

IN THE TWENTY-FIRST JUDICIAL CIRCUIT, STATE OF MISSOURI
CIRCUIT JUDGE DIVISION

STATE OF MISSOURI, ex rel.)
CHRIS KOSTER,)
)
Plaintiff,)
)
v.)
)
)
GRIDIRON FANTASY)
SPORTS, LLC, et al.,)
)
Defendants.)
)

Case No: 11SL-CC04862
Division: 42

FILED

AUG 2 2012

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

JUDGMENT

NOW on this 3rd day of August, 2012, after a hearing on Plaintiff's Motion for Default Judgment against Defendant Gridiron Fantasy Sports, LLC, and being fully advised in the premises, the Court sustains Plaintiff's Motion and issues the following Findings of Fact, Conclusions of Law and Judgment.

FINDINGS OF FACT

1. On December 8, 2012, Plaintiff filed a Petition for Permanent Injunctions, Restitution, Civil Penalties, and Other Court Orders against defendant Gridiron Fantasy Sports, LLC, d/b/a World Championship of Fantasy Football, d/b/a World Championship of Fantasy Baseball ("Gridiron").

2. The petition alleged defendant Gridiron violated of § 407.020, RSMo, by administering, selling, offering, soliciting, or negotiating fantasy football and baseball contests by charging participants entrance fees with the promise of guaranteed prizes based on their teams' performance, but failed to pay the promised prizes. The petition further alleged defendant Gridiron violated § 407.020 by falsely promising participants that in exchange for advance entrance fees, and if their teams performed up to certain pre-defined standards, they would receive guaranteed cash or other prizes; concealing, suppressing or omitting material facts when communicating with participants; and misrepresenting prior to the 2010 football season that they guaranteed the payment of specific cash and/or other prizes to all winners on or before February 15, 2011, when they did not, at the time they made the statements, have a guaranteed source of funding for prizes to be awarded in February, 2011.

3. Defendant Gridiron was served on April 13, 2012, when its registered agent Trey Wainwright waived formal service and accepted service on Gridiron's behalf.

4. No answer or other responsive pleading has been filed by defendant Gridiron.

5. A hearing on damages was conducted on this date. Defendant Gridiron did not appear.

6. Plaintiff filed an Affidavit of Brandon Ruediger in support of its Motion for Default Judgment. The affidavit is admitted as evidence in this cause.

7. Pursuant to the Affidavit of Brandon Ruediger, the Court finds:

a. 46 Missourians filed consumer complaints with the Missouri Attorney General's Office regarding Defendant's practices.

b. These complaints detailed Missouri consumers' transactions with Defendant's and specific complaints regarding those transactions including, but not limited to:

i. Consumers paid entry fees for various fantasy football and baseball leagues but were not paid "prize" money at the end of the contests.

ii. Based on information provided on consumer complaint forms, between January 2010 and August 2011, consumers paid approximately \$126,776.00 in entry fees.

c. The following consumers paid the listed entry fees:

First	Last	Entry Fee	Amount Won/Owed
Donald	Terminiello	\$1,500.00	Not Listed
Alan	Baldwin	\$1,000.00	\$1,000.00
Troy	Steppke	\$125.00	\$1,220.00
Stephen	Bunio	\$2,200.00	\$8,000.00
Andrew	Miller	\$4,000.00	\$4,000.00
Vincent	Lucido	\$3,628.00	\$1,750.00
Michael	Sheffer	\$2,250.00	\$6,650.00
Brian	Lapidus	\$300.00	\$2,000.00
David	Hughes	Not Listed	\$3,850.00
Gary	Hill Jr.	\$1,950.00	\$8,750.00

