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WILLIAM SCOTT NGEN
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BY *[Signature]*
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

STATE OF NEVADA ex rel. NEVADA
GAMING CONTROL BOARD,

Plaintiff,

vs.

BLOCKRATIZE, INC. d/b/a
POLYMARKET; QCX LLC d/b/a
POLYMARKET US; ADVENTURE ONE
QSS, INC. d/b/a POLYMARKET,

Defendants.

Case No.: 26 OC 00012 1B

Dept. No.: 1

**ORDER DENYING APPLICATION FOR TEMPORARY RESTRAINING ORDER
WITHOUT PREJUDICE AND SETTING HEARING ON
MOTION FOR PRELIMINARY INJUNCTION**

THIS MATTER is before the Court on a *Complaint for Permanent Injunction and Declaratory Relief* (“*Complaint*”) and *Plaintiff’s Application for Temporary Restraining Order and Motion for Preliminary Injunction* (“*Application*”) both of which were filed by the NEVADA GAMING CONTROL BOARD (“BOARD”) on January 16, 2026. Certificates of service accompanying both the *Complaint* and the *Application* reflect that they were sent by mail to three addresses purporting to be associated with the Defendants.

This Court reviewed the *Complaint* and *Application* and familiarized itself with the legal authority cited therein. Initially, it was not clear whether the BOARD requested issuance of a

1 temporary restraining order without notice pursuant to NRCP 65(b)(1) as the *Application*
2 included an express request for hearing. In any event, the initial *Application* failed to satisfy the
3 procedural requirements for issuance of a temporary restraining order without notice because
4 the *Complaint* is not verified and the *Application* was not supported by affidavit. NRCP
5 65(b)(1) (“The court may issue a temporary restraining order without written or oral notice to
6 the adverse party or its attorney only if ... specific facts in an affidavit or a verified complaint
7 clearly show that immediate and irreparable injury, loss, or damage will result to the movant
8 before the adverse party can be heard in opposition....”) In addition, there was no written
9 certification by the BOARD’s attorney concerning efforts to give notice to the Defendant
10 named in the *Complaint* and *Application*. NRCP 65(b)(1)(B) (“The court may issue a
11 temporary restraining order without written or oral notice to the adverse party or its attorney only
12 if ... the movant’s attorney certifies in writing any efforts made to give notice....”)

13 Thereafter, additional filings have been made with the Court. First, on January 21,
14 2026, the Board filed an *Errata to Plaintiff’s Application for Temporary Restraining Order and*
15 *Motion for Preliminary Injunction* (“*Errata*”). The *Errata* consists of a *Declaration of Jessica*
16 *E. Whelan* (“*Declaration*”) and a proposed *Temporary Restraining Order*. On January 22,
17 2026, the *Defendants’ Preliminary Response and Request for Opportunity to File Full*
18 *Opposition to Plaintiff’s Application for Temporary Restraining Order and Motion for*
19 *Preliminary Injunction and to Attend Hearing and Be Heard Thereon* (“*Response*”). This Court
20 reviewed the *Errata* and *Response* and familiarized itself with the legal authority cited therein.

21 Based on the filings made to date, the Court rules as follows:

22 The BOARD’s request for issuance of a temporary restraining order without notice is
23 deficient. As indicated above, Nevada authorizes issuance of a temporary restraining order
24 without notice only if certain specific facts are clearly shown in an “affidavit or verified
25 complaint.” As also indicated above, the *Complaint* is not verified, and there is no “affidavit,”
26 as such, offered to establish the required factual basis. Rather, the *Declaration* is provided in
27 lieu of an “affidavit.” Generally, an unsworn declaration is a legally sufficient substitute for an
28 affidavit under Nevada law, and the affidavit requirement of NRCP 65 is no exception. NRS

1 53.045. However, a declaration must be “signed by the declarant under penalty of perjury,” and
2 the *Declaration* before the Court is not. *Id.*

3 Further, the Declaration claims urges issuance of the temporary restraining order without
4 notice because POLYMARKET is an “unlicensed entity” and the Board lacks information by
5 which to provide it notice of the *Application*. Extending the BOARD the benefit of the doubt,
6 this statement was presumably true when the *Declaration* was signed on January 20 and when it
7 was filed on January 21. But it is no longer accurate. Therefore, formal notice of all filings and
8 proceedings going forward will be required.

9 For these reasons, the *Application* will be denied in its current form, although the denial
10 will be without prejudice to allow the BOARD to re-submit its request for a temporary
11 restraining order in a form that cures these deficiencies. As the *Application* is denied on
12 procedural grounds, this Court expresses no opinion concerning its merits at this time.

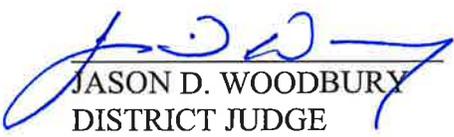
13 As to the *Application*’s corresponding request for a preliminary injunction, this Court
14 will set the matter for hearing as requested.

15 Therefore, good cause appearing,

16 **IT IS HEREBY ORDERED** that *Plaintiff’s Application for Temporary Restraining*
17 *Order and Motion for Preliminary Injunction* is **DENIED WITHOUT PREJUDICE** insofar as
18 it requests issuance of a temporary restraining order.

19 **IT IS HEREBY FURTHER ORDERED** that a hearing on *Plaintiff’s Application for*
20 *Temporary Restraining Order and Motion for Preliminary Injunction* will be held in the First
21 Judicial District Court, located at 885 East Musser Street, Carson City, Nevada, Department I,
22 on **February 19, 2026, at 1:30 p.m.**

23 Dated this 23rd day of January, 2026.

24
25 
26 JASON D. WOODBURY
27 DISTRICT JUDGE
28

1 **CERTIFICATE OF MAILING**

2 The undersigned, an employee of the First Judicial District Court, hereby certifies that on
3 the 26 day of January, 2026, I served the foregoing Order by placing a copy in the United States

4 Mail, postage prepaid, addressed as follows:

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