and family know to come down and have a fun Friday night while supporting one of Idaho's premier wrestling squads!

Venue Information

Sandstone Event Center
 404 12th Avenue South
 Nampa, ID 83653

Contact Info

Cost

3rd Annual Nampa Wrestling Texas Hold'em Tournament is a **free** event.

Details

Contributed (/calendar/search/?advancedFormState=on&fl=contributed&start_time=2014-11-30T18:00:00&end_time=2014-11-30T21:00:00&sd=asc&l=10&d1=05/21/2014) Free (/calendar/search/?advancedFormState=on&fl=21_and_over&s=start_time&sd=asc&l=10&d1=05/21/2014) 21 And Older (/calendar/search/?advancedFormState=on&fl=21_and_over&s=start_time&sd=asc&l=10&d1=05/21/2014)

Website: www.nampawrestling.com (<http://www.nampawrestling.com>)

event contact
 creator profile
 (users/profile/nampawrestling)
 subscribe to
 feed of events like
 this
 (/calendar/search/?q=&f=rss)

search events
 (/calendar/search/)

Welcome to the discussion.

Log In (/users/login/?referer_url=/calendar/rd-annual-nampa-wrestling-texas-hold-em-tournament/event_a3a44e5a-37ee-11e2-9998-

Register (https://idahopress-dot-com.bloxcms.com/users/signup/?referer_url=/calendar/rd-annual-nampa-wrestling-texas-hold-em-tournament/event_a3a44e5a-37ee-11e2-9998-772ac994e845.html&mode=comments)

Account ^ Contact ^

Get Social ^ Customer Service ^

Weather: Clear 77° (/weather)

 Search

Exhibit 6

Vallivue High School Annual Texas Hold'Em Dinner

DINNER AND AUCTION VALLIVUE STYLE



WHEN: Saturday, February 15, 2014
Doors Open at 5:30PM (Dinner 6:00); Games begin at 7pm

WHERE: Shilo Inn/Canyon Creek
1401 Shilo Dr. Nampa, ID 83687

COST: \$50 per person includes dinner and a drink ticket
\$25 per Baseball Fan (dinner and a drink ticket) (NO Purchase necessary for tournament.)

All Proceeds go directly to the Vallivue Baseball programs

NO PURCHASE NECESSARY

SEATING IS LIMITED – SIGN UP EARLY! DEADLINE FOR SIGN-UP IS FEBRUARY 7th

RULES OF THE GAME: This is an ADULT only EVENT. NO PURCHASE NECESSARY

The tournament consists of two leagues – American League and National League. Each league consists of eight ballparks otherwise known as tables. Each player is assigned to a League and will participate in five games at five different ballparks/tables. After the current game is ended, players rotate to another table and begin another game, starting with a new set of chips. Players at each table earn points during each game depending upon where they place at the end of the hour/game. Points are tallied & at the end of the evening the players with the most over-all points win. In each league, prizes will be awarded for the top leaders (MVP, Cy Young, Rookie, etc.). If you are knocked out of a game early, you only have to wait 30 minutes to play again and in the meantime – can enjoy a beverage & ballpark fare of your choice. Official rules for Texas Hold 'em shall govern all play.

BALLPARK SPONSORS(\$125, table advertising, dinner and drink ticket)



Safeco Field
Camden Yards
Fenway Park
Yankee Stadium
Angel Stadium
Comerica Park
Amerquest Field
Jacobs Field

SBC Park
Minute Maid Park
Wrigley Field
Petco Park
Dodger Stadium
Great American Ball Park
Busch Stadium
AT&T Park

PLEASE INDICATE BELOW IF YOU ARE INTERESTED IN BEING A BALLPARK SPONSOR

Please complete this section along with your check payable to Vallivue Baseball
Return to: Vallivue Baseball, c/o Justin Schneidt, 1407 Homedale Rd. Caldwell, ID 83607

Name: _____ Phone: _____
 Address: _____
 Email Address: _____
 Name of Person(s) Attending at \$50 each: _____
 Name of Table Sponsor at \$125: _____
 Baseball Fan Only at \$25 each: _____

Questions? Please contact Justin Schneidt at 989-7807, or email justin.schneidt@vallivue.org

Exhibit 7

Monte Carlo Casino Night

Winter Carnival



Monte Carlo Casino Night is back again for 2014!

Saturday, February 1st

7:00pm – 11:00pm

Venue: Northfork Lodge

Tickets: \$10

After closing ceremony fireworks, stop by the Northfork Lodge for poker, blackjack, craps, raffle prizes, cocktails, and great food!

The Southside Grill will be providing a cash bar and food for purchase!

