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14 *d/b/a POLYMARKET; QCX LLC d/b/a*
15 *POLYMARKET US*

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

18 STATE OF NEVADA ex rel. NEVADA
GAMING CONTROL BOARD,

Case No.: 26-OC-00012-1B

19 Plaintiff,

Dept. No.: 1

20 v.

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

24 Defendants.

25 **DEFENDANTS' PRELIMINARY RESPONSE AND REQUEST FOR OPPORTUNITY TO**
26 **FILE FULL OPPOSITION TO PLAINTIFF'S APPLICATION FOR TEMPORARY**
27 **RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION AND TO**
28 **ATTEND HEARING AND BE HEARD THEREON**

1 Defendants, BLOCKRATIZE, INC., d/b/a POLYMARKET and QCX LLC, d/b/a
2 POLYMARKET US (“Defendants”), by and through their counsel, GIBSON DUNN and DOTSON,
3 HAYWARD & VANCE, PC, hereby provide the following preliminary response¹:

4 INTRODUCTION

5 This case presents a textbook example of the improper use of *ex parte* emergency relief to gain
6 leverage, rather than to address any genuine emergency. On the eve of a holiday weekend, the Nevada
7 Gaming Control Board (the “Board”) sought to shut down a federally regulated national prediction
8 market—without notice, without the certification required by Nevada law, and without the evidentiary
9 materials necessary to justify extraordinary relief.

10 Defendant QCX LLC operates Polymarket US, a nationwide prediction market regulated by the
11 Commodity Futures Trading Commission (“CFTC”). Prediction markets allow participants to trade
12 contracts tied to the outcome of future events—such as elections, economic indicators, technological
13 developments, and sports—producing real-time price signals that reflect collective expectations about
14 matters of public importance. Hundreds of thousands of consumers in the United States, and millions
15 worldwide, rely on these markets for timely, accurate information. Federal law places such national
16 contract markets under the “exclusive jurisdiction” of the CFTC, 7 U.S.C. § 2(a)(1)(A), precisely
17 because they cannot function if subjected to a patchwork of inconsistent state regulation.

18 Despite this comprehensive federal framework, the Board sought to halt Polymarket US’s
19 lawful operations in Nevada through an *ex parte* temporary restraining order, depriving Defendants of
20 any meaningful opportunity to be heard. Worse still, it now appears clear that after Defendants’ counsel
21 had already contacted the Board, after the parties were actively discussing an orderly briefing schedule,
22 and after a meet-and-confer had been scheduled, the Board, through counsel, filed a sworn declaration
23 asserting that it lacked contact information for Defendants—without disclosing to the Court that those
24 statements were no longer true and yet it included an address for Gibson, Dunn & Crutcher LLP in the
25 service page.

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27
28 ¹ Adventure One QSS, Inc. is not a U.S. corporation and does no business in Nevada. To the extent necessary this
should be considered a special appearance.

1 The Board then withheld notice of its *ex parte* filing from Defendants while simultaneously
2 using the threat of immediate injunctive relief as leverage to demand that Defendants cease lawful
3 operations in Nevada. No purported emergency could justify this conduct. Fundamental due process
4 requires that Defendants be afforded a meaningful opportunity to respond before the Court considers
5 extraordinary relief of this magnitude. The Court should deny the Board’s request for an *ex parte*
6 temporary restraining order, permit Defendants to file an opposition on February 13, 2026, and set a
7 hearing no fewer than fourteen days thereafter. Once heard, the Court will also see that the Board’s
8 request fails on the merits.

9 REQUEST FOR RELIEF

10 Defendants respectfully request the opportunity to file an opposition to Plaintiff’s Application
11 for a Temporary Restraining Order and Motion for Preliminary Injunction on February 13, 2026, and
12 that the Court schedule a hearing on Plaintiff’s application no less than fourteen days thereafter.
13 Defendants do not waive—and expressly reserve—all defenses available to them, including, without
14 limitation, improper service of process and lack of personal jurisdiction.

15 The Board’s attempt to obtain an *ex parte* temporary restraining order shutting down
16 Polymarket US’s operations in Nevada is procedurally improper, substantively meritless, and violates
17 fundamental principles of due process. This Court should grant Defendants a meaningful opportunity
18 to be heard before the Court considers extraordinary, immediate injunctive relief.

19 A. The Board Failed to Comply with Basic Procedural Requirements for *Ex Parte* 20 Relief.

21 The Board made no effort to comply with the procedural rules governing *ex parte* relief. On
22 the eve of a holiday weekend, it filed this lawsuit and sought emergency relief without written
23 certification of any efforts to give notice or an explanation of why notice should not be required, as
24 Nevada procedural rules expressly require. *See* N.R.C.P. 65(b) (*ex parte* temporary restraining orders
25 require that “the movant’s attorney certifies in writing any efforts made to give notice and the reasons
26 why it should not be required”).

27 That omission appears to have been no accident. The Board made no effort whatsoever to
28 provide notice. It did not contact Defendants, did not send courtesy copies of its filings, and did not

1 provide any information about the nature of its claims or the relief it intended to seek. In fact,
2 Defendants' counsel obtained a copy of the Complaint and Application only by retrieving it from the
3 clerk's office after the filing was processed on Tuesday, January 20. And even then, the Application
4 included no declaration, affidavit, or proposed order, leaving Defendants unable to determine whether
5 the Board intended to seek *ex parte* relief or instead proceed by noticed motion.

6 Late Tuesday night, counsel for the Board emailed a copy of the Complaint—along with
7 requests to waive service—to Defendant QCX's Chief Compliance Officer. That email apparently did
8 not attach, reference, or even mention the Application, let alone disclose that the Board was seeking an
9 *ex parte* temporary restraining order.