Kevin	Smigel	Not Listed	\$2,000.00
Derek	Lee	\$2,250.00	\$8,250.00
Christopher	Carlson	\$6,150.00	\$5,500.00
Richard	Hodge	\$220.00	\$2,000.00
John	Backhus	\$300.00	\$2,000.00
Christopher	DiLeo	Not Listed	\$458.00
Paula	Lacy	\$1,950.00	\$6,750.00
Anthony	Venuti	\$3,400.00	\$5,175.00
Ryan	Hemker	\$1,975.00	\$2,700.00
Jules	Reid	\$1,550.00	\$2,500.00
Gerald	Schwartz	\$1,950.00	\$6,750.00
Roy	Lowery	\$3,450.00	\$8,250.00
Gerard	Siry	\$1,000.00	\$4,000.00
Daniel	Hendrickson	\$5,000.00	\$31,720.00
Kevin	Borg	\$1,800.00	\$6,750.00
Daniel	Silver	Not Listed	\$2,000.00
Todd	Ullman	\$4,900.00	\$4,250.00
Kurt Andy	Ritter	\$1,828.00	\$500.00
Joshua	Oakleaf	\$300.00	\$2,000.00
David	Benson	\$300.00	\$2,000.00
Michael	Lilly	\$300.00	\$2,500.00
Kevin	Dukesherer	Not Listed	\$8,438.00
Peter	Lukowicz	\$4,500.00	\$3,500.00
Kenneth	Norred	Not Listed	\$7,658.00
Nelson	Sousa	Not Listed	\$51,000.00
Bob	Gum	\$350.00	\$2,000.00
Kevin	Kirves	\$10,000.00	\$250,000.00
Tony	Windis	\$3,350.00	\$158,458.00
Ryan	Gorman	Not Listed	\$1,300.00
Charles	Gillespie	\$3,650.00	\$13,500.00
Kimra	Schleicher	Not Listed	\$50,500.00
Matthew	Lively	\$1,050.00	\$4,000.00
Chad	Schroeder	\$48,000.00	\$266,000.00
Don	O'Connell	Not Listed	\$2,500.00
Aaron	Waldo	\$300.00	\$1,000.00
Chris	Jones	Not Listed	\$2,000.00
	TOTAL	\$126,776.00	\$967,127.00

CONCLUSIONS OF LAW

8. Pursuant to Rule 55.25, the answer of defendant Gridiron was due on or before May 14, 2012.

9. Defendant Gridiron violated § 407.020 RSMo as alleged in the Petition.

10. Pursuant to Rule 74.05, §§ 407.100, 407.130 and 407.140.3, Plaintiff is entitled to a Default Judgment for a) Injunctive Relief, b) Restitution for all consumers who suffered an ascertainable loss, c) an award of 10% of the total restitution awarded, and d) a civil penalty of up to \$1,000.00 per violation.

JUDGMENT

IT IS THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that defendant Gridiron Fantasy Sports, LLC, d/b/a World Championship of Fantasy Football, d/b/a World Championship of Fantasy Baseball is permanently enjoined from engaging in business in the State of Missouri.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is entered for the State against defendant Gridiron Fantasy Sports, LLC, d/b/a World Championship of Fantasy Football, d/b/a World Championship of Fantasy Baseball and it is liable for and shall pay or cause payment to be made in the sum of \$126,776.00 to the State of Missouri to the credit of the Merchandising Practices Restitution Fund as restitution for the consumers listed in Paragraph 7(c) of the Findings of Fact.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is entered for the State against defendant Gridiron Fantasy Sports,

LLC, d/b/a World Championship of Fantasy Football, d/b/a World Championship of Fantasy Baseball and it is liable for and shall pay or cause payment to be made in the sum of \$46,000.00 a civil penalty payable to the State of Missouri for distribution to the public schools as required by Article IX, Section 7 of the Missouri Constitution.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is entered for the State against defendant Gridiron Fantasy Sports, LLC, d/b/a World Championship of Fantasy Football, d/b/a World Championship of Fantasy Baseball and it is liable for and shall pay or cause payment to be made in the sum of \$12,677.60 the State of Missouri to the credit of the Merchandising Practices Revolving Fund as an award of 10% of total restitution.



JUDGE SANDRA FARRAGUT-HEMPHILL

Date: 8/3/12

cc: all parties