10 **B. The Board Concealed Its *Ex Parte* Strategy While Engaging in Parallel**
11 **Communications.**

12 On Wednesday morning, before 7:00 a.m. Pacific Time, Defendants' counsel emailed counsel
13 for the Board requesting a meet-and-confer “about proposing an orderly briefing schedule and agreed-
14 upon hearing date” for the Board's Application. Shortly thereafter, the Board's counsel agreed and
15 proposed a meet-and-confer for 9:00 a.m. the following day (Thursday)—again without any mention
16 that the Board was pursuing *ex parte* relief.

17 Yet more than five hours later, the Board filed a purported Errata to its Application, attaching
18 for the first time a Declaration from Chief Deputy Attorney General Jessica E. Whalen and a proposed
19 Temporary Restraining Order—documents the Board claimed were “inadvertently excluded from the
20 filing of the initial motion” and that purportedly did “not expand the scope of relief” sought. The
21 Declaration asserted that “the BOARD does not have contact information to provide POLYMARKET
22 notice of this application.” That assertion was inaccurate at the time it was submitted.² By then, the
23 Board had already communicated directly with Defendants' counsel and had scheduled a meet-and-
24 confer to discuss briefing and hearing logistics.

25 Critically, the Board failed to disclose to the Court that:

- 26 • Defendants' counsel had contacted the Board;

27 ² See Nevada Rule of Professional Conduct 3.3 generally and 3.3(d) particularly (“In an *ex parte*
28 proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable
the tribunal to make an informed decision, whether or not the facts are adverse.”).

- 1 • The parties were actively discussing an orderly briefing and hearing schedule; or
- 2 • A meet-and-confer had already been scheduled.

3 Nor did the Board promptly notify Defendants or their counsel that it had filed the Errata
4 seeking *ex parte* relief. Defendants learned of the filing only during the meet-and-confer, when Board
5 counsel revealed—after the fact—that the documents had already been submitted.³

6 During that same meeting, Board counsel stated that the Board would withdraw its *ex parte*
7 request and agree to a briefing schedule only if Defendants ceased operations in Nevada. If Defendants
8 instead chose to oppose the TRO, Board counsel asserted that they lacked authority to agree to any
9 briefing schedule at all.

10 **C. The Board’s *Ex Parte* Request Is Tainted by Material Omissions and Tactical**
11 **Abuse.**

12 No purported emergency could justify this conduct. Even if the Board initially lacked contact
13 information when the Complaint was filed, that was no longer true when the Declaration was submitted.
14 By that time, the Board knew the identities of Defendants’ counsel, had communicated with them, and
15 had scheduled a meet-and-confer to discuss an orderly process.

16 The Board has offered no explanation for withholding notice of its *ex parte* filing from opposing
17 counsel or for presenting the Court with a materially incomplete account of the parties’
18 communications. These facts demonstrate that the Board’s *ex parte* filing was not the product of
19 necessity, but of tactical choice—one that deprived the Court of a complete factual record and deprived
20 Defendants of the process the law requires.

21 *Ex parte* relief is reserved for the rarest circumstances and demands the utmost candor. The
22 Board’s conduct falls well short of that standard.

23 **D. The Board’s Request Also Fails on the Merits.**

24 Once afforded a fair opportunity to respond, Defendants will also establish that the Board’s
25 request for injunctive relief fails on the merits.

26
27 ³ See Nevada Rule of Professional Conduct 3.5A (“When a lawyer knows or reasonably should know
28 the identity of a lawyer representing an opposing party, he or she should not take advantage of the
lawyer by causing any default or dismissal to be entered without first inquiring about the opposing
lawyer’s intention to proceed.”).

1 Defendant QCX LLC, which operates Polymarket US, is a designated contract market subject
2 to the “exclusive jurisdiction” of the CFTC. 7 U.S.C. § 2(a)(1)(A). Federal law preempts the
3 application of state gambling laws to federally regulated contract markets, which cannot function under
4 a patchwork of conflicting state regimes.

5 As described in the footnote above, Defendant Adventure One QSS, Inc. does not operate in
6 Nevada at all. It is a foreign corporation operating an international exchange not offered in the United
7 States, and it is not subject to personal jurisdiction in Nevada. Defendant Blockratize, Inc. is not subject
8 to person jurisdiction either.

9 The Board’s improper and meritless Application would inflict immediate and irreparable harm
10 on Defendants, their employees, their business partners, and their users.

11 **CONCLUSION**

12 For all of these reasons, the Court should deny the Board’s request for an *ex parte* temporary
13 restraining order, permit Defendants to file an opposition on February 13, 2026, and schedule a hearing
14 on Plaintiff’s application no fewer than fourteen days thereafter.

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Affirmation Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 22 day of January 2026.

DOTSON, HAYWARD & VANCE PC



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Pursuant to NRCPC 5(b), I hereby certify that I am an employee of DOTSON, HAYWARD & VANCE, PC and that on this date I caused to be served a true and correct copy of the foregoing by:

- (BY MAIL) on all parties in said action, by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At Dotson, Hayward & Vance, PC, mail placed in that designated area is given the correct amount of postage and is deposited that same date in the ordinary course of business, in a United States mailbox in the City of Reno, County of Washoe, Nevada.
- By electronic service by filing the foregoing with the Clerk of Court using the E-Flex system, which will electronically mail the filing to the following individuals.
- (BY PERSONAL DELIVERY) by causing a true copy thereof to be hand delivered this date to the address(es) at the address(es) set forth below.
- (BY FACSIMILE) on the parties in said action by causing a true copy thereof to be telecopied to the number indicated after the address(es) noted below.
- Email.

addressed as follows:

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DATED this 22 day of January 2026.


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